



## CITY ZONING COMMISSION

**AGENDA-Tuesday, July 23, 2020, 4:30 p.m.**

**Billings Community Center  
360 N 23<sup>rd</sup> St, Billings, MT**

### NOTICE TO THE PUBLIC

#### Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

#### **Call the meeting to order.**

#### **Introduction of City Zoning Commission Members and Planning Department Staff.**

#### **Public Comment**

#### **Regular Business:**

- A. Opening of public hearings. The public hearing will be broadcast on the Planning Community Services Department Facebook page <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>. Opening of public hearings. The public hearing will be broadcast on the Planning Community Services Department Facebook. The Public may call in during specific Public Comment periods at **(406) 237-6120**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:
  1. **Text Amendment – Project ReCode – Proposed Draft Sections 27-400, 27-500, 27-600 & 27-1000: New Commercial, Mixed Use, Industrial and Public Zone Districts – Site Standards and General Uses.** This is the third in a series of Public Hearings on the Public Review Draft of the City Zoning Regulations in Section 27 of the Billings Montana City Code (BMCC). This second hearing will focus on new Commercial and Mixed Use districts, (Section 27-400) Industrial zones (Section 500), Public zone districts (Section 27-600) and Uses for those Districts (Section 27-1000).
  2. The Zoning Commission will hear all persons wishing to speak relative to the proposed Text Amendments. Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Miller Building, Billings, MT 59101 (247-8676) or via email to [cromwelln@billingsmt.gov](mailto:cromwelln@billingsmt.gov) or [Plnonline@billingsmt.gov](mailto:Plnonline@billingsmt.gov). The Zoning Commission is conducting multiple topic-focused hearings on the draft zoning codes. The Zoning Commission will meet after all hearings are completed to make formal recommendations to the City Council. Additional public hearing notices will be published for future dates, times & locations. Additional information and copies of the draft amendments are available in the Planning and Community Services Office, the County Clerk and Recorder, the County Commissioners' Office, the City Clerk's Office, and online at <https://project-recode.com/code-outline>

#### **Adjournment**



## City Zoning Commission - ReCode

**Meeting Date:** 07/23/2020

**SUBJECT:** Public Hearing - Public Review Draft Commercial, Mixed Use, Industrial and Public Districts

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

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### Information

#### REQUEST

**Text Amendment – Project ReCode – Proposed Draft Sections 27-400, 27-500, 27-600 & 27-1000: New Commercial, Mixed Use, Industrial and Public Zone Districts – Site Standards and General Uses.** This is the third in a series of Public Hearings on the Public Review Draft of the City Zoning Regulations in Section 27 of the Billings Montana City Code (BMCC). This second hearing will focus on new Commercial and Mixed Use districts, (Section 27-400) Industrial zones (Section 500), Public zone districts (Section 27-600) and Uses for those Districts (Section 27-1000).

#### RECOMMENDATION

Planning staff recommends the Zoning Commission conduct the public hearing and receive public comment on the Public Review Draft of the new zoning code.

#### APPLICATION DATA

Not applicable

#### CONCURRENT APPLICATIONS

Not applicable

#### APPLICABLE ZONING HISTORY

The current zoning regulations for the City were adopted on May 3, 1972 and unified with the County zoning regulations in December 1997. Since 1972, the City has amended the text of the regulations and added several zoning districts. The city has amended the 1972 zoning code 166 times in the past 48 years since its adoption. Of those 166 amendments, six were major changes. The first occurred in 1977 when the code was updated in its entirety and re-adopted. The second major amendment added the new zoning district for the Medical Corridor in 1986. The next major amendment occurred in 1989 when the entire sign code was replaced with a new code. The combining of the City and County zoning codes took 3 years of editing and drafting and was finally adopted in 1997. In 2004 and 2005, the city adopted the Shiloh Corridor Overlay District to apply higher site design, landscaping and sign standards within this corridor. The sixth major change to the code happened in 2012 with the adoption of the new section for the East Billings Urban Renewal District (EBURD).

In 2017, to prepare for the Zoning code updates, the City and County agreed to officially separate the zoning codes.

## SURROUNDING LAND USE & ZONING

NORTH:	Zoning: Land Use:
SOUTH:	Zoning: Land Use:
EAST:	Zoning: Land Use:
WEST:	Zoning: Land Use:

## BACKGROUND

In 2016, the City Council adopted a new Growth Policy that updated a 2008 policy and presented several new community goals. These goals were stated in a set of "guidelines" under the seven major themes of the policy update:

1. Essential Investments (relating public and private expenditures to public values)
2. Place Making (enhance, maintain, preserve, and improve existing public places)
3. Community Fabric (attractive, aesthetically pleasing, uniquely Billings)
4. Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)
5. Home Base (healthy, safe and diverse housing options)
6. Mobility and Access (transportation choices in places where goods and service are accessible to all)
7. Prosperity (promoting equal opportunity and economic advancement)

The Growth Policy statement adopted by the City Council is:

***"In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options."***

The City/County Planning Board realized the existing zoning regulations, intended to implement the Billings and Yellowstone County adopted Growth Policies, were no longer effective tools for advancing these goals. The existing code was primarily based on a set of growth goals adopted before 1970 with some new code sections added to try and achieve smaller area goals. The Planning Board initiated this major code update in June 2017 and appointed an ad hoc Steering Committee to help guide the process of the code update. The City Council and Board of County Commissioners were in complete agreement with the need for a major code update.

The Steering Committee set to work and met monthly from August 2017 until December 2017. In December 2017, the Steering Committee finalized a set of Guiding Principles for the code update and appointed four Working Groups to handle the intensive, hands-on work of updating the code. Those groups included some Steering Committee members as well as interested residents. The four groups consisted of the County Issues Working Group, the Urban Issues Working Group, Sign Code Working Group and Landscaping Code Working Group. The groups met monthly from January 2018 until January of 2020 to review, draft, and accept public comment on the draft code sections. The City and County also agreed to fund the services of a consultant team to help the Steering Committee and Working Groups evaluate the code deficiencies, analyze the character of Billings and County neighborhoods, and help draft a new set of regulations. The consultant team was hired in April 2018 and consists of Elizabeth Garvin, of Community ReCode (CO), Leslie Olberholtzer of Codametrics (IL) and Randy Hafer of High Plains Architects (MT). This team met with each Working Group through the project development and helped the local residents create a code that is uniquely crafted for our local community goals. Best practices were brought to the table from around the Rocky Mountain region as well as similar communities throughout the country. A Code Assessment was presented to the community in October 2018 that helped the Steering Committee and Working Groups create a path forward to building the new code.

The Planning Division requested and was awarded VISTA members to assist with the code analysis in particular as it related to creating new attainable housing choices in Billings. The VISTA members created a Billings Pattern Guide - an on line publication and guide to the core neighborhoods of Billings. The VISTA members analyzed

Home Mortgage Data to find out if there were neighborhoods in Billings where home loans might be skewed or denied due to race or ethnicity. Some Billings neighborhoods had much lower mortgage origination rates than others but there was no clear distinction based on the applicants race or ethnicity. The VISTA members completed special research to analyze the existing housing choices in Billings and identify gaps in market demand and housing supply. Their findings indicated a mis-match between the household size (1 & 2 person households >60% of Billings) and the housing choices available (3+ bedroom housing >60% of housing stock). We have a deficit of one and two-bedroom housing stock. A detailed research project was completed about the re-emerging housing choice of an Accessory Dwelling Unit (ADU) in the country. ADUs became very popular throughout the US in the post-WWII building boom and over 900 of these units still exist in Billings although the 1972 zoning code made most of them non-conforming to code. All of this information and public education helped inform the work of the Urban Issues Working Group while they considered new neighborhood zone districts.

This third in a series of public hearings on the Public Review Draft of the new city zoning regulations will focus on the new Commercial & Mixed Uses districts (27-400), Industrial districts (27-500), Public zone districts (27-600) and the Use Table and Use Standards for those districts (27-1000). The current code for commercial, industrial and public zone districts has a Use Table at 27-306, site requirements at 27-309, and many use standards scattered throughout the existing code including 27-600 (Supplemental Provisions), 27-800 (S 27th St Corridor), 27-900 (Medical Corridor), 27-1000 (Entryway/Interchange) and 27-1400 (Shiloh Overlay Districts). The S 27th St Corridor, Medical Corridor, Entryway and Shiloh Corridor Overlay districts will not continue as distinct zone districts.

### **Commercial and Mixed Use Districts - Section 27-400**

The current zone district where commercial and some mixed uses are allowed include the following 15 districts:

- RP - Residential Professional
- NC - Neighborhood Commercial
- CC - Community Commercial
- HC - Highway Commercial
- CBD - Central Business District
- CI - Controlled Industrial
- HI - Heavy Industrial
- ELC - Entryway Light Commercial
- EGC - Entryway General Commercial
- EMU - Entryway Mixed Use
- ELI - Entryway Light Industrial
- South 27th Street Corridor Zoning District
- Medical Corridor Permit Zoning District
- Shiloh Corridor Overlay District
- EBURD - East Billings Urban Renewal District

The two industrial zone districts are included in this list since these two districts allow all of the same commercial uses as our highest intensity commercial district - Highway Commercial (HC). The proposed code will retain the CBD and EBURD zone districts as written, but the Entryway Districts, and the Corridor zones are being dissolved and the specific site development requirements for landscaping, signage and building design were translated into the new code sections for these urban design elements. There was consolidation of the zone districts along with refinement of the proposed uses for the commercial districts. Older zoning codes tend to take the pyramid approach to uses. A low intensity district such as RP has a limited number of uses. The next level allows the same uses as the lower district and then adds a new set of uses and so on until you reach the highest intensity use district. The proposed code still includes allowed uses, uses allowed with location restrictions, uses allowed by special review approval and prohibited uses. The suite of uses in any particular zone district comes with a set of urban site design standards, and is more tailored for each district.

The proposed district line up for Commercial and Mixed Uses zones is:

<b>TABLE 27-400-1. Commercial &amp; Mixed-Use</b>
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<b>districts</b>	
Symbol	Neighborhood District Name
CBD	Central Business District
DX	Downtown Support
CMU1	Corridor Mixed-Use 1
CMU2	Corridor Mixed-Use 2
NMU	Neighborhood Mixed-Use
NO	Neighborhood Office-Residential
CX	Heavy Commercial

The EBURD zone districts will be located in a separate section - 27-900 - because this code section is different and specific for this area east of downtown. The district standards are intact but the use table and charts were consolidated in Section 27-1000 for clarity and consistency of the new code.

As stated above, the CBD zone is essentially the same in the new code. The Urban Issues Working Group recommended prohibiting drive through restaurants, allowing pet grooming and boarding with restriction (no outdoor exercise yards), and prohibiting certain, or requiring special review approval for some uses, including surface parking lots, auto repair and auto sales. In addition, the working group is recommending all new parking garages have at least some commercial activity at the street level entrances.

The new Downtown Support district (DX) is intended "***primarily for uses surrounding the (CBD) district and would accommodate highly walkable, higher intensity office and residential uses in support of the CBD.***" This district is replacing most of the South 27th St Corridor District, and the Community Commercial zoned property along N 27th St, 6th Avenue N and west of downtown to Division Street. This zone district will allow many of the same uses as the CBD but less restriction on vehicle related businesses and drive through services. The DX zone district will have similar site requirements as other mixed use zones such as a "build-to" area at the street front instead of a minimum setback, it will allow more lot coverage than other mixed use zones and taller buildings - up to 5 stories in height. There are minimum story heights but no maximum numerical building height. For example, the CC zone has a maximum building height of 45 feet. With today's building code requirements, this could be a 3-story building or a 4-story building with a flat roof. This is not as predictable as a number of building stories. In comparison, the CBD zone has no building height or lot coverage maximum.

The proposed Corridor Mixed Use zone districts (CMU1 and CMU2) are derived from breaking up the existing CC zone district into three districts. The new districts better conform to three general use groups - neighborhood and everyday services, larger format retail and service providers, and business services such as contractors, lumber yards and warehouses. The CMU1 and CMU2 districts are applied to the existing commercial zone districts based on the size of the property, its proximity to residential neighborhoods and the existing or intended uses. The Rimrock Mall property is zoned CC and is proposed to be zoned CMU2 because it is a large parcel, separated from residential neighborhoods and is along a transportation corridor. The type and size of the uses on the property fit with the intended uses in the CMU2 zone district. On the opposite side of 24th St West is the Rimrock Mini-mall and this property is slated to be zoned CMU1 because it is across an alley from a residential neighborhood and the uses allowed in this zone should be less intense than the uses allowed in the CMU2 zone.

***Section 27-402.C - The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.***

***Section 27-402.D - The CMU2 district is similar in intent to CMU1, supporting commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. CMU2 differs from CMU1 as it is meant to accommodate larger scale commercial, warehouse-style buildings, and other uses in multiple buildings***

***on larger, deeper parcels along corridors. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.***

The proposed Neighborhood Mixed-Use (NMU) and Neighborhood Office (NO) are mirror districts of the Neighborhood Commercial (NC) and Residential Professional (RP). The uses have been refined to take some of the more intense uses out of the districts and reduce the types of uses allowed by special review approval. Churches and other civic assembly uses are now allowed uses in the RP zone district although they may have a significant impact on the area around an RP zone. In the new NO district, these uses will require special review approval. General retail will still not be an allowed use in the NO zone. The NMU zone is intended to be a scaled-back NC zone intended to allow neighborhood services to be back in residential neighborhoods without the unpredictability of the current allowed uses in the NC zone. A carwash will not be a use allowed by special review in the NMU zone. Churches and civic assembly uses would be allowed in the NMU districts along with health care services except for surgery centers. Bed and breakfast inns would be allowed but a hotel or motel would require special review. All drive through services would require special review approval.

***Section 27-402.E - The NMU district is intended to accommodate a mix of uses, primarily located along neighborhood corridors that are highly walkable and accessible to pedestrians. Includes ground story uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. Upper stories accommodate residential and/or office uses.***

***Section 27-402.F - The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.***

The proposed Heavy Commercial (CX) zone district is intended to apply to many of the existing HC zone districts as well as the CC zones that have more intense uses such as contractor yards, lumber yards, cabinet makers, printers, warehousing and industrial business services. This zone will not allow residential uses. The HC and CC zone districts allow residential uses. The mix of proposed intense commercial uses is not conducive to residential use. Campgrounds and RV parks will be allowed and these uses are allowed in the current HC and CC zone districts.

***Section 27-402.G - The CX district is intended for heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. Basic setback and height parameters apply.***

#### **Industrial Zone Districts - Section 27-600**

The Industrial zone districts will also mirror the current CI and HI zones as Light Industrial (I1) and Heavy Industrial (I2). Almost all of the CI district parcels will be mapped as I1 and all of the HI districts parcels will be mapped as I2. The districts did not require much updating except to take out most of the retail uses and residential uses currently allowed. Restaurants and food service will be allowed in the I1 zone but not in the I2 zone.

***Section 27-601.A - The light industrial zone is intended to accommodate a variety of business, warehouse, and light industrial uses related to wholesale plus other business and light industries. Low intensity light industrial development can be compatible with adjacent commercial zones. I1 zoning should provide locations directly accessible to arterial and other transportation systems that can conveniently serve the business and industrial centers of the city and county.***

***Section 27-601.B - This district (I2) accommodates larger or more intensive manufacturing and distribution facilities and related support services. Heavy industrial sites will have ready access to necessary utilities and at least two or more major transportation routes. Characteristics of the uses in this district may include outdoor storage areas, truck traffic, production of goods from raw materials, and multiple worker shifts. Some may involve large structures on large parcels.***

## **Public Zone Districts - Section 27-500**

The Public zone district have been created to reflect the three basic land uses that provide community-wide service. The P1 zone districts is intended for parks, open space and activity outdoor recreation sites such as golf courses. The P2 zone district is intend for small civic or institutional uses throughout the community including schools, government offices (outside of the CBD), and churches. The proposed P3 - Campus is for large civic or institutional campuses focused on either medical services, education services or civic services. The Medical Corridor zone district will be updated to a P3- Medical Campus zone district. The three main college campuses will be updated to the P3-Education Campus zone and Metra Park will be updated to the P3-Civic Campus zone. The creation of three main Public zone districts creates more predictable land uses for neighbors and surrounding uses. It is not good planning practice to have one zone for your public parks that also applies to your jail and landfill. It is too much uncertainty. Schools and churches will still be allowed a special review uses in other zone districts, but an alternative to a special review would be to re-zone the property to P2. The Urban Issues Working Group worked with the medical facilities to ensure we captured the essential regulations to continue the integrity of the Medical Corridor.

***Section 27-501.A - The P1 district is intended to protect and preserve open spaces that are held in either public or private ownership. P1 districts may include parks, open spaces, trails, wetlands, floodplains, environmentally sensitive areas, and unique habitats and landscapes. To preserve access to clean air, pure water, natural recreation areas, and scenic natural beauty, the subdivision and development of land is restricted in P1 districts.***

***Section 27-501.B - The P2 district is intended to be used for small-scale civic and community service structures and uses, such as religious assembly, public safety facilities, and schools, within either a neighborhood or commercial setting. A maximum of two principal buildings are permitted in a P2 district.***

***Section 27-501.C. The P3 district is intended to be used for multi-structure and use institutions that are developed in a campus-like environment. P3 zoning is available for medical campuses, educational campuses, and civic campuses with three or more principal buildings.***

## **RECOMMENDATION**

Staff recommends the Zoning Commission open the public hearing and receive public comment and testimony. After all the hearings are complete, the Zoning Commission will conduct a final meeting and vote on a recommendation to the City Council.

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## **Attachments**

Section 27-400  
Section 27-500  
Section 27-600  
Section 27-1000  
Steering Comm Guiding Principles  
2016 Billings Growth Policy Statement and Guidelines  
Steering Committee Members  
Working Group members  
Existing Zone Section 27-306 -Uses  
Existing Zone Section 27-309 - Commercial/Industrial/Public site requirements  
Existing Zone Section 27-800 - S 27th St Corridor  
Existing Zone Section 27-900 - Medical Corridor  
Existing Zone Section 27-1000 - Entryway Districts  
Existing Zone Section 27-1400 - Shiloh Corr North  
Existing Zone Section 27-1400 - Shiloh Corr South

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## Article 27-400 Commercial and Mixed-Use Districts

### SECTION 27-401 DISTRICTS ESTABLISHED

The commercial and mixed-use zoning districts are established in Table 27-400-1.

**TABLE 27-400-1. COMMERCIAL & MIXED-USE DISTRICTS**

Symbol	Neighborhood District Name
CBD	Central Business District
DX	Downtown Support
CMU1	Corridor Mixed-Use 1
CMU2	Corridor Mixed-Use 2
NMU	Neighborhood Mixed-Use
NO	Neighborhood Office-Residential
CX	Heavy Commercial

### SECTION 27-402 DISTRICT DESCRIPTIONS

Commercial and mixed-use districts are primarily intended to allow a mix of uses within appropriately scaled buildings to maintain and promote the desired physical character of the downtown and commercial nodes and corridors within the city.

#### A. CBD: CENTRAL BUSINESS DISTRICT

The CBD district is the downtown mixed-use core intended to continue the existing character of the highly walkable downtown commercial corridors with storefronts on the ground story and upper story residential, lodging, and office uses.

#### B. DX: DOWNTOWN SUPPORT

The DX district is intended primarily for use surrounding the (CBD) district and would accommodate highly walkable, higher intensity office and residential uses in support of the CBD.

#### C. CMU1: CORRIDOR MIXED-USE

The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.

#### D. CMU2: CORRIDOR MIXED-USE AND COMMERCIAL CENTERS

The CMU2 district is similar in intent to CMU1, supporting commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper

parcels along corridors. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.

#### E. NMU NEIGHBORHOOD MIXED-USE

The NMU district is intended to accommodate a mix of uses, primarily located along neighborhood corridors that are highly walkable and accessible to pedestrians. Includes ground story uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. Upper stories accommodate residential and/or office uses.

#### F. NO: NEIGHBORHOOD OFFICE

The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.

#### G. CX: HEAVY COMMERCIAL

The CX district is intended for heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. Basic setback and height parameters apply.

### SECTION 27-403 REGULATIONS APPLICABLE TO ALL COMMERCIAL AND MIXED-USE DISTRICTS

All buildings must comply with the general regulations of this section and the specific regulations per each district, unless otherwise expressly stated in this ordinance.

#### A. ALLOWED USES

Allowed uses are provided in Article 27-1000.

#### B. EXISTING BUILDINGS

Existing buildings are not required to meet these regulations except as defined in Article 27-1500.

#### C. SITE ACCESS

All lots shall have one lot line located fully on a public or approved private street right-of-way.

#### D. PERMANENT STRUCTURES

All buildings constructed in any commercial and mixed-use district must be of permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this code.

#### E. ACCESSORY STRUCTURE REGULATIONS

Accessory structures are subject to Article 27-1000. Uses, unless otherwise defined in these district regulations.

## F. EXCEPTIONS AND EXEMPTIONS

The following exceptions and exemptions may apply to the district site and structure regulations. Use specific standards in Article 27-1000 are still applicable.

1. Administrative Relief. Article 27-1600 defines administrative relief applicable to the site and structure regulations. Additional administrative relief may be noted throughout this article.
2. Outdoor Recreation Uses. Outdoor parks, recreation, outdoor participant sports, and recreation uses are exempt from compliance with district site and structure regulations, except that:
  - (a) If a building is incorporated, the building shall meet the regulations of either an accessory kiosk per 27-1000 or an allowed building type.
  - (b) Side and rear setbacks for any applicable district must be met.
3. Utility Structures. The following structures are not required to comply with site and structure regulations applicable to a specific district.
  - (a) Wireless communications facilities and uses 27-1000.
  - (b) Public and private utility stations, substations, and associated utility station facilities.
4. Civic and Institutional Uses. Civic and institutional uses allowed in the district are required to the meet the district site and structure regulations, except the following applies:
  - (a) The minimum dimension of any build-to zone shall be treated as a minimum setback.
  - (b) Minimum heights are not required. Heights above the maximum allowed may be approved through an Administrative Relief, based upon similar civic structures on similar lots in the surrounding neighborhood. See Article 27-1600 for design exception procedure.
  - (c) Window, front door, and roof regulations are not required.

## G. YARD TREATMENT

All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. Paved vehicular areas are limited to specific locations per the applicable district site and structure regulations. Driveways may cross through yards as follows:

1. Where permitted as access to the lot, driveways may cross perpendicularly through the front or street side yards, except as otherwise expressly stated.
2. In all commercial and mixed-use districts, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.
3. Side Yard Parking Lots. Some districts permit side yard parking lots. Side yard parking lots must not encroach on the front yard and must not encroach upon the minimum side setback, except as otherwise expressly stated.
4. Rear Yards. Paved vehicular areas (parking lots, loading areas, drives) are typically required to be located in the rear yard; however, minimum rear yard setbacks also apply to parking lots, unless otherwise stated.

## H. FRONT AND SIDE STREET FRONTAGES

Per the district regulations, certain site and structure regulations apply to building facades and edges along front and side streets. For example, windows and a principal entrance may be required, or parking

locations, driveways, and garage entrances may be restricted along these street frontages. Front lot lines must be provided as follows:

1. Establishment. All parcels must have a front lot line established by one of the following methods.
  - (a) For lots with only one lot line abutting a street, that lot line shall be the front lot line.
  - (b) For lots on corners, front lot lines are established by the director, based upon an approved Planned Neighborhood District (PND), the street classification, or the orientation of adjacent and abutting buildings.
  - (c) For CMU1 and CMU2 districts, when a new street is established perpendicular to a front street listed above, the director may approve the use of the new street for the front lot line, provided the new perpendicular street is at least 300 feet in length, connects to another street at both ends, provides a second way out of the development, and is treated with streetscape, sidewalks, and on-street parking.
  - (d) For NMU or NO districts located on corners of primarily residential neighborhoods, the side street is the preferred location of the front lot line with the intent of locating business entrances off side streets as opposed to sharing the front street with residential entrances.
  - (e) Multiple Front Streets. If multiple front streets abut a lot, the front line may be designated by the director, considering the following:
    - (1) The configuration of other parcels along the street, including fronts of buildings and locations of vehicular access, are more consistent with street-side lot line requirements; and
    - (2) No plans for front street designation in the future exist for the proposed street-side frontage.
2. Open Space Frontage. Where a lot or parcel contains or abuts open space designated as a P1 district, the frontage of a building abutting the open space must comply with front lot line requirements.
3. Main Parking Lots. Where a main parking lot is internal to a site, the facades fronting the main parking lot must be treated as front facades.
4. Through Lots. Where a lot extends between two front streets essentially parallel to each other, both frontages shall be treated as front lot lines.
  - (a) Where a commercial and mixed-use district double frontage lot is deeper than 120 feet and shares a front street with an N district, residential development shall be provided consistent with front lot line requirements for any NX district.
  - (b) Where a commercial and mixed-use district double frontage lot shares a front street with an N district, the rear of all buildings shall be screened from any front street by another building or landscape screening.
5. Corners. At corners of buildings on streets, front lot line façade treatments, including, but not limited to, ground-story doors and windows must be continued around the corner along the side street for a minimum of 30 feet.

## I. TRASH, RECYCLING, REFUSE LOCATIONS

Unless otherwise defined by the site and structure regulations, all trash, recycling, and other refuse areas must be located and treated as follows:

1. Trash, recycling, and other refuse areas must be located in the rear yard of the lot or in the alley with city approval.
2. When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.
3. Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors must be opaque, screening a minimum of 80% of the opening.
4. See Article 27-1200 for required screening of trash, recycling, and other refuse areas.

## J. FRONT ENTRANCES

The following applies only when required by the site and structure regulations for the district. Front building entrances shall be emphasized, adding interest to the building façade, through one or more of the following design features:

1. Roof or Canopy. The entrance is covered by a roof or canopy differentiating it from the overall building roof type.
2. Porch. The entrance is through a porch.
3. Sidelights and Transom. Sidelights and/or transom windows are included abutting the entrance door.
4. Recessed or Projecting Bay. The entrance is located in a separate bay of the building that is either recessed or projected from the front façade.
5. Other Design. Other designs adding emphasis and drawing attention to the entrance on the facade may be approved with a design exception.

## K. ARTERIAL SETBACKS

Minimum arterial setbacks as follows apply to all commercial and mixed-use districts, except EBURD, CBD and DX districts:

1. No building or structure shall be erected or maintained within 50 feet of the centerline of an arterial street. In addition, no required parking area or portion thereof, including driving aisles, shall be constructed or located within 40 feet of the centerline of an arterial street. Any new construction that increases the number of required off-street parking spaces, must locate these additional required parking spaces in areas that comply with these locational standards.
2. Approved signs and public use controls and systems, trees trimmed up eight feet and canopies with at least eight feet clearance, shall be permitted in this setback area. For the purpose of this subsection, canopies shall be defined as covers that are solely attached to and supported by the structure on which it is attached to and which can be removed without destroying any part of that supporting structure. This shall only apply to canopies attached to the principal structure.

The designation of a street as an arterial shall be recommended by the city engineer, or in conformity with the most recent urban transportation plan.

**SECTION 27-404 CBD DISTRICT REGULATIONS**

1. Development in the CBD district is subject to compliance with the regulations of general applicability specified in 27-403.
2. Any parking garage located along a street must contain building space for occupancy along at least 30% of the ground floor of at least one street facade.

## SECTION 27-405 DX DISTRICT

The following site and structure regulations apply to any lot in the DX district. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-2, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(1). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-2. SITE &amp; STRUCTURE REGULATIONS

A. BUILDING SITING		REFERENCES	
1	Build to Corner	required	
2	Maximum Building Coverage (%)	85	
3	Minimum Front Lot Line Coverage (%)	85	See 27-405.E for allowed courtyards.
4	Front Build-to Zone (feet)	5 to 15	See 27-403.H for location of front and street-side frontages.
5	Street-Side Build-to Zone (feet)	5 to 10	See 27-405.E for minimum pedestrian area
6	Minimum Side Setback (feet)	5; 10, if abutting N or NX district	
7	Minimum Rear Setback (feet)	10 for parking, 20 for building; 0 if abutting an alley	
B. PARKING SITING			
8	Surface or Accessory Parking Yard Location	Rear; limited side yard	See 27-1300 for explanation of limited side yard parking.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley, side street, front street if no alley or side street is available Rear, side, or side street facade	See 27- 1300 for driveway access exceptions
10	Parking Location within Building	Allowed fully in any basement and behind required occupied building space of all other stories	See Occupied Building Space regulation below in See 27-1800 for definition of basement.
11	Occupied Building Space along Front Facade, Minimum Depth (feet)	20 all full-story floors; not required in any basement or half story	See 27-1800 for definition of Occupied Building Space.
C. HEIGHT			
12	Overall: Minimum Height (stories) Maximum Height (stories)	2 5; step-backs required within 50 feet of N or NX district	See 27-405.E for stepped-back stories.
13	All Stories: Minimum Height (feet) Maximum Height (feet)	9 14	Stories are measured floor to floor.
D. WINDOWS, DOORS, ROOF			
14	Window & Door Coverage: All Stories Street Facades (%)	15 minimum per story	Blank wall limitations apply to front facades per 27-1800 27-403.H requires front facade windows to turn corners.
15	Number of Front Entrances	Minimum 1 per every 120 feet of facade	See 27-403.J for Front Entrance regulations.
16	Permitted Roof Types	Parapet, pitched, flat; tower permitted	See 27-1800 for definition of roof types and exception for other allowed roof types.

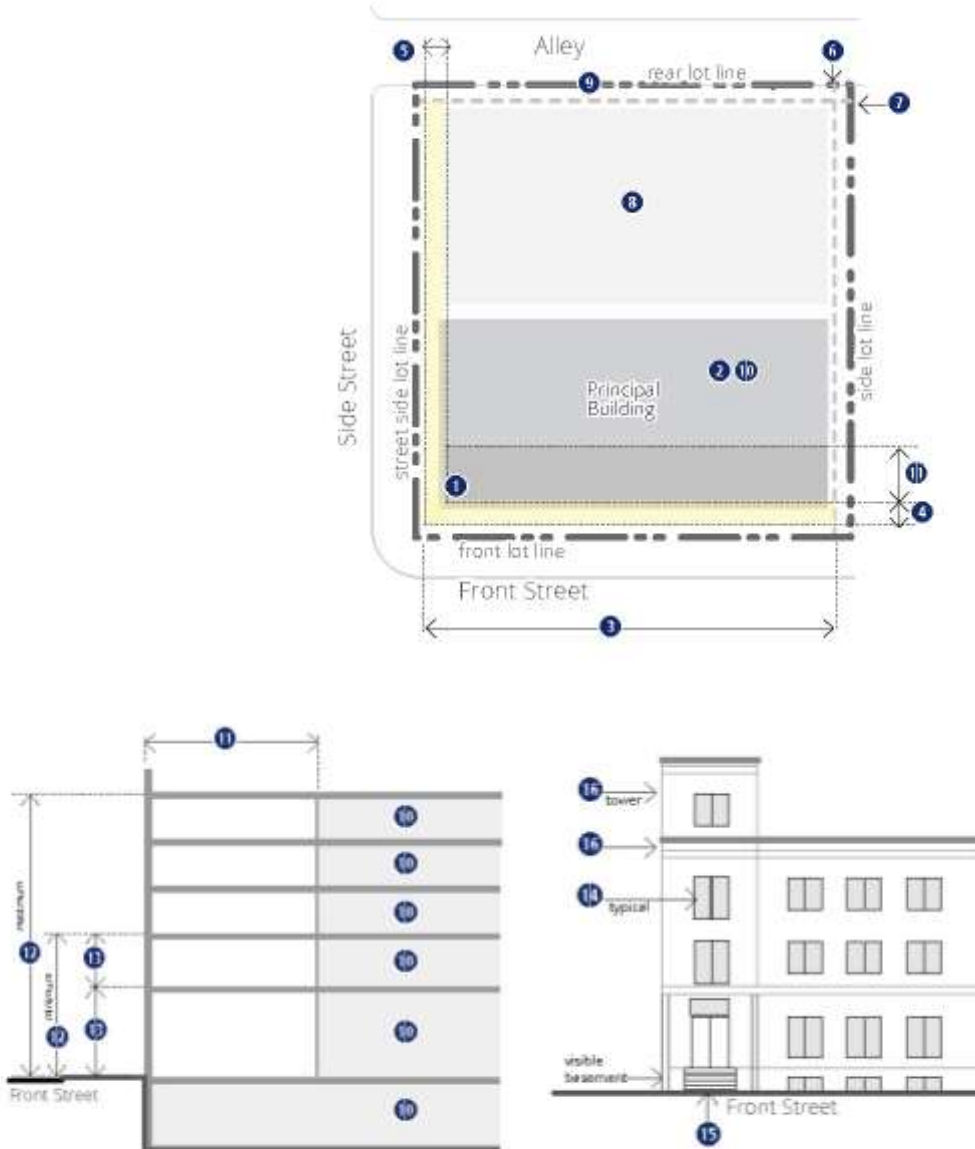


Figure 27-400(1). DX district diagrammatic plans and elevations.

**E. Supplemental Regulations**

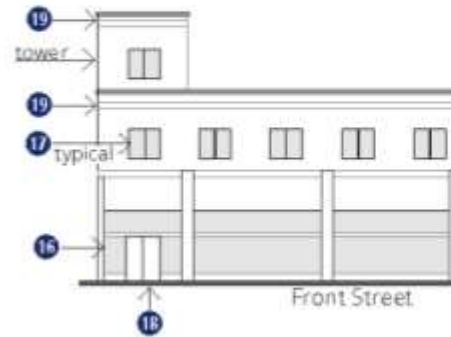
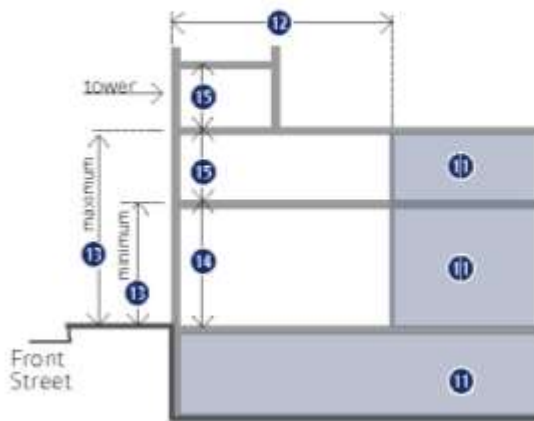
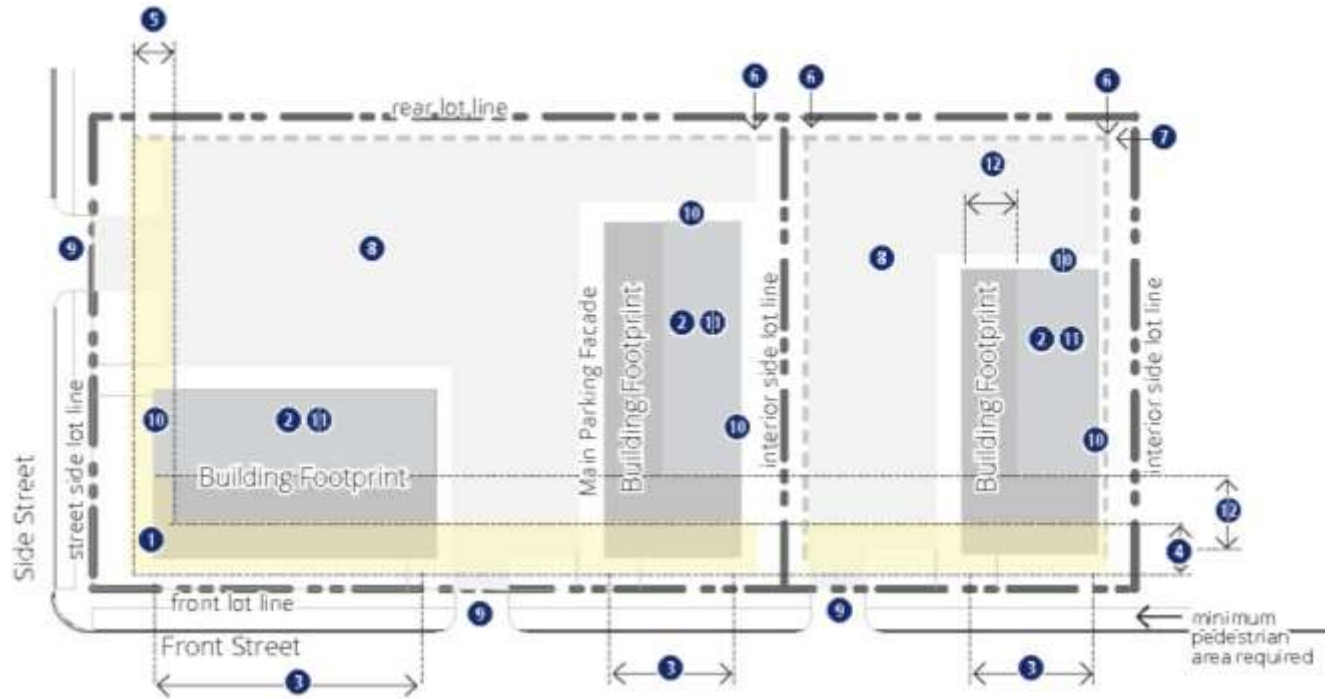
1. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary building frontage.
2. Height Step-Backs at N or NX Districts. Where N or NX zoning districts exist abutting the parcel or are located across an alley from the parcel, any story over the second story or over 35 feet above grade shall be set back from the rear property line a minimum of 50 feet. Frontage landscape buffer is required per Article 27-1200 where more than a 10-foot ground-story rear setback exists.
1. Minimum Pedestrian Frontage. When any front or street-side property line is within 8 feet or less of the back of curb, the build-to zone shall be measured from 8 feet off the back of curb to allow adequate pedestrian area.

## SECTION 27-406 CMU DISTRICTS

The following site and structure regulations apply to any lot in the CMU districts. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-3, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(2). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-3. SITE &amp; STRUCTURE REGULATIONS

A. BUILDING SITING		CMU1	CMU2	REFERENCES
1	Build to Corner	required		
2	Maximum Building Coverage (%)	65	50	
3	Minimum Front Lot Line Coverage (%)	65	50	See 27-406.E for allowed courtyards.
4	Front Build-to Zone (feet)	5 to 20	10 to 20	See 27-403.H for location of front and street-side frontages. See 27-403.K for arterial setback regulations.
5	Street-Side Build-to Zone (feet)	5 to 20	5 to 20	See 27-406.E for minimum pedestrian area
6	Side Setback (feet)	5 minimum; 10, if abutting N, NX, or RMH district		
7	Rear Setback (feet)	10 minimum; 25 if abutting N, NX, or RMH district		See 27-406.E for through lots.
B. PARKING SITING				
8	Surface or Accessory Parking Yard Location	Rear, internal, side		See 27-1800 for explanation of yards.
9	Permitted Driveway Access Location	See 27-1305 for driveway access locations.		
10	Permitted Garage Entry Facade Location	Rear, side, or street-side facade		
11	Parking Location within Building	Allowed fully in any basement and behind required occupied building space of all other stories		See Occupied Building Space regulation below in ___. See 27-1800 for definition of basement.
12	Occupied Building Space along Front Facade, Minimum Depth (feet)	20 all full-story floors; not required in any basement or half story		See 27-1800 for definition of Occupied Building Space.
C. HEIGHT				
13	Overall Stories: Maximum Height (stories)	4; step-backs required within 50 feet of N, NX, or RMH district		See <a href="#">27-406.E</a> for stepped-back stories.
14	Ground-Story: Minimum Height (feet) Maximum Height (feet)	12 18		See <a href="#">27-406.E</a> for allowable increased ground story height. Stories are measured floor to floor.
15	Upper Stories: Minimum Height (feet) Maximum Height (feet)	9 12		
D. WINDOWS, DOORS, ROOF				
16	Window & Door Coverage: Ground-Story Front Facades (%)	65 minimum between 2 and 8 feet above sidewalk		Blank wall limitations apply to front facades per 27-1800
17	Window & Door Coverage: All Stories Front Facades (%)	15 minimum per story		27-403.H requires front facade windows to turn corners.
18	Number of Front Façade Entrances	Principal entrances 1 per every 60 feet of facade		See 27-403.J for Front Entrance regulations.
19	Permitted Roof Types	Parapet, pitched, flat; tower permitted		See 27-1800 for definition of roof types and exception for other roof types.



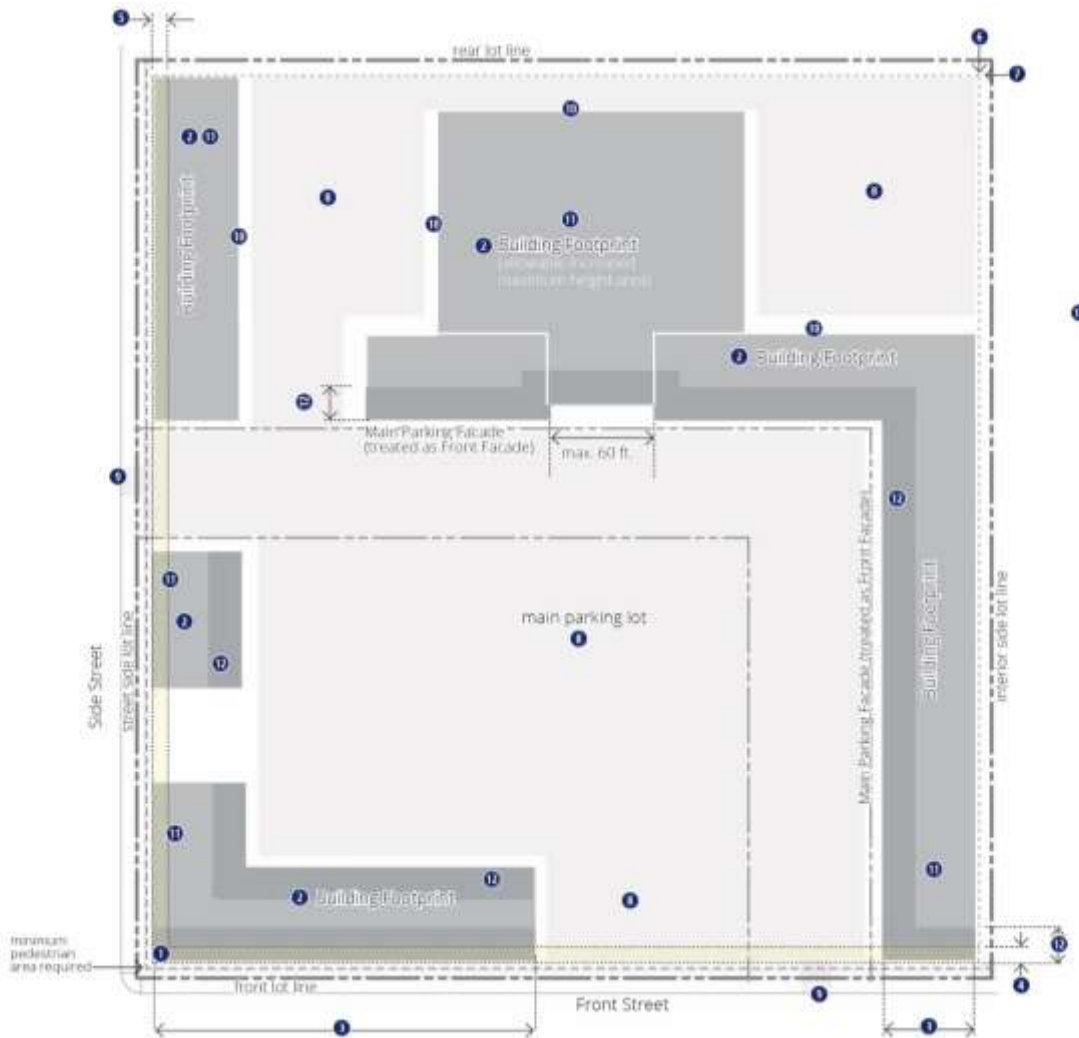


Figure 27-400(2). CMU district diagrammatic plans and elevations.

**E. Supplemental Regulations**

1. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary building frontage.
2. Minimum Pedestrian Frontage. When any front or corner property line is within 8 feet or less of the back of curb, the build-to zone shall be measured from 8 feet off the back of curb to allow adequate pedestrian area.
3. Height Step-backs at N, NX, RMH Districts. Where N, NX, or RMH zoning districts abut the parcel or are located across an alley from the parcel, any story over the second story or over 35 feet above grade shall be set back from the rear property line a minimum of 50 feet. Where the ground story is setback more than 10 feet from the rear lot line, the frontage landscape buffer is required per Article 27-1200. Refer to Figure 27-400(3).
4. Increased Ground Story Height. Maximum ground story height in CMU2 only may be increased up to 28 feet with a maximum horizontal length along any primary or main parking frontage of 60 feet. The 60-foot increment of increased height may occur once for every 140 feet of building frontage. Lower scaled commercial spaces may front the large-format space to achieve the maximum frontage and number of entrances required along the frontage.

5. Through Lots. Refer to 27-403.H.6.
6. Pedestrian Pathway. In CMU2, direct, continuous separate pedestrian pathways are required connecting the sidewalk along the primary frontage to each shop door on the main parking lot frontage and dividing parking lots into segments no longer than 300 feet in length. The pathway shall include the following:
  - (a) Streetscape is required along the pedestrian pathway per Article 27-1200. Pavement shall be small unit pavers, concrete scored in less than 4-foot increments, or other similar material approved by the director.
  - (b) Perpendicular crossings of parking drives are permitted, but the pavement shall match the pathway.
  - (c) Parallel paths to parking shall be located in a raised median or island or a protected pathway.

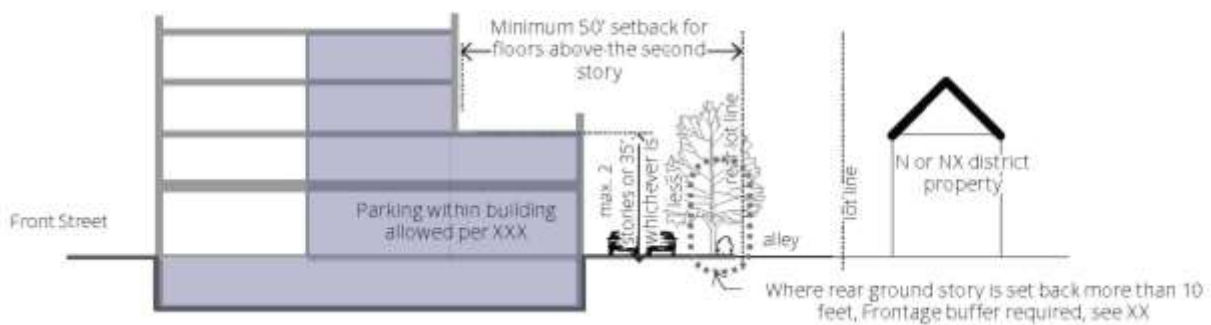


Figure 27-400(3). Height Step-Backs at N, NX, and RMH Districts.

## SECTION 27-407 NMU DISTRICT

The following site and structure regulations apply to any lot in the NMU district. Refer to 27-403 for general regulations applicable to all districts and Table 27-407-1, below, for regulations specific to this district, keyed to illustrations in Figure 27-407(1). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-4. SITE &amp; STRUCTURE REGULATIONS

A. BUILDING SITING		NMU	REFERENCES
1	Build to Corner	required	
2	Maximum Building Coverage	75	
3	Front Street Building Width (feet)	None	On corners in residential neighborhoods, the side street may have the front lot line.
4	Minimum Front Lot Line Coverage (%)	90	See 27-407.E for allowed courtyards. On corners in residential neighborhoods, the side street may have the front lot line.
5	Front Build-to Zone (feet)	5 to 20	See 27-403.H for location of front and street-side frontages. See 27-403.K for arterial setback regulations. See 27-407.E for minimum pedestrian area and expanded build-to zone with front yard parking.
6	Street-Side Build-to Zone (feet)	5 to 20	
7	Minimum Side Setback (feet)	5	
8	Minimum Rear Setback (feet)	5	See <a href="#">27-407.E</a> for through lots.
B. PARKING SITING			
9	Surface or Accessory Parking Yard Location & Configurations	Rear, limited side yard, limited front yard	See 27-1802.B for explanation of allowed parking configurations.
10	Permitted Driveway Access Location Permitted Garage Entry Facade Location	See 27-1305 for driveway access locations. Rear, side, or street-side facade	
11	Parking Location within Building	Allowed fully in any basement and behind required occupied building space of all other stories	See Occupied Building Space regulation below in _____. See 27-1800 for definition of basement.
12	Occupied Building Space along Front Facade, Minimum Depth (feet)	20 all full-story floors; not required in any basement or half story	See 27-1800 for definition of Occupied Building Space.
C. HEIGHT			
13	Overall Stories: Maximum Height (stories)	2	Stories are measured floor to floor.
14	Ground-Story: Minimum Height (feet)	10	
	Maximum Height (feet)	16	
15	Upper Stories: Minimum Height (feet)	9	
	Maximum Height (feet)	11	
D. WINDOWS, DOORS, ROOF			
16	Window & Door Coverage: Ground-Story Front Facades (%)	45 minimum between 2 and 8 feet above sidewalk	Blank wall limitations apply to front facades per 27-1800 27-403.H requires front facade windows to turn corners.
17	Window & Door Coverage: All Stories Front Facades (%)	15 minimum per story	
18	Number of Front Façade Entrances	Principal entrances 1 per every 60 feet of façade	See 27-403.J for Front Entrance regulations.
19	Permitted Roof Types	Parapet, pitched, flat; tower permitted	See 27-1800 for definition of roof types and exception for other allowed roof types.

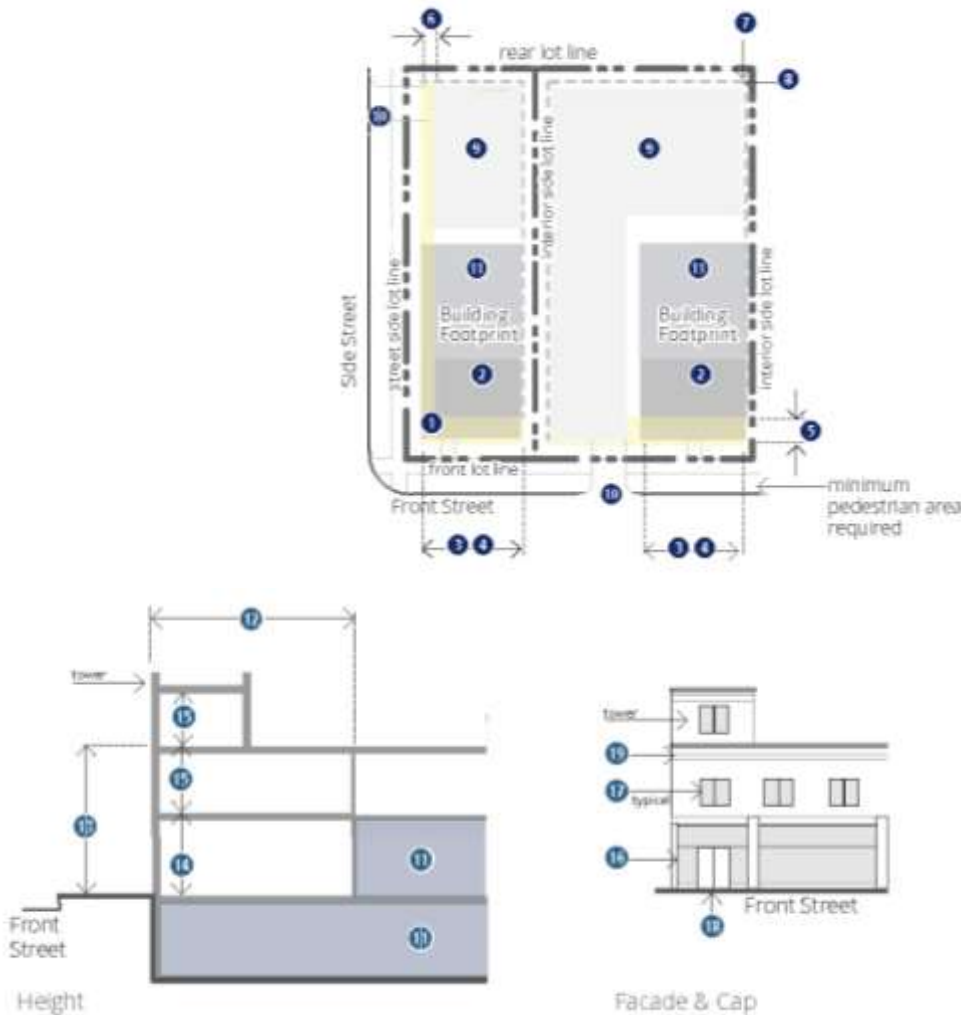


Figure 27-400(4). NMU district diagrammatic plans and elevations.

**E. Supplemental Regulations**

1. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary building frontage.
2. Minimum Pedestrian Frontage. When any front or corner property line is within 8 feet or less of the back of curb, the build-to zone shall be measured from 8 feet off the back of curb to allow adequate pedestrian area.
3. Front Yard Parking Expanded Build-to Zone. Where limited front yard parking is used, the build-to zone may be expanded to between 5 and 45 feet. Refer to 27-1802.B for explanation of limited front yard parking configuration.
4. Through Lots. Refer to 27-403.H.6.

## SECTION 27-408 NO DISTRICT

The following site and structure regulations apply to any lot in the NO district. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-5, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(5). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-5. SITE &amp; STRUCTURE REGULATIONS

A. BUILDING SITING			REFERENCES
1	Build to Corner	required	
2	Maximum Building Coverage	75	
3	Front Street Building Width (feet)	None; 120 maximum in residential neighborhoods with N or NX district zoning adjacent or abutting	On corners in residential neighborhoods the side street may have the front lot line.
4	Front Setback (feet)	10	See 27-403.H for location of front and street-side frontages. See 27-403.K for arterial setback regulations
5	Street-Side Setback (feet)	8	See 27-408.E for minimum pedestrian area
6	Minimum Side Setback (feet)	8	
7	Minimum Rear Setback (feet)	5 for parking and 20 for building; 0 if abutting an alley	See <a href="#">27-408.E</a> for through lots.
B. PARKING SITING			
8	Surface or Accessory Parking Yard Location & Configurations	Rear, limited side yard, limited front yard	See 27-1802.B for explanation of allowed parking configurations.
9	Permitted Driveway Access Location	See 27-1305 for driveway access locations.	
10	Permitted Garage Entry Facade Location	Rear, side, or street-side facade	
	Parking Location within Building	Allowed fully in any basement and behind required occupied building space of all other stories	See Occupied Building Space regulation below in ___.
11	Occupied Building Space along Front Facade, Minimum Depth (feet)	20 all full-story floors; not required in any basement or half story	See 27-1800 for definition of Occupied Building Space.
C. HEIGHT			
12	Overall Stories: Maximum Height (stories)	2.5	
13	All Stories: Minimum Height (feet)	9	Stories are measured floor to floor.
	Maximum Height (feet)	12	
D. WINDOWS, DOORS, ROOFS			
14	Window & Door Coverage: All Stories Front Facades (%)	15 minimum per story	Blank wall limitations apply to front facades per 27-1800.
15	Number of Front Façade Entrances	One principal entrance per every 120 feet of front façade	See 27-403.K for Front Entrance regulations.
16	Permitted Roof Types	Parapet, pitched; tower permitted	See 27-1800 for definition of roof types and exception for other allowed roof types.

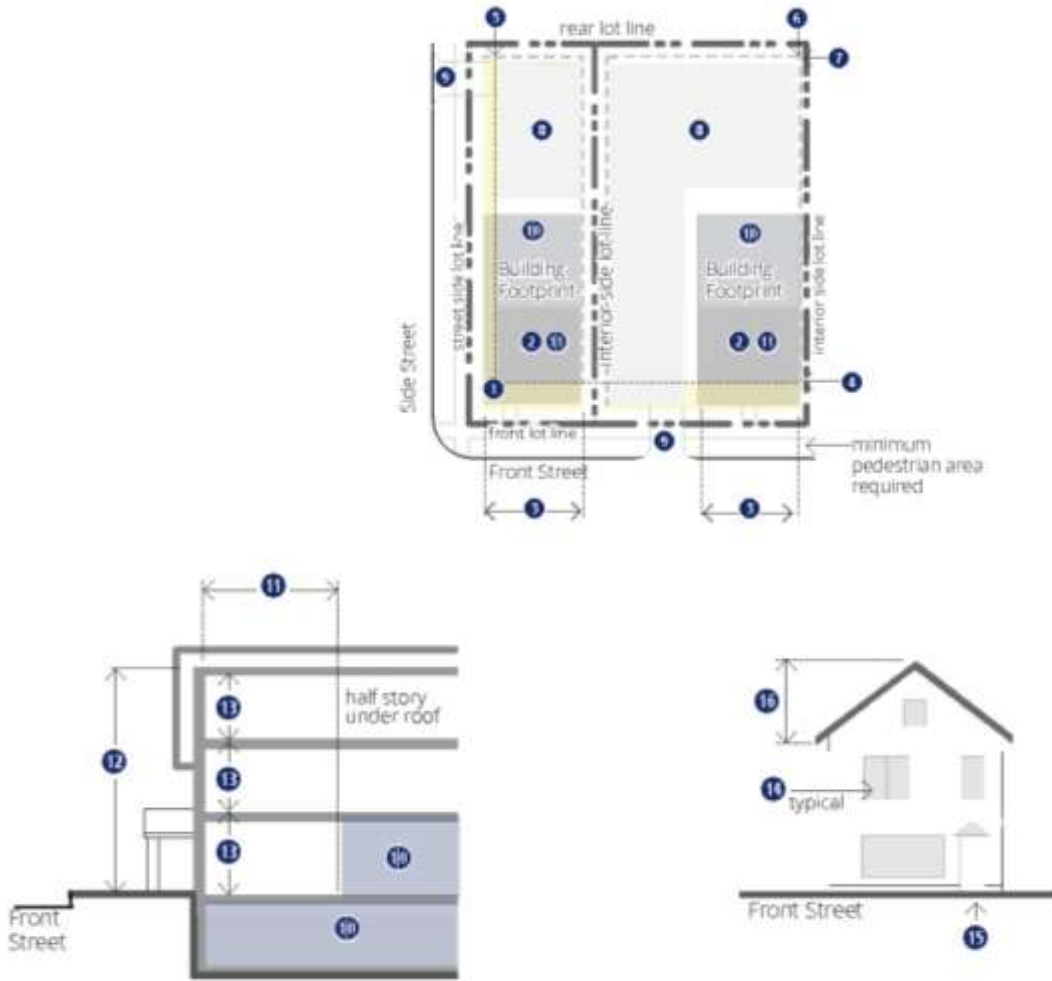


Figure 27-400(5). NO district diagrammatic plans and elevations.

**E. Supplemental Regulations**

1. Minimum Pedestrian Frontage. When any front or corner property line is within 8 feet or less of the back of curb, the build-to zone shall be measured from 8 feet off the back of curb to allow adequate pedestrian area.
2. Through Lots. Refer to 27-403.H.6.

SECTION 27-409 CX DISTRICT

The following site and structure regulations apply to any lot in the CX districts. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-6, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(6). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-6. SITE & STRUCTURE REGULATIONS

A. BUILDING SITING			REFERENCES
1	Maximum Building Coverage (%)	50	
2	Front Setback (feet)	20 minimum	See 27-403.K for arterial setback regulations
3	Street-Side Setback (feet)	10 minimum	
4	Side Setback (feet)	0; 10 minimum if abutting N, NX or RMH district	
5	Rear Setback (feet)	10 minimum ; 0 if abutting an alley	
B. PARKING SITING			
6	Surface or Accessory Parking Yard Location	Side or Rear	
7	Loading Location	Rear, Interior Side	
8	Permitted Driveway Access Location	See 27-1305 for driveway access locations.	
C. HEIGHT			
	Overall: Maximum Height (feet)	60	

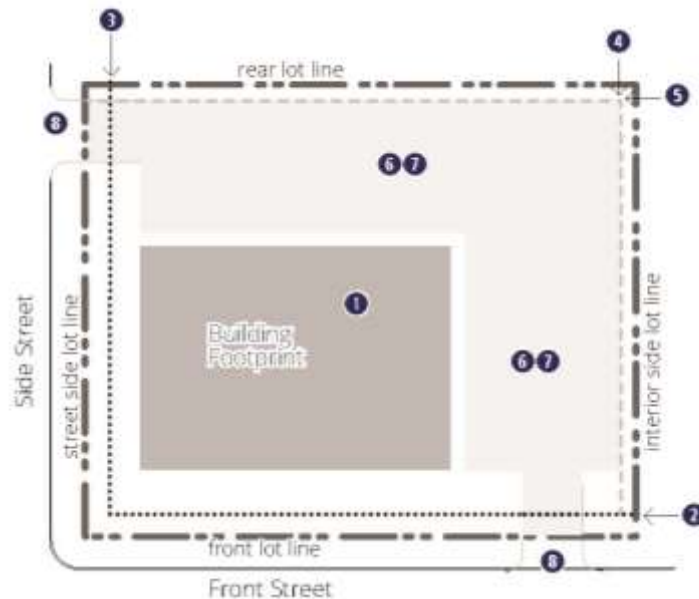


Figure 27-400(5). CX district diagrammatic plan.

D. Supplemental Regulations

1. [Reserved].

**SECTION 27-501 PUBLIC DISTRICT DESCRIPTIONS**

Public districts are intended to identify and allow for the establishment of public, quasi-public, and civic uses in the community.

**A. P1: PARKS AND OPEN SPACE**

The P1 district is intended to protect and preserve open spaces that are held in either public or private ownership. P1 districts may include parks, open spaces, trails, wetlands, floodplains, environmentally sensitive areas, and unique habitats and landscapes. To preserve access to clean air, pure water, natural recreation areas, and scenic natural beauty, the subdivision and development of land is restricted in P1 districts.

**B. P2: PUBLIC, CIVIC, AND INSTITUTIONAL, SMALL**

The P2 district is intended to be used for small-scale civic and community service structures and uses, such as religious assembly, public safety facilities, and schools, within either a neighborhood or commercial setting. A maximum of two principal buildings are permitted in a P2 district.

**C. P3: CAMPUS**

The P3 district is intended to be used for multi-structure and use institutions that are developed in a campus-like environment. P3 zoning is available for medical campuses, educational campuses, and civic campuses with three or more principal buildings.

**SECTION 27-502 REGULATIONS APPLICABLE TO ALL PUBLIC DISTRICTS**

All buildings must comply with the general regulations and the specific regulations per each district, unless otherwise expressly stated in this code.

**A. ALLOWED USES****1. Primary Uses**

Permitted primary and accessory uses allowed in Public Districts are designed on the following tables.

(a) Table 27-1000.1: Permitted Primary Uses

(b) Table 27-1000.2: Permitted Accessory Uses

**B. PERMANENT STRUCTURES**

All buildings constructed in any Public District must be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this code.

**C. APPLICABLE SITE DEVELOPMENT REGULATIONS**

In addition to the district-specific site development standards, development in the Public Districts is required to comply with the site development standards in Articles 27-1200 (Landscaping), 27-1300 (Off-Street Parking) through 27-1400 (Signs) .

**SECTION 27-503 P1: PARKS AND OPEN SPACE**

**A. SITE AND STRUCTURE REGULATIONS**

Development shall be reviewed through Section 27-16\_\_\_, Site Plan Review.

**B. DISTRICT-SPECIFIC REGULATIONS**

[Reserved]

**SECTION 27-504 P2: PUBLIC, CIVIC, AND INSTITUTIONAL; P3 CIVIC CAMPUS, P3 MEDICAL CAMPUS, AND P3 EDUCATIONAL CAMPUS**

The following site and structure regulations apply to any lot in a P2 or P3 district.

**A. PRIMARY BUILDINGS**

1. P2: A maximum of two primary buildings are permitted in a P2 district.
2. P3: A minimum of three primary buildings are required for P3 zoning.

**B. SITE DIMENSIONAL STANDARDS**

Development along exterior lot lines that face, are adjacent to, or within 150 feet of different zone districts (i.e., not P2 or P3) shall comply with the following exterior dimensional standards, as further described below the table:

**Table 27-500.1: P2 and P3 Site Dimensional Standards**

Standard	Adjacent Zone Districts		
	Column 1 N1-3, NX1-3, or RMH	Column 2 NO, NMU, CMU1, CMU2, DX	Column 3 Mixed Adjacent Districts
<b>Build-to/Setback (feet)</b>			
Front build-to zone	8-20	5-15	Standards from larger-scale district; 27-504.B.1(c).
Street side build-to zone	5-15	5-10	
Side setback	10	10	
Rear setback	10	10	
<b>Maximum Height (feet)</b>			
Primary building(s)	35	50[1]	
Accessory building(s)	27	27	
Permitted Exceptions	27-504.B.2	27-504.B.2	27-504.B.2
Notes	[1] Step-backs required when adjacent to N, NX, or RMH; see 27-506.E		

**1. Front Build-To Zone and Setback Standards**

The front built-to zone and side and rear setback standards for lots in a P2 or P3 district shall be determined by adjacent zone districts as follows:

- (a) Adjacent N1-4 or NX1-3 Districts. Where the primary frontage of a lot zoned P2 or P3 is adjacent to N1-4 or NX1-3 on all sides of the frontage, development on the P2 or P3 lot shall meet the standards of Table 27-500.1, Column 1.
- (b) Adjacent NO, NMU, CMU, or DX Districts. Where the primary frontage of a lot zoned P2 or P3 is adjacent to NO, NMU, CMU, or DX districts on all sides of the frontage,

development on the P2 or P3 lot shall meet the standards of Table 27-500.1, Column 2.

- (c) Where the primary frontage of a lot zoned P2 or P3 is adjacent to different zone districts on any side of the frontage (as measured on the same side of any public street), development on the primary frontage of the P2 or P3 lot shall comply with the standards for the larger-scale adjacent district. For example, a lot with a west-facing primary frontage that has CMU1 zoned property to the north and NX3 zoned property to the south shall be developed according to the CMU1 site and structure regulations.

## **2. Maximum Height Exceptions**

The height limitations in Table 27-500.1 may be exceeded as follows:

- (a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.
- (b) Structures permitted in P2 or P3 districts may exceed the height limitations of the district if the minimum depth of the front, side and rear yard setbacks are increased two feet for every one foot by which the structure exceeds the height limitation of the district. This allowed height shall not exceed two times the allowed height in the zoning district in which it is located except by approved variance.

## **3. Applicable District-Category Regulations**

- (a) P2 lots developed according to N1-4 or NX1-3 district standards shall also comply with Section 27-303, Regulations Applicable to All Neighborhood Districts, except for Section 27-303.J, Front Entrances.
- (b) P2 lots developed according to CBD, DX, CMU1, CMU2, NMU, or NO district standards shall also comply with Section 27-403, Regulations Applicable to All Commercial and Mixed-Use Districts, except for Section 27-403.K, Front Entrances.

## **4. Parking Location**

New surface parking shall be located interior to the campus, defined as at least 150 feet from any required build to or setback line at the exterior boundary of the district.

## 27-600 Industrial Districts

### SECTION 27-601 INDUSTRIAL DISTRICT DESCRIPTIONS

Industrial districts are intended for the location of structures, uses, and activities that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, distribution, and handling of these products and the materials from which they are produced. Research and technology uses and services are appropriate in industrial districts along with support offices and services.

#### A. I1: LIGHT INDUSTRIAL

The light industrial zone is intended to accommodate a variety of business, warehouse, and light industrial uses related to wholesale plus other business and light industries. Low intensity light industrial development can be compatible with adjacent commercial zones. I1 zoning should provide locations directly accessible to arterial and other transportation systems that can conveniently serve the business and industrial centers of the city and county.

#### B. I2: HEAVY INDUSTRIAL

This district accommodates larger or more intensive manufacturing and distribution facilities and related support services. Heavy industrial sites will have ready access to necessary utilities and at least two or more major transportation routes. Characteristics of the uses in this district may include outdoor storage areas, truck traffic, production of goods from raw materials, and multiple worker shifts. Some may involve large structures on large parcels.

### SECTION 27-602 REGULATIONS APPLICABLE TO ALL INDUSTRIAL DISTRICTS

All buildings must comply with the general regulations and the specific regulations per each district, unless otherwise expressly stated in this code.

#### A. ALLOWED USES

Allowed uses are provided in Section 27-1000.

#### B. EXISTING BUILDINGS

Existing buildings are not required to meet these regulations except as defined in Section 27-1100, Proportionate Compliance.

#### C. SITE ACCESS FOR LOTS

Access to industrial uses must be from any public or approved private street right-of-way.

#### D. APPLICABLE SITE DEVELOPMENT REGULATIONS

Development in the industrial districts is required to comply with the site development standards in Articles 27-1200 (Landscaping), 27-1300 (Parking) through 27-1400 (Signs).

#### E. ACCESSORY STRUCTURE AND USE REGULATIONS

Accessory structures are subject to Section 27-1000, except as defined in the district-specific regulations.

#### F. INDUSTRIAL USES LOCATED ADJACENT TO NEIGHBORHOOD AND RESIDENTIAL USES

All industrial districts and uses located within 50 feet of any neighborhood residential zoning district, including a planned development that allows residential use, shall comply with these site development standards:

1. All buildings in excess of 30 feet in height shall be setback a minimum of 30 feet from a property line that adjoins a residential zone and a minimum of 10 feet from a property line that parallels but does not adjoin a residential zone.
2. All outdoor lighting, with the exception of signage, shall have full cutoff shields so no part of the fixture or lens projects below the cutoff shield. Light pole standards must be 15 feet in height or less.
3. Mechanical equipment, including but not limited to air conditioning units, air-handling units, back-up power generators, installed at ground level or on a roof must be fully screened from view. The screening shall be at least the height of the mechanical equipment. Mechanical equipment that generates or expected to generate noise in excess of 55 decibels within three feet of the equipment location must provide sound abatement or suppression, which may require the equipment to be enclosed in a structure.
4. Loading docks, if necessary or required by the operation, must be located the farthest distance practicable from the residential zone. However, if the property adjoins an arterial street, the loading dock must be set back far enough such that no trucks will be loading, unloading, or backing within the street. Loading shall be done from alleys when possible.
5. Outdoor storage of merchandise or equipment must be within an area enclosed with a sight-obscuring fence at least six feet in height that is architecturally coordinated in color and design with the building. Vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only.
6. No fascia of a building or canopy may be internally illuminated.
7. No signs may be placed on a building wall that parallels a residential zone. No freestanding advertising signs may be placed within 30 feet of a property line that adjoins a residential zone or within 10 feet of a property line that parallels a residential zone.
8. No outdoor waste storage on the commercial or industrial property shall be located within 30 feet of a property line that adjoins a residential zone or within 10 feet of a property line that parallels a residential zone. This requirement shall not apply where the property is separated from a residential zone or residential use by an alley or street. All on-site solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building.
9. No outdoor announcement system or music system, whether permanent or temporary, is allowed.
10. Existing developments that do not conform to one or more of these development standards, will follow the regulations as stipulated in Section 27-1100, Proportionate Compliance.

#### G. ARTERIAL SETBACKS

1. No building or structure shall be erected or maintained within 50 feet of the centerline of an arterial street. In addition, no required parking area or portion thereof, including driving aisles, shall be constructed or located within 40 feet of the centerline of an arterial street. Any new construction that increases the number of required off-street parking

spaces, must locate these additional required parking spaces in areas that comply with these locational standards.

2. Approved signs and public use controls and systems, trees trimmed up eight feet and canopies with at least eight feet clearance, shall be permitted in this setback area. For the purpose of this subsection, canopies shall be defined as covers that are solely attached to and supported by the structure on which it is attached to and which can be removed without destroying any part of that supporting structure. This shall only apply to canopies attached to the principal structure.
3. The designation of a street as an arterial shall be recommended by the city engineer, or in conformity with the most recent urban transportation plan.

H. **OUTDOOR MERCHANDISE DISPLAY**

Bufferyards and required landscaping shall not be used for the displaying of merchandise.

**SECTION 27-603 INDUSTRIAL SITE AND STRUCTURE REGULATIONS**

A. **I1: LIGHT INDUSTRIAL DIMENSIONS**

Development in Light Industrial district shall comply with the following:

**TABLE 27-600.1 SITE AND STRUCTURE REGULATIONS**

Minimum Lot Area (square feet)	N/A
Required Setbacks (feet, minimum) [1]	
Front	20
Side	0
Side Adjacent to Street	10
Rear	0
Height (feet, max)	70
Lot Coverage (% , max)	75
Notes:	
[1] Unless otherwise specified in Section 27-602.F.	

B. **I1: HEAVY INDUSTRIAL DIMENSIONS**

Development in Heavy Industrial district shall comply with the following:

**TABLE 27-600.2. SITE AND STRUCTURE REGULATIONS**

Minimum Lot Area (square feet)	N/A
Required Setbacks (feet, minimum) [1]	
Front	20
Side	0
Side Adjacent to Street	10
Rear	0
Height (feet, max)	N/A
Lot Coverage (% , max)	75
Notes:	
[1] Unless otherwise specified in Section 27-602.F.	

**ARTICLE 1000: USE-SPECIFIC STANDARDS**

When reference is made to a group of zone districts, the following individual districts shall be included:

<b>District Groupings Used in this Section</b>	
Residential	All N districts, RMH, All NX districts
Mixed-Use	All NX districts, NO, NMU, All CMU districts
Commercial	C3, CX
EBURD	EBURD
Industrial	I1, I2
Public	P2, P3 (P1 is open space only)

**SECTION 27-1001 GENERAL PROVISIONS****A. GENERALLY APPLICABLE STANDARDS**

The following general standards apply to the uses identified in this article.

1. A lot may contain more than one 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 (P) in a district, permitted by-right with use-specific standards, that may include separation requirements that are applicable across multiple districts as described in this code section (PR) or design parameters defined in specific zone districts (PL), or require special review (SR) in order to be developed.
4. Each use may have both indoor and outdoor facilities, unless otherwise specified.

**B. USE TABLE ORGANIZATION**

1. This section identified the uses that are permitted on a lot or in a development for three categories of uses:
  - (a) Table 27-1000.1 identifies the primary uses permitted in each zone district.
  - (b) Table 27-1000.6 identifies the accessory uses permitted in each zone district.
2. Definitions for individual uses are provided in Section 27-1800, Definitions.

**C. PRIMARY USE CLASSIFICATION GENERAL DESCRIPTIONS****1. Organization**

- (a) To organize the uses in the Table 27-1000.1, Permitted Primary Uses, land uses and activities are classified into general “use categories” that are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The use categories in Table 27-1000.1 are:
  - (1) Residential
  - (2) Public, Civic, and Institutional

- (3) Commercial
  - (4) Industrial, Wholesale, and Storage
  - (5) Agriculture
- (b) Where there are also groups of uses with a use type, the use type may also be organized into “use groups” and “use type subgroups” where there are a number of possible variations of a use type, such as residential dwellings or group living. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.
- (c) The use categories and use groups are described below for the purpose of providing a general description of each use category and use group along with examples of primary and some accessory uses that might be permitted within the category or group. Not all of these uses are permitted in every zone district. Accessory uses described in this section may also be allowed as primary uses in some zone districts. To determine which uses are permitted in which district, see Table 27-1000.1.

## 2. Residential Uses

- (a) **Use Category Description:** This is a category of uses offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of one month or property ownership. This use category also includes group residential facilities.
- (b) **Use Types**
- (1) **Household Living:** This use type is characterized by residential occupancy of a dwelling unit by one or more persons. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging.
  - (2) **Group Living:** This use type is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living". Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may also reside at the site.

## 3. Public, Civic, and Institutional Uses

- (a) **Use Category Description:** This is a use category for public, quasi-public, and private uses that provide unique services that are of benefit to the public at-large.
- (b) **Use Types**
- (1) **Assembly:** Civic and cultural assembly uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. Civic assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations, as well as places of community assembly such as libraries and museums.
  - (2) **Education:** This use type includes institutions of learning that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

- (3) **Health Care and Social Assistance:** This use type is characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.
- (4) **Parks and Recreation:** This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking for cars and RVs as permitted by the City.

#### 4. Commercial Uses

- (a) **Use Category Description:** This is a use category for any retail, consumer service, or office use.
- (b) **Use Types**
  - (1) **Amusement and Recreation:** This use type includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Excluded are restaurants and bars that provide live entertainment in addition to the sale of food and beverages, which this Zoning Code categorizes as “eating and drinking establishments.”
  - (2) **Animal Sales and Services:** This use category groups uses related to animal care.
  - (3) **Assembly, Entertainment and Trade:** These commercial assembly uses include convention centers, theaters, stadiums, arenas, and wedding venues.
  - (4) **Adult and Child Care:** This use type includes adult day care and the range of child care services permitted by Montana law.
  - (5) **Commercial Services:** This use category includes uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products. Personal services are also included, characterized by establishments that provide individual services related to personal needs such as barber shops or dry cleaners.
  - (6) **Eating and Drinking Establishment:** This is a use category for businesses that prepare or serve food or beverages for consumption on or off the premises, such as restaurants and bars, along with specialty food and beverage production such as coffee roasting and craft alcohol. Accessory uses may include outdoor seating, offices and parking.
  - (7) **Financial Services:** This use category includes establishments that have a primary purpose of: providing custody, loans, exchange, or issuance of money; extending credit; and transmitting funds, including via drive-in facilities and automatic teller machines.
  - (8) **Lodging:** Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation and is open to transient rather than permanent

guests. This use type includes hotels, motels, short-term rentals, and bed and breakfast inns.

- (9) **Office:** This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. This category may also include laboratory services that are conducted entirely within an office-type setting. Accessory uses may include cafeterias, health facilities, parking or other amenities primarily for the use of employees in the firm or building.
- (10) **Parking, Commercial:** A use type that distinguishes primary commercial parking facilities from accessory parking.
- (11) **Retail Sales:** This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public. Such uses may include, but are not limited to: convenience food store, drug store, grocery store, hardware store, general merchandise store, garden supplies, furniture, home furnishings and equipment. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for in-site sales.
- (12) **Vehicle and Sales and Services, Personal:** This use type includes a broad range of uses for the maintenance, sale, or rental of passenger motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

## 5. Industrial, Wholesale, and Storage

- (a) **Use Category Description:** This is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced.
- (b) **Use Types**
  - (1) **Industrial and Construction Services:** This use type is characterized by companies that are engaged in the repair or servicing of heavy machinery, equipment, products, or by-products, or the provision of heavy services including construction or contracting. Accessory activities and uses may include sales, offices, parking, and storage.
  - (2) **Industrial Manufacturing, Assembly, or Processing:** A use type including establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished, and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

- (3) Natural Resource Extraction: This use type includes removal of resources from the ground.
- (4) Warehousing and Wholesale Sales and Distribution: This use type includes facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer. Warehousing does not include establishments that are retail membership clubs or that are predominately retail uses with associated warehouse storage space.
- (5) Waste and Salvage: This is a use category for uses that collect, store, process, or sell waste or salvage materials, or collect and process recyclable material, for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.

#### **6. Transportation, Utilities, and Communication**

- (a) Use Category Description: This use group includes providers and uses that provide public and quasi-public services to individuals and the community in the following categories.
- (b) Use Types
  - (1) Alternative Energy Production: this is a use category that includes energy produced from resources that are regenerative, such as wind and solar energy.
  - (2) Transportation: this is a use category that includes uses involving public and private modes of transportation.
  - (3) Utilities and Public Facilities: This use type includes structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity. Utility uses may or may not have regular employees at the site and the services may be public or privately provided.
  - (4) Wireless Communication Facilities: This use type includes structures, locations, and equipment for the transmission of voice, data, image, or video programming.

#### **7. Agricultural Uses**

Use Category Description: This is a category of uses characterized by active and on-going agricultural uses, activities, and related uses. Not all uses listed here are allowed within the city limits. An agricultural use, in general, means the use of land for the growing and production of field crops, livestock, aquatic, and animal products for the production of income. Other agricultural uses might include fruit and vegetable stands, livestock sales, wholesale nurseries, and stables. Lands in agricultural uses and districts may also be held for preservation and conservation purposes. The sale or service of agricultural products and equipment included in similar commercial use categories.

### **SECTION 27-1002 USES BY DISTRICT**

#### **A. USE TABLE**

Table 27-1000.1, Permitted Primary Uses, identifies the permitted primary 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 /P/. These uses are permitted by-right in the zone districts in which they are listed. Permitted uses are required to comply with applicable use-specific standards identified in this article.
2. Permitted in a specified location, such as on upper stories or in the back of a structure /PL/. 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 30 feet from the front facade.
3. Permitted with use restrictions /PR/. These uses must comply with the use restrictions identified in this Zoning Code, including those restrictions included in this article and any use restrictions identified in the zone district where the uses is proposed to be located.
4. Requires a special review /SR/. These uses require special review by the city zoning commission are not permitted uses in the districts in which they are listed but may be allowed as special exceptions subject to specific conditions. Uses permitted by special review 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.

## B. INTERPRETATION

1. **Classification of New or Unlisted Uses**

Every type of potential use cannot be addressed or foreseen in this Zoning Code. When a use is proposed that is not specifically listed in the applicable use table, the following procedures shall be applied.
2. **Uses Not Subject to Use Interpretation**

The following categories of uses typically impose substantial impacts on a site, adjacent sites and structures, pedestrians or cyclists, the road network, or public infrastructure. Where a new use is proposed that is not identified in the applicable use table and that can be categorized into one of these categories, the applicant shall file an application for code amendment to determine if the use will be permitted. Through this process, the City will have the opportunity to review and determine the impacts of the proposed use and establish any prescribed conditions that may be appropriate to allowing the use.

  - (a) Agricultural Uses
  - (b) Industrial Services
  - (c) Manufacturing, Processing, and Assembly
  - (d) Waste and Salvage

**3. Request for Use Interpretation**

Requests for a use not prohibited in the previous section and not specifically addressed in any zoning district shall be submitted to the Zoning Coordinator for review, based on the following standards.

- (a) The Zoning Coordinator shall determine whether the proposed use is listed in the applicable use table as a use permitted by right, with prescribed conditions, or as a special use in any zoning district.
- (b) If the use is not addressed in the appropriate use table, the Zoning Coordinator shall select the use listed which most closely approximates the proposed use, using criteria such as:
  - (1) Appropriate use category in Section 27-1001.C;
  - (2) Conformance with the currently adopted growth policy and purpose of the zoning district in which the use is proposed;
  - (3) Types of equipment and/or processes to be used;
  - (4) Number of employees, visitors, or customers generated;
  - (5) Parking demands associated with the use; and
  - (6) Special public utility requirements for serving the proposed use type, including, but not limited to, electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities;
- (c) Once a similar use is determined, the Zoning Coordinator shall issue a zoning determination letter and the proposed use shall comply with any conditions and review procedures that may apply to that use.
- (d) If, based on the criteria identified above, the Zoning Coordinator determines that a use can reasonably be determined to be similar to more than one use or category of uses, the Zoning Coordinator shall select the use or category of uses that provides the most exact, narrowest, and appropriate fit.
- (e) The determination as to whether a proposed use is similar in nature and class to another use within a district shall be considered an expansion of the use regulations, not a variance applying to a particular situation. The Zoning Coordinator shall keep a log of use interpretations and shall periodically submit zoning code amendments to revise this Zoning Code in keeping with the use interpretations.

**4. Determination of Non-Similarity**

- (a) The Zoning Coordinator may determine that a proposed use is not substantially similar to any use identified in Table 27-1000.1 because either:
  - (1) The potential impacts of the use, as identified in Section 27-1001.C.3, are significantly more impactful on the site, street, or neighborhood, than other permitted uses in the same use category and that the use would not otherwise be permitted without prescribed conditions or through a public review process; or
  - (2) There are no similar uses permitted on the site or in the applicable zone district;

- (b) When this is the case, the Zoning Coordinator shall provide the applicant with a written determination of non-similarity within 14 business days of the request for interpretation.

**5. Post-Decision Actions**

The Zoning Coordinator's decision may be appealed to the Board of Adjustment.

**C. TABLE 27-1000.1 BILLINGS PRIMARY USE TABLE**

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial						Indust.		EBURD					Public					Additional Standards		
	Key: P = Permitted, PL = Location Limits in Zone District, PR – Applicable Use Restrictions, SR = Special Review																											
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards	
<b>RESIDENTIAL</b>																												
<b>Households Living (du/structure)</b>																												
1 du	P	P	P	P			P	P	PL	PL	PL	PL	PL				PL	P	P	PL				PR	PR	PR	PR	27-1003
2 dus		P	P	P	P			P	PL	PL	PL	PL	PL				PL	P	P	PL				PR	PR	PR	PR	27-1003
3-4 dus				P	P			P	PL	PL	PL	P	P				PL	P	P	PL				PR	PR	PR	PR	27-1003
5-8 dus					P	P			PL	PL	PL	P	P				PL	P	P	PL				PR	PR	PR	PR	27-1003
9+ dus						P						P	P				PL	P	P	PL				PR	PR	PR	PR	27-1003
<b>Manufactured Home</b>																												
Type 1 (Jan 1, 1990 or newer)							P																					27-1003, RMH: 27-310
Type 2 (all other)							P																					
<b>Group Household Living</b>																												
<b>Groups Recognized by Montana Statute</b>																												
Comm. Res. Facility, Large (> 8 res.)	SR	SR	SR	SR	SR	P	SR	P	PL	PL	PL	P	PL				PL	P	P	PL	PL			P			P	27-1003
Comm. Res. Facility, Small (8 or fewer res.)	P	P	P	P	P	P	P	P	PL	PL	PL	P	PL				PL	P	P	PL	PL			P			P	27-1003
<b>Independent Groups</b>																												
Fraternity/ Sorority House						P			P	P	P	P	P													P		27-1003
Long-Term Care Facility										P	P	P	P	P			P	P									P	27-1003
Retirement Home or Village	SR	SR	SR	SR	SR	P	SR	P	PL	PL	PL	P	P				PL	P	P	PL	PL					P	P	27-1003
<b>PUBLIC, CIVIC, AND INSTITUTIONAL</b>																												
<b>Assembly</b>																												
Civic Assembly	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P		P	P	P	P	P	P	P	P	PR	P	PR	PR	PR	27-1004
Religious Assembly	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	SR	SR	SR	P	P	P	P	P			P	PR	PR	PR	27-1004
<b>Campus</b>																												
Planned Civic Campus																										P		P3: 27-500
Planned Educational Campus																										P		P3: 27-500
Planned Medical Campus																										P		P3: 27-500

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD					Public							
	Key: P = Permitted, PL = Location Limits in Zone District, PR – Applicable Use Restrictions, SR = Special Review																												
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards		
<b>Educational</b>																													
School, College or University								SR	SR	P	P	P	P	P			PL	P	P	PL	P			P	P	P			
School, Primary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P			PL	P	P	PL	P			P	P	P			
School, Trade, Business, Vo/Tech								P	PL	PL	PL	P	P	P	P		P	PL	P	P	PL	P			P		P	PR	27-1004
<b>Government and Public Safety</b>																													
Correctional Facilities																	SR								SR				
Emergency Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Government Buildings and Offices								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PR	P	P		P	27-1004	
Government Facilities, Yards, and Storage															P	P	P		P	P	P	PR	P	P					
<b>Health Care and Social Assistance</b>																													
Hospice Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P			PL			PL				P	P		P		
Hospital or Health Care Facility								P	P	P	P	P	P	P			P	P	P	PL	P			P			P		
Office and Clinical Services									P	P	P	P	P	P			P	P	P	P	PL			P		P	P		
Outpatient Surgical Services										P	P	P	P	P													P		
Shelter								SR	P	P	P	P	P	SR	SR	SR	P	P	P	P	P			PR	PR	PR	PR	27-1004	
<b>Parks and Recreation</b>																													
Arboretums/Botanic Gardens																							P	P					
Zoo																								PR			27-1004		
<b>COMMERCIAL</b>																													
<b>Adult and Child Day Care</b>																													
Adult Day Care Center	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	P	P			PL			PL				P	P	P	P	27-1005	
Day Care Center	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	P	P			P	P	P	P	P			P	P	P	P	27-1005	
Family Day Care Home	P	P	P	P	P	P	P	P	PL	PL	PL	PL	PL	PL			P	P	P	P	P				P	P	P	27-1005	
Group Day Care Home	P	P	P	P	P	P	P	P	PL	PL	PL	PL	PL	PL			P	P	P	P	P				P	P	P	27-1005	

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial						Indust.		EBURD					Public							
	Key: P = Permitted, PL = Location Limits in Zone District, PR – Applicable Use Restrictions, SR = Special Review																											
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards	
<b>Amusement and Recreation</b>																												
Adult Entertainment														PR	PR	PR	PR											27-1005
<b>Amusement &amp; Recreation, Indoor</b>																												
Large (50,000 sf GFA or more)											P	P	P	P	P				P	P	P	P	P					27-1005
Small (less than 50,000 sf GFA)									P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	27-1005
<b>Amusement &amp; Recreation, Outdoor</b>																												
Large (1 acre or more)											P	P	P	P	P				P	P	P	P	P					27-1005
Small (less than 1 acre)									P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	27-1005
Casino, Large (10 or more gambling devices)										SR PR	SR PR	PR	P	SR PR	P		P	P	P	P	P							27-1005
<b>Animal Sales and Services</b>																												
Boarding/Kennel									PR	P	P	P	PR	P	P	P	PR	PR	PR	PR	PR							27-1005
General Sales and Services									P	P	P	P	P	P	P	P	P	P	P	P	P							27-1005
Shelter, Animal											P			P	P	P							P	P				27-1005
Small Animal Veterinary								P	P	P	P	P		P	P	P	P	P	P	P	P							27-1005
With boarding										P	P	P		P	P	P	P	P	P	P	P							27-1005
Large Animal Veterinary (with or w/o boarding)														P	P	P					P	P						27-1005
<b>Assembly, Entertainment and Trade</b>																												
Large (125,000 or more sf of exhibit space)											P	P	P	P	P	P	PL	P	P	P	P	PL	SR	P	P	P	P	27-1005
Small (up to 125,000 sf of exhibit space)									P	P	P	P	P	P	P	P	PL	P	P	P	P	PL	SR	P	P	P	P	27-1005
<b>Commercial Service</b>																												
Broadcasting Stations and Studios								SR	SR	P	P	P	P	P	P	P	P	P	P	P	P							
Business Service								P	P	P	P	P	P	P			P	P	P	P	P							
Crematory, Funeral Services										P	P	P	P	P	P		P	P	P	P	P			P				
Cemetery																								P				

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial						Indust.		EBURD					Public							
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Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2	P3Civ	P3Ed	P3Med	Additional Standards	
Consumer Maintenance and Repair								P	P	P	P	P	P	P	P		P	P	P	P	P							
Personal Service								P	P	P	P	P	P	P			P	P	P	P	P				PR	PR	PR	27-1005
Studio or Instruction Service								P	P	P	P	P	P	P			P	P	P	P	P				PR	PR	PR	27-1005
<b>Eating and Drinking Establishment</b>																												
<b>No Alcohol</b>																												
Restaurant									P	P	P	P	P	P	P		P	P	P	P	P				P	P	P	27-1005
with drive-thru									SR	P	P	SR		P	P			P	P	P	P				P	P	P	27-1009
<b>Beer and Wine License, On-Premises Consumption</b>																												
Bar or Tavern										SR PR	SR PR	P	P	SR PR	P		P	P	P	P	P							27-1005
Craft Alcohol										P	P	P	P	P	P		P	P	P	P	P				P	P	P	27-1005
Restaurant									P	P	P	P	P	P	P		P	P	P	P	P				P	P	P	27-1005
<b>All-Beverage License, On-Premises Consumption</b>																												
Bar or Tavern										SR PR	SR PR	P	P	SR PR	P		P	P	P	P	P							27-1005
Craft Alcohol										P	P	P	P	P			P	P	P	P	P				P	P	P	27-1005
Restaurant									P	P	P	P	P	P	P		P	P	P	P	P				P	P	P	27-1005
<b>Financial Services</b>																												
Financial Institution								P	P	P	P	P	P	P			P	P	P	P	P				P	P	P	27-1005
with drive-thru									P	P	P	P	P	P				P	P	P	P							27-1005
Alternative Financial Services										P	P	P	P	P			P	P	P	P	P							
<b>Lodging</b>																												
Boarding House	SR	SR	SR	SR	SR	SR			PL	PL	PL	PL	PL	PL			P	P	P	P	P							
Bed and Breakfast Inn	SR	SR	SR	SR	SR	SR	SR	P	P	P		P	P				P	P	P	P	P				P	P	P	27-1005
Campground/RV Park														P					P			SR	SR					27-1005
Hotel/Motel									SR	P	P	P	P	P			P	P	P	P	P				P	P	P	

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Short-Term Rental (Tourist Home)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR			PR	PR	PR	PR	PR		PR	PR	PR	PR	PR	27-1005
<b>Office</b>																												
Business or Professional								P	P	P	P	P	P	P			P	P	P	P	P				P	P	P	
Research and Testing Laboratories											SR	P	P	P	P	P			P		P				P	P	P	
<b>Parking, Commercial</b>																												
Structured Parking, primary use												PR	PR															
Surface Parking, primary use								SR	SR	SR	SR	SR	SR	P	P	P		P	P	P	P							
<b>Retail Sales</b>																												
Agricultural														P	P				P	P	P							
Commercial Greenhouse/Nursery									SR	P	P			P	P		P	P	P	P	P							
Liquor Sales									P	P	P	P	P	P	P		P	P	P	P	P							
Retail, Limited with drive-thru									SR	P	P			P				P	P	P	P							27-1009
without drive-thru									P	P	P	P	P	P			P	P	P	P	P				P	P	P	
Retail, General with drive-thru									SR	P	P			P				P	P	P	P							27-1009
without drive-thru										PR	P	P	P	P			P	P	P	P								
Retail, Large-Format											SR			P				P	P	P	P							
<b>Vehicle Sales and Service, Personal</b>																												
Car Wash										SR	P			P	P	P			P	P	P							27-1005
Vehicle Sales and Rental											P	P	SR	P	P	P		P	P	P	P							
Outdoor Sales Lot											PR	SR	SR	P	P	P		PR	P	P	P							27-1009
Vehicle Maintenance and Repair, Minor (5,000 SF or less)											P	P	P	SR	P	P		P	P	P	P							
Vehicle Maintenance and Repair, Major (>5,000 SF)											SR			P	P	P			P	P	P							

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Vehicle Service Station										PR	PR	PR	PR	P	P	P		PR	PR	PR	PR			P	P	P	27-1005	
with Convenience Store									SR	PR	PR	PR	PR	P				PR	PR	PR	PR			P	P	P	27-1005	
<b>INDUSTRIAL, WHOLESALE, AND STORAGE</b>																												
<b>Industrial and Construction Services</b>																												
Auction House														P	P	P												
Contractor Yard, General/Trade														P	P	P			P	P	P							
Heavy															P	P			P		P							
Grain Elevator															P	P												
Industrial Sales and Services														P	P	P												
Manufactured Home Sales and Service														P	P	P												
RV and Trailer Rental, Sales and Service											P	P		P	P	P			P	P	P							
Truck and Heavy Equip Rental, Sales, and Service														P	P	P			P	P	P							
Truck Stop/Wash														P	P	P												
<b>Manufacturing, Assembly, or Processing</b>																												
Artisan/Craft									PL	PL	PL	P	P	P	P	P	PR PL	PR PL	PR PL	PR PL	PR PL							27-1006
Limited - Special Order												P	P	P	P	P			P	P	P							
General														P	P	P			P	P	P							
Heavy															SR	P										PR		27-1006
<b>Natural Resource Extraction</b>																												
Mining; Oil and Gas Field Services															P	P											P	
Construction Sand and Gravel Mining														SR	P	P												
<b>Warehouse and Storage Services</b>																												
Outdoor Storage														PR	P	P			P	P	P	P						27-1006

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial						Indust.		EBURD					Public							
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Personal Self-Service Storage										PRPL	PRPL	PR		P	P	P		PR	PR	PR	PR						27-1006	
Trucking and Transportation Service														P	P	P			P									
Warehouse														P	P	P		PL	PL	PL	PL						27-1006	
Wholesale and Distribution (general)														P	P	P		P	P	P	P							
Agricultural Products														P	P	P		P	P	P	P							
Chemical Products															SR	P												
Petroleum Products																P												
<b>Waste and Salvage</b>																												
Junk or Salvage Yard															SR	SR												
Household Hazardous Waste Collection Facility																								P			27-1006	
Recycling Processing Facility															P	P			P	P	P			P				
Refuse/Waste Transfer Facility															SR	SR								P				
Solid Waste Facility/Landfill																SR								P				
<b>TRANSPORTATION, UTILITIES, AND COMMUNICATIONS</b>																												
<b>Transportation</b>																												
Bus or Taxi Maintenance and Parking Shed											P			P	P	P												
Airport Passenger Terminal																								P				
Bus/Public Transit Terminal										P	P	P	P	P	P	P								P				
Train Passenger Terminal										P	P	P	P	P	P	P								P				
Train/Railroad Freight Terminal, Switching Yard															P	P												
<b>Utilities and Public Facilities</b>																												
Major															SR	SR		SR	P	SR	P			P				
Minor (e.g., lift stations, substations)	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				

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Offices, Buildings, Yards, and Land														P	P	P		SR	P	SR	P		P					
<b>Solar Energy Facilities (SEFs)</b>																												
Tier 2														P	P	P							P					27-1007
Tier 3														P	P	P												27-1007
Transmission and Distribution Lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P					
<b>Wind Energy Conversion Facilities (WECs)</b>																												
Tier 2														P	P	P												27-1007
Tier 3														P	P	P												27-1007
<b>Wireless Communication Facilities</b>																												
Land Mobile Radio and Broadcast Antennae	PR	PR	PR	PR	PR	PR	PR	PR SR	PR SR	PRS R	PRS R	PR SR	PR SR	PRS R	PRS R	PRS R	PR SR	PRS R	PR SR	PR SR	PR SR					SR		27-1007
Wireless Communication Facilities	PL PR	PL PR	PL PR	PL PR	PL PR	PL PR	PL PR	PR	PR	PR	PR	PR	PR	PR	PR	P	PR	PR	PR	PR	PR	PR	PL PR	PL PR	P	P	P	27-1007
<b>AGRICULTURE</b>																												
<b>Agriculture</b>																												
Auction Yard, Livestock														P	P	P												
Commercial Feeding Yard, Livestock															SR	SR												No dairy or poultry
Farm Stand									P	P	P	P	P	P	P		P	P	P	P	P							
Greenhouse, Non-Commercial	P	P	P	P	P	P	P																					
Milling: Lumber, Plywood, and Shingles															P	P												

**SECTION 27-1003 STANDARDS FOR RESIDENTIAL USES****A. COMMUNITY RESIDENTIAL FACILITIES**

1. Community residential facilities shall comply with all applicable Montana statutory requirements.
2. In Mixed Use and Commercial districts, the use will follow the guidelines for site development within those zone districts and shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade.

**B. FRATERNITY/SORORITY HOUSE**

In Mixed Use and Commercial districts, the use will follow the guidelines for site development within those zone districts and is exempt from the requirement that residential uses shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade.

**C. HOUSEHOLD LIVING**

1. In Mixed-Use and Commercial and EBURD districts, dwelling units shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade,
2. Where permitted in any P2 or P3 district, dwelling unit availability, regardless of ownership, is limited to residents associated with the district's primary institution. For example, a medical campus could provide dwelling units for patient families, visiting medical staff, and hospital employees.
3. Residential dwellings in a P3 district that are located within 150 feet of the campus perimeter shall meet the site design standards for the appropriate NX zone based on the number of units.

**D. MANUFACTURED HOMES**

1. Type 1 or Type 2 manufactured homes shall not be used for any commercial use.
2. Type 1 and Type 2 manufactured homes may be used as an on-premise office in connection with a manufactured home sales area.

**E. RETIREMENT HOME OR VILLAGE**

In Mixed Use and Commercial districts, the use will follow the guidelines for site development within those zone districts and shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade.

**SECTION 27-1004 STANDARDS FOR PUBLIC, CIVIC, AND INSTITUTIONAL USES****A. CIVIC ASSEMBLY**

In P2 and P3 districts the following standards apply:

1. The use shall be either secondary to or accessory to the primary use on the site or campus.
2. The civic assembly facility may be leased or loaned to off-site users or for activities that are not directly supportive of the site or campus function.

**B. GOVERNMENT BUILDINGS AND OFFICES; GOVERNMENT FACILITIES, YARDS, AND STORAGE**

In P1 districts, the government building, office, facility, yard, or storage shall be either secondary to or accessory to the primary open space and recreation uses.

**C. RELIGIOUS ASSEMBLY**

1. Supplemental Special Review Standards:

- (a) Religious assembly uses shall be reviewed as a special review use in all residential zones.
  - (b) Access shall be provided as follows: 1-200 seats shall have access from local or residential streets; 201-1000 seats shall have access from a collector street or higher; 1001 seats and over shall have access from an arterial street.
2. The following exemptions from the special review requirements shall only apply to those religious assembly uses that have previously been approved pursuant to a special review or that existed prior to November 3, 1972:
- (a) A religious assembly shall be allowed to remodel or expand without an additional special review provided that:
    - (1) The number of potential occupants is not increased by more than 10 percent, than the number that is currently allowed as measured by building occupancy rating;
    - (2) The gross floor area of the facility after such remodeling or expansion is not over 10 percent greater than the gross floor area originally occupied by the facility;
    - (3) The number of new parking stalls is not more than 10 percent greater than the original number of spaces; and
    - (4) All other applicable code requirements are met.
  - (b) If, at the time the original or subsequent special review was conducted and approved, the applicant submitted a master plan showing: (a) future additions to the structure(s); (b) future structure(s); and/or (c) future parking area(s), those future improvements may be constructed without additional special review where the improvements comply with the requirements of this Zoning Code. Minor modifications and expansions to the future improvements identified on the master plan may also be constructed without additional special review provided that such modifications and/or expansions to the master plan meet the provisions of subsection (a).
3. Site Standards
- (a) Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use. Uses accessory to a religious assembly use in a residential district, other than shelter facilities, may only operate between 7:00 AM and 10:00 PM by right.
  - (b) Parking for the religious assembly use, and any accessory use, shall be for the use that has the greatest parking requirement.

4. Shelter

Religious institutions may provide temporary shelter as an accessory use that does not exceed 50% of the gross floor area of the primary structure.

**D. SCHOOL: TRADE, BUSINESS, VOCATIONAL/TECHNICAL**

In the P3-Med districts, trade, business, vocational/technical schools shall offer instruction related to medical careers and professions.

**E. SHELTER**

In all P3 zone districts, a temporary or permanent shelter may be established within the campus. If the shelter is located within 150 feet of the campus perimeter, the shelter site and buildings will conform to the CMU site design requirements.

**F. ZOO**

1. Minimum parcel size: 60 acres
2. Minimum buffer between adjacent uses: 100 feet

**SECTION 27-1005 STANDARDS FOR COMMERCIAL USES****A. ADULT AND CHILD DAY CARE**

Day care facilities, including day care centers, family day care homes, and group day care homes both for adults and children, shall comply with all applicable Montana statutory requirements. Site development shall comply with the design requirements in the zone districts.

**B. ADULT ENTERTAINMENT****1. Purpose and Intent**

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and the general welfare of the citizens of the city and to establish reasonable uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these regulations to restrict or deny access by adults to distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene materials.

**2. Findings and Determinations**

The City Council hereby finds and determines that:

- (a) The establishment of adult uses in commercial districts that are immediately adjacent to and which serve residential neighborhoods has a deleterious effect on both the business and residential segments of the neighborhood, causing or contributing to blight and a downgrading of property values.
- (b) The establishment of more than two adult uses within 600 feet of each other has a deleterious effect on surrounding residential and business areas and the fostering of such businesses within a close proximity tends to create a "skid row" atmosphere.
- (c) The location of several adult uses in the same neighborhood tends to attract an undesirable quantity and quality of transients, a circumstance which adversely affects property values, causes an increase in crime and encourages residents and businesses to move elsewhere.
- (d) Concern for, and pride in, the orderly planning and development of a neighborhood should be encouraged and fostered in those persons comprising residential and business segments of that neighborhood.

**3. Classification**

Sexually oriented businesses are classified as follows:

- (a) Adult arcades;
- (b) Adult book stores or adult video stores;
- (c) Adult cabarets;
- (d) Adult motels; and

(e) Adult motion picture theaters.

**4. Location of Sexually-Oriented Businesses**

(a) A sexually oriented business shall not be operated within 1,000 feet of any of the following:

- (1) A neighborhood, residential, or mixed-use zone.
- (2) Any planned development zone that allows residential uses unless such zone is separated from the location of a sexually oriented business by an interstate highway.
- (3) Land uses:
  - (i) Public library;
  - (ii) Public playground or park (for purposes of this section, publicly owned multiuse trails shall be deemed to be a park);
  - (iii) Public or private school and its grounds, from pre-school through twelfth grade;
  - (iv) A state licensed community residential facility, family day care home, group day care home, day care center, religious assembly, or
  - (v) A cemetery.

(b) A sexually oriented business shall not be located within 600 feet of another sexually oriented business.

**5. Measurement of Distances**

For purposes of this section, specified distances will be measured in a straight line, without regard to intervening structures, from the property line of the sexually oriented business to the property line of the preceding land uses or zoning districts.

**6. Permitted Zones**

(a) In addition to the preceding requirements, sexually oriented businesses are permitted in the following zones only:

- (1) Central business district (CBD),
- (2) Heavy commercial (CX),
- (3) Controlled industrial (I1), or
- (4) Heavy industrial (I2).

(b) Sexually-oriented businesses may be proposed for approval in some EBURD districts, as shown in Table 27-1000.1, through the special review process.

**C. AMUSEMENT AND RECREATION**

**1. Size**

Amusement and recreation facilities shall be regulated by size as follows:

Indoor	Large	50,000 sf GFA or more
	Small	Less than 50,000 sf GFA
Outdoor	Large	1 acre or more
	Small	Less than 1 acre

**2. P1 District**

- (a) Amusement and recreation facilities located in P1 districts may be in either public or private ownership and may charge appropriate fees.
- (b) P1 district uses are limited to:
  - (1) Golf courses and driving ranges
  - (2) Sports fields
  - (3) Aquatic facilities

### 3. P2 and P3 District

Amusement and recreation facilities and uses shall meet the following standards:

- (a) The use shall be either secondary to or accessory to the primary use on the site or campus.
- (b) The amusement or recreation use may be leased or loaned to off-site users or activities that are not directly supportive of the site or campus function.

## D. ANIMAL SALES AND SERVICES WITH OUTDOOR FACILITIES

Any outdoor activity areas such as kennels, runs, or exercise areas shall be subject to the following:

### 1. General Requirements

The facilities shall:

- (a) Only be used between the hours of 7:00 AM and 10:00 PM, and
- (b) Be located at least 25 feet from any residential district.

### 2. Kennel

- (a) All facilities, including pens, kennels, cages and exercise runs in NMU, CBD, and EBURD districts shall be maintained within a completely enclosed, soundproof building so that, to the maximum extent feasible, noise and odor are not detectable off-premises.
- (b) Facilities in the CMU1, CMU2, DX, CX, I1, and I2 districts may have outdoor facilities, including runs and exercise areas, but such facilities shall meet the standards of Subsection C.2.a if they are located within 25 feet of any residential district.

### 3. Veterinary Services (with Boarding)

Small Animal Veterinary clinics or hospitals in the CMU1, CMU2, DX, CX, EBURD, I1, and I2 districts may have outdoor facilities, including runs and exercise areas, but such outdoor facilities must be completely screened with a sight-obscuring fence. Boarded animals and animals under veterinary care must be accompanied at all times by staff while in the outdoor facility.

## E. ASSEMBLY, ENTERTAINMENT AND TRADE

### 1. Size

- (a) Large entertainment and trade assembly facilities shall have 125,000 or more square feet of exhibit space.
- (b) Small entertainment and trade assembly facilities shall have no more than 124,999 square feet of exhibit space.

### 2. P1 District

Entertainment and trade assembly facilities located in P1 districts may be in either public or private ownership and may charge appropriate fees. These facilities require special review approval.

### 3. P2 and P3 District

Entertainment and trade assembly facilities shall meet the following standards:

- (1) The facility and use of the facility shall be either secondary to or accessory to the primary use on the site or campus.
- (2) The entertainment and trade assembly facility may be leased or loaned to off-site users or activities that are not directly supportive of the site or campus function.

## F. BANK OR FINANCIAL INSTITUTION

Banks or financial institutions that are located within 100 feet of a residential zoning district and have drive-through services shall meet the following requirements:

1. The drive-through area shall be screened either by site perimeter landscaping or a landscape buffer, whichever is applicable pursuant to Section 27-1200, Landscaping.
2. Access to or across an alley shared by a mixed-use or commercial district and a residential district shall comply with the zone district site development requirements.

## G. BAR AND TAVERN

### 1. Separation

- (a) Bars and taverns shall be separated from religious institutions, primary and secondary educational facilities, and public parks that contain a children's playground or playfield ("protected use") as follows:
  - (1) There are no separation requirements in the CBD, DX, EBURD, and I1 districts.
  - (2) In all other districts, there shall be a separation of at least 600 feet, measured from the exterior of the occupied building space of the bar or tavern to the property line of the lot that contains the protected use.
- (b) Bars or taverns shall also be separated from any residential neighborhood zone (N1, N2, N3, N4, NX1, NX2, NX3, and RMH) by at least 150 feet, measured from the exterior of the occupied building space of the bar or tavern to the property line of the lot in the residential neighborhood zone.
- (c) Required separations are not subject to reduction, adjustment, or variance, and bars or taverns shall not be approved within the distances specified.

### 2. Outdoor Seating

Outdoor seating may be permitted as an accessory use regulated by Section 27-1009.O.

### 3. Maximum Floor Area

The maximum floor area for a bar or tavern in a CMU1 district is 1,500 sf. This is the maximum size for a stand-alone structure or the maximum floor area for the bar or tavern use when located within a mixed-use structure. Floor area does not include outdoor seating unless the outdoor seating area is larger than 375 square feet.

## H. BED AND BREAKFAST INN

1. The owner-operator shall reside on the premises.

2. The bed and breakfast shall be located within a structure that was originally permitted within the district.
3. There shall be no more than 18 guests at any one time.
4. The individual guest rooms shall have no cooking implements, including, but not limited to, stoves, grills, or ovens.
5. Parking shall not be allowed in any front yard.

#### **I. CAMPGROUND/RV PARK**

1. The intent of these standards is to enable the orderly, safe, and nuisance-free development and use of campgrounds and RV parks.
2. The overall campground/RV park lot or parcel shall be not less than two acres, inclusive of rights-of-way, easements or dedications, and shall observe the minimum area standards set forth herein.
3. Site Layout
  - (a) The minimum distance between recreational vehicles in the same park shall be 15 feet.
  - (b) The campground/RV park shall be screened from adjoining lots or parcels, not in a campground/RV park use, by a solid fence or wall of not less than four feet in height nor more than six feet in height. The screening fence or wall shall be constructed within six months from date of approval of the campground/RV park plans.
  - (c) RV sites shall be designed to be interchangeable with campsites.
4. Operation
  - (a) Commercial service and retail service uses may be permitted as accessory uses. These uses shall not occupy more than five percent of the total gross area of the campground/RV park.
  - (b) A responsible caretaker, owner, or manager shall be placed in charge of any campground/RV park to keep all grounds, facilities and equipment in a clean, orderly, and sanitary condition, and shall be answerable to the owner for any violation of the provisions of this or any other applicable code or ordinance.

#### **J. CASINO**

1. **Determination of Casino Use**
  - (a) An establishment will be considered to either be a casino or have an accessory casino for the purpose of these regulations if any of the following characteristics apply:
    - (1) The establishment is referenced as a casino by signage, advertisement, or by name;
    - (2) A live card table is on the premises; and/or
    - (3) A gambling machine is on the premises.
  - (b) Uses with specialty liquor licenses, such as fraternal organizations, golf courses, and non-profit arts organizations are not casinos pursuant to this category.
2. **Casino Classification**
  - (a) Casinos shall be classified based on the total number of gaming machines, as follows:

- (1) Accessory Limited: 1 to 3 gaming machines located in the structure or on the site.
  - (2) Accessory Small: 4 to 9 gaming machines located in the structure or on the site.
  - (3) Primary/Large: 10 or more gaming machines located in the structure or on the site.
- (b) Accessory Limited or Accessory Small casinos may have or add one table game without changing the classification. Primary/Large casinos may include any number of table games.

### 3. Separation Distances

- (a) Primary/Large casinos shall be separated from religious institutions, primary and secondary educational facilities, and public parks that contain a children's playground or playfield ("protected use") as follows:
- (1) There are no separation requirements in the CBD, EBURD, and I1 districts.
  - (2) In all other districts, there shall be a separation of at least 600 feet, measured from the exterior of the occupied building space of the casino to the property line of the protected use.
- (b) Primary use casinos shall also be separated from any residential neighborhood zone (N1, N2, N3, N4, NX1, NX2, NX3, and RMH) by at least 350 feet, measured from the exterior of the occupied building space of the casino to the property line of the residential neighborhood district.
- (c) Required separations are not subject to reduction, adjustment, or variance and casinos shall not be approved within the distances specified.
- (d) A primary use casino may not be added to a site with other primary uses, such as a bar or restaurant where the casino separation requirements cannot be met.

### 4. Landscaping

A B3 bufferyard, identified in Section 27-1200, shall be provided along all internal property lines where a casino is the primary use on the site.

## K. CRAFT ALCOHOL (MICROBREWERY, MICRODISTILLERY, WINERY, CIDERY)

1. A craft alcohol establishment may not add another primary use, such as a casino, where the additional use's separation requirements cannot be met.
2. Outdoor seating may be permitted as an accessory use regulated by Section 27-1009.O.

## L. PERSONAL SERVICE

In a P3 Campus district, personal services shall be limited to those provided in support of the primary campus use and offered for the benefit of campus users.

## M. OUTDOOR SALES LOT

An outdoor sales lot as a primary use shall be designed and used in compliance with Section 27-1009.N, Outdoor Display and Sales.

## N. RESTAURANT

1. Drive-Thru Service. Any persons desiring to use any premises or to erect, construct, or alter any new or existing building or structure for a restaurant drive-thru service shall satisfy the following criteria, based upon the adjoining zoning district(s).

- (a) A drive-thru establishment that adjoins, including any location across an alley, residentially zoned property, is subject to special review.
  - (b) All other drive-thru establishments, including those which are located across a public street from residentially-zoned property, shall meet the following criteria:
    - (1) A traffic accessibility study shall be completed and approved by the City engineer; and
    - (2) The use shall comply with all other sections of this Zoning Code.
2. Outdoor Seating
- (a) Accessory outdoor seating is regulated in Section 27-1009.O.
  - (b) An eating or drinking establishment that was approved by special review that seeks to remodel or expand to add outdoor seating shall be required to meet the standards of Section 27-1009.O and obtain a separate special review approval.

**O. SHORT-TERM RENTALS**

[draft provided in separate document]

**P. STUDIO OR INSTRUCTION SERVICE**

In a P3 Campus district, studio or instruction services shall be limited to those provided in support of the primary campus use and offered for the benefit of campus users.

**Q. VEHICLE SERVICE STATION**

The following standards apply in the CMU1, CMU2, DX, CBD, and EBURD districts:

- 1. 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.
- 2. 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 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 and rear yard buffer outlined in Section 27-1200.
- 3. 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.

**SECTION 27-1006 STANDARDS FOR INDUSTRIAL, WHOLESALE, AND STORAGE USES****A. ARTISAN MANUFACTURING**

In the EBURD districts where an artisan 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 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.

## **B. HEAVY MANUFACTURING**

In the EBURD 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.

## **C. PERSONAL SELF-SERVICE STORAGE**

### **1. Generally Applicable Standards**

- (a) No business activity other than rental of storage units shall be conducted within a self-service storage unit.
- (b) In CMU1, CMU2, and EBURD-CW, individual self-storage units, unit doors, loading areas or other service areas shall be screened from a public right-of-way and any adjacent non-industrial districts.
- (c) Security fencing or gates shall be located behind any required landscaping area.
- (d) Security gates shall be located so that two vehicles awaiting entry do not stack into the public right of way or any pedestrian path. This may be reduced to one vehicle for facilities with fewer than 25 units or where security gates are only locked outside of normal business hours.
- (e) Exterior doors serving individual units shall not be oriented towards a public right of way unless located behind other structures.
- (f) Individual units accessed from outdoors shall be located at least 100 feet from a front or street side property line.
- (g) No self-service storage facility shall exceed 3 acres in size.

### **2. DX Standards**

In DX districts this use is limited to existing structures that have been converted to personal storage.

### **3. EBURD Standards**

These standards are applicable in addition to the general standards:

- (a) Individual storage units or areas shall be located completely within an enclosed structure and shall not be individually accessed from the outside.
- (b) No more than 2 garage or overhead doors providing access to the individual storage areas shall be permitted. The intent is to permit a secure interior area for the loading and unloading of material to be stored.
- (c) Individual structures shall not exceed 250 feet on any side.
- (d) All facade elevations for self-service storage facilities shall comply with the design requirements for the district.

**D. OUTDOOR STORAGE**

1. All outside storage areas, whether permitted as a principal or accessory use, shall comply with the following standards. Outdoor storage does not include outdoor display and sales, which are addressed in Section 27-1009.
  - (a) Type of Materials: Storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements. Outside storage shall include the parking/storage of vehicles to be serviced at a collision service or towing/wrecker service use and all parking/storage of vehicular equipment, such as farm or construction machinery or equipment and commercial delivery vehicles. The placement of storage vaults or shipping containers shall be regarded as outside storage, except as may be otherwise permitted by this Zoning Code.
  - (b) Location: When permitted as a principal or accessory use, outside storage shall comply with the following locational standards:
    - (1) Outside storage shall not be located in a front yard or street side yard between a primary structure and the street.
    - (2) Outside storage shall not obstruct or eliminate any required parking or loading space, access drive or fire lane; nor occupy any street right-of-way.
    - (3) Outside storage shall not be located within any required or established landscape area.
  - (c) Secured Storage: All outside storage, except for the storage of operable vehicles, shall be located within a secured area.
  - (d) Screening: Screening of all outdoor storage areas from right of way and adjacent properties shall be provided according to Section 27-1207, Utility and Service Area Screening.
  - (e) Height: Storage of stacked materials shall not exceed the height of the screening fence or eight feet, whichever is less. Individual items of greater height may be stored but may not exceed one-half the height of the principal building.
  - (f) Surfacing: Storage areas shall be surfaced as follows:
    - (1) Storage of goods and materials shall be conducted only on a paved surface or a city-approved all-weather surface that is maintained in a dust-free condition.
    - (2) The storage of vehicles, trailers, and equipment, which is normally intended to be mobile, whether self-propelled or towed, shall be conducted only on a surface that is provided in accordance with the requirements for parking areas.
2. Shipping Containers Permanent Off-Chassis and On-Site
  - (a) Permanent use, defined as placement for more than one year, is restricted to the following zoning districts: CX, I1, I2, C3 and EBURD.
  - (b) Use
    - (1) Permanent shipping containers shall be used for storage purposes only.
    - (2) Permanent shipping containers shall not be permitted as a principal building.
    - (3) Permanent shipping containers shall not be permitted to be rented or leased to a use not located on the same lot.

- (c) Quantity
  - (1) A maximum of one permanent shipping container per site shall be permitted on lots of one acre or less.
  - (2) One additional permanent shipping container per acre may be permitted for lots greater than one acre.
- (d) Dimensions: Permanent shipping containers shall not exceed the dimensions of 40 feet in length, eight feet in width, and 10 feet in height.
- (e) Exterior Appearance
  - (1) Permanent shipping containers shall be maintained in good condition free from structural damage, rust, and deterioration.
  - (2) Permanent shipping containers shall not be stacked vertically.
- (f) Signs: No signs or lettering shall be permitted on permanent shipping containers.
- (g) Location
  - (1) Permanent shipping containers shall meet all building setback requirements and shall be located on the rear half of the lot.
  - (2) Permanent shipping containers shall not be permitted in any parking areas, required buffers or setbacks.
  - (3) No permanent off-chassis shipping containers shall be permitted in loading areas.
- (h) Screening: All permanent shipping containers shall be screened from view from any public right-of-way or private street, and any residential use or residential zoning district according to Section 27-1207, Utility and Service Area Screening.
- (i) Site Plan: Businesses shall submit a site plan showing any permanent container and its relationship to the overall site. The plan shall indicate how the container meets all permanent requirements, including stormwater, traffic circulation, screening requirements, other development codes and technical standards, and inspection requirements.

## **E. WAREHOUSING**

Where warehousing is permitted in the EBURD with development standards, the following apply:

1. Truck access is permitted only off a boulevard street type (refer to BMCC Section 27-906, Street Types).
2. Loading bays, if permitted by frontage type, shall be located directly off a boulevard street type.

## **SECTION 27-1007 STANDARDS FOR TRANSPORTATION, UTILITIES, AND COMMUNICATIONS**

### **A. LAND MOBILE RADIO AND BROADCAST ANTENNAS AND ANTENNA SUPPORT STRUCTURES**

1. Purpose. The purpose of this section is to establish regulations for the siting of broadcast facilities, including land mobile radio services and radio and television broadcast antennas, antenna support structures and associated equipment and buildings on public and private

property. The goals of this section, developed with the assistance and participation of the Broadcast and Land Mobile Radio industry, are to:

- (a) Encourage the location of broadcast facilities in non-residential areas and minimize the total number of antenna support structures throughout the community;
- (b) Strongly encourage the joint use of new and existing broadcast antenna support structures;
- (c) Require broadcast facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
- (d) Require broadcast facilities to be configured in a way that minimizes the adverse visual impact of antenna support structures and antennas; and
- (e) Enhance the ability of the providers of land mobile radio services and radio and television broadcast services to provide such services to the community, as quickly, effectively, and efficiently as possible.

## **2. Applicability**

- (a) All land mobile radio service and radio and television broadcast antenna and antenna support structures located within the city zoning jurisdiction whether upon private or public lands shall be subject to this section. This section shall apply to broadcast antenna and antenna support structures upon state and federal lands to the extent of the City's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise.
- (b) Pre-existing land mobile radio and radio and television broadcast antenna support structures and antennas shall not be required to meet the requirements of this section, except as provided under Subsection 27-1007.A.5, Nonconforming Broadcast Facilities.

## **3. Broadcast Antenna Support Structures and Antennas Located in Residential Zoning Districts**

Land mobile radio and radio and television broadcast antenna support structures and antennas shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:

- (a) Alternative broadcast antenna support structures conforming to all applicable provisions of this Zoning Code and roof-mounted antennas that do not add more than 20 feet to the total height of the building on which it is mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.
- (b) Proposed antennas or antenna support structures that are contrary to this section are considered a land use contrary to zoning and are subject to the special review process, or may be submitted to the board of adjustment for a hearing, whichever is the preference of the owner/agency. The board of adjustment shall forward comments and recommendations to the affected government agency for their consideration.
- (c) Antennas co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures, which have previously received, all required approvals and permits shall be permitted as an allowed use.

## **4. Broadcast Antenna Support Structures and Antennas Located in Mixed-Use, Commercial, EBURD, and Industrial Zoning Districts**

- (a) Broadcast antenna support structures 50 feet in height or less shall be permitted as an allowed use.
- (b) Broadcast antenna support structures that exceed 50 feet in height or the maximum height limitations in the underlying zoning district, whichever is greater, may be permitted through special review.
- (c) Broadcast antenna or tower farms may be permitted by special review as shown in Table 27-1000.1, Permitted Uses.
- (d) All broadcast antenna support structures located in heavy industrial (I2) districts shall be permitted as an allowed use, including broadcast antenna or tower farms.
- (e) All broadcast facilities located within the boundaries of an approved or preexisting broadcast antenna or tower farm shall be permitted as an allowed use.

#### 5. General Requirements

The requirements set forth in this section shall govern the location and construction of all land mobile radio service and radio and television transmission facilities governed by this section.

- (a) Building codes and safety standards: To ensure the structural integrity of broadcast facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such facilities.
- (b) Regulatory compliance: All broadcast facilities must meet current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this section.
- (c) Setbacks
  - (1) Broadcast antenna support structures adjacent to residential uses or zoning: Broadcast antenna support structures must be set back, from all property lines, a distance equal to one-half (½) the height of the structure from any off-site residential structure or residentially zoned lot. Accessory structures, such as equipment enclosures or transmitter buildings, must maintain a minimum of a 15-foot setback from any lot line adjacent to a residential structure or residentially zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
  - (2) Mixed-Use, commercial, EBURD and industrial zoning setbacks: Broadcast antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
  - (3) Broadcast facilities in broadcast antenna or tower farms: Antenna support structures and accessory facilities located in antenna or tower farms must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
- (d) Lot coverage and height: Broadcast antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Building and equipment enclosures shall not exceed the height restrictions for the zoning district in which they are located.

- (e) Fencing and Buffering
  - (1) Fencing. A solid wood fence or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the broadcast antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least 6 feet in height are required adjacent to residences and residentially zoned property. All AM broadcast antenna support structures must be surrounded by a suitable fence as required by FCC regulations.
  - (2) Landscaping adjacent to residential uses and/or residential zoning.
    - (i) For broadcast facilities located in a residential zoning district, adjacent to a residential use, or adjacent to a residentially zoned parcel, the following will be required: a continuous evergreen hedge at least 4 feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. AM Broadcast stations are exempt from this requirement due to overriding FCC regulations regarding vegetation in ground radial systems.
    - (ii) A performance bond or letter of credit for 150 percent of the landscaping and fencing materials and labor costs shall be posted with the planning division to ensure the placement of required landscaping and fencing in accordance with section 27-1200.
  - (3) Commercial landscaping. Landscaping requirements shall not apply to broadcast antenna support structures located in commercial or industrial zoning districts or approved broadcast antenna or tower farms.
  - (4) Exceptions for city airport airfield area: If federal safety and security standards within the city airport's airfield area prevent a broadcast antenna support structure from being fenced or landscaped, items 5(e)(1) and 5(e)(2) will not apply. Documentation of these standards must be submitted with the building permit or special review applications.
- (f) Lighting: Broadcast antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. Security lighting may be placed on a support structure no higher than 20 feet above ground. Cut-off security lights must be used in or adjacent to residential areas to prevent light spillage onto adjacent property.
- (g) Signage: Signage shall be limited to non-illuminated warning and equipment identification signs unless otherwise required by the FAA and/or FCC.
- (h) Maintenance
  - (1) Equipment at a broadcast facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
  - (2) All property used for the siting of a broadcast antenna support structure or antenna shall be maintained, without expense to the City, so as to be safe, orderly, attractive,

and in conformity with City codes including those regarding the removal of weeds and trash and landscape maintenance.

(i) Visual impact/aesthetics

- (1) Broadcast antenna support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable local, state, or federal agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
- (2) If a broadcast antenna is installed on a structure other than a tower, the associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the related equipment as visually unobtrusive as possible. Broadcast antennas and antenna support structures may be mounted on existing buildings that are 30 feet or more in height above the street grade.
- (3) Roof-mounted antennas and antenna support structures shall not add more than 20 feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers or other background. Crow's nest antenna arrays are prohibited on rooftop structures.
- (4) Broadcast antennas or antenna support structures attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below or incorporated with vertical design elements of a structure.

**6. Nonconforming Broadcast Facilities**

Broadcast facilities in existence on the date of the adoption of these regulations, that do not comply with the requirements of these regulations, are subject to the following provisions:

- (a) Nonconforming broadcast facilities may continue their present use but may not be expanded without complying with these regulations, except as further provided in this section.
- (b) Nonconforming broadcast antenna support structures which are hereafter damaged and destroyed, by less than 50 percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If a broadcast antenna support structure is destroyed or damaged by 50 percent or more of its replacement the broadcast antenna support structure must be brought into compliance with these regulations.
- (c) The owner of any nonconforming broadcast antenna support structure may make minor modifications, as described in Subsection 7, in order to improve the structural integrity of the structure, to allow the structure to accommodate co-located antennas, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of these regulations.

**7. Classification of Modifications**

Modifications of existing or broadcast facilities that meet the requirements of these regulations.

- (a) Minor modifications. Minor modifications to facilities permitted under these regulations shall be approved by the planning division so long as they comply with the original approved design. Minor modifications are as follows:
  - (1) The addition of one or more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than 20 feet in height to the facility and the increase in height of the support structure is no greater than 10 percent.
  - (2) Placement of additional antennas, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
  - (3) Repairs to or replacement of existing antennas or feedlines or support members (such as guy wires) are not considered modifications under this part.
- (b) Major modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.

#### **8. Abandonment**

Broadcast facilities will be considered abandoned if they are unused by all providers at the facility for a period of 6 months. Determination of abandonment shall be made by the planning division which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have 90 days to:

- (a) Re-use the facility or transfer the facility to another owner who will re-use it; or
- (b) Dismantle the facility. If the facility is not removed within 90 days of abandonment, the City may remove the facility at the facility at the property owner's expense. If the facility is removed, City approval of the facility will expire. If the facility owner is unable to remove the facility within the 90 days due to unusual circumstances, the planning division may grant the facility owner an additional 90 days in which to comply with the requirements of this section.

#### **9. Nuisances**

Broadcast facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times within the City noise regulations, shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance.

### **B. SOLAR ENERGY FACILITIES**

#### **1. Applicability**

- (a) These standards apply to the establishment of any new photovoltaic or solar thermal SEF within the City. Concentrated solar power systems are prohibited.
- (b) An SEF established prior to the effective date of this Zoning Code shall not be required to meet the requirements of this Zoning Code, however:
  - (1) Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this Zoning Code. Only the modification or alteration is subject to this Zoning Code;
  - (2) Substantial conformance review determinations are not major amendments to a project's existing permits; and

- (3) Routine operation and maintenance or like-kind replacements do not require a zoning compliance permit.

## 2. Tier Descriptions

Solar energy facilities are divided into three tiers that describe the intensity and impact of the use on the property and adjacent properties.

- (a) Tier 1: Accessory Solar Energy Facilities meet the following criteria:

- (1) Is an accessory use on the site that provides energy primarily for on-site use; and
- (2) Can be building-mounted or ground-mounted, which may include: rooftop systems, building-integrated solar (e.g., shingle, hanging solar, canopy, new technology), or covered permanent parking or other hardscape areas.

- (b) Tier 2: Intermediate Solar Energy Facilities meet the following criteria:

- (1) Is the primary use on the site or a secondary use that exceeds the size criteria for a Tier 1 SEF.
- (2) Provides energy for on-site or off-site use, and
- (3) Can be building-mounted or ground-mounted and may include rooftop systems, building-integrated solar, and covered permanent parking or other hardscape areas.

- (c) Tier 3: Large-Scale Solar Energy Facilities are large-scale, primary or secondary SEFs that provide energy for on-site or off-site use.

## 3. Standards for Ground-Mounted SEFS

- (a) Size: The maximum footprint for a ground-mounted SEF shall be as follows:

- (1) Tier 1:

- (i) Residential and mixed-use districts: 2,000 sf or 25% of the lot size, whichever is less.
- (ii) Agricultural, commercial, industrial, and public districts: 4,000 sf or 25% of the lot size, whichever is less.

- (2) Tier 2:

- (i) I1 district: up to 10 acres.
- (ii) I2 district: up to 20 acres.

- (3) Tier 3: Maximum size determined through special review process.

- (b) Height: The maximum height for a ground-mounted SEF shall be as follows:

- (1) Residential districts: 10 feet
- (2) All other districts: 20 feet

- (c) Setbacks: Ground-mounted SEFs shall comply with the following setback standards:

- (1) All SEFs shall meet the setback requirements of the individual zone district where located.
- (2) Tier 2 SEFs in commercial and industrial districts shall provide 100-foot minimum setback between the edge of the SEF installation boundary and any residential district.

- (3) Tier 1 and Tier 2 SEFs may not be located between the front building line and the street.

**4. Standards for Building-Mounted SEFS**

(a) Height

- (1) Tier 1 SEFs shall be subject to the maximum height for zone district or a maximum of five feet above the height of the roofline, whichever is less. Additional height may be requested through the special review process.
- (2) Tier 2 SEFS shall be subject to the maximum height for the zone district or a maximum of 10 feet above the height of the building, whichever is greater. Additional height may be requested through the special review process.

**5. Permit Required**

- (a) The following permit requirements are applicable to SEF systems. Complete permit submission requirements and processes are provided in Section 27-1600.
  - (1) /P/ Permitted Use
  - (2) /SR/ Special Review
  - (3) /X/ Prohibited

**Table 27-1000.2: SEF Permit Requirements**

Zone District	Tier 1 Accessory	Tier 2 Intermediate	Tier 3 Large-Scale
N1-4, NX1-3	P	X	X
RMH	P	X	X
NO, NMU	P	X	X
CMU1, CMU2	P	X	X
CX	P	X	X
I1-2	P	P	SR
P1	P	X	X
P2, P3	P	X	X

- (b) Submission Requirements for Tier 2 and Tier 3 SEFs: Tier 2 zoning compliance permit and Tier 3 special review SEF applications shall include the following information:
  - (1) A landscape plan showing that all areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a naturalized grass or other vegetation for the purpose of soil stabilization or other methods approved by the zoning coordinator.
  - (2) A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff.
  - (3) A maintenance plan for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.

- (4) A decommissioning plan with the information required in Section 27-1007.B.8.
- (c) Following approval, all permit holders are required to submit an annual compliance statement that confirms that the system is still active and compliant with the permit and that provides current owner and emergency contact information. This requirement shall not preclude the City from undertaking a separate compliance report, where confirmation of data provided by the facility's operator is desired.
- 6. Generally Applicable Standards**
- (a) Off-Site Facilities: When the SEF is located on more than one parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.
- (b) Septic System Avoidance: The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the Department of Environmental Quality;
- (c) Conform to Development Standards for Underlying Zone: The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein.
- (d) If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent parcel or the night sky.
- (e) The site shall comply with Section 27-1200, Landscaping.
- (f) The facility shall be enclosed by a six-foot tall fence (eight feet if razor or barbed wire is to be used), barrier, or other appropriate means designed to prevent or restrict unauthorized persons or vehicles from entering the parcel(s). Fences or barriers shall incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.
- (g) Signs: Signs on SEFs are prohibited. Permanent or temporary commercial signs (including flags, streamers, or decorative items), are prohibited from being displayed on any SEF equipment. As appropriate and for emergency and safety purposes, SEF equipment shall display identification of the manufacturer, facility owner and/or operator, and an emergency contact number.
- 7. Abandonment**
- (a) Applicability
- (1) An SEF, other than a Tier 1 system, that ceases to produce electricity on a continuous basis for 12 months shall be considered abandoned unless the property owner or facility operator demonstrates by substantial evidence satisfactory to the City that there is no intent to abandon the facility.
- (2) A property owner or facility operator with an abandoned system shall follow the decommissioning plan to remove the system. If the system was approved without a decommissioning plan, the property owner or facility operator shall remove all equipment and facilities and restore the site to original condition upon abandonment.
- (3) Facilities deemed by the City to be unsafe and facilities erected in violation of this section shall also be subject to this section.

## (b) Determination of Abandonment

- (1) Based on the information provided in an annual compliance statement or verified zoning complaint, the zoning coordinator shall have the right to request documentation and/or affidavits from the property owner regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred. The zoning coordinator shall submit the documentation and coordinator's findings to the city council, property owner, and facility operator and schedule a public hearing for a determination of abandonment.
- (2) Upon a determination of abandonment or other violation(s), the City shall send a notice to the property owner and facility operator, indicating that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within a reasonable timeframe established by the City, unless the City determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the City may advise the property owner and facility operator of such alternative means of resolving the violation(s).
- (3) If the property owner or facility operator does not comply, the City may remove the SEF and restore the site and may thereafter:
  - (i) Draw funds from the bond, security, or financial assurance that was established during permitting, and
  - (ii) Initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

**8. Decommissioning**

- (a) A decommissioning plan, compliant with MCA 75-26-301 where applicable, shall be prepared for Tier 2 and Tier 3 applications and submitted with zoning compliance permit or special review application. The plan shall address the following:
  - (1) Defined conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for 12 months, etc.)
  - (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations, and restoration of property to condition prior to development of the SEF. This shall include a revegetation plan. The applicant may propose retaining some site improvements, such as roads and infrastructure, subject to landowner consent and City approval.
  - (3) Timeframe for completion of decommissioning activities, not to exceed one year.
  - (4) Description and copy of any lease or any other agreement with landowner regarding decommissioning.
  - (5) Name and address of person or party responsible for decommissioning.
  - (6) Plans and schedule for updating this decommissioning plan.
  - (7) A professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the

resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the City that:

- (i) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit and shall be deposited in an escrow account with an escrow agent acceptable to the City.
  - (ii) The City shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one year of the end of project life, inoperability of individual WECS turbine, or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.
  - (iii) The City is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - (iv) The City is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the City's right to seek reimbursement from applicant, operator, or their successor(s) for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant, operator, or their successor(s), or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.
- (8) Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Billings City Clerk

## C. WIRELESS COMMUNICATION FACILITIES

### 1. Purpose

The purpose of this section is to establish regulations for the siting of antenna support structures and antennas on public and private property. The goals of this section are to:

- (a) Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure with the fewest number of wireless communications facilities (WCFs) to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;
- (b) Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of the equipment associated with WCFs;
- (c) Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs;
- (d) Encourage the use of wall-mounted panel antennas;
- (e) Encourage roof-mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise feasible;
- (f) Encourage the location of antennas and towers in non-residential areas and minimize the total number of antenna support structures throughout the community;
- (g) Strongly encourage the co-location of WCFs on new and existing antenna support structures;

- (h) Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
- (i) Require wireless communication facilities to be configured in a way that minimizes the adverse visual impact of the towers and antennas; and
- (j) Enhance the ability of the providers of wireless communication services to provide such services to the community, as quickly, effectively, and efficiently as possible.

## 2. Applicability

All wireless communication facilities located on private land within the city zoning jurisdiction shall be subject to this section. This section shall apply to wireless communication facilities upon state and federal lands to the extent of the City's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this section.

- (a) Amateur radio stations and antenna support structures that are owned and operated by a federally licensed amateur radio station operator or are exclusively receive-only antennas, provided that the requirements that the height be no more than the distance from the base of the antenna to the property lines is met.
- (b) Antennas and antenna support structures for land mobile radio and radio and television, regulated in Section 27-1007.A.
- (c) Pre-existing WCFs:
  - (1) Any WCF for which a permit has been properly issued prior to the adoption of this Zoning Code (\_\_\_\_, \_\_, 2020) and for which no changes will be made shall not be required to meet the requirements of this section.
  - (2) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of Section 27-1007.C.5, General Requirements.

## 3. Criteria for Major and Minor Modifications and Substantial Change

- (a) Major WCF Modification:
  - (1) An alteration of an existing WCF for any purpose that meets the criteria for substantial change.
  - (2) The calculation for modifications shall be cumulative over time following the initial approval of the WCF. No such modification shall be permitted if the support structure will exceed 50 feet or the zoning district height, whichever is applicable.
- (b) Minor WCF Modification:
  - (1) An alteration of an existing exterior telecommunications facility or co-location of additional facilities with an existing exterior telecommunications facility in any zone that does not meet or exceeds the thresholds for a major modification, the calculation for which shall be cumulative over time, following the initial approval of the telecommunications facility.
  - (2) No such modification shall be permitted if the modification to the structure will cause the structure to exceed the height limit for the zoning district by more than 10 percent.

- (c) Substantially Change: a modification that changes the physical dimensions of an eligible support structure so that after the modification the structure meets any of the following criteria:
- (1) For towers:
    - (i) Other than alternative tower structures, the modification increases the height of the tower by more than 10 percent; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
    - (ii) The modification involves adding an appurtenance to the body of the tower that would protrude from the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
  - (2) For any eligible support structure:
    - (i) The modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
    - (ii) The modification entails any excavation or deployment outside the current site;
    - (iii) The modification would defeat the concealment elements of the eligible support structure. A change that would undermine the concealment elements of this structure will be considered to defeat the concealment elements of the structure;
    - (iv) The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (I), (II), and (III) of this definition.
  - (3) For base stations that are not surrounded by a screening wall, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other existing, individual ground cabinet associated with the structure;
  - (4) For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

#### 4. General Requirements

The requirements set forth in this section shall govern the location and construction of all wireless communications facilities governed by this section.

- (a) Building codes and safety standards. To ensure the structural integrity of wireless communication facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such wireless communication facilities, as amended from time to time. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes

a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the zoning coordinator may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.

- (b) Regulatory compliance. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this section. All wireless communication facilities must comply with all revised standards and regulations within the date established by the agency promulgating the standards or regulations. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the WCF owner's expense.
- (c) Setbacks
  - (1) Antenna support structures adjacent to residential uses or zoning. Antenna support structures must be set back, from all property lines, a distance equal to one-half ( $\frac{1}{2}$ ) the height of the structure from any off-site residential structure or residentially zoned lot. Accessory structures must maintain a minimum of a 15-foot setback from any lot line adjacent to a residential structure or residentially zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
  - (2) Mixed Use, commercial, EBURD and industrial zoning setbacks antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
- (d) Lot coverage and height. Antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Accessory structures shall not exceed the height restrictions for the zoning district in which they are located.
- (e) Fencing and buffering.
  - (1) Fencing. A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height are required adjacent to residential uses and residentially zoned property.
  - (2) Landscaping. For all facilities the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. This requirement may be waived through Section 27-16xx, Administrative Relief, where the site does not have access to water.

A performance bond or letter of credit for 150 percent of the landscaping and fencing materials and labor costs shall be posted with the planning division, prior to building

permit approval, to ensure the placement of required landscaping and fencing in accordance with Section 27-1200.

- (3) Commercial landscaping. Landscaping requirements shall not apply to antenna support structures located in the Heavy Industrial (HI) zoning district.
  - (4) Exceptions for city airport airfield area. If federal safety and security standards within the city airport's airfield area prevent an antenna support structure from being fenced or landscaped, Subsections 4(e)(1) and 4(e)2 will not apply. Documentation of these standards must be submitted with the building permit or special review applications.
- (f) Lighting. Antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights. Security lighting on site may be mounted up to 20 feet high on the tower and shall be directed towards the ground to reduce light pollution, prevent off-site light spillage, and avoid illuminating the tower.

Cut-off security lighting must be used adjacent to residential uses or residentially zoned lots. When incorporated into the approved design of the facility, light fixtures used to illuminate sports fields, parking lots, or similar areas may be included in the facility.

- (g) Signage. Signage shall be limited to non-illuminated warning and equipment identification signs.
- (h) Co-location
- (1) Antenna support structures should be designed in all respects to accommodate multiple antennas. If the antenna support structure is over 100 feet in height, it should be designed to include both the applicant's antenna(s) and at least two additional comparable antennas. If the tower is between 50 and 100 feet tall it should be designed for at least one additional comparable antenna.
  - (2) All new antennas must co-locate on existing or approved antenna support structures or stealth communication facilities. Applicants may request a waiver from the co-location requirement through the special review process. Applicants must demonstrate that co-location is not feasible because there is no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna or a critical need exists for the proposed location and it is technically infeasible to locate or co-locate structures at or beyond the required separation distance.
- (i) Maintenance
- (1) Equipment at a wireless communication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
  - (2) All property used for the siting of an antenna support structure or antenna shall be maintained, without expense to the city, so as to be safe, orderly, attractive, and in conformity with city codes including those regarding the removal of weeds, trash and landscape maintenance.
- (j) Visual impact/aesthetics

- (1) Wireless communication facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable local, state, or federal agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
  - (2) If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Antennas and antenna support structures may be mounted on existing buildings that are 30 feet or more in height above the street grade.
  - (3) Roof-mounted antennas and antenna support structures shall not add more than 20 feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers or other architectural elements. Only monopole antenna support structures with omni-directional (whip) or low profile single-directional (panel) shall be installed on building roofs. Examples of acceptable designs are shown in subsection (o) of this section. Crow's nest antenna arrays are prohibited on roof-top structures.
  - (4) Wireless communication facilities attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below or incorporated with vertical design elements of a structure.
  - (5) Wireless communication facilities shall be located as to minimize their visibility and not be placed within historic or scenic view corridors as designated by the city council, or by any state or federal law or agency.
- (k) Antenna support structure separation: All antenna support structures over 50 feet in height, regardless of the zoning district in which the structure is located, shall be located at least one mile from any other antenna support structure that is over 50 feet. Up to three antenna support structures located within an approved wireless communication facility tower farm shall be located at least one mile from any other tower farm.
- (l) Abandonment and Removal: If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of the WCF shall remove the same within 30 days of receipt of written notice from the City. If the WCF is not removed within 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, shall not approve any new WCF application until the applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the City.
- (m) Hazardous Materials
- No hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable law governing such materials.

**5. Commercial Antenna Support Structures and Antennas Located in Residential Zoning Districts**

- (a) Minor modifications: Antennas co-located on existing or approved stealth communication facilities or existing or approved antenna support structures which have previously received all required approvals and permits shall be permitted as an allowed use.
- (b) New support structures and major modifications: antenna support structures and antennas shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
  - (1) Stealth communication facilities conforming to all applicable provisions of this Zoning Code and roof-mounted antennas that do not add more than 20 feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites. Proposed antennas or antenna support structures that are contrary to this section must be requested as a land use contrary to zoning through the special review process or may be submitted to the board of adjustment for a hearing, whichever is the preference of the owner/agency.

**6. Commercial Antenna Support Structures and Antennas Located in Commercial Zoning Districts.**

- (a) Minor modifications: Antennas co-located on existing stealth communication facilities or existing antenna support structures which have previously received all required approvals and permits shall be permitted as an allowed use in all commercial zones.
- (b) New support structures and major modifications shall be considered as follows:
  - (1) Stealth communication facilities shall be permitted as an allowed use in all commercial zoning districts.
  - (2) Antenna support structures shall be permitted as an allowed use in all commercial and mixed-use zoning districts when located on school, government-owned utility, and other government sites. Proposed antennas or antenna support structures that are contrary to this section must be requested through the special review process.
  - (3) Antenna support structures and antennas located in NO, NC, and DX that do not meet the requirements of subsections 7(b)(1) or 7(b)(2) shall be required to obtain special review approval. Wireless communication facility tower farms are not allowed in these zoning districts.
  - (4) Antenna support structures and antennas located in CMU1, CMU2, CX, I1, EBURD, CBD, and P zoning districts shall be permitted as an allowed use provided that the towers meet the requirements subsections 6(b)(1) or 6(b)(2) or the following:
    - (i) Roof-mounted antenna that do not add more than 20 feet to the total height of the building on which it is mounted shall be permitted as an allowed use. See additional requirements for roof-mounted antenna in Subsection 4(j)(2).
    - (ii) Antenna support structures 50 feet in height or less shall be permitted as an allowed use.
    - (iii) Antenna support structures that are greater than 50 feet in height shall be required to obtain special review approval.

(iv) Wireless communication facility tower farms are permitted with special review approval, except in the CBD and P3 zoning districts.

(5) All antenna support structures located in I2 shall be permitted as an allowed use, including tower farms.

#### **7. Antenna Support Structures Located in Parks**

The presence of certain wireless communication facilities may conflict with the purpose of some city owned parks. Wireless communication facilities will be considered only following a recommendation by the city planning division; the city parks, recreation, and cemetery advisory board, and approved by the city council. Factors that will be considered include:

- (a) Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;
- (b) Commercial recreation areas and major playfields; and,
- (c) Park maintenance facilities.

#### **8. Small Cell WCF**

The following standards apply in those zones where small cell telecommunications facilities are allowed as a permitted use.

- (a) An antenna may be installed on existing exterior support structures, but the installation of taller poles or new overhead wiring to accommodate the antennas will not be permitted without a special review approval.
  - (1) An antenna may be installed at least 20 feet from the ground in a residential zone or on an existing residential support structure or support structure on privately owned land, or 15 feet from the ground in a commercial or mixed-use zone or on an existing commercial structure or support structure on privately owned land.
  - (2) An antenna may be mounted on the wall of a building facing the rear lot line at a height of at least 20 feet in a residential zone or when mounted on a residential building, or 15 feet in a commercial or mixed-use zone or when mounted to a commercial building.
- (b) An antenna must not be installed on or within 60 feet of a single-family or two-family dwelling unit and must not be installed on the front façade of any residence.
- (c) Cable connecting the antennas to the equipment box shall be contained inside the pole or Support Structure or shall be flush mounted and covered with a metal, plastic or similar material cap matching the color of the pole or structure on which it is installed, properly secured and maintained by the applicant.
- (d) Related unstaffed equipment cabinets may be located within a building, an equipment cabinet outside a building, an equipment cabinet on a rooftop, or an equipment room within a building.
  - (1) Such related equipment shall have a maximum square footage of 10 square feet with a maximum height of two feet and must be so located and installed in accordance with the applicable setback and other requirements of the zone in which the property is classified.

- (2) A related unstaffed equipment cabinet may be installed on a rooftop of a building on privately owned land which is at least 15 feet in height, provided it and all other roof structures do not occupy more than 25 percent of the roof area.
- (e) The applicant shall provide proof that it is a licensed provider and will comply with all applicable federal, state and City laws and regulations, including those regarding wireless communications services.
- (f) An antenna and equipment box must be installed as a Stealth Telecommunications Facilities on a property within a Historic District or that has been designated by the City as a Historic Resource, and the Historic District Commission must review such an application.
- (g) Public property. A private small cell telecommunications antenna may be located on the exterior of public property or attached to an existing support structure owned or operated by the City and shall be a permitted use in all zones.
- (h) All such small cell telecommunications antennas shall be located and designed so as to minimize visual impact on surrounding properties and from public streets.
- (i) No signs are permitted in connection with any small cell telecommunications antenna.
- (j) No lights are permitted on any monopole or antenna unless required by the FCC, the FAA, or the City.
- (k) No more than one building, pole or other support structure containing a small cell telecommunications facility or co-located facility is permitted on a lot or parcel of land, or for parcels larger than a half-acre, per half-acre of land.

#### **9. Nonconforming Wireless Communication Facilities**

Antenna support structures and/or facilities in existence on the date of the adoption of these regulations, that do not comply with the requirements of these regulations, (nonconforming antenna support structures) are subject to the following provisions:

- (a) Nonconforming antenna support structures may continue their present use but may not be expanded or increased in height without complying with these regulations, except as further provided in this section.
- (b) Nonconforming antenna support structures which are hereafter damaged and destroyed, by less than 50 percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals, but without otherwise complying with these regulations. If an antenna support structure is destroyed or damaged by more than 50 percent of its replacement the antenna support structure must be brought into compliance with these regulations.
- (c) The owner of any nonconforming antenna support structure may make minor modifications in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of these regulations.

#### **10. Abandonment**

Wireless communications facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made

by the planning division, which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have 90 days to:

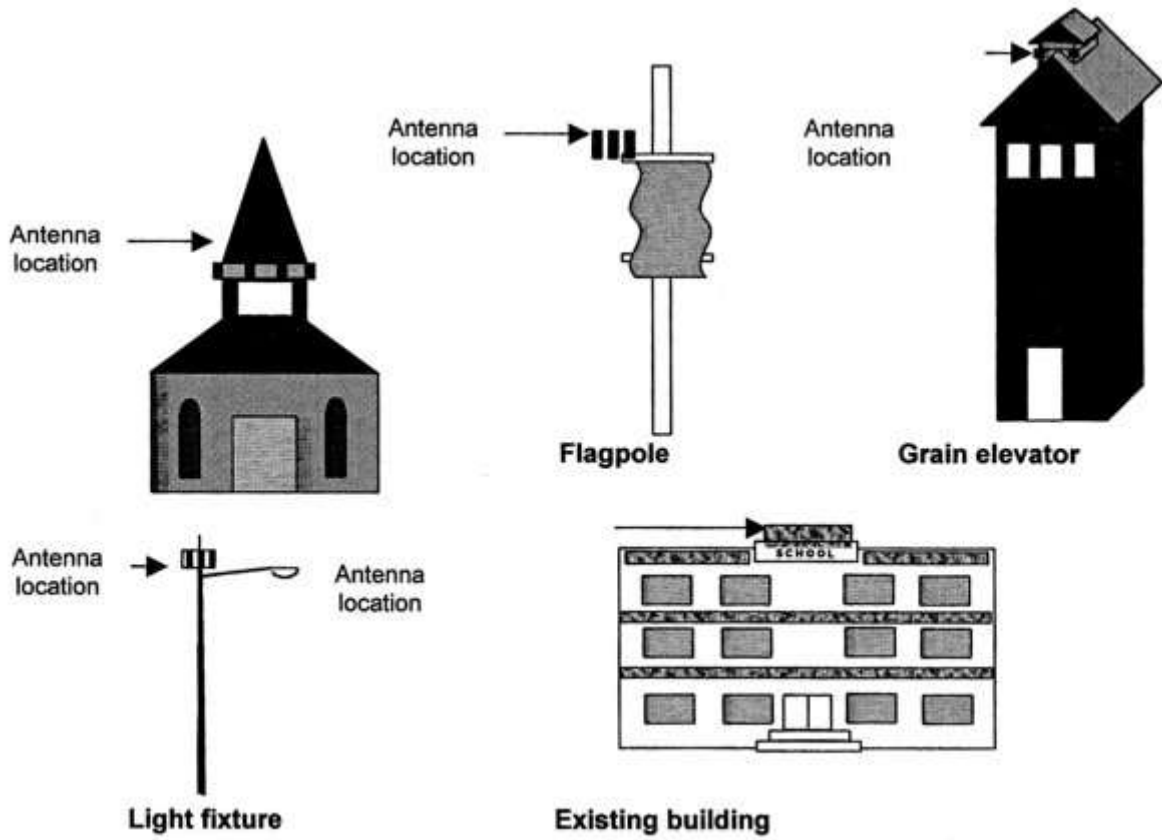
- (a) Re-use the facility, or transfer the facility to another owner who will re-use it; or
- (b) Dismantle the facility. If the facility is not removed within 90 days of abandonment, the city may remove the facility at the facility and/or property owner's expense. If the facility is removed, city approval of the facility expires.
- (c) If the facility owner is unable to remove the facility within the 90 days due to unusual circumstances, the planning division may grant the facility owner an additional 90 days in which to comply with the requirements of this section.

#### **11. Nuisances**

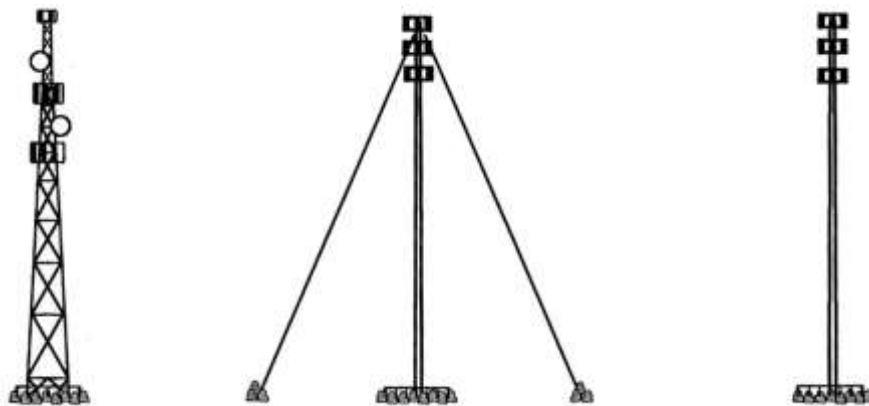
Wireless communication facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times within the City noise regulations, shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance.

12. Wireless Communication Facilities, Illustrated Examples

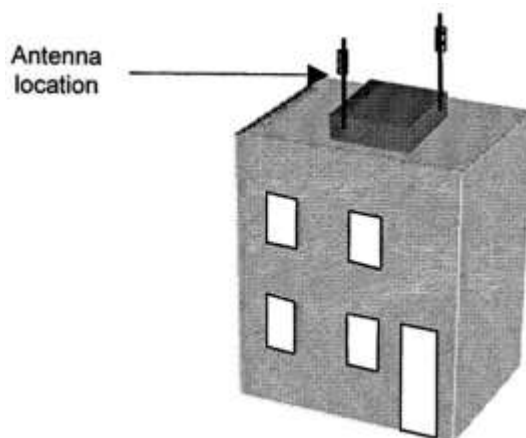
(a) Stealth communication facilities:



(b) Antenna support structures:



- (c) Roof-mounted antenna support structures and antennas:



### 13. Minor Modification Procedures

- (a) Minor modifications to facilities permitted under these regulations shall be approved by the planning division so long as they comply with the original approved design.
- (b) Timeframe for Review. Subject to the tolling provisions of subparagraph (c). below, within 60 days of the date on which an applicant submits an application seeking approval under this section, the City shall approve the application unless it determines that the application is not covered by this subsection, or otherwise in non-conformance with applicable codes.
- (c) Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the zoning coordinator determines that the application is incomplete:
- (1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application;
  - (2) The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
  - (3) Following a supplemental submission, the City will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Subsection 14.(c)(1). In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.
  - (4) Failure to Act. In the event the City fails to act on a request for minor modification, within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The request becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

- (5) Interaction with Telecommunications Act Section 332(c)(7). If the City determines that the applicant's request is not a request for minor modification, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a request for minor modification. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.
- (d) In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided that, applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the City to request additional submittals and additional time that may be reasonably necessary for review of the modified application.
- (e) Decision
- The approval authority shall review a minor modification application to determine if the proposed facilities modification is subject to this section, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.
- (1) Within 60 days of the date on which the City receives a minor modification application, less any time period that may be excluded under the tolling provisions of this section or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue a minor modification permit unless the approval authority determines that the application is not subject to this section, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.
- (2) Denial. A minor modification application shall be denied upon determination by the approval authority that the proposed facilities modification is not subject to this section or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria. A denial of a minor modification application shall set forth in writing the reasons for the denial and shall be provided to the applicant.
- (3) Deemed Approved Application. An application that has been deemed approved shall be and constitute the equivalent of a minor modification permit, except as may be otherwise determined by a court of competent jurisdiction, and shall be subject to generally applicable enforcement and compliance requirements in the same manner as a minor modification permit issued pursuant to this section.
- (f) Term of Minor Modification Permit. A minor modification permit issued pursuant to this section, and any deemed approved application, shall be valid for a term of 180 days from the date of issuance, or the date the application is deemed approved.

#### **14. New Support Structure and Major Modification Procedures**

Applications for new support structures and major modifications to existing antenna support structures permitted under these regulations shall be approved through a special review. Major

modifications are any modifications that exceed the definition of minor modifications and constitute a substantial change per Section 27-1007.C.3.

#### **D. WIND ENERGY CONVERSION SYSTEMS (WECS)**

##### **1. Applicability**

- (a) These standards apply to the construction of any new WECS within the City.
- (b) A WECS legally established or permitted prior to the effective date of this Zoning Code shall not be required to meet the requirements of this Zoning Code, however:
  - (1) Physical modification or alteration to an existing WECS that materially alters the size, type or components of the WECS shall be subject to this Zoning Code. Only the modification or alteration is subject to this Zoning Code;
  - (2) Substantial conformance review determinations are not major amendments to a project's existing permits; and
  - (3) Routine operation and maintenance or like-kind replacements do not require a permit.

##### **2. Wind Energy Conversion System Tier Descriptions**

- (a) Tier 1: Accessory Wind Energy Conversion Systems meet the following criteria:
  - (1) Is designed to supplement other electricity sources as an accessory use to existing facilities, wherein the power generated is used primarily for on-site consumption, and
  - (2) Consists of one or more wind turbines, which may be roof-mounted;
- (b) Tier 2: Intermediate Wind Energy Conversion Systems meet the following criteria:
  - (1) Is the primary use on the site or is a secondary use that exceeds the criteria for a Tier 1 WECS,
  - (2) Consists of one or more wind turbines, all of which are ground-mounted, and
  - (3) Is designed primarily to serve a local load.
- (c) Tier 3: Large-Scale Wind Energy Conversion Systems for Commercial Generation meet the following criteria:
  - (1) Consists of one or more wind turbines, and
  - (2) Has a total facility rated capacity of greater than 1 MW.

##### **3. Standards for Ground-Mounted WECS**

- (a) Size: The maximum footprint for a ground-mounted WECS shall be as follows:
  - (1) Tier 1:
    - (i) Residential and mixed-use districts: 2,000 sf or 25% of the lot, whichever is less
    - (ii) Agricultural, commercial, industrial, and public districts: 4,000 sf or 25% of the lot, whichever is less.
  - (2) Tier 2:
    - (i) I1 district: up to 10 acres
    - (ii) I2 district: up to 20 acres

(3) Tier 3: Maximum size determined through special review process.

(b) Height

(1) Towers: The following height standards are applicable to WECS towers:

**Table 27-1000.4: WECS Tower Height, Maximum**

Zone District	Lot Size	Tier 1	Tier 2	Tier 3
N1-3, NX1-3, RMH, P2, P3	Up to 20,000 sf	Height determined by available setback	Not permitted	Not permitted
	20,000 to 43,560 sf	80 feet	80 feet	Not permitted
	Over 1 acre	100 feet	100 feet	Not permitted
NO, NMU, CMU1, CMU2, C3, CX	All	80 feet	Not permitted	Not permitted
I1, I2, EBURD	Up to 20,000 sf	Height determined by available setback	Not permitted	Not permitted
	20,000 to 43,560 sf	80 feet	200 feet	Not permitted
	1 to 4.99 acres	200 feet	200 feet	Not permitted
	5 acres or more	200 feet	No limit [1]	No limit [1]

(c) Setbacks

(1) Tower locations shall comply with zone district setbacks and any of the additional setback standards identified in this section. Ground-mounted Tier 1 and Tier 2 WECS may not be located between the front building line and the street.

- (i) Towers shall be setback a minimum of 0.5 x total height from any primary structure.
- (ii) The owner of a primary structure on the same lot as a Tier 1 or Tier 2 tower may waive this setback as applied to that lot and apply a reduced setback of 0.25 x total height.
- (iii) The setback may not be waived for primary structures on an adjacent lot.
- (iv) All new primary structures shall be located at least 0.5 x total height from an existing tower.
- (v) No further setback waivers are permitted, nor may this requirement be waived or varied by the zoning coordinator or board of adjustment.

(2) Towers shall be setback a minimum distance equal to 500 feet or 0.5 x the total height (tower plus extended blade), whichever is higher, from:

- (i) All property lines,
- (ii) Any overhead utility lines, and
- (iii) Any public roadway right-of-way.

- (3) Guy cables and other support devices shall be setback at least 10 feet from all property lines and occupied buildings. Guy cables must be marked and clearly visible to a height of six feet above the guy cable anchors.
- (4) The setback shall be measured from the centerline of the turbine and applied in a diameter around the tower.
- (d) Tower Separation: At a minimum, there shall be a separation between towers of not less than 3 times the rotor diameter.
- (e) Clearance: The minimum height of the lowest position of the rotor blade shall be at least 30 feet above the ground and 30 feet above the highest existing structure or tree within a 250 foot radius.

#### **4. Standards for Building-Mounted WECS**

- (a) A Tier 1 building-mounted WECS shall be subject to the maximum building height specified for the district or a maximum of 30 feet above the height of the building to which it is attached, whichever is greater. Additional height may be requested through the special review process.
- (b) The maximum number of Tier 1 building-mounted WECS permitted by district type is:
  - (1) Residential, mixed-use, commercial, EBURD, and public districts: Two per primary structure, one per accessory structure
  - (2) Industrial districts: no limit, may be mounted on primary or accessory structures.

**5. Permit Required**

- (a) Applicable Permit Types: The following permit requirements are applicable to WEC systems. Complete permit submission requirements and processes are provided in Section 27-1600.
- (1) /P/ Permitted Use
  - (2) /SR/ Special Review
  - (3) /X/ Prohibited

**Table 27-1000.5: WECS Permit Requirements**

Zone District	Tier 1 (Accessory)	Tier 2 (Primary Use)	Tier 3 (Large Commercial)
<b>N1-3, NX1-3</b>	P	X	X
<b>RMH</b>	P	X	X
<b>NO, NMU</b>	P	X	X
<b>CMU1, CMU2</b>	P	X	X
<b>CBD, DX</b>	P	X	X
<b>CX</b>	P	X	X
<b>I1-2</b>	P	P	SR
<b>EBURD</b>	P	X	X
<b>P1</b>	P	X	X
<b>P2, P3</b>	P	X	X

- (b) Submission Requirements for Tier 2 and Tier 3 WECS
- (1) Tier 2 zoning compliance permit and Tier 3 special review WECS applications shall include the following information:
  - (2) Approved net metering agreement(s) and copies of applications to or approved permit from applicable state and federal agencies.
  - (3) A landscape plan showing that all areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the zoning coordinator.
  - (4) A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff.
  - (5) A preliminary transportation plan describing ingress and egress to the proposed project site to deliver equipment and provide access during and after construction. Such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, as well as measures which will be taken to restore damaged or disturbed access routes following construction.
  - (6) An environmental assessment that analyzes the impact of the proposed project regarding on-site and site-adjacent floodways, riparian corridors, open water, wildlife

migration routes, protected habitat, protected plant species, and other environmentally sensitive areas as identified by the County, City, State, or federal government, along with proposed mitigation recommendations.

(7) A decommissioning plan per Section 27-1007.D.11.

- (c) Following approval, all permit holders are required to submit an annual activity statement that confirms that the system is still active and compliant with the permit and that provides current owner and emergency contact information. This requirement shall not preclude the City from undertaking a separate compliance report where confirmation of data provided by the facility's operator is desired.

## 6. Safety and Installation

WECS facilities shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards that may be created to adjacent properties, public infrastructure, communities, aviation, etc. The following lists public safety matters that shall be addressed and implemented in the development of the WECS facility:

- (a) WECS facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Code (NEC). Concurrently with permits for construction, the Applicant(s) shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
- (b) WECS facilities shall comply with applicable FAA regulations and comply with conditions regarding WECS facility installation established by affected airports. If approved by the FAA, all WECS facilities shall implement a FAA approved Aircraft Visual Warning System (AVWS) that allows for the use of aircraft warning lights to be minimized.
- (c) Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No WECS shall be permitted which lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- (d) All WECS structures must be unclimbable by design or protected by anti-climbing devices. All climbing apparatus shall be removed from the lower 10 feet of the tower, or ladder access shall be restricted.
- (e) Appropriate warning signage (e.g., "Danger, High Voltage") shall be placed where it is clearly visible by persons standing near the tower base or other ground-mounted electrical equipment.
- (f) All electrical and control equipment shall be safely and appropriately enclosed from unintentional access by means such as lockable equipment cabinetry, enclosed tower with lockable access door, or similar.
- (g) All access doors on towers shall be locked or fenced.

## 7. Design

- (a) Color: When not conflicting with colors required by the Federal Aviation Administration or other federal agencies, the WECS facility shall remain painted or finished in the color that was originally applied by the manufacturer. Bright, luminescent, or neon colors are prohibited.
- (b) Signal Interference
  - (1) No WECS facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
  - (2) No WECS facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- (c) Location and Views: WECS Facility structures shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of maintaining the viewshed. The site shall comply with Section 27-1200, Landscaping.
- (d) Lighting: WECS Facilities, including buildings and structures, shall not be artificially lighted except to the extent requires by FAA regulations. Minimal ground level security lighting is permitted.
- (e) Shadow Flicker: WECS facilities shall be designed so that there is no significant shadow flicker at an adjacent property, measured at the nearest wall of inhabited structures, unless waived in writing and recorded against the property by the landowner in the Yellowstone County Clerk's office.
- (f) Sound:
  - (1) Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dBA for any period of time.
  - (2) The 55 dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.
  - (3) The noise level generated by a WECS must also not increase ambient sound levels by more than 3 dBA at any sensitive noise receptors, including residences, hospitals, libraries, schools, and places of worship, within 2,500 feet of the site property line.
- (g) Signs: WECS facilities shall not display commercial permanent or temporary signs (including flags, streamers, or decorative items) on any WECs equipment. As appropriate for emergency and safety purposes, WECs equipment shall display identification of the turbine (or other equipment) manufacturer, facility owner and/or operator, and an emergency contact number.
- (h) Outdoor Storage: Except during construction, re-construction or decommissioning, outdoor storage is not permitted within the project boundary.
- (i) Underground Lines: Intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines, standards or applicable law. The actual installed burial depth of

underground wiring shall be verified by the developer of the WECS facility. The developer shall provide certification from the installing contractor of the actual installed burial depth of all underground wiring. Such certification shall be under the penalty of perjury. The collection system may be placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

#### **8. Maintenance and Inspections**

- (a) All WECS must be maintained in operational condition meeting all of the requirements of this section and other permit conditions at all times, subject to reasonable maintenance and repair outages.
- (b) The City may elect to have a WECS inspected for structural and operational integrity by a Montana licensed professional engineer. The City has the right to enter the premises of the wind energy facility at any reasonable time to inspect the WECS. The City will give at least 24 hours' notice of its intent to inspect the WECS.

#### **9. Transfer and Replacement**

- (a) If ownership or operation of a WECS changes, the new owner or facility operator must present full contact information and proof to the City that all required bonds and insurance policies remain in full force a minimum of 30 days prior to the transfer of ownership.
- (b) Any replacement of or modification or alteration to a WECS, excluding regular maintenance and repair, requires an amendment to the original approval, which amendment shall not be unreasonably withheld.
- (c) Replacement of a WECS may occur without City approval when there will be:
  - (1) No increase in the total height of the WECS,
  - (2) No change in the location of the WECS,
  - (3) No additional lighting on the WECS, except to the extent required by the FAA, and
  - (4) No increase in noise produced by the WECS.

#### **10. Abandonment**

- (a) Applicability
  - (1) A WECS, other than a Tier 1 system, that ceases to produce electricity on a continuous basis for 12 months shall be considered abandoned unless the property owner or facility operator demonstrates by substantial evidence satisfactory to the City that there is no intent to abandon the facility.
  - (2) A property owner or facility operator with an abandoned system shall follow the decommissioning plan to remove the system. If the system was approved without a decommissioning plan, the property owner or facility operator shall remove all equipment and facilities and restore the site to original condition upon abandonment.
  - (3) Facilities deemed by the City to be unsafe and facilities erected in violation of this section shall also be subject to this section.
- (b) Determination of Abandonment

- (1) Based on the information provided in an annual compliance statement or verified zoning complaint, the zoning coordinator shall have the right to request documentation and/or affidavits from the property owner or facility operator regarding the system's usage and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred. The zoning coordinator shall submit the documentation and coordinator's findings to the property owner, facility operator, and county commission and schedule a public hearing for a determination of abandonment.
  - (2) Upon a determination of abandonment or other violation(s), the City shall send a notice hereof to the property owner and facility operator, indicating that the responsible party shall remove the WECS and all associated facilities, and remediate the site to its approximate original condition within a reasonable timeframe established by the City, unless the City determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the WECS and restoration of the site, the City may advise the property owner and facility operator of such alternative means of resolving the violation(s).
- (c) If the property owner or facility operator does not comply, the City may remove the WECS and restore the site and may thereafter:
- (1) Draw funds from any bond, security or financial assurance established as part of the permitting process, or
  - (2) Initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

#### 11. Decommissioning

- (a) A decommissioning plan, compliant with MCA 75-26-301 where applicable, shall be prepared and submitted with zoning compliance permit or special review application. The plan shall address the following:
- (1) Defined conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for 12 months, etc.)
  - (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations and restoration of property to condition prior to development of the WECS. This shall include a revegetation plan. The applicant may propose retaining some site improvements, such as roads and infrastructure, subject to landowner consent and City approval.
  - (3) Timeframe for completion of decommissioning activities, not to exceed one year.
  - (4) Description and copy of any lease or any other agreement with landowner regarding decommissioning.
  - (5) Name and address of person or party responsible for decommissioning.
  - (6) Plans and schedule for updating this decommissioning plan.
  - (7) A professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the

resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the City that:

- (i) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit to be deposited in an escrow account with an escrow agent acceptable to the City.
  - (ii) The City shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one year of the end of project life, inoperability of individual WECS turbine, or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.
  - (iii) The City is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - (iv) The City is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the City's right to seek reimbursement from applicant, operator, or their successor(s) for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant, operator, or their successor(s), or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.
- (b) Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Billings City Clerk.

**SECTION 27-1008 ACCESSORY USES****A. GENERAL PROVISIONS****1. Time of Construction or Establishment**

No accessory structure or use shall be constructed or established more than 180 days prior to the time of completion of the construction or establishment of the principal structure or use to which it is accessory.

**2. Interpretation of Unidentified Accessory Uses and Structures**

The zoning coordinator shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis. If the request meets the criteria identified below, the zoning coordinator is authorized to determine the most similar, and thus most appropriate accessory use category and apply the regulations for the similar accessory use to the application.

- (a) The definition of "accessory use" in this section, and the general accessory use standards and limitations established in this section;
- (b) The purpose and intent of the district in which the accessory use is located;
- (c) Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and
- (d) The compatibility of the accessory use with other principal and accessory uses permitted in the district.

**B. COMPLIANCE WITH THIS ZONING CODE**

1. All accessory uses and structures shall be subject to the dimensional requirements of the zone district in which they are located except as specifically provided in this section. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Zoning Code, the more restrictive standards shall control.
2. Accessory uses shall comply with all standards of this Zoning Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use when operating at the same time.

**C. LOCATION**

1. The accessory use or structure shall be conducted or located on the same lot(s) as the principal use.
2. No accessory building shall be erected in any required setback nor within five feet of any other building except as specified in this section.

**D. DETACHED ACCESSORY RESIDENTIAL STRUCTURES**

1. Detached buildings for accessory residential uses (see 27-1008.G for Accessory Dwelling Unit requirements) greater than 200 square feet in size shall not exceed the principal building first story gross floor area on the lot or 1,500 square feet, whichever is less.
2. The maximum total square footage in detached accessory structures in the N1, N2, N3 and RMH zone districts shall not exceed 2,000 square feet or the total principal building first story gross floor area on the lot, whichever is less.
3. These limitations do not apply in the NX districts or MU districts except where those lots are developed with one or two-family dwellings.

**E. ACCESSORY USE TABLE**

Table 27-1000.6, Accessory Uses, identifies the accessory uses that may be permitted in each district subject to applicable standards.

1. Permitted /P/. These accessory uses are permitted by-right in the zone districts in which they are listed. Permitted accessory uses are required to comply with applicable use-specific standards identified in this article.
2. Permitted in upper stories/back of structure /PL/. These accessory uses are permitted by-right in the districts in which they are listed, provided that the accessory uses are located in the upper stories of a structure. These accessory uses may also be located in the ground story provided that they are located beyond a depth of at least 20 feet from the front facade.
3. Permitted with use restrictions /PR/. These accessory uses must comply with the use restrictions identified in this Zoning Code, including those restrictions included in this article and any use restrictions identified in the zone district where the uses is proposed to be located.
4. Requires a special review /SR/. These accessory uses are not allowed in the district but may be allowed through the special review process. Special review uses must follow any applicable development standards associated with the accessory use as well as meet the requirements of the special review.
5. Accessory uses that are not permitted are indicated by a blank space.

Table 27-1000.6: Accessory Uses	Residential							Mixed-Use and Commercial							Ind.		EBURD					Public						
	Key: P = Permitted, PL = Location Limits in Zone District, PR –Use Restrictions, SR – Special Review																											
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2	P3 Civ	P3 Ed	P3 Med	Additional Standards	
<b>Residential</b>																												
Accessory Dwelling Unit	SR	PR PL	PR PL	PR PL			PR PL																					27-1008
Employee/Caretaker Unit														PR	PR	PR						PR		P	P	P	P	27-1008
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P														27-1008
Short-Term Rental (Guest Home)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR			PR	PR	PR				PR	PR	PR	PR	PR	27-1005
Shelter (accessory to religious institution)												PR	PR				PR	PR	PR	PR	PR							27-1004
<b>Casino</b>																												
Limited (1-3 gambling devices)									P	P	P	P	P	P	P	P	P	P	P	P	P							27-1005
Small (4-9 gambling devices)									P	P	P	P	P	P	P	P	P	P	P	P	P							27-1005
<b>Communication and Satellite Facilities</b>																												
Amateur Radio Support Towers	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PL	PL	P												27-1008
Satellite Antenna and Dishes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-1008
<b>Day Care Facilities</b>																												
Day Care Center								P	P	P	P	P	P	P			P	P	P				P	P	P	P	P	27-1008
Family Day Care Home	P	P	P	P	P	P	P																					

Table 27-1000.6: Accessory Uses	Residential							Mixed-Use and Commercial						Ind.		EBURD					Public					Additional Standards		
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSVMS	RSV	CW	I3	IS	P1	P2	P3 Civ	P3 Ed		P3 Med	
Use Table	Key: P = Permitted, PL = Location Limits in Zone District, PR –Use Restrictions, SR – Special Review																											
Group Day Care Home	P	P	P	P	P	P	P																					
Drive-Through (Thru) Facility									SR	P	P	SR		P	P								P	P	P	P		27-1008
Electric Vehicle Charging Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		27-1008
<b>Eating and Drinking Establishment</b>																												
<b>No Alcohol</b>																												
Restaurant, no drive thru									P	P	P	P	P	P	P		P	P	P			P	P	P	P	P		
With drive-thru									SR	P	P	SR		P	P								P	P	P	P		
<b>Beer and Wine, On-Premises Consumption</b>																												
Bar or Tavern										SR	SR	PR	P	P	P		P	P	P	P	P							27-1005
Craft Alcohol										P	P	P	P	P	P		P	P	P	P	P		P	P	P	P		27-1005
Restaurant									P	P	P	P	P	P	P		P	P	P	P	P		P	P	P	P		27-1005
<b>All Beverage, On-Premises Consumption</b>																												
Bar or Tavern										SR	SR	P	P	SR	P		P	P	P	P	P							27-1005
Craft Alcohol										P	P	P	P	P	P		P	P	P	P	P		P	P	P	P		27-1005
Restaurant									P	P	P	P	P	P	P		P	P	P	P	P		P	P	P	P		27-1005
Kennel, Private	P	P	P	PR	PR	PR	PR																					27-1008
Outdoor Sales Lot												SR	SR	PR	PR													27-1008

Table 27-1000.6: Accessory Uses	Residential							Mixed-Use and Commercial						Ind.		EBURD					Public						
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSVMS	RSV	CW	I3	IS	P1	P2	P3 Civ	P3 Ed	P3 Med	Additional Standards
Outdoor and Sidewalk Seating									P R	P R	P R	P R	P R	P R			P R	P R	P R	P R	P R	P R	P R	P R	P R		27-1008
Outdoor Storage													P R		P R			P R	P R								27-1008
Park/Playground	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P				P	P	P	P	P	
Parking, Structured											P	P															
Shipping Container									P R	P R	P R	P R		P R	P R		P R	P R	P R	P R	P R						27-1008
Solar Energy Facility, Tier 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	27-1007
Wind Energy Conversion System, Tier 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	27-1007
<b>Urban Agriculture</b>																											
Beekeeping																											
Community Gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	27-1008
Crops	P	P	P	P	P	P	P																				
Fowl (chicken hens)	P R	P R	P R	P R	P R	P R	P R								S R												27-1008

**F. ACCESSORY DAY CARE FACILITY**

A child or adult day care facility, including nursery and preschool, may be permitted as an accessory use to a Public, Civic, and Institutional Use, subject to compliance with applicable state and city regulations.

**G. ACCESSORY DWELLING UNITS****1. Applicability**

- (a) Accessory dwelling units (ADUs) are permitted by right in the N1 and N2 zone districts and are allowed by special review in the N3 zone district.
- (b) Accessory dwelling units in applicable zones are permitted on any parcel where a single dwelling unit is permitted or currently exists.
- (c) The minimum lot size for a lot that has both a primary dwelling unit and an accessory dwelling unit is 3,000 sq. ft.

**2. Ownership and Occupancy**

- (a) The property owner shall live in either the primary or accessory dwelling unit, with one of the units serving as their principal residency for at least six months in a year. No third-party rentals shall occur in the owner-occupied unit.
- (b) The property owner shall record a deed restriction with the Yellowstone County Recorder requiring owner-occupancy of the property. Evidence of recordation of the deed restriction shall be provided to the City of Billings Planning & Community Services Department.
- (c) Conditions of approval, as determined by the Director, shall be filed for record with the County Recorder as deed restrictions within 30 days of approval of the accessory dwelling unit. Evidence of such filing shall be submitted to the Director within 30 days of approval.
- (d) The accessory dwelling unit shall not be sold separately or subdivided from the primary dwelling unit or lot.

**3. Dimensional Standards and Location**

- (a) One accessory dwelling unit is permitted per residential lot. The ADU shall be located on the same lot as the primary unit.
- (b) Unless specifically addressed in this section, accessory dwelling units are subject to the dimensional regulations for a principal building of the underlying zone district; e.g., setback/yard requirements and building coverage.
  - (1) A detached accessory dwelling unit shall not cover more than 30 percent of the available rear yard between the primary structure building line and the rear yard setback line.
  - (2) These standards do not apply to legally established detached garages that contain an accessory dwelling unit. Any expansion of a detached garage for conversion into an ADU shall comply with the appropriate setback and yard requirements for the detached garage.
  - (3) Maximum height for a new, detached accessory dwelling unit shall not exceed the height of the principal dwelling unit.

- (4) The footprint of a detached accessory dwelling unit shall not exceed the footprint of the principal dwelling unit.
  - (c) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit, but the structure may not be altered in any manner that would increase the degree of non-conformity.
- 4. Size**
- (a) The gross floor area of an accessory dwelling unit attached or internal to the primary dwelling unit shall not exceed the gross floor area of the primary dwelling unit.
  - (b) The maximum gross floor area of a detached accessory dwelling unit shall be no more than 80 percent of the gross floor area of the principal dwelling unit or 750 square feet, whichever is less.
- 5. Construction**
- (a) Accessory dwelling units must contain a kitchen or a food prep area, bathroom, and sleeping area for the sole use of the unit.
  - (b) Water and sewer service shall be provided. The principal unit and accessory unit may share utilities.
  - (c) Mobile homes, manufactured housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.
  - (d) A new street address for a new ADU is required to assist in emergency response.
- 6. Design**
- (a) Accessory dwelling units may be incorporated within or added onto a principal dwelling unit, garage, or other accessory structure, or may be built as a separate, detached structure on a lot where a single-family dwelling exists or will exist.
  - (b) An ADU, either detached or an extension of an existing structure, shall be designed to maintain the architectural design, style, appearance, and character of the primary structure, including compatibility with the neighborhood.
  - (c) Accessory dwelling units shall have a separate entrance with a clearly labeled street address. Houses with an incorporated accessory dwelling unit may not create additional entrances facing the same street.
- 7. Parking**
- The accessory dwelling unit shall have at least one dedicated off-street parking space in addition to the parking required for the primary dwelling unit. An exception to the parking requirement may be granted if it is demonstrated to planning staff that the additional parking space for the ADU is not feasible and/or on-street parking is available.
- 8. Home Occupations**
- Home occupations are permitted in an accessory dwelling unit.

## **H. AMATEUR RADIO SUPPORT TOWERS**

### **1. Applicability**

- (a) All amateur radio antenna support structures and antennas located within the city zoning jurisdiction whether upon private or public lands shall be subject to this section. This section shall apply to amateur radio antenna support structures and antennas upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this section.
- (b) Pre-existing amateur radio antenna support structures and pre-existing amateur radio antennas shall not be required to meet the requirements of this section, so long as said pre-existing antenna support structures and antennas have received all required approvals, permits and exceptions prior to adoption of this section.

## 2. Standards

- (a) Amateur radio antenna support structures and antennas shall be located only within the rear yard and shall not be placed within any required setback and shall be located so as to minimize their impact on adjacent residential properties and adjacent rights-of-way while maintaining acceptable signal quality.
- (b) Amateur radio antenna support structures and antennas exceeding six feet in height above grade (if ground-mounted) or above the roof or ridge of the building on which they are located (if building-mounted), shall require a building permit. With each building permit, the applicant shall submit evidence as is required to show that the device is adequately anchored, designed and/or constructed so as to safeguard the general public and/or adjacent property from damage in the event of failure of the device.
- (c) It is recommended that amateur radio antenna support structures be designed, installed, and maintained to blend into the surrounding environment through the use of color and alternative designs, except in instances where the color is dictated by the FAA.
- (d) In accordance with the FCC's preemptive ruling PRB1, 101 FCC 2d 952 (1985), antenna support structures erected for the primary purpose of supporting amateur radio antennas may exceed the height limitations of the underlying zoning as indicated in Table 27-1000.1, Primary Uses.
- (e) Attachments to amateur radio antenna support structures, such as guy wires and antenna wires, shall not cross any property line or any existing or proposed easement.
- (f) No lighting shall be permitted on any amateur radio antenna support structures except as mandated by the FAA.
- (g) No signage, other than required warning signs, or displays of any type shall be permitted on any amateur radio antenna support structure.

## I. COMMUNITY GARDENS

### 1. Locations

- (a) Community gardening is permitted on rooftops that are structurally capable of supporting the garden.
- (b) Community gardening is permitted in public parks and P districts.

### 2. Use Standards

- (a) The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
- (b) A minimum three-foot wide, clearly marked entrance path shall be provided from a public right-of-way to the garden.
- (c) The on-site sale of community garden products is prohibited except when permitted as an approved temporary use.
- (d) The use of motorized equipment is restricted to hours beginning at 7:00 AM and ending at 9:00 PM.
- (e) An on-site trash storage container must be provided and located as close as practicable to the rear lot line or, when located on a lot with other uses, the rear side of the community garden. Compost bins or piles must also be located in the same location. Trash must be removed from the site at least once a week.
- (f) The keeping of animals is prohibited unless the community garden is located in a zone district that permits animals.
- (g) Within a residential zoning district, operating hours for community garden activities are restricted to between 5:00 AM and 11:00 PM daily.
- (h) Customary accessory uses are regulated in the accessory use section.

### 3. Signs

Community gardens in residential zones shall be restricted to one, non-illuminated identification sign not exceeding eight square feet and eight feet in height, and set back a minimum of five feet from the front and side property lines. In all other zoning districts, signs shall comply with the permanent sign standards for the applicable zoning district.

## J. DRIVE-THROUGH (THRU) FACILITY

The following standards shall apply to businesses that contain a drive-through establishment, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

### 1. Location of Services Areas and Use of Audible Electronic Devices

- (a) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments located within 50 feet of any residential zone district shall not be audible beyond the subject property line.
- (b) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

## K. ELECTRIC VEHICLE CHARGING STATION

- 1. This section is not intended to regulate the charging of electronic vehicles within a personal garage associated with a dwelling unit or charging stations that may be placed within the public right of way by the City.
- 2. An electric vehicle charging station shall comply with the following use-specific standards:
  - (a) The charging station shall be associated with an approved off-street parking space.

- (b) Equipment associated with a charging station shall be located to not impede pedestrian movement or create trip hazards within the right of way or any pedestrian pathway.

#### **L. EMPLOYEE/CARETAKER UNIT**

Employee/caretaker units in CX, I1, I2, and EBURD shall be limited to no more than two residential units per 10,000 square feet of gross building floor area.

#### **M. HOME OCCUPATIONS**

The planning division recognizes that the restrictions set forth in this section do not anticipate all possible types of home occupations. Therefore, the following policies have been adopted to guide the planning division in the enforcement of this section:

##### **1. Standards of Operation**

- (a) The home occupation should not generate traffic before 7:30 a.m. or after 8:00 p.m.
- (b) The occupation should not generate, on average, more than four vehicle trips to the residence during any hour.
- (c) Uses not listed may be allowed with written approval from the Zoning Coordinator if they meet the intent of this section and will conform to all of the restrictions of this section.
- (d) No person shall be employed other than the residents of the dwelling.
- (e) The occupation shall be conducted entirely within the dwelling or an accessory building.
- (f) The floor area devoted to the occupation shall not exceed 500 square feet or 25 percent of the total ground area occupied by the buildings, whichever is less.
- (g) The occupation shall not produce light, noise, vibration, glare, fumes, odors, electrical interference, etc., which is inconsistent with the character of the residential area.
- (h) There shall be no sign advertising or calling attention to the home occupation on the premises.
- (i) There shall be no display, evidence or activity apparent from the exterior of the lot which would indicate that the premises are being used for any purpose other than that of a dwelling.
- (j) There shall be no group instruction, assembly or activity for greater than five persons.
- (k) One business vehicle that is associated with the home occupation may be parked or stored on the premises. Vehicles rated at more than 12,000 GVW must be stored in a different location.
- (l) There shall be no outside storage of materials or equipment related to the home occupation, except the one allowed business vehicle.

##### **2. Uses Permitted with Business License**

- (a) Home Office
  - (1) Administrative or professional offices
  - (2) Internet or direct sales distribution
- (b) Home Instruction

Individual tutoring or lessons in art, dance, music, swimming, or similar activities are permitted, provided that a maximum of six students per day shall be permitted at the premises.

**3. Uses Permitted with Planning Administrative Review**

The preparation of items for off-site display and sale, including, for example, ceramics dressmaking/sewing, jewelry, food products, printmaking, and other types of individual, small-scale craft or artisan manufacturing.

**4. Prohibited Uses**

The following types of uses will not be approved as home occupations:

- (a) Uses involving large or oversized goods or materials;
- (b) Automobile, lawn mower, or other engine repair, welding, or machine shops unless the service is offered only at the customer's location (mobile service);
- (c) Uses where other employees visit the site, such as operating/dispatch offices for contractors, offices for businesses having employees who are not occupants;
- (d) Uses involving more than household quantities of volatile liquids or materials; or
- (e) Uses involving the grooming, breeding, or boarding of animals.

**N. KENNEL, OUTDOOR (PRIVATE)**

**1. Accessory Use**

- (a) All outdoor kennels must be established as an accessory use to a single-family residential use.
- (b) In multifamily and RMH districts, outdoor kennels shall only be allowed when accessory to a single or two-unit development that is permitted within the district.

**2. Location**

Accessory structures or enclosures used for the kennel must be located only in the rear yard of the site.

**3. Setback**

The setback of any accessory structure or enclosure associated with the kennel shall be no closer than 5 feet to any side or rear property line.

**4. Maximum Area**

The area of the outdoor kennel site shall be limited to 10 percent of the total area of the lot.

**O. LIVESTOCK AND FOWL**

1. Livestock shall not be maintained in any zoning district located within the limits of the City except as provided in Table 27-1000.2 Accessory Uses.
2. Horses may be permitted in the City when located within a planned development that was specifically designed and approved to accommodate horses and/or equestrian centers.
3. Fowl, except chicken hens, shall not be maintained in any zoning district located within the City limits. Chicken hens may be kept within the limits of the City in residential zoning districts or on property used for single family residential purposes as provided in Table 27-1000.6, Accessory Uses, subject to limitations and permitting requirements in BMCC Section 4-303, Rabbitry and Chickens.

**P. OUTDOOR DISPLAY AND SALES****1. General Provisions**

- (a) Outside display and sale of merchandise is permitted only if the merchandise is related to the principal use of the property. Merchandise shall be removed each night into an enclosed structure except that the continuous outside display of merchandise is permitted when the principal use of property is:
  - (1) Lumber and construction materials,
  - (2) Vehicle and heavy equipment sales and rentals,
  - (3) RV and manufactured home sales and service,
  - (4) Wholesale and retail nurseries,
  - (5) Lawn and garden supply,
  - (6) Fueling stations,
  - (7) Retail or wholesale open 24 hours, or
  - (8) Temporary uses and structures regulated by Section 27-1008.
- (b) Display areas shall be located outside of drive aisles; required parking areas, including access; required landscape areas; and pedestrian ways.
- (c) In addition to the outdoor display and sales area, store front sidewalks excluding any public sidewalks, shall be allowed for outdoor display and sales provided these outdoor display and sales areas comply with all provisions of applicable zoning ordinances, building codes, and other city codes and regulations.
- (d) All outdoor display and sales areas shall be maintained in a neat, clean, orderly fashion to avoid pedestrian hazards and ensure personal safety.
- (e) Display areas shall not exceed eight feet in height unless a single unit of the merchandise exceeds eight feet (e.g., RVs, manufactured homes, or trucks).

**2. EBURD**

Outdoor sales are limited to lots fronting on Boulevard Street Types (1st Avenue N, 4th Avenue N, and 6th Avenue N).

**Q. OUTDOOR AND SIDEWALK SEATING**

- 1. Eating and drinking establishments may provide accessory outdoor seating areas, including rooftop seating, that meet the following generally applicable criteria:
  - (a) Outdoor seating areas outside of the CBD may not occupy required landscape area, required parking spaces, or required parking area access aisles.
  - (b) An outdoor seating area exceeding 25% of the indoor building floor area is counted as floor area for purposes of determining off-street parking and loading requirements.
  - (c) The use of mechanically produced sound, amplified sound, or live music shall only be permitted in conformity with the City's noise standards. Waivers or variances to the City's noise standards are not allowed for property within 50 feet of any residential zone.
  - (d) All outdoor uses shall be maintained free of garbage and other debris.

- (e) The hours of operation for the outside seating shall be consistent with the hours of operation of the inside use.
  - (f) The outdoor seating area shall not obstruct any fire exit, fire escape, or other required ingress or egress.
2. Public sidewalk seating may be permitted by City Engineering in compliance with the following conditions:
- (a) The area of occupancy must be abutting and contiguous to the restaurant in which food preparation, sanitation and related services for the sidewalk cafe will be performed.
  - (b) Sidewalk seating may not be enclosed by fixed walls, unless such walls are necessary to comply with requirements to serve alcohol, and shall be open to the air, except that it may have a canopy.
  - (c) There shall be a minimum width of four feet of clear, unimpeded sidewalk remaining for pedestrians between the curb and the area of sidewalk seating.
  - (d) The sidewalk seating shall be located a minimum of five feet from driveway and alleys, and ten feet from intersections.
  - (e) All curbs, alleys, sidewalks and public rights-of-way adjacent to the sidewalk seating shall be kept in a clean and orderly condition.
  - (f) All outdoor seating shall be maintained free of garbage and other debris.
  - (g) An encroachment permit may be required, as provided for in BMCC 22-400.

## **R. OUTSIDE STORAGE**

### **1. Intent**

Any use requiring accessory outside storage of material, equipment, or business-related supplies shall comply with the following standards. . Outdoor storage does not include outdoor sales lots as regulated in Section 27-1009.O.

### **2. Generally Applicable Standards**

- (a) Any permitted outside storage shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building.
- (b) Storage areas shall be located outside of drive aisles; fire lanes; required parking areas, including access; required landscape areas; and pedestrian ways.
- (c) Chain link or other type of wire fencing is prohibited unless durable sight-obscuring inserts are installed. Fabric or cloth inserts are not permitted.

### **3. Junk Storage**

Junk, partially or completely dismantled vehicles, or salvaged materials shall not be stored in any commercial zone outside a building; except that automobile repair shops may store such materials either enclosed within a building or an area having a sight obscuring fence at least six feet in height. Chain link or other type of wire fencing is prohibited unless durable sight-obscuring inserts are installed. Fabric or cloth inserts are not permitted.

### **4. EBURD**

- (a) Within the Central Works and 13th Street Main Street Districts:

- (1) Outdoor storage areas shall be located in the rear or side yard of the lot.
- (2) Loose materials shall not be stacked higher than six feet.
- (3) Loose materials shall at a minimum be stored in a three-sided shelter and shall be covered.
- (4) Materials shall be set back a minimum of five feet from any lot line.
- (5) All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the side or rear buffer.

#### **S. SATELLITE ANTENNAS AND DISHES**

Before any satellite antenna is erected in any zoning district, the property owner(s) shall first obtain the applicable permits from the Building Official.

1. A building permit is not required for installation of satellite dish antennas which are four feet or less in diameter.
2. All satellite dish antennas and the construction and installation thereof shall conform to the building and electrical codes adopted by the building division.
3. Satellite dish antennas shall meet all manufacturer's specifications, be of noncombustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.

#### **T. SHIPPING CONTAINER STORAGE**

##### **1. Site Requirements**

All accessory shipping container storage shall meet the following site standards:

- (a) There shall be a principal structure on the property.
- (b) The shipping containers are stored either:
  - (1) Behind the principal structure, or
  - (2) Shielded from view by a permanent enclosure that is at least eight feet in height and sight-obscuring.

##### **2. Permanent Accessory Use**

In the CX, I1, I2, and EBURD districts, shipping containers may be used for permanent accessory storage for a period of more than one year.

##### **3. Temporary Accessory Use**

- (a) In the NMU, CMU1, CMU2, and DX districts, shipping containers may be used for temporary accessory storage for a period of time not to exceed one year.
- (b) Shipping containers may be used for accessory storage for a period not to exceed three months for business relocations and new business stocking.
- (c) Shipping containers may be used for accessory storage for a period of time not to exceed nine months following a fire or other disaster,

**U. SOLID WASTE**

1. Solid waste storage facilities in mixed use, commercial, EBURD and industrial zone districts shall be located within an area enclosed with a sight obscuring fence or wall that is architecturally compatible in color and design with the building. Solid waste storage in public alleys is not subject to this requirement.
2. Chain link or other type of wire fencing is prohibited unless durable sight-obscuring inserts are installed. Fabric or cloth inserts are not permitted.
3. The city public works department shall approve the solid waste storage facility for minimum opening, accessibility, and other criteria deemed necessary for the removal of solid waste from the site.

**SECTION 27-1009 TEMPORARY USES****A. TEMPORARY USES IN NONRESIDENTIAL ZONING DISTRICTS****1. Group 1 Temporary Uses**

This group shall be defined as temporary uses of property continuing for less than 72 hours. Group 1 uses do not require a temporary use/structure permit from planning and community development. Uses in this group shall comply with the following:

- (a) Such use shall be an allowed use in the underlying zoning district;
- (b) Any temporary structure must be setback five feet behind all property lines;
- (c) No part of the temporary use or temporary structure shall block any defined clear vision area (Section 27-1802.H) for driving aisles, drive approaches from streets, or at the intersection of streets or alleys;

**2. Group 2 Temporary Uses**

This group shall be defined as temporary uses of property continuing for longer than 72 hours but less than 91 days and are required to obtain a temporary use/structure permit from the planning and community services department.

- (a) The following temporary uses may be allowed in this temporary use group: carvinal, circus, seasonal sales, or other similar uses.
- (b) Supplemental Standards

Uses in this group shall comply with the following:

- (1) Such use shall be an allowed use in the underlying zoning district;
- (2) Any temporary structure must be setback five feet behind all property lines;
- (3) No part of the temporary use or temporary structure shall block any defined clear vision area per Section 27-1802.H for driving aisles, drive approaches from streets, or at the intersection of streets or alleys;
- (4) New access drives to public right-of-ways must be approved by the City Engineering division.
- (5) A business license for temporary uses located within the City limits must be obtained if required by BMCC Chapter 13-400, Finance and Revenue.

**3. Group 3 Temporary Uses**

This group shall be defined as temporary uses of property continuing for longer than 90 days but less than one year and are required to obtain a temporary use permit from the planning and community services department.

- (a) The following temporary uses may be allowed in this temporary use group, but must be located in a district that allows the use, as specified in Table 27-1000.1, Primary Uses:
  - (1) Greenhouses or other similar seasonal-oriented uses, as determined by the zoning coordinator;
  - (2) Portable classrooms;
  - (3) Portable offices; or
  - (4) Other uses, such as carry-out food and/or beverage service.

## (b) Location restrictions:

- (1) Any group 3 temporary use/structure existing upon adoption of this chapter, which does not comply, depending upon its location, with the applicable City site development regulations, shall comply with such standards within one year from the date of the enactment of this section or any amendment thereto;
- (2) Any new or relocated temporary use must be located on a site which complies, depending upon its location, with the applicable city site development regulations, including landscaping, surfacing and number of required off-street parking spaces;
- (3) The structure shall be a factory-built structure and shall not have an axle(s). Temporary structures which do not comply with one or both of these requirement(s) and which exist as of \_\_\_\_\_ [insert date], shall be deemed legal nonconforming structures and may continue to be used as a temporary structure, provided the temporary use and structure complies with all other requirements of this section; and
- (4) Temporary uses as listed in subsection 3(a)(4) shall also comply with the following criteria:
  - (i) Maximum size of the structure shall be 10 x 12 feet or 120 square feet;
  - (ii) Site circulation shall be approved by the city traffic engineer, along with the location of any drive-in window. This group of temporary uses shall be exempt from any special review requirements for drive-in service;
  - (iii) The temporary use must provide the required number of paved off-street parking spaces. In addition, the temporary use shall not utilize any parking spaces that would make the principal use deficient in the required number of off-street parking spaces;
  - (iv) Utilities to serve the temporary use shall be located underground or suspended overhead, in compliance with all applicable codes; and
  - (v) All structures are subject to local, and state requirements and must obtain all relevant licenses before a temporary use/structure permit is issued.

## (c) Supplemental standards:

- (1) When submitting for a temporary use/structure permit, a group 3 use shall provide the following:
  - (i) Existing site plan, including parking stalls and buildings;
  - (ii) Proposed site plan, including location of temporary use and its relationship to existing site circulation and off-street parking spaces and driving aisles, including existing and proposed surfacing;
  - (iii) Location of drive-in service, if applicable;
  - (iv) Setbacks from property lines and arterial streets;
  - (v) Size of temporary structure; and
  - (vi) Proposed use of the temporary structure.
- (2) The temporary use must provide sufficient space to accommodate the structure and paved off-street parking for customer and use-related vehicles;
- (3) Clear vision standards set forth in section 27-615 shall be followed;

- (4) Access to any public right-of-way must be approved by the city engineering division;
- (5) It shall be the responsibility of the owner of the temporary structure to ensure that the structure is secured to withstand an 80 miles per hour (m.p.h.) wind load and to meet all applicable Americans with Disabilities Act (A.D.A.) and accessibility standards;
- (6) All group 3 temporary structures, regardless of size, which contain electrical wiring, and are placed on property within the city limits, shall have such electrical wiring permitted, inspected and approved by the city building division. All temporary structures that exceed 120 square feet, except greenhouses, shall have the structure permitted, inspected and approved by the city building division or labeled as a factory-built structure by the State Building Codes Bureau prior to issuance of a temporary use/structure permit. A temporary use/structure permit shall be obtained by the owner and a business license, if required, shall be obtained by the operator. Such temporary use/structure permit shall be valid for a period of not more than one year. An annual renewal may be given by the zoning coordinator, provided that the use complies with the above requirements..

## **B. TEMPORARY USES IN RESIDENTIAL ZONING DISTRICTS**

In any residential district, the temporary use of land for uses listed below may be allowed for a period not to exceed 61 days and are required to obtain a temporary use permit from the planning and community services department.

### **1. Seasonal Sales**

The sales of seasonal items including but not limited to holiday decorations in residential zoning districts shall be allowed when all of the following restrictions are met:

- (a) The sale must be conducted on the premises of a religious institution, school, or other tax exempt organization; and
- (b) The site shall provide sufficient space to accommodate the seasonal sales and off-street parking for customer and other sale related vehicles.

### **2. Roadside Stands**

The sale of flowers or produce at temporary roadside stands shall be allowed when all of the following restrictions are met:

- (a) Only items which are produced on the premises may be sold on the premises;
- (b) Any structure used must be portable and removed after the temporary use/structure has ceased operation.
- (c) The use must provide sufficient space to accommodate the stand and off-street parking for customer and other sale related vehicles;
- (d) No structure, either temporary or permanent, nor any parking area shall be located within any public right-of-way and shall meet the clear vision standards set forth in Section 27-1802.H;
- (e) New access to any public right-of-way must be approved by the city engineering division; and
- (f) All signage and temporary structures must be removed at the time the temporary use has ceased on the property.

## C. TEMPORARY USES AND STRUCTURES

### 1. Construction Equipment, Sheds, and Materials

The temporary staging and storage of equipment and materials and use of buildings or modular structures for offices or equipment sheds during construction projects may be permitted in any zoning district. A temporary use/structure permit is not required if the equipment, materials and structures are part of an approved construction project. In addition, all equipment, materials and structures shall meet the following criteria:

- (a) Equipment, materials and structures include any items procured by a contractor that are necessary to complete the approved construction project including, but not limited to:
  - (1) Heavy equipment, pipe, fittings, manholes, and the appurtenances;
  - (2) Gravel, sand, soil, concrete mix, forms, lumber and similar materials;
  - (3) Traffic control devices and stacked pallets of materials; and
  - (4) Modular offices and equipment sheds.
- (b) Staging and storage of equipment and materials shall be conducted in a safe, neat and orderly manner at all times;
- (c) Any such equipment, materials and structures shall be removed upon completion of the construction project; and
- (d) No such structure shall be used for living or sleeping purposes.

### 2. Other Temporary Structures

Temporary structures not used for construction or equipment sheds may be allowed when the following criteria are met:

- (a) For group 3 uses, the structure shall meet the applicable setbacks for the zone in which it is located, including arterial setbacks as found in section 27-XXX;
- (b) The structure shall meet the clear vision standards set forth in section 27-1802.H;
- (c) No such structure shall be used for living or sleeping purposes; and
- (d) The use of the structure shall comply with subsections 27-1010.A.3(b) and 27-1010.A.3(c), whichever is applicable.
- (e) A temporary use/structure permit shall be obtained for each location by the owner for group 2 and group 3 uses as defined in subsection 27-1010.A.3(b).
- (f) A temporary use/structure permit shall be obtained for each location by the owner for seasonal sales and roadside stands in residential and noncommercial zoning districts as defined in subsection 27-1010.B.

### 3. Time Limit Established

The zoning coordinator shall establish the time period that a building or modular structure can be used on a temporary basis. This time period shall coincide with the temporary use/structure permit time period established under above subsection (b) or (c), whichever is applicable. The structure shall be removed when the temporary use is discontinued or the permit has expired. An extension for the renewal of the temporary structure permit only, may be granted by the zoning coordinator, if it is found that unusual and/or extraordinary circumstances exist.

## D. TEMPORARY USE/STRUCTURE PERMIT REQUIRED

1. Before any group 2 or group 3 temporary use or structure is established, the property owner shall obtain a temporary use/structure permit for each location from the zoning coordinator or his/her designee.
2. For group 3 temporary uses, the temporary use permit holder shall post a \$1,500.00 bond for each location with the planning and community services department to ensure timely removal of the use and/or structure.

# Project Re:Code

## Billings | Yellowstone County

**Mission Statement – To create a zoning code that allows for efficient and intelligent growth while meeting the goals of the community today and into tomorrow. As the Steering Committee, working groups, City & County staff review, revise and draft new zoning regulations, we will adhere to the following Guiding Principles:**

- **CLARIFY AND SIMPLIFY** - All new regulations will be written in Plain English to maximize readers' ability to find what they need, understand what they find, and use what they find to meet their needs.
- **REGULATE WHAT MATTERS** - The regulations will have a clear alignment with community goals today while allowing for changing goals in the future.
- **PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS** - The regulations will recognize and incorporate clear and well defined processes that uphold property rights and access to housing choices.
- **PREVENT CONFLICTS** - The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.
- **OPTIONS AND CONTEXT** - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community's goals change.
- **MAINTAIN WHAT WE CARE ABOUT** - The regulations will encourage stability of existing neighborhoods while allowing for changes over time.
- **FILL THE VOID** – The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.
- **PROSPERITY** – The regulations will serve to support the community's need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing business, and private investment in the economy, all to promote job creation.

## **2016 BILLINGS GROWTH POLICY STATEMENT AND GUIDELINES**

**Statement:** In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

### **Growth Guidelines:**

#### **Essential Investments (relating public and private expenditures to public values)**

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

### **Place Making (Enhance, maintain, preserve, and improve existing public places)**

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Locally grown foods help sustain agriculture, provide healthy options, and support local businesses
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

### **Community Fabric (attractive, aesthetically pleasing, uniquely Billings)**

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

### **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces

- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

### **Home Base (healthy, safe and diverse housing options)**

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory dwellings units provide an important type of affordable housing options if compatible
- Energy efficient housing can reduce energy consumption

### **Mobility and Access (transportation choices in places where goods and services are accessible to all)**

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

### **Prosperity (promoting equal opportunity and economic advancement)**

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy

- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

<b>Name</b>	<b>Organization</b>
Darell Tunnickliff	City/County Planning Board
David Goodridge, Chair	City/County Planning Board
Troy Boucher	City/County Planning Board
Woody Woods	City/County Planning Board
John Ostlund	BOCC
Shaun Brown	City Council
Tyler Bush	County Zoning Commission
Carlotta Hecker	County BOA
Mike Boyett	City Zoning Commission
Mark Noennig	City BOA
Kolten Knatterud	Territorial Landworks
Pat Davies	Sanderson Stewart
Jan Rehberg	Rehberg Ranch
Greg McCall	McCall Development
Virgil Middendorf	Heights Comm. Task Force
Marty Connell	Kairos Inc.
Steve Arveschoug	BSEDA
Melissa Henderson	Riverstone Health
Steve Zeier	Zeier Consulting
Bill Stene	Realtor

<b>County Issues Working Group</b>
<b>Name</b>
Darell Tunnicliff
Troy Boucher
Carlotta Hecker
Woody Woods
Tyler Bush
Mike Boyett
John Ostlund
Jeff Bollman
Steve Arveschoug

<b>Urban Issues Working Group</b>
Kolten Knatterud
Mellisa Henderson
Pat Davies
Greg McCall
Mark Noennig
Jan Rehberg
Fran Bertholet

<b>Sign Code Working Group</b>
David Goodridge
Jan Rehberg
Mike Boyett
Shaun Brown
Steve Zeier
Cheryl Lenhardt
Jeff Bollman
Paul Cox

<b>Landscaping Working Group</b>
Darell Tunnicliff
Woody Woods
Bill Stene
John Ostlund
Neil Kiner
Jerry Ray
Good Earth Works

<b>ADU Task Group</b>
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Greg McCall
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Jan Rehberg
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Troy Boucher
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Darell Tunnicliff
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Ron Hill
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Sheldon Douglas
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Brian Johnson
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**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

**Sec. 27-306. District Regulations: Commercial and Industrial Uses.**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	<b>Residential Professional</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Highway Commercial</b>	<b>Central Business District</b>	<b>Controlled Industrial</b>	<b>Heavy Industrial</b>	<b>Public</b>	<b>South 27th Street Corridor</b>
<b>DIVISION A - AGRICULTURE, FORESTRY AND FISHING</b>									
<b>01 AGRICULTURAL PRODUCTION - CROPS:</b>									
– Offices only	A	A	A	A	A	A	A		A
– Production only	A	A	A	A	A	A	A	A	
– Sales		A	A	A	A	A	A		
<b>02 AGRICULTURAL PRODUCTION - LIVESTOCK AND ANIMAL SPECIALTIES:</b>									
– Offices only	A	A	A	A	A	A	A		A
021 Livestock, except dairy and poultry							SR		
<b>07 AGRICULTURAL SERVICES (EXCEPT BELOW):</b>									
– Offices only	A	A	A	A	A	A	A		A
0741 Veterinary services for livestock:									
– Boarding						A	A		
– Outpatient only				SR		A	A		
0742 Veterinary services for animal specialties:									
– Boarding			SR	A		A	A		SR
– Outpatient only		SR	A	A		A	A		A
075 Animal services, except veterinary (except below):									
– Dog grooming			A	A		A	A		
– Public animal shelters						A	A	A	
<b>08 FORESTRY:</b>									
– Offices only	A	A	A	A	A	A	A		A
– Retail sales			A	A	A	A	A		A
– Equipment storage and wholesale sales				A		A	A		
<b>09 FISHING, HUNTING, AND TRAPPING (EXCEPT BELOW):</b>									
– Offices only	A	A	A	A	A	A	A		A
092 Fish hatcheries and preserves						SR	SR		



**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A – ALLOWED</b>	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
<b>DIVISION D - MANUFACTURING</b>  <b>20 FOOD AND KINDRED PRODUCTS:</b> <ul style="list-style-type: none"> <li>- Offices only</li> <li>- 2011 Packing plants</li> <li>- 2013 Meat products</li> <li>- 2015 Poultry slaughtering and processing plants</li> <li>- 202 Dairy products</li> <li>- 203 Canned, frozen, and preserved fruits, vegetables, and food specialties</li> <li>- 204 Grain mill products</li> <li>- 205 Bakery products</li> <li>- 2061, 2062, 2063 Sugar manufacturing and refining</li> <li>- 2064, 2066, 2067, 2068 Candy; chocolate; chewing gum; salted and roasted nuts and seeds manufacturing</li> <li>- 207 Fats and oils</li> <li>- 2082, 2083, 2084, 2085 Alcoholic beverages manufacturing and bottling (except below):               <ul style="list-style-type: none"> <li>- 1,500 to 5,000 31-gallon barrels per year</li> <li>- Less than 1,500 31-gallon barrels per year</li> </ul> </li> <li>- 2086, 2087 Soft drinks and flavoring extracts manufacturing and bottling</li> <li>- 2091 Canned and cured fish and seafoods</li> <li>- 2092 Prepared fresh or frozen fish and seafoods</li> </ul>	A	A	A	A	A	A	A	A	A
<ul style="list-style-type: none"> <li>- 2015 Poultry slaughtering and processing plants</li> <li>- 203 Canned, frozen, and preserved fruits, vegetables, and food specialties</li> <li>- 204 Grain mill products</li> <li>- 2061, 2062, 2063 Sugar manufacturing and refining</li> <li>- 2064, 2066, 2067, 2068 Candy; chocolate; chewing gum; salted and roasted nuts and seeds manufacturing</li> <li>- 2082, 2083, 2084, 2085 Alcoholic beverages manufacturing and bottling (except below):               <ul style="list-style-type: none"> <li>- 1,500 to 5,000 31-gallon barrels per year</li> <li>- Less than 1,500 31-gallon barrels per year</li> </ul> </li> <li>- 2091 Canned and cured fish and seafoods</li> </ul>			SR	A	SR	SR	SR		A
<ul style="list-style-type: none"> <li>- 2061, 2062, 2063 Sugar manufacturing and refining</li> <li>- 2064, 2066, 2067, 2068 Candy; chocolate; chewing gum; salted and roasted nuts and seeds manufacturing</li> <li>- 2082, 2083, 2084, 2085 Alcoholic beverages manufacturing and bottling (except below):               <ul style="list-style-type: none"> <li>- 1,500 to 5,000 31-gallon barrels per year</li> <li>- Less than 1,500 31-gallon barrels per year</li> </ul> </li> <li>- 2091 Canned and cured fish and seafoods</li> </ul>			SR	A	SR	SR	A		SR
<ul style="list-style-type: none"> <li>- 2082, 2083, 2084, 2085 Alcoholic beverages manufacturing and bottling (except below):               <ul style="list-style-type: none"> <li>- 1,500 to 5,000 31-gallon barrels per year</li> <li>- Less than 1,500 31-gallon barrels per year</li> </ul> </li> <li>- 2091 Canned and cured fish and seafoods</li> </ul>			SR	SR	SR	A	A		SR
<ul style="list-style-type: none"> <li>- 2091 Canned and cured fish and seafoods</li> </ul>			A	A	A	A	A		A
<ul style="list-style-type: none"> <li>- 2092 Prepared fresh or frozen fish and seafoods</li> </ul>				SR		A	A		
						SR	A		

**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	<b>Residential Professional</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Highway Commercial</b>	<b>Central Business District</b>	<b>Controlled Industrial</b>	<b>Heavy Industrial</b>	<b>Public</b>	<b>South 27th Street Corridor</b>
<ul style="list-style-type: none"> <li>- 2095, 2096, 2098 Roasted coffee; potato or corn chips; macaroni manufacture</li> <li>- 2097 Manufactured ice</li> <li>- 2099 Food preparations, not elsewhere classified</li> </ul>				A		A A SR	A A A		
<b>21 TOBACCO PRODUCTS:</b> <ul style="list-style-type: none"> <li>- Offices only</li> </ul>	A	A	A	A	A	SR A	A A		A
<b>22 TEXTILE MILL PRODUCTS:</b> <ul style="list-style-type: none"> <li>- Offices only</li> </ul>	A	A	A	SR A	A	A A	A A		A
<b>23 APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS:</b> <ul style="list-style-type: none"> <li>- Offices only</li> </ul>	A	A	A	SR A	A	A A	A A		A
<b>24 LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE:</b> <ul style="list-style-type: none"> <li>- Offices only</li> <li>- 2411 Logging</li> <li>- 2421 Sawmills and planing mills</li> <li>- 2426, 2429 Hardwood and special product sawmills</li> <li>- 2431, 2435, 2436, 2439, Millwork, plywood veneer, wood members manufacture</li> <li>- 2434 Cabinet manufacture</li> <li>- 244 Wood container manufacture</li> <li>- 245 Wood buildings and mobile home manufacture</li> <li>- 249 Miscellaneous wood products manufacture</li> </ul>	A	A	A	A  SR  SR  SR	A	A  SR  A  A  A  A	A SR A  A  A  A		A
<b>25 FURNITURE AND FIXTURES:</b> <ul style="list-style-type: none"> <li>- Offices only</li> </ul>	A	A	A	SR A	A	A A	A A		A
<b>26 PAPER AND ALLIED PRODUCTS:</b> <ul style="list-style-type: none"> <li>- Offices only</li> </ul>	A	A	A	A	A	SR A	A A		A

**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>	<b>Residential Professional</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Highway Commercial</b>	<b>Central Business District</b>	<b>Controlled Industrial</b>	<b>Heavy Industrial</b>	<b>Public</b>	<b>South 27th Street Corridor</b>
<b>SR - SPECIAL REVIEW A - ALLOWED</b>									
<b>27 PRINTING, PUBLISHING, AND ALLIED INDUSTRIES:</b> – Offices only	A	A	SR A	A A	A A	A A	A A		SR A
<b>28 CHEMICALS AND ALLIED PRODUCTS:</b> – Offices only – 2833-Medicinal & Botanical Products – 2834 – Pharmaceutical Preparations	A	A	A	A A A	A	A A A	A A A		A
<b>29 PETROLEUM REFINING AND RELATED INDUSTRIES:</b> – Offices only – 291 Petroleum refining – All others	A	A	A	A	A	A	A SR A		A
<b>30 RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS:</b> – Offices only	A	A	A	A	A	SR A	SR A		A
<b>31 LEATHER AND LEATHER PRODUCTS:</b> – Offices only	A	A	A	SR A	A	A A	A A		A
<b>32 STONE, CLAY, GLASS, AND CONCRETE PRODUCTS (EXCEPT BELOW):</b> – Offices only – 3231, 3269, 3281 Products made from purchased glaze, pottery products, cut stone products – 324, 325, 327 Hydraulic cement; structural clay products; concrete, gypsum, and plaster products	A	A	A	A SR	A	A A SR	A A A		A
<b>33 PRIMARY METAL INDUSTRIES (EXCEPT BELOW):</b> – Offices only – 332, 336 Foundries – 3312, 333, 334 Blast furnaces, primary and secondary smelters	A	A	A	A	A	SR A	A A A SR		A

**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
<b>34 FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT (EXCEPT BELOW):</b> – Offices only – 348 Ordinance and accessories, except vehicles and guided missiles	A	A	A	A	A	SR A	A A  SR		A
<b>35 INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT:</b> – Offices only	A	A	A	A	A	SR A	A A		A
<b>36 ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT:</b> – Offices only	A	A	A	A	A	SR A	A A		A
<b>37 TRANSPORTATION EQUIPMENT:</b> – Offices only	A	A	A	A	A	A	A A		A
<b>38 MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL, AND OPTICAL GOODS; WATCHES AND CLOCKS</b> – Offices only	A	A	A	A	A	A A	A A		A A



**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
<b>42 MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING:</b> – Offices only – 421, 423 Trucking terminal and maintenance facilities (except below): – 4215 Courier services, except by air (without truck terminal facilities) – 422 Public warehousing (except below): – 4225 General warehousing and storage – 4226 Special warehouse and storage	A	A	A	A	A	A	A	A	A
<b>43 U.S. POSTAL SERVICE:</b> – Without truck terminal facilities – With truck terminal facilities	A	A	A	A	A	A	A	A	A
<b>44 WATER TRANSPORTATION:</b> – Offices only	A	A	A	A	A	A	A		A
<b>45 TRANSPORTATION BY AIR:</b> – Offices only – 4513 Air courier services (without truck terminal facilities)	A	A	A	A	A	A	A	A	A
<b>46 PIPELINES, EXCEPT NATURAL GAS:</b> – Offices only	SR A	SR A	SR A	SR A	SR A	SR A	SR A	SR	SR A
<b>47 TRANSPORTATION SERVICES:</b> – Offices only – Warehouses, terminals	A	A	A	A A	A	A A	A A		A

**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
<b>48</b> Communications – Offices only Amateur Radio Antenna Support Structures: – 100 feet or less in height (See Section 27-619 for additional requirements) – Greater than 100 feet in height Broadcasting (Radio and Television) Services: – Stations and studios – Antenna support structures that meet the height restrictions for building in BMCC Section 27-309. – Antenna support structures exceeding the maximum height for buildings in BMCC, Section 27-309, or exceed 50 feet in height whichever is less. – Broadcast antenna or tower farms	A	A	A	A	A	A	A	A	A
	A	A	A	A	A	A	A	A	A
	SR	SR	SR	SR	SR	SR	A	SR	SR
	SR	SR	A	A	A	A	A	A	A
	SR	SR	A	A	A	A	A	A	A
	SR	SR	SR	SR	SR	SR	A	SR	SR
	SR	SR	SR	SR		SR	A	SR	
Commercial Antenna Support Structures: – Alternative antenna support structures. – Antenna support structures located on school, government-owned utility or other government sites. – Antennae co-located on existing or approved alternative antenna support structures or antenna support structures.	A	A	A	A	A	A	A	A	A
	A	A	A	A	A	A	A	A	A
	A	A	A	A	A	A	A	A	A

**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
<ul style="list-style-type: none"> <li>- Roof-mounted antenna</li> <li>- Antenna support structures 50 feet or less in height (see additional requirements in Section 27-620).</li> <li>- Antenna support structures greater than 50 feet in height.</li> <li>- Tower farms</li> <li>- Dishes over 12' in Diameter</li> </ul>	SR	SR	A	A	A	A	A	A	A
	SR	SR	A	A	A	A	A	A	A
	SR	SR	SR SR	SR SR	SR	SR SR	A A	SR SR	SR
	SR	SR	A	A	A	A	A	SR	SR
<p><b>49 ELECTRIC, GAS, AND SANITARY SERVICES:</b></p> <ul style="list-style-type: none"> <li>- Offices only</li> <li>- Municipal water supply (4941) or sewerage (4952) treatment facilities</li> <li>- 4953 Refuse systems*</li> <li>- Sanitary landfills</li> <li>- Transmission and distribution, electric and gas</li> <li>- Production, manufacture and generation, electric or gas</li> <li>- All others this group</li> </ul> <p>* See BMCC Sec. 27-605 Hazardous Waste Facilities</p>	A	A	A	A	A	A	A	A	A
	SR	SR	SR	SR	SR	SR	A SR	A SR	SR
	SR	SR	SR	SR	SR	SR SR SR	SR SR SR	SR	SR
<p><b>DIVISION F - WHOLESALE TRADE</b></p> <p><b>50 WHOLESALE TRADE - DURABLE GOODS:</b></p> <ul style="list-style-type: none"> <li>- Offices only</li> <li>- Warehouses enclosed storage</li> <li>- Open storage</li> <li>- 5093 Scrap and waste materials (auto wrecking)</li> </ul> <p>Restricted to open storage as allowed by Sec. 27-601</p>	A	A	A	A	A	A	A	A	A
			SR	A A		A A	A A		A
						SR	SR		

**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>									
<b>51 WHOLESALE TRADE - NONDURABLE GOODS:</b> – Offices only – 511, 512, 513 Paper, drugs and apparel – 514, 518 Groceries; beer, wine and distilled beverages – 515 Farm product raw materials (except below): – 5154 Livestock auctions – 516 Chemicals and allied products – 517 Petroleum and petroleum products – 5191, 5198 Farm supplies; paints, varnishes, and supplies – 5192, 5193, 5194, 5199 Books, periodicals, and newspapers; flowers, nursery stock and florists' supplies; tobacco and tobacco products; non-durables not elsewhere classified	A	A	A	A	A	A	A		A
				A		A	A		
				SR		A	A		
						A	A		
						SR	A		
							A		
				SR		A	A		

**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
<b>DIVISION G - RETAIL TRADE</b> * Under 10,000 square feet gross floor area (GFA). A special review is required if over 10,000 square feet GFA. No warehousing of storage in excess of twenty-five (25) percent of total GFA. Restricted to open storage as allowed by Sec. 27-601.  <b>52 BUILDING MATERIALS, HARDWARE, GARDEN SUPPLY, AND MOBILE HOME DEALERS:</b> <ul style="list-style-type: none"> <li>- 521 Lumber and other building materials stores</li> <li>- 523, 525 Paint, glass and wallpaper; hardware stores</li> <li>- 526 Nurseries, lawn and garden supply stores</li> <li>- 527 Mobile home dealers (manufactured homes)</li> </ul>			SR	A		A	A		A
<b>53 GENERAL MERCHANDISE STORES</b>		A*	A	A	A	A	A		A
<b>54 FOOD STORES</b> <ul style="list-style-type: none"> <li>- Convenience store with gas pump islands</li> </ul>		A*	A	A	A	A	A		A
<b>55 AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS (EXCEPT BELOW):</b> <ul style="list-style-type: none"> <li>- 553 Auto supply</li> <li>- 554 Gasoline service stations</li> <li>- Convenience store</li> <li>- Service station</li> <li>- Accessory car wash with above two uses</li> <li>- Truck stop</li> <li>- 556 Recreational vehicle dealers</li> </ul>		A*	A	A	A	A	A		A
<b>56 APPAREL AND ACCESSORY STORES</b>		A*	A	A	A	A	A		A



**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>	<b>Residential Professional</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Highway Commercial</b>	<b>Central Business District</b>	<b>Controlled Industrial</b>	<b>Heavy Industrial</b>	<b>Public</b>	<b>South 27th Street Corridor</b>
<b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>									
<b>63</b> INSURANCE CARRIERS	A	A	A	A	A	A	A		A
<b>64</b> INSURANCE AGENTS, BROKERS, AND SERVICE	A	A	A	A	A	A	A		A
<b>65</b> REAL ESTATE (EXCEPT BELOW): – 6515 Operators of residential mobile home sites – 6553 Cemetery subdividers and developers	A	A	A	A	A	A	A	A	A
<b>66</b> COMBINATIONS OF REAL ESTATE, INSURANCE, LOANS, OR LAW OFFICES	A	A	A	A	A	A	A		A
<b>67</b> HOLDING AND OTHER INVESTMENT OFFICES	A	A	A	A	A	A	A		A
<b>DIVISION I - SERVICES</b>									
<b>70</b> HOTELS, ROOMING HOUSES, CAMPS AND OTHER LODGING PLACES: – 701 Hotels and motels – 702, 704 Rooming, boarding houses; organization hotels and lodging houses, on a membership basis – 703 Camps and recreational vehicle parks			A	A	A	A	A		A
		A	A	A	A	A	A		A
			A	A		A	A	A	
<b>72</b> PERSONAL SERVICES: – 7211, 7213, 7217, 7218 Power laundries, family and commercial; linen supply; carpet and upholstery cleaning; industrial launderers – 7212, 7216, 7219 Garment pressing, and agents for laundries and drycleaning; drycleaning plants, except rug cleaning; laundry and garment services, not elsewhere classified; (10,000 SF GFA MAX) – Over 10,000 SF GFA MAX									
				SR	SR	A	A		
	SR	A	A	A	A	A	A		A
		SR	A	A	A	A	A		A







**ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>	<b>Residential Professional</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Highway Commercial</b>	<b>Central Business District</b>	<b>Controlled Industrial</b>	<b>Heavy Industrial</b>	<b>Public</b>	<b>South 27th Street Corridor</b>
<b>SR - SPECIAL REVIEW A – ALLOWED</b>									
<b>94</b> ADMINISTRATION OF HUMAN RESOURCE PROGRAMS	A	A	A	A	A	A	A	A	A
<b>95</b> ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	A	A	A	A	A	A	A	A	A
<b>96</b> ADMINISTRATION OF ECONOMIC PROGRAMS	A	A	A	A	A	A	A	A	A
<b>97</b> NATIONAL SECURITY AND INTERNATIONAL AFFAIRS	A	A	A	A	A	A	A	A	A
<b>DIVISION K – NONCLASSIFIABLE ESTABLISHMENTS</b>									
<b>99</b> NONCLASSIFIABLE ESTABLISHMENTS: THE ZONING DISTRICT AND REQUIREMENTS OF THESE ESTABLISHMENTS WILL BE DETERMINED BY THE PLANNING DIRECTOR.									
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

**SEC. 27-307. ADOPTION OF STANDARD INDUSTRIAL CLASSIFICATION MANUAL, 1987.**

There is adopted by the City Council and Board of County Commissioners for the purpose of classifying the industries set forth in BMCC Section 27-306, the whole 1987 Edition of the Standard Industrial Classification Manual, published by the Executive Office of the President, Office of Management and Budget, of which manual one copy is now filed in the offices of the City Clerk and the County Clerk and Recorder, and the same is adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which this Resolution/Ordinance is adopted said manual shall take effect.

**ARTICLE 27-300 ZONING DISTRICTS AND OFFICIAL MAP**

**SEC. 27-309. AREA, YARD AND HEIGHT REQUIREMENTS – COMMERCIAL AND INDUSTRIAL**

ZONING REQUIREMENTS	ZONING CLASSIFICATION DISTRICTS								
	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	27 <sup>th</sup> Street Corridor
MINIMUM LOT AREA REQUIREMENT IN SQUARE FEET: (a)	10,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MINIMUM YARD REQUIREMENTS: (a) (b)									
Front	20	20	20	20	N/A	20	20	20	(d)
Side (c)	10	0	0	0	N/A	0	0	0	(d)
Side Adjacent to Street	10	10	10	10	N/A	10	10	10	(d)
Rear (c)	0	0	0	0	N/A	0	0	0	(d)
MAXIMUM HEIGHT	34	34	45	45	N/A	70	N/A	N/A	(d)
MAXIMUM LOT COVERAGE IN PERCENT (a)	50	50	50	75	N/A	75	75	50	50

- (a) For minimum lot size, yard and lot coverage requirements for residential dwellings in Commercial or Industrial zones, see BMCC Section 27-310.
- (b) For arterial setback and watercourse setback requirements, see BMCC Sections 27-602 and 27-616, respectively.
- (c) Additional development standards apply where commercial or industrial zones are within 50 feet of residentially zoned property or residential uses. See Section 27-612(e).
- (d) Minimum yard requirements and maximum height for property located in the South 27<sup>th</sup> Street Corridor Zoning District are located in BMCC Sections 27-810 and 27-811, respectively.

**NOTE:**

- All height and setback requirements denote feet; all minimum lot area figures denote square footage.
- For height exceptions, see BMCC Section 27-310(F).
- For permitted projections, see BMCC Section 27-310(G).
- N/A = Not Applicable.

## ARTICLE 27-800. SOUTH 27<sup>TH</sup> STREET CORRIDOR ZONING DISTRICT

### SEC. 27-801. INTENT.

The South 27th Street Corridor provides a major entrance from Interstate 90 into the Central Business District, major medical facilities, college campuses and Logan International Airport. This corridor is, very often, the first impression a visitor has when visiting the City of Billings.

The intent of the South 27th Street Corridor Zoning District is to promote attractive, high quality development within this corridor (see below Map 1) that will provide an appealing image of the City of Billings to the traveling public and community.

### OBJECTIVES

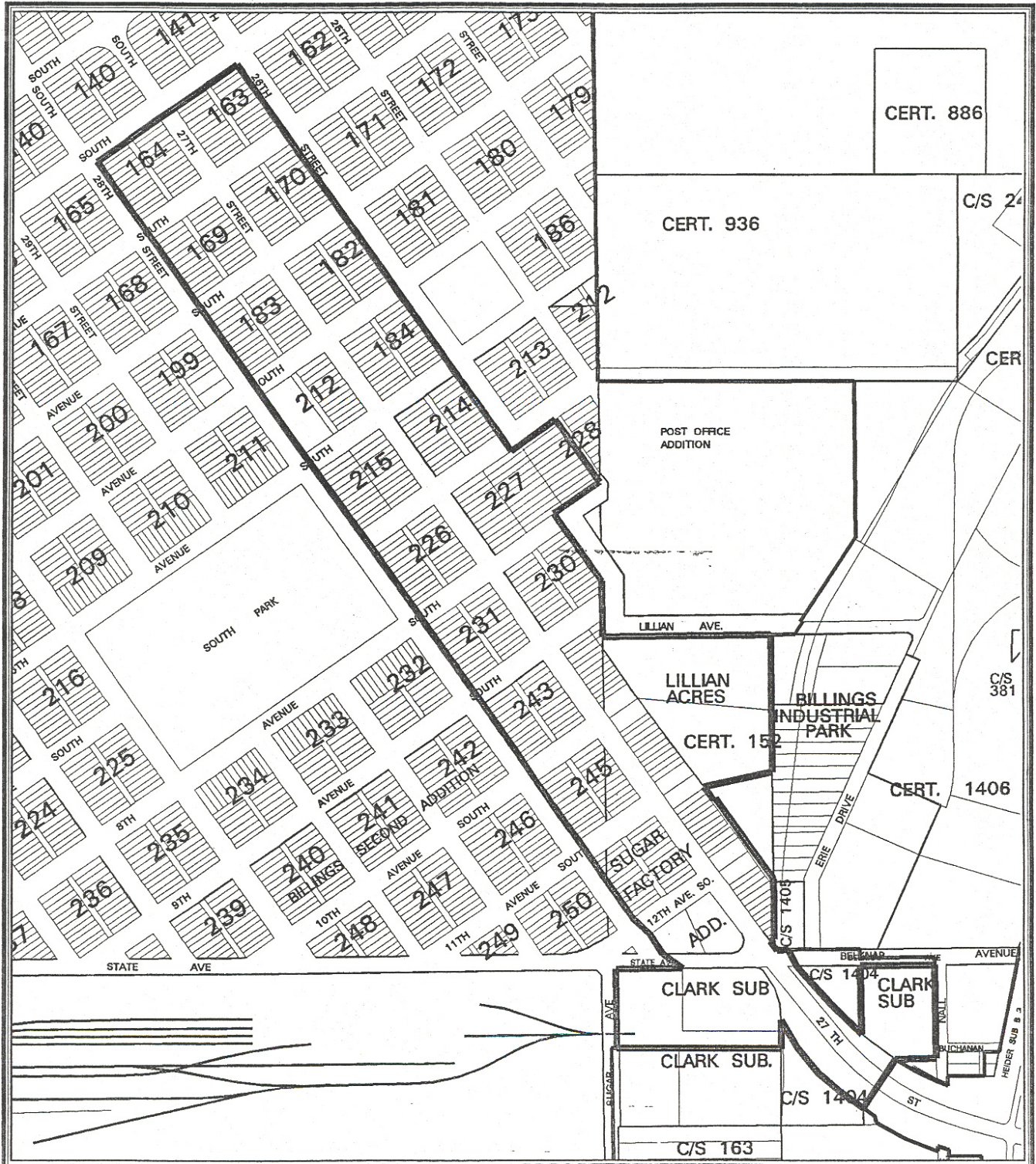
- A. To promote creativity in design, quality and character of new development;
- B. To promote a unique, attractive water-conserving landscaped corridor;
- C. To promote compatible land use transitions with high sensitivity towards existing and future residential uses;
- D. To promote and assist in the orderly development of vacant land within the South 27th Street Corridor; and
- E. To promote development patterns which are in harmony with the goals and objectives of the South Side Neighborhood Plan and the 1990 Yellowstone County Comprehensive Plan.<sup>1</sup>

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<sup>1</sup> (Ord. No. 97-5048, § 6,12-22-97)

ARTICLE 27-800. SOUTH 27<sup>TH</sup> STREET CORRIDOR ZONING DISTRICT

Map 1. South 27th Street Corridor Zoning District Boundaries



## ARTICLE 27-800. SOUTH 27<sup>TH</sup> STREET CORRIDOR ZONING DISTRICT

### SEC. 27-802. ADMINISTRATION.

Uses which are allowed by right or through Special Review approval in the South 27th Street Corridor Zoning District are listed in BMCC Section 27-306.

Upon submission of the building plans to the City of Billings Building Division, the Planning Department will review the submitted plans for conformance with the supplemental requirements as outlined in the following sections of this Chapter.

### SEC. 27-803. DEFINITIONS.

Terms not specifically defined in this section shall use the same meaning as defined in BMCC Section 27-201.

*Avenues:* Rights-of-way which run through or are located adjacent to the South 27th Street Corridor Zoning District, most of which run perpendicular to South 27th Street, such as 2nd Avenue South through 12th Avenue South. This term shall also include State, Lillian and Belknap Avenues.

### SEC. 27-804. SITE DEVELOPMENT.

Improvements (i.e. building standards, utilities, public facilities, drainage, parking, street access, etc.) not specifically addressed in this section, shall comply with all applicable ordinances of the Billings, Montana City Code (BMCC).

### SEC. 27-805. LANDSCAPING.

- a. *Landscaping Along Street Frontage.* A minimum fifteen (15) foot wide landscaping strip is required along all streets and avenues between the exterior property line(s) and any parking lot development.

There shall be five (5) canopy trees required per one hundred (100) feet of street frontage. The placement of these required trees within the required street/avenue bufferyard and the actual landscaping design shall be at the discretion of the developer, as approved by the Planning Department.

- b. *Minimum Landscaping Requirements.* All areas not developed with either approved parking lot material or structures shall be landscaped. Appropriate landscaping material shall include turf, shrubs, trees, flower beds, vines or other live plant cover and shall make up at least ninety (90) percent of the required landscaping. No more than ten (10) percent of the landscaped area shall contain fountains, rock, bark chips, stepping stones or similar inorganic material.

## ARTICLE 27-800. SOUTH 27<sup>TH</sup> STREET CORRIDOR ZONING DISTRICT

A minimum of twenty (20) percent of the total lot area shall be landscaped with appropriate landscaping material.

All commercial uses abutting residential uses, including those located across an alley, shall install (in addition to the required twenty (20) percent landscaping) a fifteen (15) foot landscaped bufferyard between the commercial development property line and the residential property line. The landscaped strip shall contain a minimum of ten (10) canopy or evergreen trees per one hundred (100) lineal feet. The bufferyard shall also include a sight obscuring fence or wall that is architecturally compatible in color and design, with the commercial building. The fence or wall shall be a minimum of six (6) feet in height. Chain link or other wire fencing material is prohibited.

- c. *Tree Conservation.* All existing mature/healthy trees, located within the landscaping setback requirements, shall not be destroyed and will be incorporated into the landscaping requirements, wherever possible.
- d. *Supplemental Landscaping Standards.* All landscaped areas shall be irrigated and maintained. The responsibility for the maintenance of the landscaping shall lie with the property owner(s), his/her successor(s) and/or their agent(s). All landscaping elements shall be permanently maintained in good growing condition and kept free of weeds, debris and litter, and whenever necessary, replaced with new plant materials to ensure continued compliance with this section. In addition, all walls and fences shall also be maintained in good condition and, when necessary, be repaired or replaced.

Bufferyard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

All landscaped areas must comply with the clear vision standards for intersections and driveways as established in BMCC Section 27-615. This section regulates the allowed height and placement of fences, walls, signs, landscaping materials, in addition to other objects located within the Clear Vision Triangle(s).

Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.

It is recommended that the developer work with the City Parks Department, a local greenhouse operator, landscape architect or other qualified professional to determine the species of trees that are suitable for each situation. The use of native, drought-tolerant plant material is strongly encouraged. The planting of the trees should be done in such a manner as to provide maximum solar efficiency throughout the site.

A list of recommended plants can be obtained from the Planning Department.

## ARTICLE 27-800. SOUTH 27<sup>TH</sup> STREET CORRIDOR ZONING DISTRICT

### SEC. 27-806. SITE LIGHTING.

All exterior lighting shall be installed in such a manner that the light source will be sufficiently obscured to prevent excessive glare on public streets, walkways or onto adjacent property.

The exterior lighting shall be designed, located and mounted at heights no greater than:

1. Twelve (12) feet above grade for noncutoff lights; or
2. Thirty (30) feet above grade for cutoff or semi-cutoff lights.

Exterior lighting adjacent to residential uses shall be directed away from the residential use and public streets.

All exterior lighting shall be designed and located so that the maximum illumination measured in footcandles at the property line shall not exceed three-tenths (0.3) footcandle for non-directional lights and one and five-tenths (1.5) footcandles for directional lights.

### SEC. 27-807. STREET ACCESS.

Property with access onto South 27th Street or South 28th Street will be allowed one (1) drive approach per three hundred (300) feet of frontage or one (1) drive approach per development not to exceed three (3) drive approaches per block. The use of reciprocal approaches is encouraged.

Property with access onto South 26th Street and Avenues, will be allowed one (1) drive approach per one hundred forty (140) feet of frontage or one (1) drive approach per development not to exceed four (4) drive approaches per block.

Access is encouraged onto the Avenues whenever possible in order to limit curb cuts on South 27th Street and South 28th Street. In addition, access shall be determined by standards found in the Billings, Montana City Code or in County regulations, whichever is applicable.

Access onto South 27th Street shall be approved by the Montana Department of Transportation.

### SEC. 27-808. OUTSIDE STORAGE.

In order to maintain the visual integrity of the South 27th Street Corridor, any use requiring outside storage of material, equipment or business related supplies must obtain approval through the Special Review process as detailed in BMCC Section 27-1503 or 27-1509.

Solid waste storage facilities shall be located within an area enclosed with a sight obscuring fence or wall that is architecturally compatible in color and design with the building. Chain link or other type of wire fencing is prohibited. The City of Billings Public Works Department shall approve the solid waste storage facility for minimum

**ARTICLE 27-800. SOUTH 27<sup>TH</sup> STREET CORRIDOR ZONING DISTRICT**

opening, accessibility, and other criteria deemed necessary for the removal of solid waste from the site.

**SEC. 27-809. BUILDING DESIGN.**

All buildings shall be completed on all sides with an acceptable finishing material. The following materials shall be considered acceptable: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e. Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable material.

Roofs shall be finished with material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs or other architectural facades are encouraged whenever possible.

**SEC. 27-810. SETBACK REQUIREMENTS.**

All setbacks shall be measured from the appropriate property line.

Parking lots shall be setback a minimum of fifteen (15) feet from any street(s) and/or avenue(s) property line(s).

Minimum setbacks for all structures are as follows:

Front	20 feet
Side adjacent to street	15 feet
Side	10 feet
Side adjacent to residential use	15 feet
Rear with alley	0 feet
Rear without alley	20 feet

Arterial Setbacks as required in BMCC Section 27-602 shall be applicable for all structures and required parking, if greater than above setbacks.

**SEC. 27-811. BUILDING HEIGHT.**

The maximum height for all buildings shall not exceed forty-five (45) feet.

**ARTICLE 27-800. SOUTH 27<sup>TH</sup> STREET CORRIDOR ZONING DISTRICT**

**SEC. 27-812. RESERVED**

Editor's note—Ord. No. 99-5082, § 3, adopted February 8, 1999, repealed former section 27-812 in its entirety which pertained to signs in the South 27<sup>th</sup> Street corridor and derived from Ord. No. 97-5048, § 6, adopted December 22, 1997.

## **ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

### **SEC. 27-901. TITLE.**

This chapter shall be known, cited and referred to as the "Medical Corridor Permit Zoning District Regulations."

### **SEC. 27-902. PURPOSE.**

The purpose of this chapter is to promote the most compatible, rational pattern of land uses in the medical corridor while establishing a core area in Billings which has a concentration of facilities offering medically-related services. To that end, a permit system has been developed to best accomplish this goal for a centralized area which is also designed for compatibility with neighboring, existing land uses.

### **SEC. 27-903. CRITERIA GENERALLY.**

In the medical corridor no specific land use is automatically allowed on a particular site as is the case under traditional zoning districts. Instead, a set of both absolute and relative criteria has been established which gives greater assurance that a centralized medical area can exist and be compatible with adjacent land uses, as well as, foster a healthy growth pattern in the medical corridor. Site and development plans are required to evaluate an applicant's success or failure to address these criteria. If the criteria are met, the land use may proceed. A developer must meet all the absolute criteria to qualify for a permit. In addition, in the relative criteria category, the developer must also attain a minimum of at least seventy (70) percent of the maximum points possible in order to proceed if the proposed development is medically-related and seventy-five (75) percent if it is not medically-related to qualify for a permit. (See BMCC Section 27-912, "Land Use Relative Criterion" for definitions of land use). The requirements and procedures of this newly adopted district are contained in this part.

### **SEC. 27-904. OFFICIAL ZONING MAP.**

In order for the changes in zoning within this district to become effective, they must be entered on the official zoning map which is located in the office of the Yellowstone County Board of Planning. Such map shall be the final authority as to the current zoning status of land inside the city.

### **SEC. 27-905. BOUNDARIES.**

The boundaries of the Medical Corridor Permit Zoning District are described as follows:

The area in the city which is inside the boundaries described, beginning with the point of intersection of center lines of 7th Avenue North and North 27th Street; thence in a northwesterly direction along the centerline of North 27th Street to the intersection of North 27th Street and Poly Drive; thence westerly along the centerline of Poly Drive to

## **ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

the intersection of Poly Drive and North Broadway; thence southeasterly along the centerline of North Broadway to the intersection of North Broadway and the northern border of Lot 15, Block 2, Normal Subdivision; thence southwesterly along the northern border of Lot 15 to the alley; thence in a northwesterly direction along the centerline of the alley to Poly Drive; thence westerly along the centerline of Poly Drive to the intersection of Poly Drive and North 29th Street; thence southeasterly along the centerline of North 29th Street to the intersection of North 29th Street and Elevation Avenue; thence southwesterly along the centerline of Elevation Avenue to the intersection of Elevation Avenue and Grandview Boulevard; thence westerly along the centerline of Grandview Boulevard; to the intersection of Grandview Boulevard and Locust Street; thence southerly along the centerline of Locust Street to the intersection of Locust Street and the vacated portion of Elevation Avenue (Resolution 83-14404 vacated Elevation Street between North 30th and North 31st Streets on September 26, 1983); thence northeasterly along the centerline of the vacated portion of Elevation Avenue to the intersection of vacated Elevation Avenue and the alley between North 31st Street and North 30th Street; thence southeasterly along the centerline of the alley to the intersection of the alley and 7th Avenue North; thence northeasterly along the centerline of 7th Avenue North; to the intersection of 7th Avenue North and North 27th Street, which is the point of beginning.

ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

MAP 1. MEDICAL CORRIDOR PERMIT ZONING DISTRICT



## ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

### SEC. 27-906. MEDICAL CORRIDOR PERMIT ZONING SYSTEM PROCESS.

- (a) The permit zoning system process is a review of development proposals against a set of absolute and relative criteria. Permit zoning allows those land uses that can meet the criteria pertinent to a specific site.
- (b) Every land use must satisfy the criteria listed in the "all development" category, as well as, any other applicable criteria from the "special requirements" categories. The specific criteria which a proposal must satisfy are dependent upon the type of land use being proposed.
- (c) The absolute criteria must be satisfied before approval can be granted. These include assuming compatibility and compliance with adopted official plans, minimum engineering and public service requirements and environmental standards as outlined in this document. Each of the applicable absolute criteria must be answered yes before approval can be granted.
- (d) Relative criteria are the "points" of the system. Each development must achieve a specified minimum percentage of these criteria. A score above the minimum percentage may be used to receive extra points. The absolute criteria are designed to address public service requirements and reduce negative impact of development, while the relative criteria focus on the actual design of a project including but not limited to: building layout, open space, landscaping, pedestrian circulation, and architectural design. The design of a site plan is thus evaluated against the relative criteria and scored on a point chart.
- (e) The performance of a particular development plan shall be evaluated as follows:
  1. *Absolute Criteria.* Each of the absolute criteria is answered yes, no, or not applicable. A "no" answer to any applicable absolute criteria will automatically exclude the plan, as proposed, from further consideration. Modifications to correct any problems would have to be made before further consideration could be given to the development proposal.
  2. *Relative Criteria.* The development plan is evaluated against each applicable relative criterion and assigned a "score." The numerical score is assigned based on the following:

2	=	For an excellent job of implementing the criteria or for doing the best job possible, given the constraints and opportunities of the site.
1	=	For an adequate job of implementing the criterion.
0	=	For no effort or failure to implement the criterion.

Each relative criterion has been pre-assigned a "multiplier" which determines the relative importance of that criterion to the other criteria. The meaning of each multiplier is as follows:

## **ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

3 = Very important

2 = Average importance

1 = Minor importance

The points earned for each criterion are the product of multiplying the "score" times the "multiplier." The maximum points possible in each category are added together, as are the total points earned by the proposal. The points the proposal has earned must equal at least seventy (70) percent of the maximum points possible in order to proceed if the proposed development is medically-related and seventy-five (75) percent if it is not medically-related. The objective is to receive the maximum number of points.

### **SEC. 27-907. SPECIAL REQUIREMENTS.**

The following special requirements shall apply to any area development.

1. *Residential Developments.* The maximum density permitted shall not be allowed as a matter of right, and the actual density shall be as determined by the final plan and approved in accordance with the permit zoning process. A score of seventy-five (75) percent or more must be achieved among the relative criteria for a proposal which is not medically-related to proceed.
2. The city shall have the right to establish general design standards, guidelines, and policies, for the purpose of implementing and interpreting the permit zoning.

### **SEC. 27-908. PROCEDURES.**

- (a) *Conceptual Review.* This is an opportunity for applicants to discuss requirements, standards, and policies that apply to development proposals. Major problems can be identified and solved before a formal application is made. The applicant must arrange a conceptual review meeting with the Zoning Coordinator or his/her designee. Representatives of the Building, Engineering, Parks and Recreation, Community Services, City-County Health, Public Works Administration, Public Utilities, Fire, Traffic and Planning Departments will be sent notification of the conceptual review meeting along with copies of building and/or site plans. Should it be necessary, department representation may be reviewed and changed, subject to the City Administrator's directive. Representatives from the departments will decide at the conceptual review whether any of the absolute or relative criteria are not applicable for the application in question and whether their department needs to participate at the preliminary and final review stages.

The general outline of the proposal, evidenced schematically by sketch plans, shall be submitted by the applicant and reviewed by the Zoning Coordinator. Following the review the Zoning Coordinator shall furnish the applicant with written comments regarding the application, including appropriate recommendations to inform and assist the applicant prior to preparing the formal application.

## ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

The applicant shall allow two (2) weeks from the conceptual review meeting for written staff evaluation of the conceptual review and the recommendation(s) of the Zoning Coordinator.

- (b) *Preliminary Plans.* An application for preliminary review may be filed with the Zoning Coordinator upon completion of the conceptual review meeting and after the recommendation of the Zoning Coordinator has been made. If the Zoning Coordinator has not made written comments within the required two (2) weeks after the conceptual review, then the applicant may submit a preliminary plan at any time thereafter. It is at this point that the applicant addresses the pertinent absolute and relative criteria. A review meeting is held between the applicant, Zoning Coordinator, and other departments and agencies. Adjacent property owners (including the property owners adjacent to, in the rear of and to either side, and directly across the street from and to either side of the proposal site) will be invited to attend and participate in the meeting. Adjacent property owners will be notified by the Zoning Coordinator by letter which includes a brief explanation of what the developer proposes to build so those persons have an opportunity to review and comment on the proposal and to attend the preliminary plan review meeting. The preliminary plan review meeting will be held within thirty days (30) days of the submittal unless the developer agrees to an extension.

Two (2) weeks from the review meeting date are allowed for the written evaluation of the preliminary plan by the appropriate departments/agencies having responsibility for review of such proposals, as determined by the Zoning Coordinator.

If approval is granted following the review, then preliminary approval will be valid for one hundred eighty (180) days.

Applications requiring a major subdivision, abandonment of rights-of-way or other items requiring City Council action by ordinance will be subject to City Council approval before the final plan approval can be granted.

If no revisions are required of the preliminary plan, then the plan shall be automatically considered as the final plan and the final plan review meeting will be waived.

- (c) *Final Plans.* The submittal of the final plan follows within one hundred eighty (180) days of the granting of the preliminary plan, and it will be in substantial compliance with the approved preliminary plan. The submitted final plan will not:
1. Change the use or character of the development; or
  2. Cause changes in the development that will reduce the total points earned by more than five (5) percent or to a point below the minimum point total required for the proposed development.

A final plan review meeting will be held within thirty (30) days of the final plan submittal, between the applicant, Zoning Coordinator, as well as, other departments and agencies. Adjacent property owners will again be invited to attend and participate in the meeting. As with the preliminary plan review, the Zoning Coordinator shall notify adjacent property owners by letter of the final plan submittal, inviting their comments prior to and at the meeting. The Zoning Coordinator will

## **ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

distribute plans to the departments and agencies which participated in the conceptual and preliminary reviews for their evaluation. The applicant shall allow thirty (30) days from the date of submittal for receipt of the written staff evaluation of the final plan review.

Applicant and adjacent property owners dissatisfied with the decision of the Zoning Coordinator shall have the process of appeal to the City Council, as outlined below in Section 27-916.

### **SEC. 27-909. CONTENT OF DEVELOPMENT SUBMITTAL.**

- (a) Applications for site and building permit review are not required for the conceptual review, as this stage of the process is intended to allow the developer to meet informally with the Zoning Coordinator and other appropriate staff to determine if the proposal is worth pursuing before he/she has incurred any substantial expense. The conceptual review stage is also provided so that a developer can obtain initial feedback from the Zoning Coordinator as to what he/she and other departments may want to include in the preliminary and final plans.
- (b) For the preliminary and final review process, copies of the site plan and complete building and supporting data, as determined necessary, shall be submitted to the Zoning Coordinator, along with the application fee which shall be set by the City Administrator. In this regard, the following will be required:
  1. A legal and general description of the tracts upon which review is sought.
  2. Names and addresses of owners of real property adjacent to the project site plus legal descriptions of the adjacent properties.
  3. Statement of proposed use.
  4. A site plan at a suitable scale (no greater than 1" = 4' or no less than 1" = 50'), and indicating:
    - a. Suggested plans for proposed storm water drainage system sufficient to drain and dispose of all surface water accumulation within the area, indication of sanitary sewer, water, gas, electric, etc., easements, and written notifications that they have been reviewed by the City Engineer and Public Utilities Department for feasibility purposes;
    - b. Landscape plans including species, size and spacing of trees and shrubs;
    - c. Locations of all existing and proposed buildings, recreation areas, utility and service areas, fire hydrants, access drives, full width of street and adjacent drives, parking areas, storage areas, existing and proposed utility lines, and easements;
    - d. Location and description of all other existing and proposed site improvements including fences, walls, signs, lighting, walkways, patios, decks, and barriers;

## **ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

- e. A clear delineation of all areas to be paved or surfaced, including a description of surfacing material to be used;
  - f. The planned use of all yards;
  - g. Location and description of all off-site improvements and right-of-way dedication; and
  - h. Payment of application fees.
5. Building plans for all structures including:
    - a. The size, alignment and intended use of all structures;
    - b. Architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations; and
    - c. These plans shall also indicate unit sizes, ratios of dwelling unit to total lot sizes and parking spaces.
  6. A timetable for the proposed construction project.
  7. Any other information pertinent to the particular project which, in the opinion of the Zoning Coordinator and/or city staff, is determined to be necessary for the review of the project (i.e., traffic accessibility study).

### **SEC. 27-910. REVIEW PROCEDURES.**

The following review procedures have been established to assure that the process as outlined in this document is handled in a smooth and timely manner for a developer in the medical corridor and to protect the interests of adjacent property owners.

1. It will be the responsibility of the Zoning Coordinator to process permit requests under this system in the following manner:
  - a. A developer will bring his/her request for a permit to the Planning Department.
  - b. The Zoning Coordinator shall determine the time and place of the conceptual plan review with the developer. A formal application and payment of any required fees under this system is not required at this time.
  - c. The Zoning Coordinator shall notify all departments and/or agencies regarding the conceptual review meeting. Those parties will determine whether their attendance is necessary at the future meetings.
  - d. Following the conceptual review the applicant shall pay required fees and prepare a formal application at the time of preliminary plan submittal.
  - e. The Zoning Coordinator shall distribute copies of building and site plans submitted at the preliminary plan review stage and the final plan

## ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

stage to all departments and/or agencies who have participated in the conceptual review.

- f. The Zoning Coordinator shall notify adjacent property owners, by certified letter, of the development proposal and afford them the opportunity to review the preliminary plan after submission to the Zoning Coordinator. Staff will have thirty (30) days to review the preliminary plan and adjacent property owners are encouraged to give their comments during this period prior to the preliminary plan review meeting so that the developer can be made aware of any major differences or concerns on the part of any adjacent property owners to the development proposal. Feedback during this period will also minimize any major problems for the developer and the city prior to approval of the final plan. If necessary, the Zoning Coordinator can arrange a separate meeting between the developer and adjacent property owners to resolve differences. Adjacent property owners will be invited to attend the preliminary plan review meeting.
- g. Following the preliminary plan review meeting the Zoning Coordinator shall again notify adjacent property owners as outlined in this document, by letter, of the time and place of the final plan review meeting to afford them another opportunity to comment on the proposal.

Should either the developer and/or adjacent property owner be dissatisfied with the final decision, either party has the right to appeal the decision directly to the City Council as outlined in BMCC Section 27-916 of this document.

2. The review may result in disapproval, approval, or approval with certain conditions of the proposed development. Approval of the preliminary plan does not constitute final approval, but rather indicates an expression of intent. The issuance of the building permit itself constitutes final approval.
3. Activities authorized by granting of the building permit shall be initiated within six (6) months and completed within twelve (12) months after issuance of the permit, or within the approved time schedule submitted and approved for larger projects. The Building Official has the ability to grant a six (6) month extension under this system. Time schedules are included to assure the timely development of the area. Should the time period expire and an extension is not granted, the developer shall file a new application which will require resubmission of building and site plans and payment of fees as in the original application, as outlined in BMCC Section 27-909 of this document.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

**SEC. 27-911. POINT CHART FOR ALL DEVELOPMENT - ABSOLUTE CRITERION**  
(To be completed by Zoning Coordinator and city staff)

ABSOLUTE CRITERION	Is the Criterion Applicable?		Is the Criterion Complied with?	
	Yes	No	Yes	No
Building Standards				
Utilities				
Vehicular Traffic				
Pedestrian Access				
Public Facilities				
Public Right-of-Way				
Lighting				
Drainage				
Signage				
Noise				
Parking				

A proposal must receive a "yes" answer to all applicable criteria in order to qualify for approval.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

**Building Standards:**

Does all construction conform to the adopted building and site development codes?

All structures to be constructed in the medical corridor shall require site approval by the Planning and Engineering Departments and building plan approval by the Building Official before a building permit can be issued. Any structure will also require Fire Department approval of the structure's fire design.

Developer:

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Building Official:

(building plan)

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Criterion complied with: Yes\_\_\_\_\_ No\_\_\_\_\_

Planning:

(site plan)

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Criterion complied with: Yes\_\_\_\_\_ No\_\_\_\_\_

Fire Department:

(fire design)

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Criterion Complied with: Yes \_\_\_\_\_ No\_\_\_\_\_

Standards:

Billings, Montana City Code, Chapter 6, "Buildings and Building Regulations": All sections except Section 6-1100.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

**Utilities:**

Is the proposed development served by city services (water, sanitary and storm sewer) with adequate capacity or have arrangements been made for extension and augmentation?

Developer:

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Public Utilities:

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Criterion complied with: Yes\_\_\_\_\_ No\_\_\_\_\_

Public Works:

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Criterion complied with: Yes\_\_\_\_\_ No\_\_\_\_\_

Fire Department:

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Criterion complied with: Yes\_\_\_\_\_ No\_\_\_\_\_

Standards:

No definite answer exists for the amount of new development which could be sustained in the medical corridor area because it depends upon the type of development proposed. Assessing the capacity of existing sewer and water lines is very difficult on a small scale basis due to a number of variables.

Large multiple family, commercial, and institutional complexes or projects would require increased capacity in order to meet the sanitation, water and fire protection needs. Property owners and developers of such complexes will be required to comply with the Public Utilities Department policy regarding fire suppression water facilities, stating that:

It is the Public Utilities Department's policy to require property annexed to the City of Billings and property rezoned or redeveloped within the corporate city limits to upgrade water lines and appurtenances and to install the proper number of fire hydrants, if necessary, in order to provide the required fire suppression water for the city's fire

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

department. Such facilities shall be constructed by public works contractors either by special improvement district methods or by private contract and the cost of such construction will be directly assessed to the properties benefited from the construction of said facilities.

Property owners and developers will have to include the cost of upgrading the water and sanitary sewer mains and appurtenances and installing the proper number of fire hydrants within their expected cost of development. Since the utility systems rely on system components outside the immediate development area for proper functioning, upgrading may involve more than just those facilities in the specific development site area. Any designs for the upgrading of water mains, appurtenances, and fire hydrants must have plans and specifications stamped by a Montana Registered professional engineer. Any such plans and specifications must be approved by the Public Utilities Department and the State Department of Environmental Quality.

The Billings Fire Department will determine the required fire suppression water flow.

**Vehicular Traffic:**

What will be the impacts of the traffic generated by the proposed development project, and how does the developer propose to mitigate these impacts?

In assessing these impacts the developer should be as specific as possible in addressing the present and future capacity of the street system so that the city traffic engineer can evaluate the proposed development.

Developer:

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City Traffic Engineer:

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Criterion complied with: Yes \_\_\_\_\_ No\_\_\_\_\_

Standards:

If development generates more than five hundred (500) vehicle trips a day, an accessibility study will be required. See BMCC Section 6-1208(d). Traffic accessibility studies will also be required if the proposal includes a drive-up window or special traffic characteristics:

BMCC Section 27-604: (Fences and Hedges); and

BMCC Section 27-615: (Visibility at Intersections).

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

See the report entitled "Traffic Accessibility Studies" available from the Traffic Engineering Division, if there are any questions regarding whether an accessibility study is required and what its contents should be.

**Pedestrian Access:**

Pedestrian access must be provided to every building in the proposed development. It may be achieved in two (2) ways: "Public," as normally required and specified in the engineering standards of the city, and/or "private," a system of pedestrian sidewalks and paths which provides to the satisfaction of the city equal or better performance than the "public" system. The developer is to assess the condition of the present city sidewalks.

Developer:

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City Engineer:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

Standards:

Billings, Montana City Code, Chapter 22, "Streets, Sidewalks and Other Public Places":  
Articles 22-200 and 22-400.

Public Works Department standards.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

**Public Facilities:**

Does the project comply with all city design standards, requirements, and specifications for the following?

- Fire equipment accessibility
- Fire protection
- Street lighting
- Streets
- Utility services
- Clear vision
- Handicapped access (public and private)
- Traffic control devices
- Trash collection
- Walks
- Curb cuts
- Arterial setbacks

Developer:

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Fire Department:

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Criterion complied with: Yes\_\_\_\_\_ No\_\_\_\_\_

Planning:

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Criterion complied with: Yes\_\_\_\_\_ No\_\_\_\_\_

Public Utilities:

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Criterion complied with: Yes \_\_\_\_\_ No\_\_\_\_\_

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Public Works:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

Building Official:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

Standards: Billings, Montana City Code:

Chapter 14, "Fire Prevention and Protection": All sections.

Chapter 6, "Buildings and Building Regulations": Section 6-300, Section 6-305 and Section 6-301.

Chapter 22, "Streets, Sidewalks, and Other Public Places": All sections.

Chapter 24, "Traffic and Motor Vehicles": Sections 24-100 and 24-400.

Chapter 21, "Solid Waste": All sections.

Chapter 26, "Water and Wastewater Utilities": All sections.

Chapter 27, "Zoning": Sections 27-602 and 27-615.

Public Works Department standards.

Public Utilities Department standards.

Building Division standards.

**Public Right-of-Way:**

Does the proposed project require either dedication of additional right-of-way or vacation of a public right-of-way (a right-of-way is a strip of land dedicated or acquired for use as a public way)?

Developer:

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**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Public Utilities:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

Public Works:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

Standards:

Billings, Montana City Code, Chapter 22, "Streets, Sidewalks and Other Public Places":  
Article 22-600.

Example. If an alley is vacated, any and all public utilities located therein will have to be relocated at the expense of the developer or owner as the city will not want public utilities such as sewer and water lines located within privately-owned land.

**Lighting:**

Is sufficient exterior lighting proposed and will it be installed so the light source sufficiently avoids spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source? (This criterion does not include public street lighting which is regulated under the public facilities criterion.)

Developer:

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Public Works:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

## ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

### Standards:

#### Definitions:

**Candlepower:** The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Peak candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

**Cutoff:** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

**Cutoff angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cutoff-type luminaire:** A luminaire with elements such as shields reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

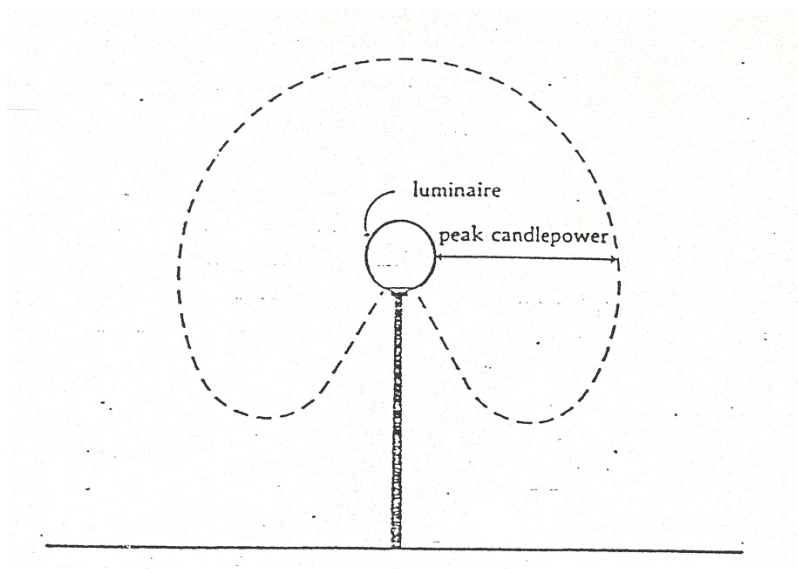
**Footcandle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

**Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Maximum permitted illumination:** The maximum illumination measured in footcandles at the interior bufferyard line at ground level in accordance with the following standards.

The maximum height of light posts is correlated to the amount of cutoff provided. Exterior lighting must meet one of these options:

- A. When a light source or luminaire has no cutoff:
- Maximum permitted illumination - 0.30
  - Maximum permitted height of luminaire - 20 feet



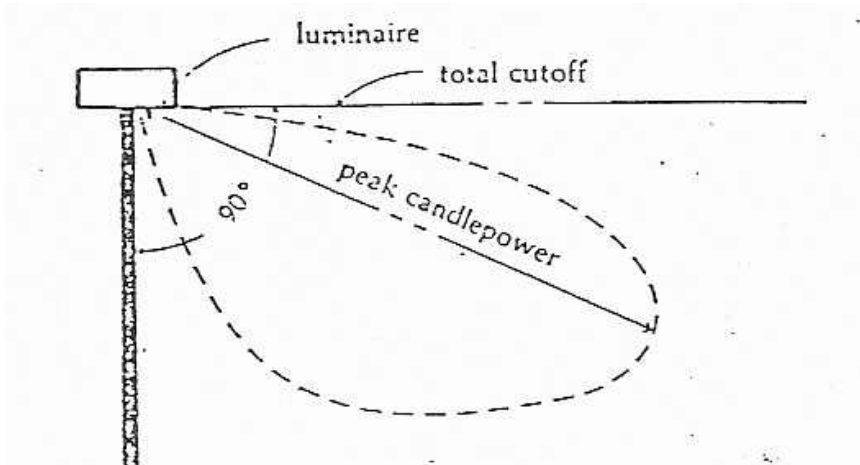
NO CUTOFF LUMINAIRE

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

- B. When a luminaire has total cutoff of an angle equal to ninety (90) degrees, the maximum illumination and the maximum permitted luminaire height shall be:

Maximum permitted illumination - 1.0

Maximum permitted height of post - 30 feet



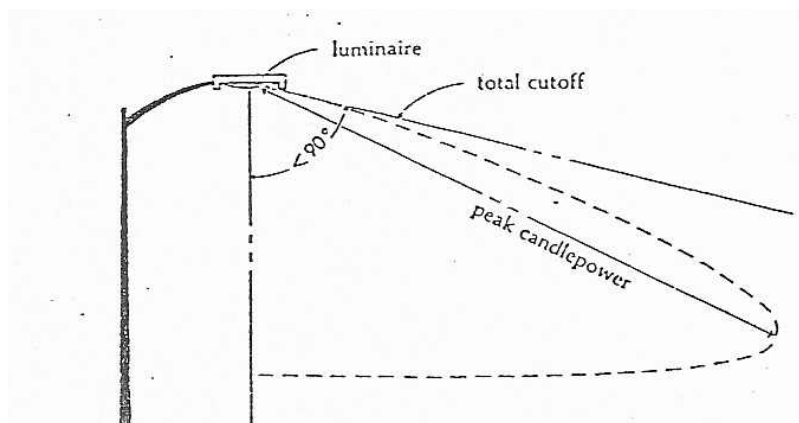
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90° CUTOFF LUMINAIRE

- C. When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the maximum illumination and maximum permitted height of the luminaire shall be:

– Maximum permitted illumination - 3.0

– Maximum permitted height of post - 40 feet



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LUMINAIRE WITH LESS THAN 90° CUTOFF

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

No flickering or flashing lights are permitted.

Light sources or luminaires are not allowed within bufferyard areas, except on pedestrian walkways.

Billings, Montana City Code, Chapter 6, "Buildings and Building Regulations":  
Section 6-1203(q)(5) (Lighting of parking lots).

**Drainage:**

The project will have the proper drainage as per city standards.

Developer:

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City Engineer:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

Standards:

Billings, Montana City Code: Chapter 6, "Buildings and Building Regulations", Articles 6-200 and 6-1200.

Public Works Department standards.

Ordinance No. 83-4565, Section 3.

**Signage:**

Signs will be constructed to conform with the Sign Code. Signs shall not be mounted on a roof. There shall be no signs in a clear vision area. No moving, flashing or blinking signs shall be allowed.

Developer:

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Sign Code Administrator:

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**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

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Criterion complied with: Yes \_\_\_\_\_No\_\_\_\_\_

Standards:

Sign Code and all other applicable ordinances regulating signs.

**Noise:**

Projects will be designed to protect against noise pollution on the part of or happening to the project users.

Developer:

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Building Official:

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Criterion complied with: Yes \_\_\_\_\_No\_\_\_\_\_

Standards

Billings, Montana City Code, Sections 17-101 through 17-112, "Noise."

For purposes of this criterion, the applicable district corresponding with the medical corridor will be "residential." (See Section 17-101, definition of "residential area" and BMCC Section 17-104, Table I)

Examples of design methods to reduce external noise intrusion include insulation, double-glazed windows, solid core doors, and acoustical ceiling tiles.

**Parking:**

Projects shall meet or exceed the city standards for off-street parking and loading area requirements.

Developer:

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**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Building Official:

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Criterion complied with: Yes \_\_\_\_\_ No \_\_\_\_\_

Standards: Billings, Montana City Code, Chapter 6, "Buildings and Building Regulations":  
Article 6-1200.

**SEC. 27-912. POINT CHART FOR ALL DEVELOPMENT - RELATIVE CRITERION.**

(To be completed by Zoning Coordinator and city staff)

RELATIVE CRITERION	Is the Criterion Applicable?		Awarded Score	Multiplier	Points Earned	Maximum Points
	Yes	No				
Building Scale				3		6
Landscaping				3		6
Parking				3		6
Land Use				3		6
Density				3		6
Compatibility				3		6
Access on North 27 <sup>th</sup> St.				2		4
Architectural Design				2		4
Building Materials				2		4
Removal of Dwellings				1		2
Residential Multi- Family				1		2
Transit				1		2
Multiple-Use				1		2
Pollution				1		2
<b>TOTAL</b>						<b>58</b>

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Note: All medically-related proposals must achieve a minimum score of seventy (70) percent of the applicable criterion points possible in the relative criteria rating before a project can be approved, in addition to receiving "yes" answers to all applicable absolute criteria. If the land use proposal is not medically-related, then the proposal must achieve seventy-five (75) percent of the total points possible plus a "yes" answer to all applicable absolute criteria. Thus if all the relative criteria are applicable, a project must score forty (41) points (seventy (70) percent) or forty-four (44) points (seventy-five (75) percent), depending on its land use.

**Building Scale:**

The scale of a building (its height, bulk, setback, and lot coverage) is encouraged to be sensitive to the immediate environment and, when possible, compatible in appearance with the scale of neighboring buildings. Property located between North 30th Street and the alley toward North 31st Street must maintain at least a ten (10) foot minimum setback from the alley. Where access is a problem for fire equipment, the Fire Department will require built-in fire protection systems.

Developer:

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Requested Score \_\_\_\_\_

Planning:

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Recommended Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

**Standards and Scoring:**

For arterial setbacks see Chapter 27, "Zoning": Section 27-602.

See BMCC Sections 27-308 and 27-309 for general requirements for the Residential Multi-Family - Restricted, Residential Professional, Community Commercial, and Central Business Districts and BMCC Section 27-310 for Supplemental Area, Yard and Height Restrictions.

<u>Points</u>	<u>Scale of Project</u>
2	Fifty (50) percent or less lot coverage; same maximum height and minimum yard requirements as Residential Professional zoning classification for commercial uses and Residential Multi-Family Restricted for multiple family dwellings.
1	Standards for Community Commercial zoning classification met.
0	Standards for Central Business District zoning classification met.

**Landscaping:**

A project is encouraged to be landscaped in such a way as to provide public open space and areas of pedestrian activity and create an aesthetically pleasing setting around buildings and parking lots, and to create buffers between the proposed development and potentially incompatible uses (e.g., between parking lots and residential area).

**Developer:**

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Requested Score \_\_\_\_\_

**Planning:**

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Recommended Score \_\_\_\_\_

Multiplier    x3    \_\_\_\_\_

Total Points    \_\_\_\_\_

**Final Plan Review:**

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**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Awarded Score \_\_\_\_\_  
Multiplier x3 \_\_\_\_\_  
Total Points \_\_\_\_\_

**Standards and Scoring:**

Existing, healthy plant material may be counted for contributing toward the total plant material required. All plantings in right-of-way are subject to review and approval by the Parks Department and may be counted for up to twenty-five (25) percent required landscaping area.

Adequate maintenance must be included in the proposal to assure upkeep of all plant materials and landscaping treatments.

Appropriate plant materials are set forth in Section 27-913 and the "Plant Materials" reference document.

Understory trees may be substituted for canopy trees where it is found that canopy trees would destroy solar access on adjacent properties.

User safety is to be considered when selecting plant materials for landscaping areas heavily used at night.

The standards are applied proportionately when the total linear feet of building perimeter is over three hundred (300) feet for non-residential uses or ten (10) residential dwelling units.

Number of plant units required per three hundred (300) square feet of nonresidential use or ten (10) dwelling units:

- 2 Canopy;
- 2 Understory;
- 10 Shrubs.

The number and type of plant units suggested per twenty-four (24) automobile spaces in an off-street parking area is shown below. The standards shall be applied proportionally to any number of spaces over twenty-four (24).

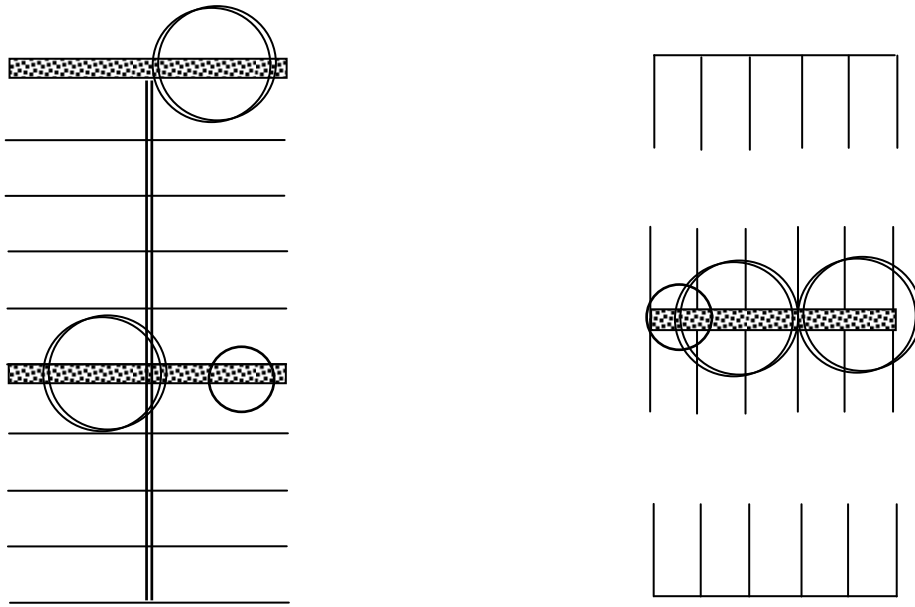
Minimum area within which recommended planting should be provided - three hundred sixty (360) square feet:

- 2 Canopy;
- 1 Understory;
- 4 Shrubs.

360 S.F./24 Stalls

- 2 Canopy
- 1 Understory
- 4 Shrubs

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**



Examples

<u>Points</u>	<u>Plant Material</u>
2	Greater than 100% of standard.
1	Meets 100% of standard.
0	Meets less than 100% of standard or no effort made.

Note: Lot area set aside for green areas and landscaping are not to include concrete, asphalt, cement, or gravel treatments. However, consideration to point adjustment will be given based on quality (e.g. benches, lawn areas, usable space, pedestrian plazas, and plantings).

**Parking:** Parking garage construction or joint use agreements are encouraged in order to reduce the amount of land being used for parking.

Developer:

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Requested Score \_\_\_\_\_

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Building Official:

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Recommended Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

Standards and Scoring:

Billings, Montana City Code, Chapter 6, "Buildings and Building Regulations": Article 6-1200.

Maintain parking according to building code occupancy for employees (one space per employee). In addition to this, meet "Table of Minimum Standards-Off-Street Parking" (BMCC Section 6-1203(j)) according to proposed land use.

Points	Parking Requirement
2	Provide 20% over minimum parking standard plus joint use agreements for at least 25% of the parking provided, or a parking garage for at least the minimum parking standard.
1	Provide 10%-20% over minimum parking standard, or provide minimum standard plus a plan to promote mass transit or carpooling (as approved by MET).
0	Less than 10% over the minimum standard met for parking.

**Land Use:** The land use of the development is encouraged to be medically-related, given that the primary reason for establishing the medical corridor is to provide for a systematic development of medical services in this area and to have its development be consistent with high quality standards.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Developer:

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Requested Score \_\_\_\_\_

Planning:

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Recommended Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

Standards and Scoring:

Set forth below are general and specific land use definitions.

Generally:

Points	Land Use
2	Offices for physicians and surgeons, dentists and dental surgeons, osteopathic physicians, or chiropractors; hospitals and clinics; medical laboratories; dental laboratories; convalescent homes; health and allied services.
1	Medical support services, accessory uses.
0	All other land uses.

Specific land use definitions:

Point Value - 2

Offices of physicians and surgeons:

Clinics (operated by physician groups)

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Gynecologists

Neurologists

Nuclear medicine and radio-therapists

Obstetrics

Oculists

Offices of physicians and surgeons

Ophthalmologists

Pathologists

Psychiatrists

Psychoanalysts

Radiologists

Offices of dentists and dental surgeons

Offices of osteopathic physicians

Offices of chiropractors

Hospitals:

Hospitals for humans

Hospital-operated clinics

Nurses' training schools

Medical laboratories:

Laboratories (not manufacturing) for biological, bacteriological, chemist, medical, x-ray (picture and treatment)

Pathological laboratories

Research laboratories (medically-related)

Dental laboratories

Denturists

Convalescent homes:

Convalescent homes

Nursing homes

Rest homes

Health and allied services:

Birth control clinics

Blood banks

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Clinics, not operated by hospitals or physician groups  
Dieticians and diet centers  
Group health associations  
Medical photography  
Mental health centers  
Nursing services  
Occupational therapist  
Optometrists  
Out-patient treatment clinics for alcoholism and drug abuse  
Physiotherapy  
Psychiatric clinics  
Podiatrists  
Prosthesisists  
Orthopedic Supply  
Audiologists  
Psychotherapists  
Rehabilitation centers (therapy and treatment)  
Speech defect clinics

Point Value - 1

Medical support services:

Day care centers  
Group homes  
Medically-related office space  
Medical educational facilities  
Out-patient medical and surgical support services  
Pharmacies

Accessory uses and uses incidental to any of the above uses:

Cafeteria  
Churches, chapels, houses of worship  
Heliport (no bulk-fuel storage will be allowed)  
Hotels, motels  
Mortuaries  
Off-street parking garages and lots

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Recreational facilities

Restaurant (without beer/wine or all beverage liquor license)

Restaurant (affiliated with hotel or motel, without beer/wine or all beverage liquor license)

Point Value - 0

All other land uses.

**Density:** Increased density of dwelling units is encouraged in order to provide increased housing opportunities close to the hospitals, Central Business District and near major employers and Montana State University - Billings.

Developer:

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Requested Score \_\_\_\_\_

Planning:

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Recommended Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x3 \_\_\_\_\_

Total Points \_\_\_\_\_

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Standards and Scoring:

Minimum Lot Size	Number of Units
2,500 square feet	1
4,000 square feet	2
5,000 square feet	3
6,000 square feet	4
(500 square feet)	(each additional unit)

Points	Density
2	21% or more units than the standard
1	Up to 20% more units than the standard
0	Fewer units than the standard

**Compatibility:**

All efforts toward promoting neighborhood compatibility are encouraged, such as:

1. Having resolved all differences between proposed development and the affected neighborhood;
2. Keeping the development compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design; scale, bulk and building height, disposition and orientation of buildings on the lot, and visual integrity;
3. Having conflicts between the proposed development and the surrounding land uses effectively mitigated; and
4. Designing the project so that any additional traffic generated does not have significant adverse impact on surrounding development, and the street system.

Developer:

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Requested Score \_\_\_\_\_

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Planning:

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Recommended Score \_\_\_\_\_  
Multiplier x3 \_\_\_\_\_  
Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_  
Multiplier x3 \_\_\_\_\_  
Total Points \_\_\_\_\_

Standards and Scoring:

Compatibility has been stressed throughout this document. The reason for that is the desire to protect the residents in the area and to preserve the neighborhood-type setting now enjoyed. Past construction activity has threatened that quality, and this chapter is an attempt to instead enhance the area.

Again, it is recognized that the primary purpose for the corridor is to serve as a central location for medically-related services and products, with all other land uses being secondary in importance. However, the permit zoning system will allow the city to have more control over the area's development than in the past in order to protect both the existing residences and the area to the immediate west of the medical corridor from encroachment by unsightly or inappropriate land uses. At the same time, the city will be able to encourage development which will be beneficial to the entire community in terms of design, health care, and economic return.

Protection of the remaining areas of single-family residences must be assured through communication between the developers and the property owners, and through design. In particular, compatibility is sought for the homes south of 11th Avenue North on North 30th Street, between 12th and 10th Avenues North on North Broadway, and the areas of homes south of 11th Avenue North on North 29th Street. It is these areas which are most in need of compatible, sensitive development around their environs.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Points	Compatibility Effort
2	Developer met with adjacent property owners on own accord in effort to keep differences to a minimum and achieved high degree of compatibility with immediate environment.
1	Developer either met with adjacent property owners on own accord to assure compatibility or achieved high degree of architectural compatibility.
0	No effort made.

**Access on North 27<sup>th</sup> Street:** If the project is proposed on property adjacent to North 27th Street, it is encouraged that limited access be provided on North 27th Street and, where applicable, side streets be used for accessibility.

Developer:

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Requested Score \_\_\_\_\_

City Traffic Engineer:

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Recommended Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Standards and Scoring:

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Billings, Montana City Code; Chapter 6, "Buildings and Building Regulations," Section 6-1208 (Curb Cut Regulations).

If property abuts an avenue, access to the site is to be provided by a curb into the avenue rather than North 27th Street.

The minimum standards from the Curb Cut Ordinance shall be met, as well as the American Association of State Highway and Transportation Officials' standards for site distance.

Points	Access
2	0 access on North 27th Street if avenue is available; otherwise 1 access when frontage is only along North 27th Street; shared access between two properties with property widths of 60 feet or less.
1	1 access for property with 60 feet or less frontage; 2 accesses for any single property tract or business establishment in excess of 60 feet frontage when distance between curb cuts exceeds minimum standard of 25 feet.
0	2 accesses for property or business establishment in excess of 60 feet frontage with 25 feet distance between curb cuts; no effort to use avenue for access when possible to do so.

**Architectural Design:** Development design is encouraged to be either compatible in design with the neighboring properties or promote harmonious transitions in scale and character in areas between different land uses. Design should thus be appropriate to the site and function of the project and should promote interior energy conservation measures.

Developer:

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Requested Score \_\_\_\_\_

Building Official:

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**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Recommended Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Planning:

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Recommended Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Standards and Scoring:

Examples of design features promoting energy conservation include double-glazed windows, thickness or density of walls and doors, insulation, and sealing around windows and doors.

Examples of compatibility are use of similar building materials, closeness in scale with neighboring structures, color or style similarities.

Solar collectors are to be designed as harmoniously as possible with the natural features of the building or property.

Billings, Montana City Code, Chapter 6, "Buildings and Building Regulations": All appropriate sections.

Points	Scale of Project
2	Either achieves highest possible compatibility in design with surrounding area or provides for maximum level of effort to be harmonious with adjacent, differing land uses, plus incorporating interior energy conservation measures.
1	Makes an effort to be compatible or harmonious and incorporates interior energy conservation measures.
0	No effort made in design or interior energy conservation.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

**Building Materials:** The use of building materials for structures and fences which are compatible with the surrounding environment is encouraged.

Developer:

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Requested Score \_\_\_\_\_

Building Official:

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Recommended Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Planning:

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Recommended Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x2 \_\_\_\_\_

Total Points \_\_\_\_\_

Standards and Scoring:

The use of materials such as wood, brick, or siding which have subdued colors and help blend the building into the landscape is encouraged.

Loud, obnoxious colors, untreated block, and plain metal buildings visible from streets are discouraged.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Points	Materials Used
2	When feasible, building materials are natural; colors are otherwise subdued; exceptional effort made to be compatible with neighboring building materials.
1	Colors are subdued and building materials are generally compatible.
0	Loud colors, untreated block, plain metal buildings visible from street, and incompatible materials with surroundings.

**Removal of Dwellings:** The removal of existing dwellings more than forty-five (45) days prior to the start of construction is discouraged. In addition to this, the proper abandonment of existing utility services is required, unless services will be reused.

Developer:

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Requested Score \_\_\_\_\_

Building Official:

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Recommended Score \_\_\_\_\_

Multiplier x1 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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Awarded Score \_\_\_\_\_

Multiplier x1 \_\_\_\_\_

Total Points \_\_\_\_\_

Standards and Scoring:

Billings, Montana, Chapter 6, "Buildings and Building Regulations": Article 6-1000.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

A cash bond will be deposited with the City in order to ensure the meeting of the deadlines when either "2" or "1" point(s) are sought. The City Administrator will set the terms and conditions of the bond.

Points	Removal of Dwellings
2	Dwelling to be removed less than 30 days prior to project start-up date.
1	Dwelling to be removed 45 to 30 days prior to project start-up date.
0	Dwelling to be removed over 45 days in advance of project start-up date.

**Residential Multi-Family:** Residential multiple family development is encouraged in the southern portion of the medical corridor area and along the west side of North 30th Street.

Developer:

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Requested Score \_\_\_\_\_

Planning:

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Recommended Score \_\_\_\_\_

Multiplier x1 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Awarded Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

**Standards and Scoring:**

1990 Yellowstone County Comprehensive Plan.

Points	Location of Proposed Multi-Family Development
2	Between 9th Avenue North and 7th Avenue North; or along the west side of North 30th Street between 9th Avenue North and Grandview Boulevard.
1	Between 11th Avenue North and 9th Avenue North.
0	North of 11th Avenue North.

**Transit:** Developments are encouraged to promote the use of MET by residents, employees and patrons.

Developer:

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Requested Score \_\_\_\_\_

MET Transit:

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Recommended Score \_\_\_\_\_

Multiplier x1 \_\_\_\_\_

Total Points \_\_\_\_\_

Final Plan Review:

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**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Awarded Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

**Standards and Scoring:**

MET Transit Bus Shelter Specifications.

Billings, Montana City Code, Chapter 7, "Businesses and Business Regulations": Article 7-1000.

Upon the developer's request, staff will establish criteria for awarding one (1) or two (2) points for each specific development. These criteria may include, but are not limited to, such items as providing funding for bus shelters, benches, shelter maintenance agreements, subsidized bus passes or fares for development users, schedule displays, and advertising.

The developer can then secure the one (1) or two (2) points by agreeing to comply with the criteria. If the developer does not agree that the criteria are appropriate for the specific development, the criteria established can be appealed to the City Council.

No effort made will result in a zero score.

**Multiple-Use Development:** A development which provides facilities for more than one function is encouraged. Examples of such developments are an office building with child care facilities for employees and a building offering ground floor commercial/office space, as well as, multiple family units on the upper floors.

Developer:

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Requested Score \_\_\_\_\_

**Planning:**

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Recommended Score \_\_\_\_\_

Multiplier x1 \_\_\_\_\_

Total Points \_\_\_\_\_

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Final Plan Review:

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Awarded Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

Standards and Scoring:

Billings, Montana City Code:

Chapter 6, "Building and Building Regulations," Article 6-1200.

1990 Yellowstone County Comprehensive Plan.

Uses being proposed in a development should be uses which are allowed within the existing zoning categories of either Residential Professional or Neighborhood Commercial.

Points	Number of Uses
2	3 or more
1	2
0	1

**Pollution:** Developments are encouraged to be designed so that odor and air quality are controlled at its source or by the structure from which it is emitted so it does not constitute a nuisance.

Developer:

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Requested Score \_\_\_\_\_

City Engineer:

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Recommended Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Final Plan Review:

Recommended Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

Standards and Scoring:

If determined that the proposed development will adversely affect air quality, the city can refer the proposal to the County Air Pollution Control Board.

Points	Mechanism
2	Maximum protection from generating air and odor pollution will be given.
1	Adequate protection from generating air and odor pollution will be given.
0	Minimal effort to be made to protect from possibility of generating air and odor pollution.

**SEC. 27-913. PLANT MATERIALS FOR LANDSCAPING AND BUFFERYARDS.**

- (a) *Rules and Regulations.* The City Administrator shall promulgate and publish rules and regulations which will be on file at the Parks, Recreation, and Public Lands Department specifying the plant materials and standards which must be met in order to satisfy the requirements of landscaping and bufferyards. The rules and regulations will be used to determine which plant materials will satisfy the requirements of this chapter. The plant materials are listed by type: Conifers and evergreen trees, evergreen shrubs, deciduous trees, deciduous shrubs, ground covers, and vines.

Although the rules and regulations will not generally specify the location or spacing of plant material required, all plant materials shall be installed to maximize achieving the purpose(s) for which the planting is required. In the case of bufferyard planting, this means that plant material shall be located so as to achieve the maximum level of protection to the less intense use.

- (b) *Minimum Plant Size.* Unless otherwise specifically indicated elsewhere in this chapter, all plant materials shall meet the minimum size standards set forth in Table 1.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

TABLE 1.

<i>Plant Material Type</i>	<i>Minimum Size</i>	
	<i>Planting in Bufferyards Abutting Vacant Lands</i>	<i>All Other Plantings</i>
Canopy tree:		
Single stem	1½ inch caliper	2½ inch caliper
Multi-stem clump	6 feet (height)	10 feet (height)
Understory tree	4 feet (height)	1½ inch caliper
Evergreen tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inch (height)	24 inch (height)
Evergreen	12 inch (height)	18 inch (height)

- (c) *Existing Plant Material.* Existing, healthy plant material may be counted as contributing to the total plant material required by this regulation.

**SEC. 27-914. REVIEW CHART - ALL CRITERIA.**

(a)	<i>Absolute Criteria:</i>	<i>Complied With</i>		
1.	Building Standards	Yes_____	No_____	N/A_____
2.	Utilities	Yes_____	No_____	N/A_____
3.	Vehicular Traffic	Yes_____	No_____	N/A_____
4.	Pedestrian Access	Yes_____	No_____	N/A_____
5.	Public Facilities	Yes_____	No_____	N/A_____
6.	Public Right-of-Way	Yes_____	No_____	N/A_____
7.	Lighting	Yes_____	No_____	N/A_____
8.	Drainage	Yes_____	No_____	N/A_____
9.	Signage	Yes_____	No_____	N/A_____
10.	Noise	Yes_____	No_____	N/A_____
11.	Parking	Yes_____	No_____	N/A_____

A proposal must receive a "Yes" answer to all of the above criteria, if applicable, in order to be considered for approval.

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

Does the proposal qualify for a permit based on the above criteria? Yes\_\_\_\_\_ No\_\_\_\_\_

(b) <i>Relative Criteria</i>	<i>Points Earned</i>
1. Building Scale	_____
2. Landscaping	_____
3. Parking	_____
4. Land Use	_____
5. Density	_____
6. Compatibility	_____
7. Access on North 27th Street	_____
8. Architectural Design	_____
9. Building Materials	_____
10. Removal of Dwellings	_____
11. Residential Multi-Family	_____
12. Transit	_____
13. Multiple-Use	_____
14. Pollution	_____
TOTAL	_____

Minimum Points Required. Seventy (70) percent of total applicable points possible for medically-related land use proposal; seventy-five (75) percent of total applicable points possible for nonmedical-related land use proposal.

Proposal (has \_\_\_\_\_)(has not \_\_\_\_\_) attained minimum points required to total applicable points.

Proposal qualifies for a permit. Yes\_\_\_\_\_ No\_\_\_\_\_

**SEC. 27-915. EXISTING DEVELOPMENT.**

- (a) Should an existing development propose to externally remodel fifty (50) percent or more of the building, have an addition put on in excess of ten (10) percent of the existing building, change its use, or create some nonbuilding improvements (e.g., parking lots, fences), then certain provisions shall be complied with. The property will have to comply with all of the applicable absolute criteria and address four (4) of the relative criteria of the permit system before a permit is issued by the Zoning Coordinator.
- (b) Existing developments which involve the external remodeling of less than fifty (50) percent of the building or an addition of ten (10) percent or less onto an existing building must comply with the absolute criteria. The relative criteria will not be addressed by these projects. However, if the existing development is a single-family

**ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT**

dwelling or a duplex now meeting and proposed to continue meeting the standards of the Residential 6,000 (R-60) zoning category, then it will not need to go through this permit procedure for remodeling, additions, or fences. When these conditions are met, the building permit shall be issued for these development types.

- (c) Internal remodeling projects (which are not changing the use of the building) will be exempt from this chapter and will go through the regular building permit process.
- (d) Parking lots for existing developments which are proposed to add ten (10) or fewer spaces for off-street parking will go through this section's process. All other parking lots will go through the entire permit zoning procedure.

<b>Relative Criterion</b>	<b>Awarded Score</b>	<b>Multiplier</b>	<b>Points Earned</b>	<b>Maximum Points</b>
Building Scale		3		6
Landscaping		3		6
Architectural Design		2		4
Building Materials		2		4
<b>Total Maximum Points</b>				<b>20</b>

- (e) All building permit applications for existing development must receive a "yes" to all applicable absolute criteria plus achieve a minimum score of seventy-five (75) percent among the applicable relative criteria before a project can be approved and a building permit issued. Thus if all four (4) criteria apply, the applicant must achieve at least fifteen (15) points before a permit is issued. The Zoning Coordinator will notify the applicant of the awarded scores. Depending upon the scope of the project it is suggested that the Zoning Coordinator "fast track" this process and allow no more than two (2) weeks for departmental review of the preliminary plan BMCC Section 27-908(B) and one (1) week for review of the final plan BMCC Section 27-908(C). A conceptual review BMCC Section 27-908(A) is not required for this section but is highly recommended. The same notification procedures will be used as is outlined in BMCC Section 27-908 for contacting department representatives and adjacent property owners.

**SEC. 27-916. APPEAL PROCESS RELATING TO ISSUANCE OF DENIAL OF PERMIT.**

- (a) Generally. The following outlines the appeal process which can be exercised by either a developer who is denied a permit or an adjacent property owner who wishes to protest or appeal the city staff decision to grant a permit for a particular development.

## ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

- (b) Developer Appeal. Should a permit be denied, a developer will receive a written explanation from the Zoning Coordinator as to the reasons for the denial within two (2) weeks of the final plan's submittal. The developer then has fourteen (14) days from the date on the letter in which to file a request for appeal before the City Council. The petition requesting an appeal and a copy of the Zoning Coordinator's letter giving the reason(s) for the denial of the permit shall be filed with the City Clerk and shall be placed on the City Council agenda within thirty (30) days after receipt of the petition. The City Council will review the petition and vote (by simple majority) whether an appeal may be filed for their consideration. If permission to appeal is not granted, then the Zoning Coordinator's denial of the permit stands. Should permission be given to hear an appeal, then the developer will have thirty (30) days in which to file a written appeal with the City Clerk. It shall include a copy of the Zoning Coordinator's explanation for denial of the permit, and the developer's reasons why the permit should be issued. A copy of this appeal must be sent to the Zoning Coordinator.

The City Clerk shall then place the item on the City Council agenda. The City Clerk shall notify all adjacent property owners as outlined in this document, by letter, of the time and place of the City Council meeting so that they may appear and comment on the appeal.

- (c) Adjacent Property Owner Appeal. Once the Zoning Coordinator decides to grant a permit, the Zoning Coordinator must notify all adjacent property owners (including all lands directly opposite the site) by letter and inform them that they have fourteen (14) days from the date of the letter to submit a request of an appeal of the decision to the City Council. If a request for appeal is not submitted for council consideration, then the decision of the Zoning Coordinator stands. If the property owners want to submit a petition requesting an appeal, it shall be filed along with the Zoning Coordinator's letter with the City Clerk, and the clerk shall place the petition on the City Council agenda within thirty (30) days. Should the council agree to hear the appeal, then the property owners filing the request must submit, in writing, reasons why adjacent property owners feel the permit should not be granted. The filing must take place within thirty (30) days of the granting of permission by the City Council to hear the appeal and shall be filed with the City Clerk.

If the affected property owners do not appeal the decision to grant the permit within the fourteen (14) day period, they have waived their right to appeal and the Zoning Coordinator shall then issue a permit for the proposed development. If a request for an appeal is filed, a copy must be sent to the Zoning Coordinator by the City Clerk, and any issuance of a permit shall be delayed until the City Council can resolve the matter.

## **ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS**

### **SEC. 27-1001. INTENT.**

The intent of the Interchange/Entryway Zoning Districts is to promote attractive, high quality development, to provide an appealing image of the City of Billings, to the traveling public and also the community. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and protecting environmentally sensitive areas, including the Yellowstone River Corridor.

#### OBJECTIVES

- (a) Promote a unique, attractive physical landscape through topographic variations, water areas, native vegetation and scenic vistas;
- (b) Create and preserve open space;
- (c) Preserve and enhance unique qualities of the total environment;
- (d) Encourage creativity in design;
- (e) Provide for harmonious land design and quality site planning, which will produce a more desirable and attractive environment;
- (f) Reduce the level of adverse impacts from the transportation system on adjoining lands;
- (g) Promote development patterns in harmony with the goals and objectives of the 1990 Yellowstone County Comprehensive Plan; and
- (h) Promote compatible land use transitions with a sensitivity toward existing residential uses.

### **SEC. 27-1002. APPLICATION AND APPROVAL PROCESS.**

All plans and applications for development and signs shall be submitted to the City-County Planning Department. All applications must be submitted in person and signed by the property owner, lessee, the contract purchaser or the authorized agent of the property owner.

Planning Department approval is to ensure compliance with the Zoning Regulations. This does not in anyway construe approval by any other city or county department. A building permit and Planning Department approval are required prior to construction.

Each application shall include, but not be limited to the following information:

- (1) The name and address of the property owner;
- (2) The name and address of the applicant;
- (3) The legal description of the parcel;
- (4) A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;

## ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS

- (5) A complete site plan drawn to a scale of no less than 1" = 40' showing the dimensions and locations of all structures, streets, paving, parking, landscaping, signage, waterways or other significant features of the development;
- (6) Complete elevation drawings drawn to scale including the dimensions and height of the structure; and
- (7) Signage Plan specifications and location. (This applies to applications for signs only.)

Within fifteen (15) working days following the submittal of a complete application, the Planning Director or his/her designee shall issue Planning Department approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this chapter.

### SEC. 27-1003. DEFINITIONS.

Terms not specifically defined in this chapter shall use the same meanings as they are defined in BMCC Section 27-201. The standard dictionary meaning shall be applied to terms not otherwise defined.

### SEC. 27-1004. ZONING DISTRICTS.

(a) **Entryway Light Commercial Zone (ELC):** The purpose of the Entryway Light Commercial zone is to provide limited entryway commercial convenience facilities, serving the nearby community.

- (1) *Permitted Uses:* The following uses shall be less than three thousand (3,000) square feet gross floor area (GFA)

Accessory uses and structures associated with a permitted principal structure

Apparel and accessory stores

Bakeries, retail

Banking and financial institutions

Barber and beauty shops

Book and stationery stores

Coin-operated laundry and dry cleaning pick up station

Convenience stores, with or without gas sales

Food stores

General merchandise stores

Hardware stores

Home furniture and furnishing stores

**ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS**

Mailing, photocopying, blueprinting and duplicating services

Newsstands

Offices

Paint stores

Pharmacies

Photo-finishing labs

Restaurants without the sale of alcoholic beverages

Shoe repair shops

Watch, clock and jewelry repair

- (2) *Special Review Uses:* Any of the above-permitted uses greater than three thousand (3,000) square feet GFA

Car washes

Commercial recreation uses only as listed below:

Arcades

Batting cages

Boat Rentals

Bowling alleys

Canoe and kayak rentals

Day camps

Driving ranges

Golf courses

Handball courts

Ice skating rinks

Miniature golf

Parks

Playing fields

Racquetball courts

Riding stables

Roller skating rinks

Schools and camps for sports instruction

Swimming pools

Tennis courts

## ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS

Waterslides

Gravel and/or sand extraction

Mixed use developments which include residential uses

Other retail uses similar in nature to those listed above

Restaurants with the sale of alcoholic beverages for on-premise consumption

(b) **Entryway General Commercial Zone (EGC):** The purpose of the Entryway General Commercial Zone is to provide a specialized classification for hotels, restaurants and other tourist-related facilities near major highway interchanges.

(1) *Permitted Uses:* Accessory uses and structures associated with a permitted principal structure

Apparel and accessory stores

Automobile and truck sales (New and Used)

Automobile rental agencies

Automotive service stations

Bakeries, retail

Banking and financial institutions

Barber and beauty shops

Book and stationery stores

Broadcasting studios, radio and television

Car washes

Coin-operated laundry and dry-cleaning pick up station

Commercial recreation uses only as listed below:

Arcades

Batting cages

Boat rentals

Bowling alleys

Canoe and kayak rentals

Day camps

Driving ranges

Golf courses

Handball courts

Ice skating rinks

**ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS**

Miniature golf

Parks

Playing fields

Racquetball courts

Riding stables

Roller skating rinks

Schools and camps for sports instruction

Swimming pools

Tennis courts

Waterslides

Convenience stores, with or without gas sales

Food stores

General merchandise stores

Hardware stores

Home furniture and furnishing stores

Hotels/Motels

Laundry and dry cleaning establishments

Mailing, photocopying, blueprinting and duplicating services

Newsstands

Offices

Paint stores

Pharmacies

Photo-finishing labs

Recreational vehicle sales and service

Restaurants without the sale of alcoholic beverages

Retail nurseries, lawn and garden supply stores

Shoe repair shops

Signs, computer controlled variable message

Theaters (Indoor)

Tire sales

Watch, clock and jewelry repair

Wholesale uses not to exceed three thousand (3,000) square feet gross floor area (GFA)

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(2) *Special Review Uses*

Campgrounds

Commercial Recreation uses only listed as below:

Go-cart tracks

Rodeos

Roping arenas

Gravel and/or sand extraction

Mixed use developments which include residential uses

Other retail uses similar in nature to those listed above

Restaurants with the sale of alcoholic beverages for on-premise consumption

Truck stops

Veterinary clinics

a. Boarding

b. Outpatient Only

Wholesale uses not to exceed ten thousand (10,000) square feet gross floor area (GFA)

Zoos

(c) **Entryway Mixed Use Zone (EMU):** The purpose of the Entryway Mixed Use Zone is to provide for commercial recreation development and a mixture of low intensity residential and low intensity commercial/office use. This zone allows for low impact commercial and residential development that will have minimal adverse effect on adjacent natural resources and existing uses.

(1) *Permitted Uses:*

Accessory uses and structures associated with a permitted principal structure

Campgrounds

Commercial recreation uses only listed as below:

Batting cages

Boat rentals

Canoe and kayak rentals

Day camps

Driving ranges

Golf courses

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Handball courts

Ice skating rinks

Miniature golf

Parks

Playing fields

Racquetball courts

Riding stables

Schools and camps for sports instruction

Swimming pools

Tennis courts

Mixed use developments (incorporating Office/Commercial uses permitted in the EGC zone and residential uses)

Residential, Single-family

Residential, Multi-family

Restaurants without the sale of alcoholic beverages for on-premise consumption

(2) *Special Review Uses:*

Commercial Recreation uses only listed as below:

Go-cart tracks

Rodeos

Roping arenas

Gravel and/or extraction

Restaurants with the sale of alcoholic beverages for on-premise consumption

(d) **Entryway Light Industrial (ELI):** The purpose of the Entryway Light Industrial zone is to provide large lots located directly accessible to arterial and other transportation systems for warehousing and light manufacturing and allow for limited commercial facilities for the adjacent community and interstate travelers.

(1) *Permitted Uses:*

Accessory uses and structures associated with a permitted principal structure

Automotive service stations

Auto repair

Auto supply stores

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Bakery, wholesale

Broadcast studios, radio and television

Bus terminal operations with or without maintenance facilities

Car washes

Coin operated laundry and dry cleaning with pick up station

Convenience stores, with or without gas sales

Cabinet and furniture manufacturing

Engineering, physical and biological research laboratories

Funeral homes, mortuaries, and crematories

General warehousing and compartmentalized storage under 250,000 square feet GFA

Heavy equipment sales and service

Hotels/Motels

Laundry and dry-cleaning establishments

Light manufacturing:

Computer and Office Equipment (SIC-357)

Household Audio & Video Equipment and Audio Recording (SIC-365)

Communication Equipment (SIC-366)

Electronic Components & Accessories (SIC-367)

Measuring, analyzing & controlling instruments; photographic, medical and optical goods, watches, clocks (SIC-38)

Mailing, photocopying, blueprinting and duplicating services

Mobile Home Sales

Offices; professional, private, government

Photo-finishing labs

Recreational vehicle sales and service

Restaurants without the sale of alcoholic beverages

Retail uses allowed in the Entryway General Commercial

Retail nurseries, lawn and garden supply stores

Tire sales

Truck stops

Trucking terminal with or without maintenance facilities

US Postal Services with or without terminal facilities

Vet Clinics

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Wholesale Trade (Except SIC-5093)

(2) *Special Review Uses*

Gravel and/or sand extraction

Mixed use developments

Passenger and freight terminals

Restaurants with the sale of alcohol beverages for on-premise consumption

Wood container manufacturing

Wood building and mobile home manufacturing

Misc. Wood Products manufacturing

Retail over 250,000 GFA

Warehousing over 250,000 GFA

**SEC. 27-1005. DEVELOPMENT STANDARDS.**

Minimum lot area for all non-residential development shall be twenty-thousand (20,000) square feet in the ELC, EGC , EMU, and ELI zoning districts.

Residential developments shall meet the minimum lot area, setbacks, lot coverage and height limits of the Residential 9,600 (R-9,600) zoning district for single family projects or for the Residential Multi-Family - Restricted (RMF-R) zoning district for multiple-family developments, as listed in BMCC Section 27-308.

Minimum building setback from property line:

	<b>EMU</b>	<b>EGC</b>	<b>ELC</b>	<b>ELI</b>
*Adjacent to Interstate right-of-way	25 feet	25 feet	25 feet	25 feet
*Adjacent to any other right-of-way	25 feet	25 feet	25 feet	25 feet
Adjacent to a residential zone	25 feet	25 feet	25 feet	25 feet
Adjacent to a non-residential zone	10 feet	10 feet	10 feet	10 feet
Structure Height	30 feet	40 feet	30 feet	40 feet
Maximum Lot Coverage	50%	50%	50%	50%

\*All arterial setbacks as outlined in BMCC Section 27-602 must be maintained.

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Setback areas not occupied by required bufferyards may be used for, but not limited to the following: display area, driveways and non-required parking.

All current City and County codes shall apply, including but not be limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in one or more regulations, the most stringent shall apply.

*Traffic Accessibility Studies:* Current traffic accessibility study requirements in the subdivision and site development regulations shall apply, in addition to those requirements outlined below.

The following uses shall be required to submit traffic accessibility studies:

Drive-through services

Truck stops

### SEC. 27-1006. LANDSCAPING STANDARDS.

(a) *Definitions:*

- (1) Canopy tree: A species of tree which normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be two and one-half (2½) inches in caliper.
- (2) Evergreen tree or shrub: A tree or shrub of a species which normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height.

(b) *Street Frontage Landscaping.* All commercial zones are required to place a bufferyard (landscaping strip) adjacent to and along the length of all rights-of-way, excluding driveways. Rights-of-way include the following: ditches adjacent to streets, principal arterial streets, minor arterial streets, collector streets, local streets and US Interstate 90.

The developer shall have the option of bufferyard widths (see options below). Placement and landscaping design shall be at the discretion of the developer. It is recommended that a design professional or local nursery be contacted for assistance with the development of the landscape design.

*Bufferyard Requirements:* The developer shall have the option of one (1) of the following three (3) bufferyards. Bufferyard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

Number of trees and shrubs required per one hundred (100) feet of frontage:

- (1) Twenty-five (25) foot wide bufferyard

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Five (5) Canopy or evergreen trees  
Ten (10) Shrubs

- (2) Twenty (20) foot wide bufferyard  
Ten (10) Canopy or evergreen trees  
Fifteen (15) Shrubs
- (3) Fifteen (15) foot wide bufferyard  
Fifteen (15) Canopy or evergreen trees  
Twenty (20) Shrubs

The following criteria shall also apply to the bufferyards.

- (1) The landscape strip shall be contoured. Berming shall be one (1) foot of rise to four (4) feet of run with a minimum of three (3) feet in height. Depressions shall be no lower than the existing grade of the site.
  - (2) All landscaped areas shall contain ground cover such as sod, shrubs, flower beds or organic materials. No more than ten (10) percent of the landscaped area shall contain fountains, rock, bark chips, stepping stones or similar material.
  - (3) All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter.
- (c) *Off-Street Parking Lot Landscaping.* Landscaping shall be provided within all parking areas. The following requirements shall apply:
- (1) A minimum of twenty (20) square feet of landscaped area shall be provided for each parking space.
  - (2) Two (2) canopy and/or evergreen trees and five (5) shrubs shall be required for every nine (9) parking spaces.
  - (3) All landscaped areas shall contain ground cover such as sod, shrubs, flower beds or organic materials. No more than ten (10) percent of the landscaped area shall contain fountains, rock, bark chips, stepping stones or similar material.
  - (4) The minimum width and/or length of any parking lot landscaped area shall be five (5) feet.
  - (5) Internal parking lot landscaping provided shall be proportionately dispersed, at the developers discretion, in order to define aisles and limit unbroken rows of parking. The maximum horizontal or vertical unbroken length shall be limited to one hundred (100) feet. Landscaped areas provided shall be in a scale proportionate to parking lot.

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- (6) Any development that has parking abutting a required bufferyard, may extend the width of that bufferyard a minimum of five (5) feet and include the additional required parking landscaping plant material. The minimum bufferyard width and landscaping material is required in addition to the parking landscaping.
- (7) All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter.
- (d) *Protection of Landscaped Areas.* Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.
- (e) *Commercial Uses Abutting Residential Uses.* All commercial uses abutting residential uses shall install a bufferyard. The bufferyard shall be ten (10) feet wide and shall contain ten (10) evergreen and/or canopy trees and ten (10) shrubs per one hundred (100) lineal feet. A solid fence or wall that is architecturally compatible in color and design with the building, shall be required on the property line. The fence height shall be a minimum of six (6) feet. Chain link or other wire fencing material is prohibited.
- (f) *Recommended Tree Types.* It is recommended that the developer work with the City Parks Department, a local greenhouse operator, landscape architect or other design professional to determine the species of trees that are most suitable for each situation. The use of native, drought-tolerant plant material is strongly encouraged. Evergreen trees are encouraged for bufferyards and canopy trees are encouraged for parking areas, however, the planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site.

A list of recommended native plant material shall be available at the Planning Department.

- (g) *Fractions in the Calculation of Number of Trees and Shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, all fractions shall be rounded to the nearest whole number.

### SEC. 27-1007. BUILDING DESIGN STANDARDS.

- (a) All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e. Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
- (b) Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.

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(c) Long, flat facades, having local street or interstate highway frontage, having more than one hundred (100) lineal feet are prohibited. Buildings over one hundred (100) feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight (8) feet in length. A single uninterrupted length of a facade shall not exceed one hundred (100) lineal feet. It is encouraged that each offset area contain landscaping or other similar amenities which will complement the offset area.

### SEC. 27-1008. ADDITIONAL PROVISIONS FOR COMMERCIAL USES.

(a) *Storage of Merchandise.* Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials. Bufferyards or required landscaping shall not be used for the displaying of merchandise. Chain link or other type of wire fencing is prohibited.

(b) *Site Lighting:*

(1) All outdoor lighting shall be designed, located and mounted at heights no greater than:

- a. Eighteen (18) feet above grade for non-cutoff lights; and
- b. Thirty-five (35) feet above grade for cutoff lights.

(2) *Maximum Illumination.* All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line shall not exceed three-tenths (0.3) footcandle for non-cutoff lights and one and five-tenths (1.5) footcandles for cutoff lights.

(c) *Storage of Junk.* No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building. In the case of automobile repair shops, such materials must be enclosed within a building or an area having a sight obscuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.

(d) *Solid Waste Area.* All solid waste storage facilities shall be located within an area enclosed with a sight obscuring fence or wall that is architecturally compatible in color and design with the building. Chain link or other type of wire fencing is prohibited.

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### SEC. 27-1009. SIGNS.

(a) *Intent.* This section shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or fraternal organization; gravestones; barber poles; religious symbols; or any display or construction not defined herein as a sign.

(b) *Definitions.* Words and phrases used in this section are defined in this section. Principles for computing sign area are outlined in subsection E of this section.

- (1) *Animated Sign:* Any sign that uses movement or change or lighting to depict action or create a special effect or scene.
- (2) *Area of Sign:* The entire area of a sign including the area within a perimeter which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. (See below subsection E for calculation of sign area.)

- (3) *Banner Sign:* Any sign (other than an official flag) made of cloth, paper or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.
- (4) *Beacon:* Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.
- (5) *Building Marker:* Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- (6) *Canopy Sign:* Any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.
- (7) *Changeable Copy Sign:* A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

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1. Manually Activated: Signs whose alphabetic, pictographic or symbolic information content can be changed or altered by manual means.
  2. Electrically Activated: Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Electrically activated signs include the following two (2) types:
    - a. Fixed Message Electronic Signs: Signs whose basic informational content has been pre-programmed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming.
    - b. Computer Controlled Variable Message Electronic Signs: Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.
- (8) *Copy*: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.
- (9) *Directional/Informational Sign*: An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than twenty (20) percent of the total sign area.
- (10) *Director*: The Planning Director of the County or his/her designee.
- (11) *Flag*: Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.
- (12) *Freestanding Sign*: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including monument signs.
- (13) *Government Sign*: Any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.
- (14) *Height of Sign*: The vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.
- (15) *Lot*: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, which is recognized and intended as a unit for the purpose of transfer or ownership.

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- (16) *Maintenance:* For the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.
- (17) *Monument Sign:* A sign mounted directly to the ground with maximum height not to exceed six (6) feet.
- (18) *Nonconforming Sign:* A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- (19) *Portable Sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- (20) *Principal Building:* A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.
- (21) *Projecting Sign:* A sign, other than a flat wall sign, which is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.
- (22) *Roof Sign, Above-peak:* Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (23) *Roof Sign, Integral:* Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
- (24) *Setback:* The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.
- (25) *Sign:* Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

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- (26) *Street:* A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines.
- (27) *Street Frontage:* The length of the property line of any one (1) premises along each public right-of-way it borders excluding alleys, serviceways and the interstate highway.
- (28) *Suspended Sign:* A sign that is suspended from the underside of a horizontal place surface and is supported by such surface.
- (29) *Temporary Sign:* A non-permanent sign erected and maintained for a specific limited period of time.
- (30) *Wall Sign:* Any sign attached parallel to, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface. Wall signs shall not exceed twenty-two (22) inches in depth measured from the face on the wall on which the sign is mounted.
- (31) *Wind-Driven Sign:* Any sign consisting of one (1) or a series of two (2) or more banners, flags, pennants, ribbons, spinners, streamers or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.
- (32) *Window Sign:* Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
- (c) *Signs Prohibited.* All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:
- (1) Beacons;
  - (2) Wind-driven sign, except flags as defined in this section;
  - (3) Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;
  - (4) Inflatable signs and tethered balloons;
  - (5) Portable signs;
  - (6) Animated signs;
  - (7) Above-peak roof signs;
  - (8) Banner signs;

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- (9) Abandoned signs;
  - (10) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way; and
  - (11) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- (d) *Signs Not Requiring Permits.* The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this section:
- (1) Construction signs of sixteen (16) square feet or less;
  - (2) Special event or holiday lights or decorations;
  - (3) Nameplates of two (2) square feet or less;
  - (4) Public signs or notices, or any sign relating to an emergency;
  - (5) Real estate signs; (see below subsection I, 2)
  - (6) Political signs; (see below subsection I, 4)
  - (7) Interior signs not visible from the exterior of the building; and
  - (8) Directional signs not to exceed twelve (12) square feet in area or six (6) feet in height.
- (e) *Calculation of Sign Area.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.
- (f) *Maintenance.* All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.
- (g) *Lighting.* Unless otherwise prohibited by this section, all signs may be illuminated.
- (h) *Changeable Copy.* Unless otherwise specified by this section, any sign herein allowed may use manual, or fixed message electronic sign.
- Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten (10) feet above the crown of the adjacent road. Computer controlled variable message electronic signs shall not be permitted in the Entryway Light Commercial (ELC) and the Entryway Mixed Use (EMU) zones.
- (i) *Signs Permitted in Residential Districts:*

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- (1) One (1) non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight (48) square feet in sign area. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
- (2) One (1) non-illuminated real estate sign per lot or premises not to exceed sixteen (16) square feet in sign area for residential properties and thirty-two (32) square feet for commercial properties. Such signs must be removed fifteen (15) days following sale, rental or lease of the real estate involved.
- (3) One (1) non-illuminated attached building nameplate per occupancy, not to exceed two (2) square feet in sign area.
- (4) One (1) non-illuminated political sign not to exceed sixteen (16) square feet in sign area. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed ten (10) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- (5) One (1) subdivision sign per street frontage not to exceed forty-eight (48) square feet in sign area in each location.
- (6) One (1) identification sign per entrance to apartment or condominium complex, not to exceed thirty-six (36) square feet in sign area.

(j) *Signs Permitted in Commercial Districts:*

- (1) All signs permitted in residential districts as listed in above subsection I.
- (2) The total square footage of all signs located on the property, including, but not limited to freestanding, wall, projecting, integrated roof, canopy, under-canopy and directional signs, shall not exceed three (3) square feet in sign area for each lineal foot of property frontage. This frontage shall be calculated using local streets, not the interstate highway.
- (3) One (1) freestanding sign within the Interchange/Entryway Zoning District may be installed to a height of forty (40) feet and may be a maximum of three hundred-fifty (350) square feet if the principal purpose of such signs is to address interstate traffic. The sign must be oriented perpendicularly to the interstate so the sign is visible to the interstate traveler. In addition, the property must be adjacent to the Interstate right-of-way.
- (4) Freestanding signs which do not address interstate traffic may be installed to a maximum height of twenty-four (24) feet and may have a maximum size of one hundred-fifty (150) square feet.

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- (5) The setback for the leading edge of freestanding signs shall be a minimum of ten (10) feet.
  - (6) No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.
  - (7) One (1) freestanding sign per frontage, including the interstate highway, shall be allowed. Where a street frontage exceeds five hundred (500) feet, one (1) additional freestanding sign may be allowed per five hundred (500) foot increment. Freestanding signs shall have a minimum distance of one hundred-fifty (150) feet between signs. The total square footage of all freestanding signs shall not exceed the total allowable square footage for freestanding signs.
  - (8) Wall signs shall not exceed twenty (20) percent of the square footage of the wall area upon which they are installed. Electric awning and canopy signs shall not exceed twenty (20) percent of the square footage of the wall area upon which they are installed. The combination of wall signs, electric awning, canopy signs and projecting signs shall not exceed twenty (20) percent of the allowed wall sign area.
  - (9) Integrated roof signs may be used instead of wall signs. The integrated roof sign size shall not exceed the allowable size for a wall sign. Integrated roof signs shall be constructed so as to conceal all structures and fastenings. The height of the sign shall not exceed the roof to which it is attached.
  - (10) Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten (10) feet over sidewalk and fourteen (14) feet over any parking lot, driveway or crown of the street, whichever is higher. Projecting sign size shall not exceed the allowable size for a wall sign.
  - (11) One (1) under-canopy sign for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of nine (9) feet from the sidewalk.
  - (12) Window signs shall not cover more than thirty (30) percent of the window area.
  - (13) On-site directional signs as required.
- (k) *Shopping Center Signs:*
- (1) Shopping centers shall be allowed one (1) freestanding sign directory sign per frontage. The sign shall not exceed one hundred-fifty (150) square feet

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plus five (5) percent of the one hundred-fifty (150) square feet per tenant. Maximum sign size shall not exceed three hundred-fifty (350) square feet.

- (2) Shopping centers signs shall not exceed the maximum allowable freestanding signage.
  - (3) Shopping center signs cannot be used if the Common Signage Plan is used.
- (1) *Common Signage Plan:*
- (1) Common Signage Plan. If the owners of two (2) or more contiguous or adjacent (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (excluding accessory buildings) or multiple use buildings file with the Planning Director for such lot(s) a Common Signage Plan conforming with the provisions of this section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.
  - (2) Provisions of Common Signage Plan. The Common Signage Plan shall contain all of the following information:
    - a. An accurate plot plan of the lot, at such scale as the Planning Director may reasonably require;
    - b. Location of buildings, parking lots, driveways, clear vision triangles and landscaped areas on such lot;
    - c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this chapter; and
    - d. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.
    - e. Window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

The Common Signage Plan shall also specify standards of consistency among all signs on the lots affected by the Plan with regard to:

## ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS

- a. Color scheme;
  - b. Letter or graphic style;
  - c. Lighting;
  - d. Location of each sign on the building(s);
  - e. Material; and
  - f. Sign proportions.
- (3) *Limit on Number of Freestanding Signs Under Common Signage Plan.* The Common Signage Plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Where street frontage exceeds five hundred (500) feet, one additional freestanding sign may be allowed per five hundred (500) foot increment.
- (4) *Other Provisions of the Common Signage Plan.* The Common Signage Plan may contain other restrictions as the owners of the lots may reasonably determine.
- (5) *Consent.* Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Planning Director shall require.
- (6) *Procedures.* Common Signage Plan shall be included in any development plan, site plan, planned development or other official plan required by the City or County for the proposed development and shall be processed simultaneously with such other plan.
- (7) *Amendment.* Common Signage Plan may be amended by filing a new Common Signage Plan that conforms with all requirements of the chapter then in effect.
- (8) *Existing Signs Not Conforming to Common Signage Plan.* If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within five (5) years, all signs not conforming to the proposed amended plan or to the requirements of this section effective on the date of submission.
- (9) *Binding Effect.* After approval of a Common Signage Plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such may be enforced in the same way as any provision of this

## ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS

chapter. In case of any conflict between the provisions of this section and Common Signage Plan, the section shall control.

- (10) *Dissolution of Common Signage Plan.* If the signatories of a Common Signage Plan wish to dissolve the Common Signage Plan, written notice must be submitted to the Planning Director. All signs on the property for which the Common Signage Plan was dissolved must bring all signs into conformance with this section within thirty (30) days of the date written notice was submitted to the Planning Director.

(m) *Nonconforming Signs.* Existing signs which do not conform to the specific provisions of this section may be eligible for the designation "legal nonconforming" provided that:

- (1) The Planning Director determines such signs are properly maintained and do not in any way endanger the public;
- (2) The sign was installed in conformance with a valid permit or variance or complied with all applicable laws on the date of adoption of this section; and
- (3) The sign owner registers the sign with the Planning Director within six (6) months of the adoption of this section. If the owner fails to register the nonconforming sign with the Planning Director, the sign then must be brought into compliance with this section within thirty (30) days.

A legal nonconforming sign may lose this designation if:

1. The sign is relocated or replaced; or
2. The structure or size of this sign is altered in any way except toward compliance with this section. This does not refer to change of copy or normal maintenance.

The legal nonconforming sign is subject to all requirements of this section regarding, safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, as based on appraisal, it must be brought into conformance with this section or removed.

(n) *Construction Specifications:*

1. All signs shall be installed in compliance with the Uniform Building Code (UBC) and the National Electric Code (NEC).
2. All signs shall be inspected by the City of Billings Building Division for compliance with all applicable codes. (Including, but not limited to structure, wind load, and electrical hook-up.)

**ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS**

3. All electrical freestanding signs must have underground electrical service to such signs.

**SEC. 27-1010. SPECIAL REVIEW PROCESS.**

Special reviews shall follow the procedure as outlined in BMCC Sections 27-1503 (City) and 27-1509 (County).

**SEC. 27-1011. VARIANCES.**

Variations from this chapter shall follow the process outlined in BMCC Sections 27-1506 (City) and 27-1511 (County).

(Ord. No. 97-5048, § 8, 12-22-97; Ord. No. 99-5101, § 1, 9-13-99)

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

### SEC. 27-1401. PURPOSE.

The purpose of the Shiloh Corridor Overlay District is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

### SEC. 27-1402. DISTRICT BOUNDARIES.

The boundaries of the Shiloh Corridor Overlay District shall be that displayed on the map at the end of section 27-1403. In no case shall the boundaries of the district exceed a depth of five hundred (500) feet from the centerline of the right-of-way of Shiloh Road from King Avenue north to Rimrock Road. If only a portion of the property falls within the boundaries of the district, the entire property will be subject to the regulations in sections 27-1427 through 1453.

### SEC. 27-1403. REVIEW CRITERIA.

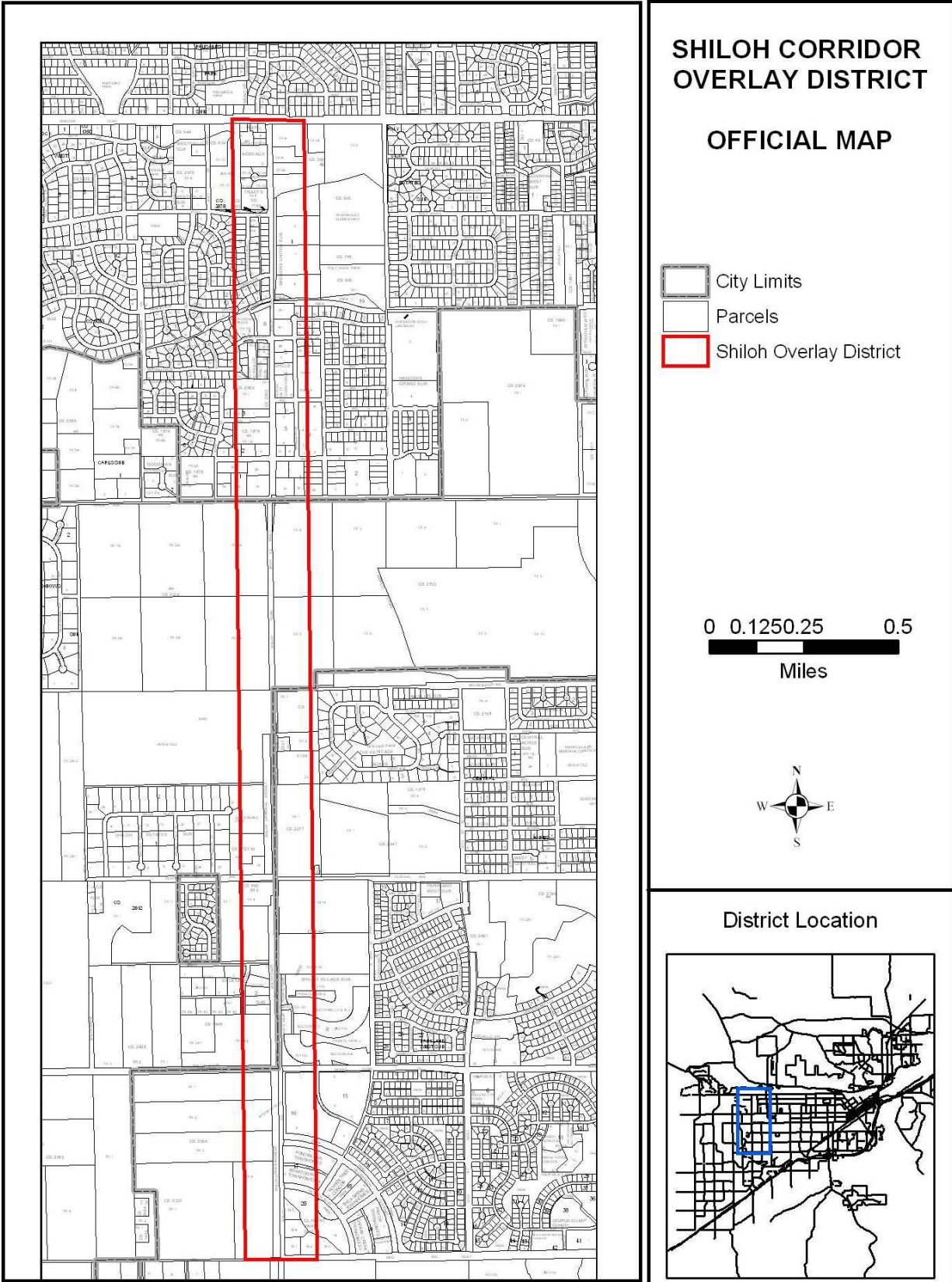
(a) *Generally.* The Shiloh Corridor overlay district review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, the development may proceed.

New developments and existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five (25) percent must comply with these regulations.

(b) *Absolute criteria.* A developer must meet all absolute criteria to obtain planning and community services department approval. The absolute criteria are defined in sections 27-1433 through 27-1435. Absolute criteria also include all other applicable codes, ordinances, and statutes, including, but not necessarily limited to, minimum engineering and building standards, public service and utility requirements, and environmental regulations.

(c) *Relative criteria.* Relative criteria are the "points" of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in section 27-1536. The development plans are evaluated against the relative criteria and scored on a point chart.

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**



## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

### SEC. 27-1404. APPLICATION AND APPROVAL PROCESS.

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

(b) *Content of application.* Each application for development located in the Shiloh Corridor overlay district 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. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
  - b. 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;
  - c. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
  - d. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
  - e. Location and description of all off-site improvements and right-of-way dedication; and
  - f. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
  - g. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
    - (1) Building plans 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.
    - (2) A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
    - (3) A timetable for the proposed construction project; and
    - (4) A complete form showing compliance with the relative criteria and points assigned (see section 27-1424);
    - (5) 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.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

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 immediate approval 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 be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

### SEC. 27-1405. DEFINITIONS.

Terms not specifically defined in this chapter shall have the same meanings as defined in section 27-201. The standard dictionary meaning shall be applied to terms not otherwise defined.

### SEC. 27-1406. ABSOLUTE CRITERIA.

(a) *Development standards.*

- (1) *Shiloh road frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.
- (2) *Other regulations.* All other city codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
- (3) *Sidewalks.* All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five (5) feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one (1) canopy tree per every forty (40) linear feet.

(b) *Landscaping standards.*

- (1) *Shiloh Road frontage setback landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road, excluding driveways. Frontage setbacks shall be landscaped with a minimum of five (5) canopy or evergreen trees and fifteen (15) shrubs per one hundred (100) feet of frontage.

- a Developer is encouraged to mass trees to create interest along the frontage. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Within 200 lineal feet of street frontage the required number of trees and shrubs may be massed together to create one or more large tree and shrub planting area(s) somewhere within the 200 lineal foot length. Developer is encouraged to mass ornamental trees and shrub beds at intersections with Shiloh Road and other right-of-way frontage roads and at internal street intersections while still maintaining

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

clear vision triangle height restrictions, pursuant to section 27-618.

- b. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right-of-way.
- (2) *Right-of-way frontage other than Shiloh Road landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of three (3) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage. See (1) a. above
- a. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right of way.
- (3) *Off-street parking lot landscaping.*
- a. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
  - b. One (1) canopy and/or evergreen tree and (5) shrubs shall be required for every eight (8) parking spaces. Developer is encouraged to mass trees to create interest inside parking lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout the parking lot and to use parking lot islands with trees and shrubs to direct traffic through parking lot.
  - c. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
  - d. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited to one hundred (100) feet. See section 27-1106 for additional requirements.
- (4) *Commercial uses abutting residential and public uses.* All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of five (5) canopy or evergreen trees and twelve (12) shrubs per one hundred (100) linear feet. See (1) a. above. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.
- A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.
- (5) *Non-living material allowed.* River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than twenty-five (25) percent of the landscaped area shall contain non-living material.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

- (6) *Landscape maintenance required.* All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.
- (7) *Protection of landscaped areas.* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- (8) *Automobile and recreation vehicle sales.* Automobile and recreation vehicle sales are required to install two (2) of the required trees and one and one half (1½) the required shrubs along street frontages or are exempt from the tree requirements as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc.
- (9) *Plant standards.*
  - a. *Canopy tree.* A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.
  - b. *Evergreen.* A tree or shrub of a species that normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
  - c. *Ornamental tree.* A species of tree that normally bears flowers in the spring time of the year or has other ornamental features such as unique leaves, bark, leaf color or fruit. Minimum size at installation shall be one and one half (1½) inch caliper. Caliper shall be defined by the American Nurseryman Standard Definition.
  - d. *Shrubs.* The minimum size of a shrub shall be at least five (5) gallons.
  - e. *Recommended tree types.* It is recommended that the developer work with the city parks department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the planning department.
  - f. *Fractions in the calculations of number of trees and shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five-tenths (.5) shall be rounded down to the nearest whole number; fractions of more than five-tenths (.5) shall be rounded up to the nearest whole number.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

### SEC. 27-1407. BUILDING DESIGN STANDARDS.

(a) *Materials.* All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material.

(b) *Roofs.* Roofs exposed to view shall be finished with a durable material that is architecturally coordinated in color and design with the building material. Recommended materials include: standing seam, dimensional asphalt shingles, shakes or shingles. Other types or styles of roofing materials that are consistent with this chapter may be approved by the zoning coordinator or his/her designee. Pitched roofs are encouraged wherever possible.

(c) *Mechanical equipment.* Mechanical equipment, placed at ground level or on a roof, shall be screened. The screening shall be at least the height of the mechanical equipment. Sound suppression/abatement shall be provided when mechanical equipment is installed on property that is adjacent to residential uses or zoning districts.

(d) *Elevations and facades.* Buildings shall incorporate one or more of the following: recesses, off sets, angular forms, or other architectural features such as bell towers or clock towers to provide a visually interesting shape. The break in facade shall be a minimum of twelve (12) feet in length and with a minimum protrusion or recess of four (4) feet. Buildings shall incorporate a break in the architectural facade at least every sixty (60) feet. It is encouraged that each offset area contain landscaping or other similar amenities that will complement the offset area.

### SEC. 27-1408. ADDITIONAL PROVISIONS.

(a) *Storage of merchandise.* Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally coordinated in color and design with the building. However, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only. Bufferyards or required landscaping shall not be used for the displaying of merchandise. Chain link and other types of wire fencing are prohibited.

(b) *Area lighting.*

- (1) All outdoor pole lighting shall be fully shielded (no light emitted by the fixture is projected above the horizontal plan of the fixture) and mounted at heights no greater than twenty (20) feet above grade.
- (2) All outdoor lighting, except street lights, shall be located and aimed or shielded so as to minimize stray light trespassing across property boundaries.

(c) *Canopy, marquee and "wall pack" lighting.* Canopy, marquee and "wall pack" lighting shall be fully shielded. No internally illuminated fascia shall be allowed.

(d) *Storage of junk.* No person shall store junk, partially or completely dismantled vehicles, or salvaged materials outside a building. In the case of repair shops, such material must be enclosed within a building or an area having a sight-obscuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

(e) *Waste storage area.* All solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material. Solid waste enclosures are encouraged to be landscaped.

### SEC. 27-1409. DEVELOPMENT FEATURES REQUIRED TO EARN POINTS (RELATIVE CRITERIA).

In accordance with section 27-1403, each application for development in this overlay district must score a minimum number of points based on the relative criteria described below. The number of points required depends on the underlying zoning of the property on which the development is located. Design elements are listed under nine (9) category headings. A project shall earn one (1) point for each design element that it incorporates. At least one (1) point shall be earned from eight (8) out of the nine (9) categories listed. The developer must attain the following minimum number of points:

Twenty (20) points if the lot size is greater than twenty-five thousand (25,000) square feet; or

Fifteen (15) points if the lot size is less than twenty-five thousand (25,000) square feet.

(1) *Site development:*

- a. Pavement along Shiloh frontage setback is less than or equal to thirty-five (35) feet.
- b. Construct one or more public use spaces such as mini-parks, water feature, playfields or playgrounds, rest areas, for example.

(2) *Access:*

- a. A transit or school bus stop.
- b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the Subdivision Regulations.
- c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each fifty (50) feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).
- d. Provision for internal access between lots.
- e. Shared driveway.
- f. Internal sidewalks incorporating stone, brick patterned or colored concrete.
- g. Installation of a curvilinear boulevard walk.

(3) *Lighting:*

- a. Demonstrate lighting does not spill over to adjacent residential properties.
- b. Establish an overall outdoor lighting budget for the property that does not exceed fifty thousand (50,000) initial lamp lumens per net acre for all fully shielded and unshielded light sources.
- c. Continuity of lighting fixture design with adjacent properties.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

- d. Incorporate outdoor light fixtures at heights less than twenty (20) feet.
- (4) *Parking:*
- a. A joint use parking agreement.
  - b. Parking provided does not exceed one hundred (100) percent of required spaces.
  - c. Landscaping internally integrated in parking areas and/or sales area.
  - d. Parking lots placed at the rear and/or side of the building, none in front.
- (5) *Scale:*
- a. The mass and scale does not exceed that of the surrounding development by more than ten (10) percent.
  - b. The height of structures does not exceed that of the surrounding development by more than ten (10) percent.
  - c. The building size does not exceed that of the surrounding development by more than ten (10) percent.
- (6) *Landscaping:*
- a. Buildings have foundation planting.
  - b. Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) percent each.
  - c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.
  - d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.
  - e. Terraced or bermed site design.
  - f. Stormwater retention areas include significant landscaping.
  - g. Bufferyards larger than required by at least ten (10) percent.
  - h. Continuity of landscaping features at interface with adjacent property.
  - i. Canopy trees placed in the boulevard along internal streets at one tree per twenty-five (25) feet of street frontage.
  - j. Installation of a curvilinear boulevard walk.
  - k. Incorporates existing trees in landscape design.
- (7) *Architectural design:*
- a. Building materials are natural, i.e. wood or stone.
  - b. Pitched roof with a minimum 3:12 pitch.
  - c. Exceeds the state energy code requirements by:  
Twenty-five (25) percent = One (1) point  
Fifty (50) percent = Two (2) points  
More than seventy-five (75) percent = Three (3) points
  - d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

- e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;
- f. Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements;
- g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;

### Facade relief elements:

- 1. Two (2) or more colors.
- 2. Natural earth toned colors.
- 3. Substantial fenestration using windows, doors, or other openings.
- 4. Two (2) or more materials that break up the mass of the structure.
- 5. Articulation of the parapet walls.
- 6. Change in wall plane.
- 7. Change in roof plane.
- 8. Extended roof overhangs.
- 9. Significant variation in building masses and/or forms.

### (8) *Signage:*

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

### (9) *Mixed use:* One point will be given for each building that contains two (2) or more of the following uses:

- a. Office.
- b. Retail.
- c. Personal services such as dry cleaner, laundromats, beauty salons.
- d. Residential.
- e. Hotel/motel.
- f. Medical.
- g. Entertainment.
- h. Restaurant.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

### SEC. 27-1410. SIGNAGE STANDARDS--PURPOSE, INTENT, AND SCOPE.

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

(1) *Permits required.* Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the planning and community services department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit 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 immediate approval 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 be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

(2) *Permit applications.* All permit applications for signs shall include a site plan that provides the following information:

- a. The location of the affected lot, building and sign;
- b. The scale of the site plan;
- c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
- d. All existing signs on the site including their size and height; and
- e. The legal description of the parcel.

### SEC. 27-1411. DEFINITIONS.

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations.

*Bulletin board* means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

*Electronically changeable message sign* means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed. Message and symbols that have the capability of alternating, traveling and animating along with any other

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

of a variety of change, appear and disappear methods are allowed. This definition does not include video boards.

*Flashing sign* means an electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

*Individual business* means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

*Monument sign* means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

*Multiple businesses* include businesses that may be located in a single building or in multiple buildings on a single site.

*Support structure(s)* means posts or columns and their anchors and bolts that structurally support the sign attached to it.

*Three-sided sign* means a sign with three (3) faces.

*Two-sided sign* means a sign with two (2) faces.

(Ord. No. 04-5310, § 1, 12-13-04)

### SEC. 27-1412. EXEMPT SIGNS.

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the Uniform Building Code.

- (1) The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this section, reader board or similar sign specifically designed for replaceable copy.
- (2) Painting, repainting or normal maintenance, unless a structural or electrical change is made.
- (3) Temporary banners and temporary signs as permitted herein.
- (4) Real estate sign as permitted herein.
- (5) Incidental signs.
- (6) Political signs.
- (7) Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

(Ord. No. 04-5310, § 1, 12-13-04)

### SEC. 27-1413. PROHIBITED SIGNS.

The following signs are prohibited in all zones unless otherwise specifically permitted.

- (1) Sign which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices.
- (2) Signs that create a safety hazard for pedestrian or vehicular traffic.
- (3) Flashing signs.
- (4) Portable signs.

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- (5) Portable reader boards.
  - (6) Portable electric signs.
  - (7) Banner signs.
  - (8) Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
  - (9) Roof signs.
  - (10) Video boards.
  - (11) Billboards.
  - (12) Painted signs on buildings, including those attached on or to the surface of windows.
- (Ord. No. 04-5310, § 1, 12-13-04)

### SEC. 27-1414. SIGNS PERMITTED IN ALL ZONES IN CONNECTION WITH SPECIFIC USES.

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

- (1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1415 below, bulletin boards may be permitted on property used for public or private assembly subject to the following:
  - a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
  - b. No part of the sign shall exceed a height of six (6) feet above the ground.
  - c. The sign, if illuminated, shall use external low-intensity lighting.
- (2) *Temporary residential subdivision or area name signs.* A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:
  - a. The freestanding sign shall be located on the premises being sold or leased.
  - b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
  - c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one (1) year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.
  - d. The sign shall be non-illuminated.
  - e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.
- (3) *Permanent residential subdivision or area name signs.* Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:
  - a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and

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- b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.
- (4) *Contractor, architect, surveyor, or engineer signs.* One on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:
  - a. The sign is located on the parcel on which the construction is located.
  - b. The sign shall not exceed forty (40) square feet in area; and
  - c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve (12) months without approval from the planning department. The planning department may extend the one (1) year time period upon written request of the owners/developers of the project.
- (5) *Real estate sign.*
  - a. *Residential use or property.* One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.
  - b. *Commercial and industrial use or property.* One (1) temporary on-premise sign advertising the sale, lease or rental of the building, property or premises is permitted on the property. Such sign shall be unlighted, no more than thirty-two (32) square feet and no higher than ten (10) feet above grade.
  - c. *Open house and directional sign.* For (a) and (b), an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.
- (6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1417 through 27-1423 and their definitions.

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**SEC. 27-1415. SIGN STANDARDS IN RESIDENTIAL (R-96, R-80, R-70R, R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in residential zones in accordance with the following uses and standards:

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

(b) *Permitted signs by use.*

- (1) Wall signs. On-premises wall signs are permitted, not to exceed One (1) sign of thirty-two (32) square feet. Wall signs shall be non-illuminated or have low-intensity external lighting, and shall be placed flat against the outside wall of a building.
- (2) Freestanding signs. On-premises freestanding signs are permitted, not to exceed one (1) sign of 32 square feet\* and a maximum height of 15 feet. On-premises freestanding signs shall be non-illuminated or have low-intensity external lighting.

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

**SEC. 27-1416. SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in commercial and industrial zones in accordance with the following uses and standards.

- (1) *Wall signs--Individual and multiple businesses.* Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of two hundred fifty (250) square feet, whichever provides the smaller area. "False fronts" and mansard roofs shall not be included when calculating the total area of the wall.
- (2) *Freestanding signs (pole or monument design)--Individual businesses.* One on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in table 3.

Zoning District	Maximum Area <= 100' Street Frontage	Maximum Area >= 100' Street Frontage	Maximum Sign Height
RP	50 square feet	50 square feet	15 feet
NC	50 square feet	50 square feet	15 feet
CC	80 square feet	140 square feet	20 feet
HC	80 square feet	140 square feet	20 feet
CI	80 square feet	140 square feet	20 feet
HI	50 square feet	50 square feet	15 feet
ELC	80 square feet	120 square feet	20 feet
EGU	80 square feet	140 square feet	20 feet
EMU	50 square feet	50 square feet	15 feet
ELI	80 square feet	140 square feet	20 feet

Table 3 - Freestanding Signs - Commercial and Industrial Zones

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- (3) *Freestanding signs (pole or monument design)--Multiple businesses.*
- a. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in table 4.
  - b. Freestanding signage allowed for an individual business under paragraph (a)(2) of this section shall not be combined with signage allowed for multiple businesses under this paragraph.
  - c. The minimum separation between signs shall be five hundred (500) feet, measured from the center of the sign.

Zoning District	Maximum Number of Signs	Maximum Area	Maximum Sign Height
RP	1	75 square feet	15 feet
NC	1	75 square feet	15 feet
CC	1 per 500 feet of street frontage*	175 square feet	20 feet
HC	1 per 500 feet of street frontage*	175 square feet	20 feet
CI	1 per 500 feet of street frontage*	175 square feet	20 feet
HI	1 per 500 feet of street frontage*	75 square feet	15 feet
ELC	1 per 500 feet of street frontage*	150 square feet	15 feet
EGU	1 per 500 feet of street frontage*	175 square feet	20 feet
EMU	1	75 square feet	15 feet
ELI	1 per 500 feet of street frontage*	175 square feet	20 feet

\*One (1) freestanding sign is permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Table 4 - Standards for on-premises signs for multiple businesses

- (b) *Incentive to substitute height restricted monument signs for freestanding signs.*
- (1) Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under paragraphs (a)(2) and (3) with maximum sign number(s) and area(s) as provided in tables 5 and 6. There is no minimum separation requirement between signs.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	1	50 square feet
NC	1	50 square feet
CC	2	90 square feet
HC	2	90 square feet
CI	2	90 square feet
HI	2	90 square feet
ELC	2	80 square feet
EGC	2	90 square feet
EMU	2	50 square feet
ELI	2	90 square feet

Table 5--Standards for on-premises monument signs for individual businesses

\*Two (2) freestanding signs are permitted on parcels with less than five hundred (500) feet of lineal street frontage.

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	2	50 square feet
NC	2	50 square feet
CC	2 per 500 feet of street frontage*	90 square feet
HC	2 per 500 feet of street frontage*	90 square feet
CI	2 per 500 feet of street frontage*	90 square feet
HI	2 per 500 feet of street frontage*	90 square feet
ELC	2 per 500 feet of street frontage*	80 square feet
EGC	2 per 500 feet of street frontage*	90 square feet
EMU	2 per 500 feet of street frontage*	50 square feet
ELI	2 per 500 feet of street frontage*	90 square feet

Table 6--Standards for on-premises monument signs for multiple businesses

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

(Ord. No. 04-5310, § 1, 12-13-04)

**SEC. 27-1417. MODIFICATION TO SIGN STANDARDS IN CC, HC, CI, HI, EGC, ELI ZONING DISTRICTS.**

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

- (1) The development exceeds the following minimum square foot floor area requirements:
  - a. Two hundred fifty thousand (250,000) square feet for a shopping center or hotel conference center.
  - b. Two hundred fifty thousand (250,000) square feet of commercial/industrial floor space for a mixed use development.
  - c. Three hundred thousand (300,000) square feet for an industrial park.
- (2) The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
- (3) The sign plan shall conform to the standards of section 27-1416; except that a maximum of three (3) of the allowed signs under section 27-1416 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
- (4) The sign plan shall be consistent with the Yellowstone County - City of Billings Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the zoning coordinator.
- (5) The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the planning department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

- (6) Modifications to the approved sign plan shall require reapplication and approval by the zoning coordinator.

### **SEC. 27-1418. SIGN LOCATION AND SETBACK.**

- (a) All signs shall be located so that they:
  - (1) Do not interfere with vehicular or pedestrian accessibility or sight distance;
  - (2) Conform to the provisions of section 27-615, the clear vision triangles and visibility at intersections; and
  - (3) No sign may encroach upon, or overhang, adjacent property or public right-of-way.
- (b) All signs shall be located and set back as follows:
  - (1) Any portion of a sign (including structural supports) that is higher than three (3) feet and less than seven (7) feet above grade shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.
  - (2) Structural supports less than two (2) feet in width or diameter, measured at any point on the support, and three (3) to seven (7) feet above grade, shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

### **SEC. 27-1419. SIGN AREA AND CALCULATION.**

(a) The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.

(b) Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.

(c) The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one sign shall be computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A ten (10) percent increase in sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

- (d) The sign area for multiple-sided signs shall be calculated as follows:
  - (1) The total sign area for a two-sided sign shall be calculated using one face, but the second face may not exceed the area of the first face.
  - (2) The total sign area for a three-sided sign shall be calculated using one face, but the second and third face total area may not exceed the area of the first face.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1420. MAINTENANCE OF SIGNS.**

(a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.

(b) Any damaged sign base shall be repaired within sixty (60) days.

(c) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

### **SEC. 27-1421. NONCONFORMING SIGNS.**

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

### **SEC. 27-1422. LANDSCAPING FOR FREESTANDING AND MONUMENT SIGNS.**

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

### **SEC. 27-1423. SIGN ILLUMINATION.**

Externally illuminated signs shall have lighting confined to the sign, and positioned and shielded to minimize impacts to the surrounding area(s). The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

**SEC. 27-1424. SHILOH CORRIDOR OVERLAY DISTRICT APPLICATION FORM.**

**SHILOH CORRIDOR OVERLAY ZONE PERMIT**

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Permit # \_\_\_\_\_

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**Application Information**

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Owner Name (if different): \_\_\_\_\_

Property Owner Address: \_\_\_\_\_ Phone: \_\_\_\_\_

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**Property Information**

Property Address: \_\_\_\_\_

Section, Township, Range: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Lot size: \_\_\_\_\_ sq. ft. Lot area covered by structure(s): \_\_\_\_\_ sq.ft. \_\_\_\_\_ %

Subdivision/COS: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

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**FOR OFFICE USE ONLY**

Date Received \_\_\_\_\_

Number of relative criteria categories met: \_\_\_\_ Total number of points scored: \_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed By:  
\_\_\_\_\_

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

<b>RELATIVE CRITERIA</b>		
<ul style="list-style-type: none"> <li>• Applicant must obtain points from eight (8) of nine (9) categories.</li> <li>• Applicant must obtain the following number of points:            20 points if the lot size is greater than 25,000 square feet.            15 points if the lot size is 25,000 square feet or less.</li> </ul>		
1.	<b>SITE DEVELOPMENT</b> a. Frontage pavement less than 35' along Shiloh Road b. Public use space included	 _____ _____
2.	<b>ACCESS</b> a. MET transit or school bus stop b. Bikepath or pedestrian trail easement (above what subdivision requires) c. Bikepath or pedestrian trail construction (1 point for each 50 feet, 4 points max) d. Reciprocal access between lots e. Shared driveway approaches f. Internal sidewalks incorporating stone, brick patterned or colored concrete. g. Installation of a curvilinear boulevard walk.	 _____ _____ _____ _____ _____ _____ _____
3.	<b>LIGHTING</b> a. Demonstrate lighting does not spill over to adjacent residential properties. b. Establish an overall outdoor lighting budget for the property that does not exceed 50,000 initial lamp lumens per net acre for all fully shielded and unshielded light sources. c. Continuity of lighting fixture design with adjacent properties. d. Incorporate outdoor light fixtures at heights less than twenty-five (25) feet.	 _____ _____ _____
4.	<b>PARKING</b> a. Joint use parking agreement. b. Parking does not exceed 100% of required spaces c. Landscaping internally integrated in parking areas. d. Parking lots placed at the rear and/or side of building – none in front.	 _____ _____ _____ _____



**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

<p>7.</p>	<p><b>ARCHITECTURAL DESIGN</b></p> <p>a. Building materials are natural, i.e. wood or stone.</p> <p>b. Pitched roof with a minimum 3:12 pitch.</p> <p>c. Exceeds the state energy code requirements by:</p> <ul style="list-style-type: none"> <li>• Twenty-five (25) percent = One (1) point</li> <li>• Fifty (50) percent = Two (2) points</li> <li>• More than seventy-five (75) percent = Three (3) points</li> </ul> <p>d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.</p> <p>e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;</p> <p>f. Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements;</p> <p>g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;</p> <p><b>Facade relief elements</b></p> <ul style="list-style-type: none"> <li>• Two (2) or more colors</li> <li>• Natural earth toned colors</li> <li>• Substantial fenestration using windows, doors, or other openings</li> <li>• Two (2) or more materials that break up the mass of the structure</li> <li>• Articulation of the parapet walls</li> <li>• Change in wall plane</li> <li>• Change in roof plane</li> <li>• Extended roof overhangs</li> <li>• Significant variation in building masses and/or forms</li> </ul>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>8.</p>	<p><b>SIGNAGE</b></p> <p>a. Signage is not internally illuminated.</p> <p>b. Monument signs used in lieu of pole signs.</p> <p>c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.</p> <p>d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).</p> <p>e. Comprehensive sign plan.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

9.	<b>MIXED USE</b> One point will be given for each building that contains two (2) or more of the following uses: <ul style="list-style-type: none"><li>• Office</li><li>• Retail</li><li>• Personal services</li><li>• Residential</li><li>• Hotel</li><li>• Medical</li><li>• Entertainment</li><li>• Restaurant</li></ul>	_____
	<b>TOTAL POINTS</b>	_____

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1425. REEXAMINATION OF REGULATIONS.**

After one (1) year of the effective date of this article, and periodically afterwards, these regulations shall be reviewed for their effectiveness and the practicality of implementation and enforcement.

### **SEC. 27-1426. APPEAL PROCESS.**

An appeal may be made by any applicant aggrieved by a denial of a Shiloh corridor overlay zone permit by the planning and community services department. The applicant shall first appeal to the department director, and if not satisfied with the director's determination, may then file an appeal with city council. The city council shall hold a public hearing and make a determination whether to approve or deny the permit. Before either the director or city council makes a determination on the permit, the following criteria shall be considered:

- (1) That the official erred in the interpretation or application of this chapter;
- (2) That approving the permit will not confer on the applicant any special privilege that is denied by this chapter to other land in the same district;
- (3) That no substantial detriment to the public good is created;
- (4) That the intent and purpose of this chapter is not impaired.

Upon receiving written notice of denial of a permit from the planning and community services department, the aggrieved applicant has fourteen (14) days from the date on the notice to submit a written request for appeal to the department director. The director shall meet with the applicant within five (5) days of receiving the request and issue a determination on the decision to deny the permit. If the department director upholds the decision to deny, the applicant may file, within fourteen (14) days from the date of the director's determination, a request for appeal before the city council. If an appeal is requested, the planning and community service director shall:

- (1) Submit a staff report to the city council within thirty (30) days after receipt of the appeal scheduling a public hearing and describing the nature of the appeal. The memo shall include the request for the appeal and a copy of the notice stating reason(s) for the denial of the permit.
- (2) Place notice of the time, date and place of the public hearing in a newspaper of general circulation fifteen (15) days in advance of the date set for the public hearing.
- (3) Notify, by mail, the party requesting the appeal and all adjacent property owners of the time, date and place of the public hearing and nature of the appeal five (5) days in advance of the public hearing.

Upon reversing a decision to deny a permit, the council may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the appeal is granted, shall be deemed a violation of this chapter.

Under no circumstances shall the council issue a decision that would allow a use not permitted under the terms of this chapter in the district involved. Approval of a permit shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1427. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT.**

#### **SEC. 27-1428. PURPOSE.**

The purpose of the South Shiloh corridor overlay district is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

#### **SEC. 27-1429. DISTRICT BOUNDARIES.**

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

#### **SEC. 27-1430. REVIEW CRITERIA.**

(a) *Generally.* The South Shiloh corridor overlay district review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, the development may proceed.

New developments and existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five (25) percent must comply with these regulations.

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

(c) *Relative criteria.* Relative criteria are the "points" of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in section 27-1463. The development plans are evaluated against the relative criteria and scored on a point chart.



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### SEC. 27-1431. APPLICATION AND APPROVAL PROCESS.

(a) *Approval required.* If the development is within the city limits, a building permit must be applied for from the city building division. Planning department approval is required prior to construction. If the development is outside the city limits, a zoning compliance permit must be applied for from the planning and community services department. Planning department approval is to ensure compliance with the zoning regulations. This does not in any way imply approval by any other city or county department.

(b) *Content of application.* Each application for development located in the South Shiloh corridor overlay district 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. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
  - b. 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;
  - c. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
  - d. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
  - e. Location and description of all off-site improvements and right-of-way dedication; and,
  - f. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
  - g. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
- (5) Building plans drawn to a scale of no less than one-sixteenth inch ( 1/16) = one (1) foot. for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
- (6) A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
- (7) A timetable for the proposed construction project; and
- (8) A complete form showing compliance with the relative criteria and points assigned (see section 27-1451);
- (9) 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.

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### SEC. 27-1432. DEFINITIONS.

Terms not specifically defined in this chapter shall have the same meanings as defined in sections 27-201 and 27-1104. The standard dictionary meaning shall be applied to terms not otherwise defined.

### SEC. 27-1433. ABSOLUTE CRITERIA.

- (a) *Development standards.*
- (1) *Shiloh Road and Zoo Drive frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road and Zoo Drive for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.
- (2) *Other regulations.* All other city codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
- (3) *Sidewalks.* All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five (5) feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one (1) canopy tree per every forty (40) linear feet.
- (b) *Landscaping standards.*
- (1) *Shiloh Road and Zoo Drive frontage setback landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road and Zoo Drive, excluding driveways. Frontage setbacks shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) feet of frontage. Trees may be massed within the frontage setback as long as the same densities are maintained.
- (2) *Right-of-way frontage other than Shiloh Road and Zoo Drive landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of four (4) canopy or trees and eight (8) shrubs per one hundred (100) feet of frontage. Massing of landscaping elements with the required number of landscaping is permitted to meet the intent of subsection (b)(1)a.
  - a. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right-of-way
- (3) *Off-street parking lot landscaping.*
  - a. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
  - b. One (1) canopy and/or evergreen trees and five (5) shrubs shall be required for every nine (9) parking spaces. Developer is encouraged to mass trees to create interest inside parking lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large

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shrub areas throughout the parking lot and to use parking lot islands with trees and shrubs to direct traffic through parking lot.

- c. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
- d. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited to one hundred fifty (150) feet. See section 27-1106 for additional requirements.
- e. Trees and shrubs may be massed.

- (4) *Commercial uses abutting residential and public uses.* All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) linear feet. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.

- (5) *Non-living material allowed.* River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than twenty-five (25) percent of the landscaped area shall contain non-living material.
- (6) *Landscape maintenance required.* All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.
- (7) *Protection of landscaped areas.* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- (8) *Landscape exemptions.* Uses for automobile and recreation vehicle sales are required to install half (1/2) the required trees and one and one half (1 ½ ) the required shrubs along street frontages or are exempt from the tree requirements in the interior of their lots only as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc. If no landscaping is provided in the interior of lots, at least one (1) additional tree and two additional shrubs per five hundred (500) feet of frontage should be provided in perimeter landscape to offset the exemption. This landscaping may also be massed.
  - (a) Developer is encouraged to mass trees to create interest inside their lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout their lot and to use planting islands with trees and shrubs to direct traffic through their lot.
- (9) *Plant standards.*
  - a. *Canopy tree.* A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.

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- b. *Evergreen.* A tree or shrub of a species that normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
- c. *Shrubs.* The minimum size of a shrub shall be at least five (5) gallons.
- d. *Recommended tree types.* It is recommended that the developer work with the city parks department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the planning department.
- e. *Fractions in the calculations of number of trees and shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five-tenths (.5) shall be rounded down to the nearest whole number; fractions five-tenths and more (.5) shall be rounded up to the nearest whole number.

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### SEC. 27-1434. BUILDING DESIGN STANDARDS.

(a) *Materials.* All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material.

(b) *Roofs.* Roofs exposed to view shall be finished with a durable material that is architecturally coordinated in color and design with the building material. Recommended materials include: standing seam, dimensional asphalt shingles, shakes or shingles. Other types or styles of roofing materials that are consistent with this chapter may be approved by the zoning coordinator or his/her designee. Pitched roofs are encouraged wherever possible.

(c) *Mechanical equipment.* Mechanical equipment, placed at ground level or on a roof, shall be screened. The screening shall be at least the height of the mechanical equipment. Sound suppression/abatement shall be provided when mechanical equipment is installed on property that is adjacent to residential uses or zoning districts.

(d) *Elevations and facades.* Buildings shall incorporate one or more of the following: recesses, off sets, angular forms, or other architectural features such as bell towers or clock towers to provide a visually interesting shape. The break in facade shall be a minimum of twelve (12) feet in length and with a minimum protrusion or recess of four (4) feet. Buildings shall incorporate a break in the architectural facade at least every sixty (60) feet. It is encouraged that each offset area contain landscaping or other similar amenities that will complement the offset area.

### SEC. 27-1435. ADDITIONAL PROVISIONS.

(a) *Storage of merchandise.* Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally coordinated in color and design with the building. However, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only. Bufferyards or required landscaping shall not be used for the displaying of merchandise. Chain link and other types of wire fencing are prohibited.

(b) *Area lighting.*

(1) All outdoor pole lighting shall be fully shielded cut off fixtures with recessed lamps (no light emitted by the fixture is projected above the horizontal plan of the fixture, and no dropped lenses) and mounted at heights no greater than twenty (20) feet above grade.

(2) All outdoor lighting, except street lights, shall be located and aimed or shielded so as to minimize stray light trespassing across property boundaries and no more than one and one-half (1.5) foot candles as measured vertically at the lot line.

(c) *Canopy, marquee and "wall pack" lighting.* Canopy, marquee and "wall pack" lighting shall be fully shielded with recessed lamps. No internally illuminated fascia shall be allowed.

(d) *Storage of junk.* No person shall store junk, partially or completely dismantled vehicles, or salvaged materials outside a building. In the case of repair shops, such material must be enclosed within a building or an area having a sight-obscuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.

(e) *Waste storage area.* All solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building. The

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following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material. Solid waste enclosures are encouraged to be landscaped.

### SEC. 27-1436. DEVELOPMENT FEATURES REQUIRED TO EARN POINTS (RELATIVE CRITERIA).

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

(1) *Site development.*

- a. Pavement along Shiloh and Zoo frontage setback is less than or equal to thirty-five (35) feet.
- b. Construct one or more public use spaces such as mini-parks, water feature, playfields or playgrounds, rest areas, for example.

(2) *Access.*

- a. A transit or school bus stop.
- b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the subdivision regulations.
- c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each fifty (50) feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).
- d. Provision for internal access between lots.
- e. A single approach onto a public road that serves multiple lots.

(3) *Lighting.*

- a. Light spill over limits of less than one and one-half (1.5) foot candles.
- b. Continuity of lighting fixture design with adjacent properties.
- c. Incorporate outdoor light fixtures at heights less than twenty (20) feet.

(4) *Parking.*

- a. A joint use parking agreement.
- b. Parking provided does not exceed one hundred twenty-five (125) percent of required spaces.
- c. Landscaping internally integrated in parking areas and/or sales area.
- d. Parking lots placed at the rear and/or side of the building, none in front.

(5) *Scale.*

- a. The mass and scale does not exceed that of the surrounding development by more than ten (10) percent.

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- b. The height of structures does not exceed that of the surrounding development by more than ten (10) percent.
- c. The building size does not exceed that of the surrounding development by more than ten (10) percent.

### (6) *Landscaping.*

- a. Buildings have landscaping immediately adjacent to a building.
- b. Landscaping exceeds the minimum number of trees and shrubs that are required by ten (10) percent each.
- c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.
- d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.
- e. Terraced or bermed site design.
- f. Stormwater retention areas include significant landscaping.
- g. Bufferyards larger than required by at least ten (10) percent.
- h. Continuity of landscaping features at interface with adjacent property.
- i. Canopy trees placed in the boulevard along all streets except Shiloh Road and Zoo Drive, at one (1) tree per twenty-five (25) feet of street frontage.
- j. Installation of a curvilinear boulevard walk.
- k. Incorporates existing trees in landscape design.

### (7) *Architectural design.*

- a. Building materials are natural, i.e. wood or stone.
- b. Pitched roof with a minimum 3:12 pitch.
- c. Exceeds the state energy code requirements by:

Twenty-five (25) percent = One (1) point

Fifty (50) percent = Two (2) points

More than seventy-five (75) percent = Three (3) points

- d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.
- e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;
- f. Each building of seventy-five (75) to one hundred fifty (150) feet in length contains five (5) facade relief elements;
- g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;

#### **Façade relief elements**

- 1. Two (2) or more colors.
- 2. Natural earth toned colors.
- 3. Substantial fenestration using windows, doors, or other openings.

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4. Two (2) or more materials that break up the mass of the structure.
  5. Articulation of the parapet walls.
  6. Change in wall plane.
  7. Change in roof plane.
  8. Extended roof overhangs.
  9. Significant variation in building masses and/or forms.
- (8) *Signage.*
- a. Signage is not internally illuminated.
  - b. Monument signs used in lieu of pole signs.
  - c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.
  - d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).
  - e. Comprehensive sign plan (See also section 27-1444).
- (9) *Mixed use.* One point will be given for each subdivision or building that contains two (2) or more of the following uses:
- a. Office.
  - b. Retail.
  - c. Personal services such as dry cleaner, laundromats, beauty salons.
  - d. Residential.
  - e. Hotel/motel.
  - f. Medical.
  - g. Entertainment.
  - h. Restaurant.

### **SEC. 27-1437. SIGNAGE STANDARDS--PURPOSE, INTENT, AND SCOPE.**

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

- (1) *Permits required.* Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the planning and community services department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must

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have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit 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 immediate approval 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 be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

- (2) *Permit applications.* All permit applications for signs shall include a site plan that provides the following information:
- a. The location of the affected lot, building and sign;
  - b. The scale of the site plan;
  - c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
  - d. All existing signs on the site including their size and height; and
  - e. The legal description of the parcel.

### SEC. 27-1438. DEFINITIONS.

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations.

*Bulletin board* means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

*Electronically changeable message sign* means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed, such as a programmable display system. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed.

*Flashing sign* means an electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

*Incidental sign* means signs allowed under temporary use groups I and II, such as garage sale signs and banners.

*Individual business* means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

*Monument sign* means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

*Multiple businesses* means multiple businesses include businesses that may be located in a single building or in multiple buildings on a single site.

*Support structure(s)* means posts or columns and their anchors and bolts that structurally support the sign attached to it.

*Three-sided sign* means a sign with three (3) faces.

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*Two-sided sign* means a sign with two (2) faces.

### **SEC. 27-1439. EXEMPT SIGNS.**

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the International Building Code.

- (1) The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this section, reader board or similar sign specifically designed for replaceable copy.
- (2) Painting, repainting or normal maintenance, unless a structural or electrical change is made.
- (3) Temporary banners and temporary signs as permitted herein.
- (4) Real estate sign as permitted herein.
- (5) Incidental signs.
- (6) Political signs.
- (7) Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

### **SEC. 27-1440. PROHIBITED SIGNS.**

The following signs are prohibited in all zones unless otherwise specifically permitted.

- (1) Sign which by shape, wording or location resemble or conflict with traffic control signs or devices.
- (2) Signs that create a safety hazard for pedestrian or vehicular traffic.
- (3) Signs with special or auxiliary flashing lights which are not a part of the sign's message.
- (4) Portable signs.
- (5) Portable reader boards.
- (6) Portable electric signs.
- (7) Banner signs.
- (8) Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
- (9) Roof signs.
- (10) Billboards.
- (11) Painted signs on buildings, including those attached on or to the surface of windows.

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### SEC. 27-1441. SIGNS PERMITTED IN ALL ZONES IN CONNECTION WITH SPECIFIC USES.

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

- (1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1442 below, bulletin boards may be permitted on property used for public or private assembly, subject to the following:
  - a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
  - b. No part of the sign shall exceed a height of six (6) feet above the ground.
  - c. The sign, if illuminated, shall use external low-intensity lighting.
- (2) *Temporary residential subdivision or area name signs.* A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:
  - a. The freestanding sign shall be located on the premises being sold or leased.
  - b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
  - c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one (1) year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.
  - d. The sign shall be non-illuminated.
  - e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.
- (3) *Permanent residential subdivision or area name signs.* Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:
  - a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and
  - b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.
- (4) *Contractor, architect, surveyor, or engineer signs.* One (1) on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:
  - a. The sign is located on the parcel on which the construction is located.
  - b. The sign shall not exceed forty (40) square feet in area; and
  - c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve (12) months without approval from the planning department.

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The planning department may extend the one-year time period upon written request of the owners/developers of the project.

- (5) *Real estate sign.*
  - a. *Residential use or property.* One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.
  - b. *Commercial and industrial use or property.* One (1) temporary on-premise sign advertising the sale, lease or rental of the building, property or premises is permitted on the property. Such sign shall be unlighted, no more than thirty-two (32) square feet and no higher than ten (10) feet above grade.
  - c. *Open house and directional sign.* For a. and b. above, an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.
- (6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1443 through 27-1446 and their definitions.

### SEC. 27-1442. SIGN STANDARDS IN AGRICULTURAL (A-O) AND RESIDENTIAL (A-S, R-150, R-96, R80 R-70R R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) ZONES.

(a) *Permitted signs by zone.* Sign structures are permitted in residential zones in accordance with the following uses and standards:

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

Public or private assembly and non-residential uses within residential zones are allowed the following signs:

  - (1) *Wall signs.* On-premises wall signs are permitted, not to exceed one (1) sign of thirty-two (32) square feet. Wall signs shall be non-illuminated or have low-intensity external lighting, and shall be placed flat against the outside wall of a building.
  - (2) *Freestanding signs.* On-premises freestanding signs are permitted, not to exceed the one (1) sign of 32 square feet\* and a maximum height of 15 feet. On-premises freestanding signs shall be non-illuminated or have low-intensity external lighting.

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

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one (1) arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

arterial frontage. However, in no instance shall the square footage allowance from one (1) arterial be transferred to the other.

**SEC. 27-1443. SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in commercial and industrial zones in accordance with the following uses and standards.

- (1) *Wall signs--Individual and multiple businesses.* Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of two hundred fifty (250) square feet, whichever provides the smaller area. Mansard roofs shall not be included when calculating the total area of the wall.
- (2) *Freestanding signs (pole or monument design)--Individual businesses.* One (1) on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in table 3.
- (3) The maximum height of the on-premise sign may be increase to forty (40) feet above grade measured at the centerline of Shiloh Road or Zoo Drive, whichever is adjacent and the area may be increased to two hundred (200) square feet, provided the parcel is contiguous with Interstate 90 or Zoo Drive.

Zoning District	Maximum Area <= 100' Street Frontage	Maximum Area >= 100' Street Frontage	Maximum Sign Height
RP	50 square feet	50 square feet	15 feet
NC	50 square feet	50 square feet	15 feet
CC	80 square feet	140 square feet	20 feet
HC	80 square feet	140 square feet	20 feet
CI	80 square feet	140 square feet	20 feet
HI	50 square feet	50 square feet	15 feet
ELC	80 square feet	120 square feet	20 feet
EGU	80 square feet	140 square feet	20 feet
EMU	50 square feet	50 square feet	15 feet
ELI	80 square feet	140 square feet	20 feet

Table 3--Freestanding Signs--Commercial and Industrial Zones

- (4) *Freestanding signs (pole or monument design)--Multiple businesses.*
  - a. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in table 4.
  - b. Freestanding signage allowed for an individual business under subsection (a)(2) of this section shall not be combined with signage allowed for multiple businesses under this paragraph.
  - c. The minimum separation between signs shall be five hundred (500) feet, measured from the center of the sign.

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Zoning District	Maximum Number of Signs	Maximum Area	Maximum Sign Height
RP	1	75 square feet	15 feet
NC	1	75 square feet	15 feet
CC	1 per 500 feet of street frontage*	175 square feet	20 feet
HC	1 per 500 feet of street frontage*	175 square feet	20 feet
CI	1 per 500 feet of street frontage*	175 square feet	20 feet
HI	1 per 500 feet of street frontage*	75 square feet	15 feet
ELC	1 per 500 feet of street frontage*	150 square feet	15 feet
EMU	1	75 square feet	15 feet
ELI	1 per 500 feet of street frontage*	175 square feet	20 feet

\*One (1) freestanding sign is permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Table 4--Standards for on-premises signs for multiple businesses

- (b) *Incentive to substitute height restricted monument signs for freestanding signs.*
- (1) Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under paragraphs (a)(2) and (3) with maximum sign number(s) and area(s) as provided in tables 5 and 6. There is no minimum separation requirement between signs.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	1	50 square feet
NC	1	50 square feet
CC	2	90 square feet
HC	2	90 square feet
CI	2	90 square feet
HI	2	90 square feet
ELC	2	80 square feet
EGC	2	90 square feet
EMU	2	50 square feet
ELI	2	90 square feet

Table 5--Standards for on-premises monument signs for individual businesses

\*Two (2) freestanding signs are permitted on parcels with more than five hundred (500) feet of lineal street frontage.

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	2	50 square feet
NC	2	50 square feet
CC	2 per 500 feet of street frontage*	90 square feet
HC	2 per 500 feet of street frontage*	90 square feet
CI	2 per 500 feet of street frontage*	90 square feet
HI	2 per 500 feet of street frontage*	90 square feet
ELC	2 per 500 feet of street frontage*	80 square feet
EGC	2 per 500 feet of street frontage*	90 square feet
EMU	2 per 500 feet of street frontage*	50 square feet
ELI	2 per 500 feet of street frontage*	90 square feet

Table 6--Standards for on-premises monument signs for multiple businesses

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

(Ord. No. 05-5314, § 1, 1-24-05)

**SEC. 27-1444. COMPREHENSIVE SIGN PLAN.**

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

- (1) The development exceeds the following minimum square foot floor area requirements:
  - a. Two hundred fifty thousand (250,000) square feet for a shopping center or hotel conference center.
  - b. Two hundred fifty thousand (250,000) square feet of commercial/industrial floor space for a mixed use development.
  - c. Three hundred thousand (300,000) square feet for an industrial park.
- (2) The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
- (3) The sign plan shall conform to the standards of section 27-1443; except that a maximum of three (3) of the allowed signs under section 27-1443 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
- (4) The sign plan shall be consistent with the Yellowstone County - City of Billings Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the zoning coordinator.

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

- (5) The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the planning and community services department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.
- (6) Modifications to the approved sign plan shall require reapplication and approval by the zoning coordinator.

**SEC. 27-1445. SIGN LOCATION AND SETBACK.**

- (a) All signs shall be located so that they:
  - (1) Do not interfere with vehicular or pedestrian accessibility or sight distance;
  - (2) Conform to the provisions of section 27-615, the clear vision triangles and visibility at intersections; and
  - (3) No sign may encroach upon, or overhang, adjacent property or public right-of-way.
- (b) All signs shall be located and set back as follows:
  - (1) Any portion of a freestanding sign shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.
  - (2) The support structure of a monument sign shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1446. SIGN AREA AND CALCULATION.**

(a) The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.

(b) Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.

(c) The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one (1) sign shall be computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A fifty (50) percent increase in monument sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

(d) The sign area for multiple-sided signs shall be calculated as follows:

- (1) The total sign area for a two-sided sign shall be calculated using one (1) face, but the second face may not exceed the area of the first face.
- (2) The total sign area for a three-sided sign shall be calculated using one (1) face, but the second and third face total area may not exceed the area of the first face.

### **SEC. 27-1447. MAINTENANCE OF SIGNS.**

(a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.

(b) Any damaged sign base shall be repaired within sixty (60) days.

(c) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

### **SEC. 27-1448. NONCONFORMING SIGNS.**

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1449. LANDSCAPING FOR FREESTANDING AND MONUMENT SIGNS.**

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

### **SEC. 27-1450. SIGN ILLUMINATION.**

Externally illuminated signs shall have lighting confined to the sign with the light source positioned and shielded to eliminate spill over impacts to the surrounding area(s) in such a manner that it conforms to the site lighting standards. See subsection 27-1435(b). The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)

ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT  
SEC. 27-1451. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT APPLICATION FORM.

SHILOH CORRIDOR OVERLAY ZONE PERMIT

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Permit # \_\_\_\_\_

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**Application Information**

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Owner Name (if different): \_\_\_\_\_

Property Owner Address: \_\_\_\_\_ Phone: \_\_\_\_\_

---

**Property Information**

Property Address: \_\_\_\_\_

Section, Township, Range: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Lot size: \_\_\_\_\_ sq. ft. Lot area covered by structure(s): \_\_\_\_\_ sq.ft. \_\_\_\_\_%

Subdivision/COS: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

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FOR OFFICE USE ONLY

Date Received \_\_\_\_\_

Number of relative criteria categories met: \_\_\_\_\_ Total number of points scored: \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

<b>RELATIVE CRITERIA</b>		
<ul style="list-style-type: none"> <li>• Applicant must obtain points from six (6) of nine (9) categories.</li> <li>• Applicant must obtain 15 points:</li> </ul>		
1.	<b>SITE DEVELOPMENT</b> a. Frontage pavement less than 35' along Shiloh Road and Zoo Drive b. Public use space included	_____ _____
2.	<b>ACCESS</b> a. MET transit or school bus stop b. Bikepath or pedestrian trail easement (above what subdivision requires) c. Bikepath or pedestrian trail construction (1 point for each 50 feet, 4 points max) d. Reciprocal access between lots e. A single approach serving multiple lots	_____ _____ _____ _____ _____
3.	<b>LIGHTING</b> a. Light spill over limits of less than 1.5 foot candles . b. Continuity of lighting fixture design with adjacent properties. c. Incorporate outdoor light fixtures at heights less than twenty (20) feet.	_____ _____ _____
4.	<b>PARKING</b> a. Joint use parking agreement. b. Parking does not exceed 125% of required spaces c. Landscaping internally integrated in parking areas. d. Parking lots placed at the rear and/or side of building – none in front.	_____ _____ _____ _____



**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

	<p><b>Facade relief elements</b></p> <ul style="list-style-type: none"> <li>• Two (2) or more colors</li> <li>• Natural earth toned colors</li> <li>• Substantial fenestration using windows, doors, or other openings</li> <li>• Two (2) or more materials that break up the mass of the structure</li> <li>• Articulation of the parapet walls</li> <li>• Change in wall plane</li> <li>• Change in roof plane</li> <li>• Extended roof overhangs</li> <li>• Significant variation in building masses and/or forms</li> </ul>	<p align="center">_____</p>
8.	<p><b>SIGNAGE</b></p> <ul style="list-style-type: none"> <li>a. Signage is not internally illuminated.</li> <li>b. Monument signs used in lieu of pole signs.</li> <li>c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.</li> <li>d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).</li> <li>e. Comprehensive sign plan.</li> </ul>	<p align="center">_____ _____ _____ _____ _____</p>
9.	<p><b>MIXED USE</b></p> <p>One point will be given for each building that contains two (2) or more of the following uses:</p> <ul style="list-style-type: none"> <li>• Office</li> <li>• Retail</li> <li>• Personal services</li> <li>• Residential</li> <li>• Hotel</li> <li>• Medical</li> <li>• Entertainment</li> <li>• Restaurant</li> </ul>	<p align="center">_____</p>
	<p><b>TOTAL POINTS</b></p>	<p align="center">_____</p>

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1452. REEXAMINATION OF REGULATIONS.**

After one (1) year of the effective date of this article, and periodically afterwards, these regulations shall be reviewed for their effectiveness and the practicality of implementation and enforcement.

(Ord. No. 05-5314, § 1, 1-24-05)

### **SEC. 27-1453. APPEAL PROCESS.**

An appeal may be made by any applicant aggrieved by a denial of a Shiloh corridor overlay zone permit by the planning and community services department. The applicant shall first appeal to the department director, and if not satisfied with the director's determination, may then file an appeal with city council. The city council shall hold a public hearing and make a determination whether to approve or deny the appeal. Before either the director or city council makes a determination on the appeal, the following criteria shall be considered:

- (1) That the official erred in the interpretation or application of this chapter;
- (2) That approving the permit will not confer on the applicant any special privilege that is denied by this chapter to other land in the same district;
- (3) That no substantial detriment to the public good is created;
- (4) That the intent and purpose of this chapter is not impaired.

Upon receiving written notice of denial of a permit from the planning and community services department, the aggrieved applicant has fourteen (14) days from the date on the notice to submit a written request for appeal to the department director. The director shall meet with the applicant within five (5) days of receiving the request and issue a determination on the decision to deny the permit. If the department director upholds the decision to deny, the applicant may file, within fourteen (14) days from the date of the director's determination, a request for appeal before the city council. If an appeal is requested, the planning and community service director shall:

- (5) Submit a staff report to the city council within thirty (30) days after receipt of the appeal scheduling a public hearing and describing the nature of the appeal. The memo shall include the request for the appeal and a copy of the notice stating reason(s) for the denial of the permit.
- (6) Place notice of the time, date and place of the public hearing in a newspaper of general circulation fifteen (15) days in advance of the date set for the public hearing.
- (7) Notify, by mail, the party requesting the appeal and all adjacent property owners of the time, date and place of the public hearing and nature of the appeal five (5) days in advance of the public hearing.

Upon reversing a decision to deny an appeal, the council may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the appeal is granted, shall be deemed a violation of this chapter.

Under no circumstances shall the council issue a decision that would allow a use not permitted under the terms of this chapter in the district involved. Approval of a permit shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1427. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT.**

#### **SEC. 27-1428. PURPOSE.**

The purpose of the South Shiloh corridor overlay district is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

#### **SEC. 27-1429. DISTRICT BOUNDARIES.**

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

#### **SEC. 27-1430. REVIEW CRITERIA.**

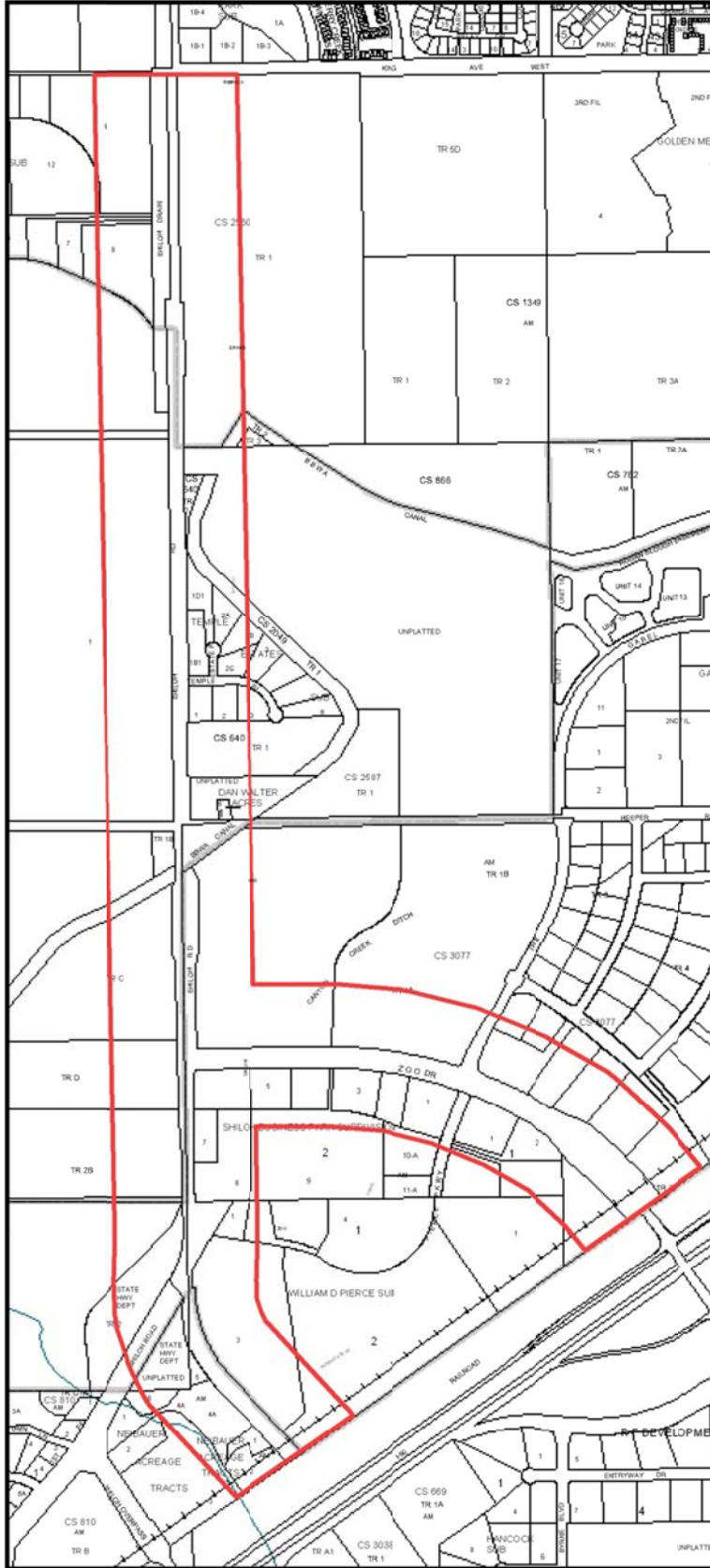
(a) *Generally.* The South Shiloh corridor overlay district review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, the development may proceed.

New developments and existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five (25) percent must comply with these regulations.

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

(c) *Relative criteria.* Relative criteria are the "points" of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in section 27-1463. The development plans are evaluated against the relative criteria and scored on a point chart.

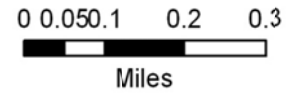
ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT



SOUTH SHILOH CORRIDOR  
OVERLAY DISTRICT

Official Map

-  Overlay District
-  City Limits
-  Parcels



District Location



## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

### SEC. 27-1431. APPLICATION AND APPROVAL PROCESS.

(a) *Approval required.* If the development is within the city limits, a building permit must be applied for from the city building division. Planning department approval is required prior to construction. If the development is outside the city limits, a zoning compliance permit must be applied for from the planning and community services department. Planning department approval is to ensure compliance with the zoning regulations. This does not in any way imply approval by any other city or county department.

(b) *Content of application.* Each application for development located in the South Shiloh corridor overlay district 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. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
  - b. 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;
  - c. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
  - d. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
  - e. Location and description of all off-site improvements and right-of-way dedication; and,
  - f. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
  - g. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
- (5) Building plans drawn to a scale of no less than one-sixteenth inch ( 1/16) = one (1) foot. for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
- (6) A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
- (7) A timetable for the proposed construction project; and
- (8) A complete form showing compliance with the relative criteria and points assigned (see section 27-1451);
- (9) 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.

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

### SEC. 27-1432. DEFINITIONS.

Terms not specifically defined in this chapter shall have the same meanings as defined in sections 27-201 and 27-1104. The standard dictionary meaning shall be applied to terms not otherwise defined.

### SEC. 27-1433. ABSOLUTE CRITERIA.

- (a) *Development standards.*
- (1) *Shiloh Road and Zoo Drive frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road and Zoo Drive for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.
- (2) *Other regulations.* All other city codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
- (3) *Sidewalks.* All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five (5) feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one (1) canopy tree per every forty (40) linear feet.
- (b) *Landscaping standards.*
- (1) *Shiloh Road and Zoo Drive frontage setback landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road and Zoo Drive, excluding driveways. Frontage setbacks shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) feet of frontage. Trees may be massed within the frontage setback as long as the same densities are maintained.
- (2) *Right-of-way frontage other than Shiloh Road and Zoo Drive landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of four (4) canopy or trees and eight (8) shrubs per one hundred (100) feet of frontage. Massing of landscaping elements with the required number of landscaping is permitted to meet the intent of subsection (b)(1)a.
  - a. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right-of-way
- (3) *Off-street parking lot landscaping.*
  - a. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
  - b. One (1) canopy and/or evergreen trees and five (5) shrubs shall be required for every nine (9) parking spaces. Developer is encouraged to mass trees to create interest inside parking lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large

## ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

shrub areas throughout the parking lot and to use parking lot islands with trees and shrubs to direct traffic through parking lot.

- c. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
  - d. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited to one hundred fifty (150) feet. See section 27-1106 for additional requirements.
  - e. Trees and shrubs may be massed.
- (4) *Commercial uses abutting residential and public uses.* All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) linear feet. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.
- A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.
- (5) *Non-living material allowed.* River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than twenty-five (25) percent of the landscaped area shall contain non-living material.
- (6) *Landscape maintenance required.* All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.
- (7) *Protection of landscaped areas.* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- (8) *Landscape exemptions.* Uses for automobile and recreation vehicle sales are required to install half (1/2) the required trees and one and one half (1 ½ ) the required shrubs along street frontages or are exempt from the tree requirements in the interior of their lots only as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc. If no landscaping is provided in the interior of lots, at least one (1) additional tree and two additional shrubs per five hundred (500) feet of frontage should be provided in perimeter landscape to offset the exemption. This landscaping may also be massed.
- (a) Developer is encouraged to mass trees to create interest inside their lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout their lot and to use planting islands with trees and shrubs to direct traffic through their lot.
- (9) *Plant standards.*
- a. *Canopy tree.* A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.

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- b. *Evergreen.* A tree or shrub of a species that normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
- c. *Shrubs.* The minimum size of a shrub shall be at least five (5) gallons.
- d. *Recommended tree types.* It is recommended that the developer work with the city parks department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the planning department.
- e. *Fractions in the calculations of number of trees and shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five-tenths (.5) shall be rounded down to the nearest whole number; fractions five-tenths and more (.5) shall be rounded up to the nearest whole number.

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### SEC. 27-1434. BUILDING DESIGN STANDARDS.

(a) *Materials.* All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material.

(b) *Roofs.* Roofs exposed to view shall be finished with a durable material that is architecturally coordinated in color and design with the building material. Recommended materials include: standing seam, dimensional asphalt shingles, shakes or shingles. Other types or styles of roofing materials that are consistent with this chapter may be approved by the zoning coordinator or his/her designee. Pitched roofs are encouraged wherever possible.

(c) *Mechanical equipment.* Mechanical equipment, placed at ground level or on a roof, shall be screened. The screening shall be at least the height of the mechanical equipment. Sound suppression/abatement shall be provided when mechanical equipment is installed on property that is adjacent to residential uses or zoning districts.

(d) *Elevations and facades.* Buildings shall incorporate one or more of the following: recesses, off sets, angular forms, or other architectural features such as bell towers or clock towers to provide a visually interesting shape. The break in facade shall be a minimum of twelve (12) feet in length and with a minimum protrusion or recess of four (4) feet. Buildings shall incorporate a break in the architectural facade at least every sixty (60) feet. It is encouraged that each offset area contain landscaping or other similar amenities that will complement the offset area.

### SEC. 27-1435. ADDITIONAL PROVISIONS.

(a) *Storage of merchandise.* Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally coordinated in color and design with the building. However, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only. Bufferyards or required landscaping shall not be used for the displaying of merchandise. Chain link and other types of wire fencing are prohibited.

(b) *Area lighting.*

(1) All outdoor pole lighting shall be fully shielded cut off fixtures with recessed lamps (no light emitted by the fixture is projected above the horizontal plan of the fixture, and no dropped lenses) and mounted at heights no greater than twenty (20) feet above grade.

(2) All outdoor lighting, except street lights, shall be located and aimed or shielded so as to minimize stray light trespassing across property boundaries and no more than one and one-half (1.5) foot candles as measured vertically at the lot line.

(c) *Canopy, marquee and "wall pack" lighting.* Canopy, marquee and "wall pack" lighting shall be fully shielded with recessed lamps. No internally illuminated fascia shall be allowed.

(d) *Storage of junk.* No person shall store junk, partially or completely dismantled vehicles, or salvaged materials outside a building. In the case of repair shops, such material must be enclosed within a building or an area having a sight-obscuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.

(e) *Waste storage area.* All solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building. The

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following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material. Solid waste enclosures are encouraged to be landscaped.

### SEC. 27-1436. DEVELOPMENT FEATURES REQUIRED TO EARN POINTS (RELATIVE CRITERIA).

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

(1) *Site development.*

- a. Pavement along Shiloh and Zoo frontage setback is less than or equal to thirty-five (35) feet.
- b. Construct one or more public use spaces such as mini-parks, water feature, playfields or playgrounds, rest areas, for example.

(2) *Access.*

- a. A transit or school bus stop.
- b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the subdivision regulations.
- c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each fifty (50) feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).
- d. Provision for internal access between lots.
- e. A single approach onto a public road that serves multiple lots.

(3) *Lighting.*

- a. Light spill over limits of less than one and one-half (1.5) foot candles.
- b. Continuity of lighting fixture design with adjacent properties.
- c. Incorporate outdoor light fixtures at heights less than twenty (20) feet.

(4) *Parking.*

- a. A joint use parking agreement.
- b. Parking provided does not exceed one hundred twenty-five (125) percent of required spaces.
- c. Landscaping internally integrated in parking areas and/or sales area.
- d. Parking lots placed at the rear and/or side of the building, none in front.

(5) *Scale.*

- a. The mass and scale does not exceed that of the surrounding development by more than ten (10) percent.

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- b. The height of structures does not exceed that of the surrounding development by more than ten (10) percent.
- c. The building size does not exceed that of the surrounding development by more than ten (10) percent.

### (6) *Landscaping.*

- a. Buildings have landscaping immediately adjacent to a building.
- b. Landscaping exceeds the minimum number of trees and shrubs that are required by ten (10) percent each.
- c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.
- d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.
- e. Terraced or bermed site design.
- f. Stormwater retention areas include significant landscaping.
- g. Bufferyards larger than required by at least ten (10) percent.
- h. Continuity of landscaping features at interface with adjacent property.
- i. Canopy trees placed in the boulevard along all streets except Shiloh Road and Zoo Drive, at one (1) tree per twenty-five (25) feet of street frontage.
- j. Installation of a curvilinear boulevard walk.
- k. Incorporates existing trees in landscape design.

### (7) *Architectural design.*

- a. Building materials are natural, i.e. wood or stone.
- b. Pitched roof with a minimum 3:12 pitch.
- c. Exceeds the state energy code requirements by:

Twenty-five (25) percent = One (1) point

Fifty (50) percent = Two (2) points

More than seventy-five (75) percent = Three (3) points

- d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.
- e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;
- f. Each building of seventy-five (75) to one hundred fifty (150) feet in length contains five (5) facade relief elements;
- g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;

#### **Façade relief elements**

- 1. Two (2) or more colors.
- 2. Natural earth toned colors.
- 3. Substantial fenestration using windows, doors, or other openings.

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4. Two (2) or more materials that break up the mass of the structure.
  5. Articulation of the parapet walls.
  6. Change in wall plane.
  7. Change in roof plane.
  8. Extended roof overhangs.
  9. Significant variation in building masses and/or forms.
- (8) *Signage.*
- a. Signage is not internally illuminated.
  - b. Monument signs used in lieu of pole signs.
  - c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.
  - d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).
  - e. Comprehensive sign plan (See also section 27-1444).
- (9) *Mixed use.* One point will be given for each subdivision or building that contains two (2) or more of the following uses:
- a. Office.
  - b. Retail.
  - c. Personal services such as dry cleaner, laundromats, beauty salons.
  - d. Residential.
  - e. Hotel/motel.
  - f. Medical.
  - g. Entertainment.
  - h. Restaurant.

### **SEC. 27-1437. SIGNAGE STANDARDS--PURPOSE, INTENT, AND SCOPE.**

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

- (1) *Permits required.* Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the planning and community services department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must

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have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit 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 immediate approval 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 be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

- (2) *Permit applications.* All permit applications for signs shall include a site plan that provides the following information:
- a. The location of the affected lot, building and sign;
  - b. The scale of the site plan;
  - c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
  - d. All existing signs on the site including their size and height; and
  - e. The legal description of the parcel.

### SEC. 27-1438. DEFINITIONS.

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations.

*Bulletin board* means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

*Electronically changeable message sign* means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed, such as a programmable display system. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed.

*Flashing sign* means an electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

*Incidental sign* means signs allowed under temporary use groups I and II, such as garage sale signs and banners.

*Individual business* means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

*Monument sign* means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

*Multiple businesses* means multiple businesses include businesses that may be located in a single building or in multiple buildings on a single site.

*Support structure(s)* means posts or columns and their anchors and bolts that structurally support the sign attached to it.

*Three-sided sign* means a sign with three (3) faces.

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*Two-sided sign* means a sign with two (2) faces.

### **SEC. 27-1439. EXEMPT SIGNS.**

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the International Building Code.

- (1) The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this section, reader board or similar sign specifically designed for replaceable copy.
- (2) Painting, repainting or normal maintenance, unless a structural or electrical change is made.
- (3) Temporary banners and temporary signs as permitted herein.
- (4) Real estate sign as permitted herein.
- (5) Incidental signs.
- (6) Political signs.
- (7) Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

### **SEC. 27-1440. PROHIBITED SIGNS.**

The following signs are prohibited in all zones unless otherwise specifically permitted.

- (1) Sign which by shape, wording or location resemble or conflict with traffic control signs or devices.
- (2) Signs that create a safety hazard for pedestrian or vehicular traffic.
- (3) Signs with special or auxiliary flashing lights which are not a part of the sign's message.
- (4) Portable signs.
- (5) Portable reader boards.
- (6) Portable electric signs.
- (7) Banner signs.
- (8) Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
- (9) Roof signs.
- (10) Billboards.
- (11) Painted signs on buildings, including those attached on or to the surface of windows.

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### SEC. 27-1441. SIGNS PERMITTED IN ALL ZONES IN CONNECTION WITH SPECIFIC USES.

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

- (1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1442 below, bulletin boards may be permitted on property used for public or private assembly, subject to the following:
  - a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
  - b. No part of the sign shall exceed a height of six (6) feet above the ground.
  - c. The sign, if illuminated, shall use external low-intensity lighting.
- (2) *Temporary residential subdivision or area name signs.* A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:
  - a. The freestanding sign shall be located on the premises being sold or leased.
  - b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
  - c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one (1) year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.
  - d. The sign shall be non-illuminated.
  - e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.
- (3) *Permanent residential subdivision or area name signs.* Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:
  - a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and
  - b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.
- (4) *Contractor, architect, surveyor, or engineer signs.* One (1) on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:
  - a. The sign is located on the parcel on which the construction is located.
  - b. The sign shall not exceed forty (40) square feet in area; and
  - c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve (12) months without approval from the planning department.

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The planning department may extend the one-year time period upon written request of the owners/developers of the project.

- (5) *Real estate sign.*
  - a. *Residential use or property.* One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.
  - b. *Commercial and industrial use or property.* One (1) temporary on-premise sign advertising the sale, lease or rental of the building, property or premises is permitted on the property. Such sign shall be unlighted, no more than thirty-two (32) square feet and no higher than ten (10) feet above grade.
  - c. *Open house and directional sign.* For a. and b. above, an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.
- (6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1443 through 27-1446 and their definitions.

### SEC. 27-1442. SIGN STANDARDS IN AGRICULTURAL (A-O) AND RESIDENTIAL (A-S, R-150, R-96, R80 R-70R R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) ZONES.

(a) *Permitted signs by zone.* Sign structures are permitted in residential zones in accordance with the following uses and standards:

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

Public or private assembly and non-residential uses within residential zones are allowed the following signs:

  - (1) *Wall signs.* On-premises wall signs are permitted, not to exceed one (1) sign of thirty-two (32) square feet. Wall signs shall be non-illuminated or have low-intensity external lighting, and shall be placed flat against the outside wall of a building.
  - (2) *Freestanding signs.* On-premises freestanding signs are permitted, not to exceed the one (1) sign of 32 square feet\* and a maximum height of 15 feet. On-premises freestanding signs shall be non-illuminated or have low-intensity external lighting.

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

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one (1) arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional

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arterial frontage. However, in no instance shall the square footage allowance from one (1) arterial be transferred to the other.

**SEC. 27-1443. SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) ZONES.**

(a) *Permitted signs by zone.* Sign structures are permitted in commercial and industrial zones in accordance with the following uses and standards.

- (1) *Wall signs--Individual and multiple businesses.* Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of two hundred fifty (250) square feet, whichever provides the smaller area. Mansard roofs shall not be included when calculating the total area of the wall.
- (2) *Freestanding signs (pole or monument design)--Individual businesses.* One (1) on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in table 3.
- (3) The maximum height of the on-premise sign may be increase to forty (40) feet above grade measured at the centerline of Shiloh Road or Zoo Drive, whichever is adjacent and the area may be increased to two hundred (200) square feet, provided the parcel is contiguous with Interstate 90 or Zoo Drive.

Zoning District	Maximum Area <= 100' Street Frontage	Maximum Area >= 100' Street Frontage	Maximum Sign Height
RP	50 square feet	50 square feet	15 feet
NC	50 square feet	50 square feet	15 feet
CC	80 square feet	140 square feet	20 feet
HC	80 square feet	140 square feet	20 feet
CI	80 square feet	140 square feet	20 feet
HI	50 square feet	50 square feet	15 feet
ELC	80 square feet	120 square feet	20 feet
EGU	80 square feet	140 square feet	20 feet
EMU	50 square feet	50 square feet	15 feet
ELI	80 square feet	140 square feet	20 feet

Table 3--Freestanding Signs--Commercial and Industrial Zones

- (4) *Freestanding signs (pole or monument design)--Multiple businesses.*
  - a. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in table 4.
  - b. Freestanding signage allowed for an individual business under subsection (a)(2) of this section shall not be combined with signage allowed for multiple businesses under this paragraph.
  - c. The minimum separation between signs shall be five hundred (500) feet, measured from the center of the sign.

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Zoning District	Maximum Number of Signs	Maximum Area	Maximum Sign Height
RP	1	75 square feet	15 feet
NC	1	75 square feet	15 feet
CC	1 per 500 feet of street frontage*	175 square feet	20 feet
HC	1 per 500 feet of street frontage*	175 square feet	20 feet
CI	1 per 500 feet of street frontage*	175 square feet	20 feet
HI	1 per 500 feet of street frontage*	75 square feet	15 feet
ELC	1 per 500 feet of street frontage*	150 square feet	15 feet
EMU	1	75 square feet	15 feet
ELI	1 per 500 feet of street frontage*	175 square feet	20 feet

\*One (1) freestanding sign is permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Table 4--Standards for on-premises signs for multiple businesses

- (b) *Incentive to substitute height restricted monument signs for freestanding signs.*
- (1) Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under paragraphs (a)(2) and (3) with maximum sign number(s) and area(s) as provided in tables 5 and 6. There is no minimum separation requirement between signs.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	1	50 square feet
NC	1	50 square feet
CC	2	90 square feet
HC	2	90 square feet
CI	2	90 square feet
HI	2	90 square feet
ELC	2	80 square feet
EGC	2	90 square feet
EMU	2	50 square feet
ELI	2	90 square feet

Table 5--Standards for on-premises monument signs for individual businesses

\*Two (2) freestanding signs are permitted on parcels with more than five hundred (500) feet of lineal street frontage.

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Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	2	50 square feet
NC	2	50 square feet
CC	2 per 500 feet of street frontage*	90 square feet
HC	2 per 500 feet of street frontage*	90 square feet
CI	2 per 500 feet of street frontage*	90 square feet
HI	2 per 500 feet of street frontage*	90 square feet
ELC	2 per 500 feet of street frontage*	80 square feet
EGC	2 per 500 feet of street frontage*	90 square feet
EMU	2 per 500 feet of street frontage*	50 square feet
ELI	2 per 500 feet of street frontage*	90 square feet

Table 6--Standards for on-premises monument signs for multiple businesses

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

(Ord. No. 05-5314, § 1, 1-24-05)

**SEC. 27-1444. COMPREHENSIVE SIGN PLAN.**

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

- (1) The development exceeds the following minimum square foot floor area requirements:
  - a. Two hundred fifty thousand (250,000) square feet for a shopping center or hotel conference center.
  - b. Two hundred fifty thousand (250,000) square feet of commercial/industrial floor space for a mixed use development.
  - c. Three hundred thousand (300,000) square feet for an industrial park.
- (2) The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
- (3) The sign plan shall conform to the standards of section 27-1443; except that a maximum of three (3) of the allowed signs under section 27-1443 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
- (4) The sign plan shall be consistent with the Yellowstone County - City of Billings Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the zoning coordinator.

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- (5) The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the planning and community services department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.
- (6) Modifications to the approved sign plan shall require reapplication and approval by the zoning coordinator.

**SEC. 27-1445. SIGN LOCATION AND SETBACK.**

- (a) All signs shall be located so that they:
  - (1) Do not interfere with vehicular or pedestrian accessibility or sight distance;
  - (2) Conform to the provisions of section 27-615, the clear vision triangles and visibility at intersections; and
  - (3) No sign may encroach upon, or overhang, adjacent property or public right-of-way.
- (b) All signs shall be located and set back as follows:
  - (1) Any portion of a freestanding sign shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.
  - (2) The support structure of a monument sign shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1446. SIGN AREA AND CALCULATION.**

(a) The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.

(b) Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.

(c) The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one (1) sign shall be computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A fifty (50) percent increase in monument sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

(d) The sign area for multiple-sided signs shall be calculated as follows:

- (1) The total sign area for a two-sided sign shall be calculated using one (1) face, but the second face may not exceed the area of the first face.
- (2) The total sign area for a three-sided sign shall be calculated using one (1) face, but the second and third face total area may not exceed the area of the first face.

### **SEC. 27-1447. MAINTENANCE OF SIGNS.**

(a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.

(b) Any damaged sign base shall be repaired within sixty (60) days.

(c) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

### **SEC. 27-1448. NONCONFORMING SIGNS.**

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1449. LANDSCAPING FOR FREESTANDING AND MONUMENT SIGNS.**

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

### **SEC. 27-1450. SIGN ILLUMINATION.**

Externally illuminated signs shall have lighting confined to the sign with the light source positioned and shielded to eliminate spill over impacts to the surrounding area(s) in such a manner that it conforms to the site lighting standards. See subsection 27-1435(b). The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)

ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT  
SEC. 27-1451. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT APPLICATION FORM.

SHILOH CORRIDOR OVERLAY ZONE PERMIT

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Permit # \_\_\_\_\_

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**Application Information**

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Owner Name (if different): \_\_\_\_\_

Property Owner Address: \_\_\_\_\_ Phone: \_\_\_\_\_

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**Property Information**

Property Address: \_\_\_\_\_

Section, Township, Range: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Lot size: \_\_\_\_\_ sq. ft. Lot area covered by structure(s): \_\_\_\_\_ sq.ft. \_\_\_\_\_%

Subdivision/COS: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

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FOR OFFICE USE ONLY

Date Received \_\_\_\_\_

Number of relative criteria categories met: \_\_\_\_\_ Total number of points scored: \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

**RELATIVE CRITERIA**

- Applicant must obtain points from six (6) of nine (9) categories.
- Applicant must obtain 15 points:

1.	<p><b>SITE DEVELOPMENT</b></p> <p>a. Frontage pavement less than 35’ along Shiloh Road and Zoo Drive</p> <p>b. Public use space included</p>	<p>_____</p> <p>_____</p>
2.	<p><b>ACCESS</b></p> <p>a. MET transit or school bus stop</p> <p>b. Bikepath or pedestrian trail easement (above what subdivision requires)</p> <p>c. Bikepath or pedestrian trail construction (1 point for each 50 feet, 4 points max)</p> <p>d. Reciprocal access between lots</p> <p>e. A single approach serving multiple lots</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
3.	<p><b>LIGHTING</b></p> <p>a. Light spill over limits of less than 1.5 foot candles .</p> <p>b. Continuity of lighting fixture design with adjacent properties.</p> <p>c. Incorporate outdoor light fixtures at heights less than twenty (20) feet.</p>	<p>_____</p> <p>_____</p> <p>_____</p>
4.	<p><b>PARKING</b></p> <p>a. Joint use parking agreement.</p> <p>b. Parking does not exceed 125% of required spaces</p> <p>c. Landscaping internally integrated in parking areas.</p> <p>d. Parking lots placed at the rear and/or side of building – none in front.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>



**ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

	<p><b>Facade relief elements</b></p> <ul style="list-style-type: none"> <li>• Two (2) or more colors</li> <li>• Natural earth toned colors</li> <li>• Substantial fenestration using windows, doors, or other openings</li> <li>• Two (2) or more materials that break up the mass of the structure</li> <li>• Articulation of the parapet walls</li> <li>• Change in wall plane</li> <li>• Change in roof plane</li> <li>• Extended roof overhangs</li> <li>• Significant variation in building masses and/or forms</li> </ul>	<p align="center">_____</p>
<p>8.</p>	<p><b>SIGNAGE</b></p> <ul style="list-style-type: none"> <li>a. Signage is not internally illuminated.</li> <li>b. Monument signs used in lieu of pole signs.</li> <li>c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.</li> <li>d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).</li> <li>e. Comprehensive sign plan.</li> </ul>	<p align="center">_____ _____ _____ _____ _____</p>
<p>9.</p>	<p><b>MIXED USE</b></p> <p>One point will be given for each building that contains two (2) or more of the following uses:</p> <ul style="list-style-type: none"> <li>• Office</li> <li>• Retail</li> <li>• Personal services</li> <li>• Residential</li> <li>• Hotel</li> <li>• Medical</li> <li>• Entertainment</li> <li>• Restaurant</li> </ul>	<p align="center">_____</p>
	<p><b>TOTAL POINTS</b></p>	<p align="center">_____</p>

## **ARTICLE 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT**

### **SEC. 27-1452. REEXAMINATION OF REGULATIONS.**

After one (1) year of the effective date of this article, and periodically afterwards, these regulation shall be reviewed for their effectiveness and the practicality of implementation and enforcement.

(Ord. No. 05-5314, § 1, 1-24-05)

### **SEC. 27-1453. APPEAL PROCESS.**

An appeal may be made by any applicant aggrieved by a denial of a Shiloh corridor overlay zone permit by the planning and community services department. The applicant shall first appeal to the department director, and if not satisfied with the director's determination, may then file an appeal with city council. The city council shall hold a public hearing and make a determination whether to approve or deny the appeal. Before either the director or city council makes a determination on the appeal, the following criteria shall be considered:

- (1) That the official erred in the interpretation or application of this chapter;
- (2) That approving the permit will not confer on the applicant any special privilege that is denied by this chapter to other land in the same district;
- (3) That no substantial detriment to the public good is created;
- (4) That the intent and purpose of this chapter is not impaired.

Upon receiving written notice of denial of a permit from the planning and community services department, the aggrieved applicant has fourteen (14) days from the date on the notice to submit a written request for appeal to the department director. The director shall meet with the applicant within five (5) days of receiving the request and issue a determination on the decision to deny the permit. If the department director upholds the decision to deny, the applicant may file, within fourteen (14) days from the date of the director's determination, a request for appeal before the city council. If an appeal is requested, the planning and community service director shall:

- (5) Submit a staff report to the city council within thirty (30) days after receipt of the appeal scheduling a public hearing and describing the nature of the appeal. The memo shall include the request for the appeal and a copy of the notice stating reason(s) for the denial of the permit.
- (6) Place notice of the time, date and place of the public hearing in a newspaper of general circulation fifteen (15) days in advance of the date set for the public hearing.
- (7) Notify, by mail, the party requesting the appeal and all adjacent property owners of the time, date and place of the public hearing and nature of the appeal five (5) days in advance of the public hearing.

Upon reversing a decision to deny an appeal, the council may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the appeal is granted, shall be deemed a violation of this chapter.

Under no circumstances shall the council issue a decision that would allow a use not permitted under the terms of this chapter in the district involved. Approval of a permit shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.