



CITY/COUNTY ZONING COMMISSIONS

AGENDA-Joint Session

Tuesday, September 15, 2020, 4:30 p.m.

Senior Center at the Billings Community Center at 360 N 23rd St, Billings, MT

NOTICE TO THE PUBLIC

Public Comment:

The Zoning Commissions 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 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676).

The Zoning Commissions are conducting multiple topic-focused hearings on the draft zoning codes. The Zoning Commissions will meet after all hearings are completed to make formal recommendations to the City Council and Board of County Commissioners. Additional public hearing notices will be published for future dates, times & locations.

Call the meeting to order.

Introduction of City Zoning Commission and Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment: 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> and Community 7 TV Facebook Page <https://www.facebook.com/comm7tv>. The hearings will be recorded and available for viewing at any time on both Facebook pages above. The public may call in to (406) 237-6120 to provide testimony and comment during the hearing.

Regular Business:

- A. 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> and Community 7 TV Facebook Page <https://www.facebook.com/comm7tv>. The hearings will be recorded and available for viewing at any time on both Facebook pages above. The public may call in to (406) 237-6120 to provide testimony and comment during the hearing.
- 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:

Public Hearings:

- a. **Text Amendment - Project Re:Code – Proposed Draft Sections: 27-1200 – Landscaping; 27-1300 – Off-Street Parking; 27-1100 – Proportionate Compliance** This is the fourth meeting of the City Zoning Commission and the third meeting of County Zoning Commission on the Public Review Draft sections of the new Zoning Codes for the City and County. This session will cover Landscaping, Off-Street Parking and Proportionate Compliance. The City and County Public Review Drafts for this topic areas are very similar and will be presented together in this hearing.

Other Business/Announcements

Adjournment

The Zoning Commissions 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 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676).

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Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@ci.billings.mt.us



City & County Zoning Commission-Recode Joint Meeting

Meeting Date: 09/15/2020

SUBJECT: Project ReCode - City & County Zoning Commissions - Sec 27-1200, Landscaping: Sec 27-1300, Of Street Parking: Sec 27-1100, Proportionate Compliance

THROUGH: Monica Plecker

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Text Amendment - Project Re:Code – Proposed Draft Sections: 27-1200 – Landscaping; 27-1300 – Off-Street Parking; 27-1100 – Proportionate Compliance This is the fourth meeting of the City Zoning Commission and the third meeting of County Zoning Commission on the Public Review Draft sections of the new Zoning Codes for the City and County. This session will cover Landscaping, Off-Street Parking and Proportionate Compliance. The City and County Public Review Drafts for this topic areas are very similar and will be presented together in this hearing.

RECOMMENDATION

NA

APPLICATION DATA

OWNER: NA

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

NA

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:

Land Use:

SOUTH:

Zoning:

Land Use:

EAST:

Zoning:

Land Use:

WEST:

Zoning:

Land Use:

BACKGROUND

The current zoning regulations for the City were adopted on May 3, 1972 and the County zoning codes were adopted on November 6, 1973. The City and County amended and revised their separate zoning regulations several times before the codes were unified in December 1997. The 1972 City zoning regulations and 1973 County regulations both had minimum off-street parking requirements based on the primary uses on property. In 1984, the City Council moved the off-street parking regulations from the Zoning code to the Site Development section (City Code section 6-1203). When the zoning codes were unified in 1997, subsection 27-1200 became the off-street parking section for the County only. The city off-street parking code has had minor amendments over the years, however both codes are essentially unchanged since the early 1970s.

Landscaping in the city code was first adopted in 1974 and consisted of a percent of the undeveloped land area to be kept in landscaping or social gathering spaces. Landscaping included not just living plant material. Outdoor plazas, transit shelters, fountains, benches and other "aesthetic buffering" could be counted as landscaping. The original city landscaping code required approval from the Building and Engineering Divisions but not the Planning Division. The county zoning code only required screening of commercial parking lots adjacent to residentially zoned land.

A formal landscaping code was not adopted into the County zoning code until 1988 when a similar landscaping requirement to the city's provision was adopted. The County landscaping requirement was focused on off-street parking lots and the Planning Division was responsible for approvals. In 1983, the City adopted the S 27th Street Corridor District that included special landscaping requirements and a point system for approving new developments or re-developments. In 1986, the City created the Medical Corridor district and again included a point-based system for improved landscaping in the district. The City and County added the Entryway/Interchange zone districts in 1993 and this code section included special landscaping requirements based on simplistic formulas of buffer yard width and number of plants. In 2004 and 2005, the City adopted the Shiloh Corridor Overlay districts (North and South) and these code sections included specific landscaping standards for property in the city and within 500 feet of the centerline of Shiloh Road. The 1997 unification of the City and County zoning code merged the primary landscaping requirements for off-street parking, and buffering of residential property to commercial property into a new code section 27-1100. This landscaping requirement applies within the city limits to all commercial zone districts and multi-family developments that are not within one of the special zone districts or overlay areas.

In preparation for amending the zoning codes, the City and County separated the zoning codes in 2017. The Board of County Commissioners took the lead in 2018 by drafting and amending its separate zoning code to consolidate landscaping requirements into a single code section, eliminating the separate landscaping requirements for the Entryway/Interchange zoning districts. The amended county Landscaping code was adopted in May 2019. Housekeeping adjustments are proposed to this new section to fit it into the new code structure and to make minor corrections. The proposed City landscaping code is similar but includes more zone districts than the County code. The off-street parking code for the City and County is updated to include more rational parking ratios, and in the City it allows off-sets for transit and requires development in some mixed use districts to supply a bike rack in addition to off-street vehicle parking spaces.

As the Working Groups and Steering Committee developed these new site requirements, ideas and tools were considered for bringing existing sites closer to compliance. All the working members agreed a "nonconforming" designation for property would stigmatize and suppress re-development. The current landscaping and off-street parking codes both contain provisions for improving or adding to site developments when certain trigger points are met. These are single trigger points and can be arbitrary and have not achieved the intent to encourage site improvements. For example, the landscaping "trigger" point is either a 25% increase in the gross floor area or a 25% increase in the number of required off-street parking spaces. Once this trigger point is activated, the entire site needs to meet all the minimum landscape requirements. This has led to incremental additions or changes in building uses just below the 25% trigger point. The same site could do multiple "24%" increases and never require any landscaping improvements. The off-street parking code has a similar provision where less than a 10% increase in the off-street parking minimum, requires no site improvements or new parking spaces. In addition, the code exempts from any off-street parking all buildings existing before the adoption of the City zoning code (May 3, 1972). Again, this single trigger point has allowed serial building improvements without adding any off-street parking. The new code is proposing a new section for Proportionate Compliance and is specifically drafted to

achieve site improvements over time and make those improvements reasonably related to site changes.

SUMMARY

Landscaping - Draft Code Section 27-1200

The Steering Committee for Project ReCode appointed a Landscaping Working Group in December 2017. The Working Group consisted of seven members who met monthly throughout 2018 and 2019. Dave Green in the Planning Division provided staff assistance to the group. The City Parks Superintendent, Mike Pigg, and City Forester, Steve McConnell also participated throughout the discussions. City Engineer III Chris Hertz and members of the Billings Downtown Alliance consulted with the Working Group as well about provision for street trees in the Central Business District. The city currently has five landscaping codes - S 27th St Corridor, Medical Corridor, EBURD, Standard, North & South Shiloh Overlay Districts and Entryway/Interchange Districts. The proposed city landscaping code will apply in all zone district except for EBURD. The EBURD hybrid form-based code was specifically developed to assist in the re-development of this district with the goal of better livability and more walkable areas. The existing EBURD code will be updated to fit it in the new code structure and correct minor errors.

Both city and county landscaping codes are based on a "point" system that requires a minimum level based on the adjacent development and prioritizes low-water plantings so xeriscaping is encouraged. The Working Group determined the primary focus of any new site should be provision of street trees. Street trees provide many financial benefits to the community and to property owners. These benefits include reduced particulate air pollution, reducing heat islands in dense urban environments, reduced heating and cooling energy required for buildings, trapping and reducing storm water runoff, shading sidewalks to improve walkability of neighborhoods and adding property value and marketability to individual properties. The provision of street trees for new development is not part of the point-based provisions that primarily apply to interior property boundaries. The basic provision for street trees for all new developments is one tree for each 40 lineal feet of street frontage in the city limits and one street tree for each 50 feet of street frontage in the county. Outside the city limits, street frontage landscaping will not be required in the Agriculture, or Rural Residential zone districts. The minimum width of street frontage landscaping will not apply within the Central Business District or in the Neighborhood zone districts. Staff noticed the draft will need to be clarified to ensure minimum widths for street frontage landscaping are not applied in these two zone districts.

The draft code also outlines where bufferyards must be installed on property lines. Not every adjacent land use needs to have a buffer or the same type of bufferyard. Residential uses need additional screening so bufferyards between heavy commercial uses and residential uses have more points and requirements than an office use adjacent to a residential use. The draft code specifies four different types of bufferyards (B, B1, B2 & B3), and the chart indicates what type of bufferyard is required for new development adjacent to existing development or zone districts. The table below is from the City draft landscaping code.

The County draft code has a similar bufferyard chart:

In Lockwood where the Mixed Use zone districts and urban density Neighborhood districts might be used, the bufferyards as specified in the city draft code would apply between uses.

The "B" bufferyard is too ensure there is a visually distinct area separating property with similar developments. For example, a large commercial zone district would have at least a few trees not on the street frontage or in parking lots. A screening bufferyard would not be required in these locations but it does provide landscaping benefits. There are several large heavy commercial zone districts where this landscaping would help to control dust, weeds, noise and provide some stormwater benefits.

The "B1" bufferyard is meant to be used between similar uses to visually enhance the space between the uses: *B1: Visual Enhancement is intended to create a partial visual separation between uses or districts.* This B1 buffer does not require any fencing or trees and allows shrubs and perennial plantings to define the area. The minimum width is six feet and the number of "points" required per lineal foot is .3. If the common property line is 60 lineal feet, then 18 points are required within the 6-foot wide bufferyard. Six of those points must be in shrubs or perennial plantings. The bufferyard widths are averaged over the length of the property line. Turf grass is not allowed in the

B1 bufferyard but ornamental grass, shrubs and perennial plants are encouraged. A perennial border with a split rail fence along the shared property line would achieve at least 24 points and more than the required minimum of 18 points in the B1 buffer.

The "B2" bufferyard is intended where uses are not quite similar and need more screening: *B2: Filtered Screen is intended to create a semi-opaque visual separation between uses or districts.* This buffer does require tree points, shrub/perennial points and lawn grass and fencing are options. The minimum width of this buffer is 10 feet and the minimum number of points per linear foot is .5. Bonus points are available where existing trees are retained, where naturalized and native plants are kept and where the developer is proposing to use a "low-impact" development plan approved by Engineering. The low-impact development plan would incorporate the use of permeable pavement or use of storm water in a planting bed.

A 60-foot common property boundary would require 30 landscaping points and 21 of those points have to be for trees - either retained or new plantings. Larger caliper trees achieve more points as do retained mature trees. For example, one newly 2.5" to 4" caliper tree would gain the required 21 tree points for this B2 bufferyard. The remaining nine points could be gained through plantings, fencing or site amenities such as benches, outdoor seating or boulders.

The "B3" bufferyard is meant to provide an opaque landscape and fencing screen between incompatible uses such as industrial uses near a mixed use district or residential uses adjacent to heavy commercial districts. *B3: Screened Separation is intended to provide both space and a partial visual separation between uses or districts. This bufferyard is intended for use where a new development is located adjacent to a district or use that is significantly different in intensity, such as a residential district next to an industrial district.* The B3 buffer requires an opaque screen fence and requires a minimum of 1.1 landscape points per linear foot of property boundary. The screening fence is allowed .4 landscape points per linear foot of property line. A 60-foot common boundary would require a total of 66 landscape points. Twenty-four of those points are gained from the opaque fence. Thirty-six tree points are required and can be accrued by planting four conifers (six to eight foot height) in the bufferyard. The remaining six landscape points can be completed with organic mulch, decorative rock mulch, retained native landscaping or standard/bonus landscaping points.

The bufferyard point system applies across all zone districts and all proposed and existing land use categories. This will fill the gaps in some areas where residential uses in a commercial zone district are not screened or buffered. This will also helped to even out the application of landscaping across the city and county.

Off-Street Parking - Draft Code Section 27-1300

Off-street parking has been a key element in most land use regulations since the 1950s when car ownership and provisions for high speed individual transportation were adopted nation wide. It is estimated there are 19 parking spaces in the city and county for each vehicle registered in Yellowstone County or about 3.6 million parking spaces - public and private. There are about 194,000 passenger and light vehicles registered in Yellowstone County and a "driving age" population of about 124,000. In a 36-block area of downtown there are over 6,800 parking spaces (public & private), although the Central Business District is one of the two zone districts where off-street parking is not required for new development. The other district is the East Billings Urban Renewal District (EBURD). The City provides over 2,500 public parking spaces downtown although this is less than half of the downtown parking supply. The EBURD district has abundant parking both on-street and off-street. There are many older commercial sites that are "over-parked" with mostly empty parking lots even on the busiest day of the year.

The off-street parking code for both the City and County are out-of-date and not based on current understanding of parking demand or land use categories. The old standards are based on the busiest retail day (for retailers), or other high demand day/times for types of land uses. The City staff, the Parking Board and Parking Division started a revision to the off-street parking code in 2012 and a draft was completed in 2014 but never adopted. The Urban Issues Working Group and County Issues Working Group started the discussions on off-street parking using the 2014 draft as a base. The 2014 draft included language to allow transit off-sets, more finely tuned parking ratios and allowance for parking demand management tools. The Public Review Draft for the City also includes a requirement for bike racks (one in most cases) in the Mixed Use zone district where non-motorized transportation is more prevalent. A long discussion on the right amount of parking for multi-family developments resulted in an upgrade

from the current code to require 1.5 spaces per unit (regardless of bedrooms) and an additional 10 spaces for each 100 dwelling units for visitor parking. City Engineering did an ad hoc parking study of several multi-family developments and found high

The proposed code for the city has a maximum parking limit that may be adjusted based on a specific request to the Planning Director. The request can be granted administratively and is based on a site analysis. Additional parking area may be granted but must be off-set with additional landscaping. The county code does not have a maximum off-street parking limitation or a bicycle parking requirement. Shared parking agreements are still encouraged especially where uses have different parking demand during day/night use. Transit off-sets and some on-street parking off-sets are also allowed within the City.

Off-street parking ratios are generally lower than current requirements but new land categories were added to ensure specific local uses were addressed. For example, the large format retail for furniture, flooring or similar warehouse style sales has an adjusted parking requirement to reflect the actual demand for parking.

Proportionate Compliance - Draft Code Section 27-1100

This is a new code section for both the City and County. The off-street parking code in the County zoning code and the standard Landscaping code for the city have "triggers" for compliance. The approach however is an "all or nothing" standard that does not serve the community or the developer very well. The intent with this new code section is to ensure continuous improvement for existing developments as property is re-used, renewed and re-modeled for new uses. Buildings and property developed in the 1950s and 1960s is ripe for re-development and if proper tools are not in place, the community will miss the opportunity to improve the landscaping and parking conditions - until the next development cycle. This section does not apply to other site characteristic such as a non-conforming use, or a non-conforming building standard. These will continue to be handled through the Nonconforming Use or Nonconforming Structure section of the zoning code. These have restrictions of expansions and changes that do not apply to site development characteristics.

The table in the draft code shows how this approach will work:

Table 27-1100.1: Applicability of Development Standards					
	Res. Multi-Unit	Mixed-Use and Public	Comm.	Ind.	
New Development	Percent compliance with development standards				
New Development	100	100	100	100	
Existing Development					
Interior Change(s),	Apply Sec. 27-1102.B.2				
Redevelopment:					
Less than 10% GFA	n/a	n/a	n/a	n/a	
Between 10% and 75% GFA	Apply Sec. 27-1102.B.2				
Greater than 75% GFA	100	100	100	100	
Use Change with Increased Parking	Apply Sec. 27-1102.B.3				
Nonconformities					
See Section 27-1500 for applicability of nonconformity standards					

Section 1102.B.2 reflects how the proportion of improvement or expansion is applied for these site improvements:

Gross Floor Area (GFA) Changes

(a) Site development standards shall be proportionately applied to all increases in GFA as follows:

- (1) Minimal Change. Square footage changes that increase the total gross floor area of a structure by less than 10 percent, as determined by the building permit application, shall not be required to comply with these development standards.*
- (2) Proportionate Change. Square footage changes that increase the total gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the building permit application, shall require a corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less.*
- (3) Full Compliance. Square footage changes that increase total gross floor area of a structure by 75 percent or greater, as determined by the building permit application, shall be required to fully comply*

with these standards.

(b) Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

The Development Standards covered by this section include landscaping, off-street parking, site design in the Neighborhood and Mixed Use districts including facade renovations and roof updates. Zone district requirements not eligible for Proportionate Compliance such as height, lot coverage, minimum setbacks and land uses, would be viewed as legal nonconforming uses or structures. The restrictions and regulations for these issues are covered by Section 27-1500 - Nonconformities. Nonconformities in general cannot be expanded or changed except to bring the structure or use into compliance with the regulations. Some minor adjustments can be allowed.

RECOMMENDATION

Staff recommends the City and County Zoning Commissions review the draft sections and invite public comment.

Attachments

Project ReCode Steering Committee
Working Group Members
Project ReCode Guiding Principles
City of Billings 2016 Growth Policy
Yellowstone County 2008 Growth Policy
Existing Section 27-1100 City of Billings Existing Standard Landscaping Code
Existing Section 27-800 - South 27th St Corridor
Existing Section 27-900 - Medical Corridor
Existing Section 27-1000 - Entryway Zones
Existing Section 27-1401 - N Shiloh Corridor
Existing Section 27-1427 - S Shiloh Corridor
Existing 2019 County Landscaping Code 27-1100
Existing Section 27-1200 - County Off-Street Parking
Existing Section 6-1203 - City Off Street Parking
Public Review Draft Section 27-1200 - City of Billings Landscaping
Public Review Draft Section 27-1200 - Yellowstone County Landscaping
Public Review Draft Section 27-1300 - City of Billings Off Street Parking
Public Review Draft Section 27-1300 - Yellowstone County Off Street Parking
Public Review Draft Section 27-1100 - City of Billings Proportionate Compliance
Public Review Draft Section 27-1100 - Yellowstone County Proportionate Compliance

Name	Organization
Darell Tunnichliff	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

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

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

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

Landscaping Working Group
Darell Tunnichliff
Woody Woods
Bill Stene
John Ostlund
Neil Kiner
Jerry Ray
Good Earth Works

ADU Task Group
Greg McCall
Jan Rehberg
Troy Boucher
Darell Tunnicliff
Ron Hill
Sheldon Douglas
Brian Johnson

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

These Goals and Objectives applicable to all zoned areas except Lockwood:

PRIMARY GOALS AND OBJECTIVES OF THE 2008 GROWTH POLICY

Land Use Element

1. ISSUE: *Neighborhoods are experiencing pressures from new development and land use changes.*

GOAL: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

OBJECTIVES:

- Preserve neighborhood integrity.
- Empower neighborhood groups.

2. ISSUE: *The current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites.*

GOAL: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites².

OBJECTIVES:

- Maintain a high quality of life for new and existing residents.
- Reduce conflicts between neighbors.

3. ISSUE: *Rural townsites are not prepared to handle increased growth.*

GOAL: Growth management tools available to rural townsites.

OBJECTIVES:

- Empower communities to direct growth.
- Use County resources and services more efficiently.
- Create a sense of community.

4. ISSUE: *Urban sprawl threatens the rural character of land surrounding Billings, increases the cost of providing public services, and threatens the vitality of the city core and downtown area.*

GOAL: Contiguous development focused in and around existing population centers separated by open space.

OBJECTIVES:

- Ensure the continued functionality of natural systems.
- Use City and County resources in a cost effective manner.
- Create attractive communities.

5. ISSUE: *There is a serious lack of affordable housing for low to moderate income*

households³.

GOAL: Affordable housing for all income levels dispersed throughout the City and County.

OBJECTIVES:

- Improve the quality of life of low income people. Preserve and rehabilitate the existing supply of affordable housing.
- Promote social equity and diversity.
- Create more affordable housing and work towards replacing affordable housing lost during redevelopment projects.
- Provide rental and ownership housing options for the diverse workforce.

6. ISSUE: *There is a desire for more mixed use neighborhoods.*

GOAL: More housing and business choices within each neighborhood.

OBJECTIVES:

- Improve quality of life.
- Encourage more live-work environments.
- Reduce commuting and subsequent drain on natural resources and traffic congestion.
- Develop more self-contained neighborhoods.

Economic Development Element

1. ISSUE: *We need to continue a cohesive focus in economic development.*

GOAL: Coordinated economic development efforts that target business recruitment, retention, and expansion.

OBJECTIVES:

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

2. ISSUE: *Lack of living-wage jobs.*

GOAL: Increase the median income of households and individuals.

OBJECTIVES:

- Improve the quality of life for residents.
- Attract and retain businesses that offer competitive wages and benefits.
- Reduce dependency on social programs.

3. ISSUE: *Entryways to our communities should be attractive and not present physical barriers discouraging economic development.*

GOAL: Attractive and accessible communities.

OBJECTIVES:

- Encourage new businesses to locate in Billings and gateway areas.
- Reduce travel time through town.
- Convey a business-friendly attitude.
- Increase the visual appeal of our highway and railroad corridors.

4. ISSUE: *Government supported programs and improvements are not sufficiently funded.*

GOAL: Improved public services and facilities.

OBJECTIVES:

- Construct safe and efficient infrastructure.
- Respond in a timely manner to public service needs.

5. ISSUE: *Surrounding communities in the County need economic development to sustain them.*

GOAL: Preserve and sustain the rural community centers throughout the County.

OBJECTIVES:

- Preserve rural culture and living options.
- Promote business development to provide local services and less dependence on travel to Billings.

6. ISSUE: *Billings needs to attract businesses that pay higher wages.*

GOAL: Provide citizens with greater financial stability.

OBJECTIVES:

- Focus on attracting skilled labor positions in clean industries.
- Improve the quality of life for residents.
- Strengthen area economy.
- Create living-wage jobs.

7. ISSUE: *The economic development of Billings Heights is overlooked.*

GOAL: Business development and rejuvenation in the Heights.

OBJECTIVES:

- Improve quality of life for Heights residents.
- Create more jobs near where people live to reduce commuter traffic.
- Capitalize on existing infrastructure and facilities.

8. ISSUE: *The quality of our schools is a determining factor for whether businesses locate in Billings.*

GOAL: Promote excellence in education and safe and healthy school facilities.

OBJECTIVES:

- Highlight educational quality as a business

recruitment tool.

- Attract and retain educated citizens.
- Provide future taxpayers a quality education.

9. ISSUE: *Neighborhoods provide the character and strength of the community and the quality of neighborhoods should be preserved.*

GOAL: Preserve neighborhood character and quality of life.

OBJECTIVES:

- Empower neighborhoods.

12. ISSUE: *The Billings economy faces a severe shortage of skilled workers in a number of sectors (a problem that will worsen as the population ages).*

GOAL: Community-wide planning and preparation of a skilled workforce to meet the diverse and growing economic development needs of the community.

OBJECTIVES:

- Improve coordination between the business community, economic development agencies and school districts.
- Increase educational attainment for high demand, well-paying jobs.
- Increase per capita income.
- Increase local workforce availability to attract new clean industry jobs.

Aesthetics Element

1. ISSUE: *There are areas in the City and County that are unattractive and present a poor image of the community.*

GOAL: Visually appealing communities.

OBJECTIVES:

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

2. ISSUE: *New development and signs, cell towers, power lines and other structures could reduce the visual quality of the rims.*

GOAL: Unobstructed views of the rimrocks surrounding the City of Billings.

OBJECTIVES:

- Improve the visual image of Billings.
- Protect a publicly recognized landmark.

3. ISSUE: *Urban interstate corridors through the County are unattractive.*

GOAL: An inviting and attractive urban interstate corridor through the County.

OBJECTIVES:

- Improve signage standards.
- Provide more aesthetic open space.
- Develop more greenspace.
- Develop attractive and well-maintained rest areas.

Natural Resources Element

1. ISSUE: *The quality of the Yellowstone River and the associated riparian habitat is threatened.*

GOAL: A healthy river ecosystem system that supports multiple uses.

OBJECTIVES:

- Ensure high water quality.
- Ensure continued recreational access.
- Protect wildlife and wildlife habitat.

2. ISSUE: *Water is an important resource and it is becoming scarcer.*

GOAL: A sustainable supply of clean water.

OBJECTIVES:

- Protect public health.
- Reduce the cost of groundwater remediation.

3. ISSUE: *Due in part to the arid nature of our environment and the remoteness of some developments, there is an increased risk to human life and property from wildfires.*

GOAL: Minimize loss of life and property damage resulting from wildfires.

OBJECTIVES:

- Save lives and property.
- Utilize fire protection resources more efficiently.
- Protect the natural environment.

4. ISSUE: *Weeds detract from the beauty of an area, pose a fire danger, and reduce the productivity of agricultural land.*

GOAL: Controlled weed populations.

OBJECTIVES:

- Improve range productivity.
- Preserve native vegetation.
- Reduce the risk of wildfire and potential for erosion.

5. ISSUE: *Human encounters with wildlife often result in a painful consequence for wildlife,*

pets, and humans.

GOAL: Reduced opportunities for negative human and wildlife encounters.

OBJECTIVES:

- Reduce needless injury or death of wildlife and pets.
- Minimize property damage caused by wildlife.
- Protect human life and property.

6. ISSUE: *Certain development is damaging our natural resources.*

GOAL: Protection of groundwater, surface water, riparian areas, air quality, and productive agricultural land.

OBJECTIVES:

- Use City and County resources in a cost effective manner.
- Protect public health.
- Ensure the continued functionality of natural systems.

Open Space and Recreation Element

1. ISSUE: *Some neighborhood parks appear to receive more funding for improvements than other neighborhood parks.*

GOAL: Rational consideration of neighborhoods for park expenditures.

OBJECTIVES:

- Provide well-maintained and equipped neighborhood parks and improve undeveloped parks.
- Create neighborhood parks designed to meet the needs of the neighborhood.
- Empower neighborhoods to provide direction for budgetary decisions.

2. ISSUE: *Billings and Yellowstone County need more major recreation facilities and need to improve those we already have.*

GOAL: Recreation facilities that serve the diverse recreational needs of Billings and Yellowstone County.

OBJECTIVES:

- Meet the recreation needs of City and County residents.
- Improve the quality of life of residents.
- Encourage the development of all athletes.

3. ISSUE: *Private land development sometimes restricts access to public land.*

GOAL: Accessible public lands.

OBJECTIVES:

- Improve relations between users and landowners.

- Ensure the public use of public land.

4. ISSUE: *Billings and surrounding County townsites need more multiple use trails.*

GOAL: A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness.

OBJECTIVES:

- Develop non-motorized connections between residential neighborhoods and work places.
- Provide convenient access to bicycle and pedestrian facilities.
- Improve quality of life for residents.

5. ISSUE: *Public access to areas above and below the rimrocks is limited and decreasing each year.*

GOAL: Protect and increase the availability of public access to natural areas and trails near the rims.

OBJECTIVES:

- Protect public use of a well-recognized and economically valuable natural resource.
- Increase recreation options for residents.
- Preserve a unique Billings' feature.

6. ISSUE: *Public access to areas along the Yellowstone River is limited and decreasing each year.*

GOAL: Protect and increase the availability of public access to natural areas and trails along the River.

OBJECTIVES:

- Protect public use of a well-recognized and economically valuable natural resource.
- Increase recreation options for residents.
- Preserve a unique Billings' feature.

Transportation Element

1. ISSUE: *Speeding in City neighborhoods and outlying communities.*

GOAL: Safe traffic speeds consistent with the surrounding uses.

OBJECTIVES:

- Decrease pedestrian-vehicle accidents.
- Promote non-motorized transportation modes.
- Promote cooperative speed enforcement.

2. ISSUE: *Safe and efficient traffic circulation*

around and through the City.

GOAL: Efficient cross-town and in-town traffic.

OBJECTIVES:

- Reduce travel times.
- Create convenient traffic connections.
- Employ adaptable design options.
- Provide multiple intercity travel options.

3. ISSUE: *Lack of adequate traffic control.*

GOAL: Improved traffic flow and reduced congestion.

OBJECTIVES:

- Reduce potential harm to people and property.
- Maintain safe and efficient traffic flow.

4. ISSUE: *The design of roads, streets, and pedestrian facilities can be more attractive and functional.*

GOAL: Visually appealing rights-of-way that serve the needs of all modes of travel.

OBJECTIVES:

- Employ smart, cost effective designs.
- Use designs that recognize the needs of all users.
- Incorporate attractive visual elements into rights-of-way design.

5. ISSUE: *Obstacles to efficient and safe traffic flow.*

GOAL: A safe and efficient transportation system characterized by convenient connections and steady traffic flow.

OBJECTIVES:

- Identify obstacles to traffic flow.
- Remove or minimize impediments to traffic flow.
- Manage traffic demand.

6. ISSUE: *Deteriorated conditions of City streets and County roads.*

GOAL: City streets and County roads maintained at safe standards.

OBJECTIVES:

- Equitably share the cost of maintaining roadways.
- Timely response to public needs.

7. ISSUE: *Resources for transportation improvements should be rationally allocated throughout City neighborhoods and County townsites.*

GOAL: Rational consideration of all City neighborhoods and County townsites when allocating transportation improvement funds.

OBJECTIVES:

- Select projects based on a needs assessment.
- Reduce waste through coordination of projects.

8. ISSUE: *Lack of adequate bicycle facilities.*

GOAL: Additional bicycle facilities throughout the City and the County.

OBJECTIVES:

- Provide needed facilities for recreational and commuter bicyclists
- Encourage bicycling as a cost-effective, healthy alternative to driving
- Promote safe bike riding options

9. ISSUE: *Deterioration of air quality due to vehicle emissions.*

GOAL: Reduce carbon emissions from vehicles.

OBJECTIVES:

- Maintain healthy air quality levels.
- Act locally to fight global warming.
- Support alternative transportation modes.

10. ISSUE: *Some bicyclists do not follow traffic laws and can cause unsafe situations.*

GOAL: Vehicles, pedestrians and bicyclists safely and courteously sharing facilities.

OBJECTIVES:

- Ensure equitable and safe use of public transportation facilities.
- Encourage alternative modes of transportation.
- Educate users of the responsibilities.

11. ISSUE: *There are more motorcycles, bicycles and motor scooters on the roadways.*

GOAL: All transportation modes safely and courteously sharing facilities.

OBJECTIVES:

- Ensure equitable and safe use of public transportation facilities.
- Encourage alternative modes of transportation.
- Educate users of the responsibilities.

Public Facilities and Services

Element

1. ISSUE: *Residents are not adequately informed of County and City projects.*

GOAL: An effective public notification system.

OBJECTIVES:

- Enhance public involvement.
- Provide timely and accurate public

notification.

- Increase contact with news media.

2. ISSUE: *Dilapidated and unsafe properties in City neighborhoods and County townsites.*

GOAL: Sanitary and safe properties.

OBJECTIVES:

- Provide helpful and responsive public services.
- Improve the community image.
- Increase property values.

3. ISSUE: *Safety is a concern in neighborhoods and outlying County townsites.*

GOAL: Protect public lives and property.

OBJECTIVES:

- Ensure adequate public service to all residents.
- Utilize scarce resources wisely and employ cost effective techniques.
- Maintain acceptable levels of service in existing City neighborhoods when expanding service to new areas.

4. ISSUE: *Funding for community facilities and infrastructure is very limited.*

GOAL: Equitable collection and distribution of funding for public services and facilities.

OBJECTIVES:

- Ensure users pay fair share for public services and facilities.
- Ensure facilities and services are maintained in existing neighborhoods as new neighborhoods are added.
- Explore new sources of funding as appropriate.

5. ISSUE: *Public funds are not distributed rationally throughout City neighborhoods and County townsites.*

GOAL: Rational consideration of all City neighborhoods and County townsites for public funds expenditures.

OBJECTIVES:

- Identify and prioritize neighborhood needs.
 - Empower public to provide direction on capital improvements expenditures.
 - Leverage public funds with other resources.
- 6. ISSUE:** *There are vacant structures around Billings and in the County that could be reused.*

GOAL: Adaptive reuse of vacant structures.

OBJECTIVES:

- Conserve resources.
- Preserve historic or cultural landmarks.
- Take advantage of economic development

opportunities.

- Preserve neighborhood integrity.

7. ISSUE: *Community services are not always available to everyone.*

GOAL: Equitable provision of community programs and services.

OBJECTIVES:

- Enhance public access to community services and programs such as libraries, public transportation, and the like.
- Encourage civic participation.

8. ISSUE: *Subdivision review, zoning applications, and other development permit review are not always conducted in a streamlined and timely manner.*

GOAL: Predictable and timely development review procedures.

OBJECTIVES:

- Expedite review process.
- Actively enforce development regulations.
- Be responsive to applicants' needs.
- Provide adequate Planning Department staff for review purposes.

9. ISSUE: *Maintenance of existing K-12 school facilities and planning for new schools is critically important to maintaining existing communities built around the neighborhood school concept and fostering new communities surrounding school sites.*

GOAL: Coordinated land use and facility planning among local governments, school districts and private industries.

OBJECTIVES:

- Shared community vision.
- Increased communication and problem solving.
- Encourage joint-use facilities and collocation of needs for cost-effectiveness and community building.

10. ISSUE: *Multiple community interests (including local government, arts organizations, and social organizations) are competing for tax dollars for facility development and maintenance, resulting in taxpayer fatigue and overall declining support for capital and maintenance projects.*

GOAL: Adequate funding for necessary public facilities' maintenance and improvement without overburdening taxpayers.

OBJECTIVES:

- Coordinated and prioritized capital improvements planning for all community interests.

- Identify shared funding sources.

- Coordinated bonding requests to balance all interests.

Cultural and Historic Resources

Element

1. ISSUE: *Historic landmarks and structures are being lost to neglect and development.*

GOAL: Identification and protection of the historical, archeological, and cultural resources of Yellowstone County.

OBJECTIVES:

- Improve awareness of historic and cultural resources.
- Increase property values through structural rehabilitation.

2. ISSUE: *Cities must link economic development with quality of life. Businesses and professionals are attracted to a culturally aware city.*

GOAL: Actively maintain existing cultural institutions in Billings and support additional venues and interest.

OBJECTIVES:

- Promote the community's rich historical and cultural heritage.
- Capitalize on Billings' cultural assets to attract and recruit businesses.

3. ISSUE: *Public art is seen as an important part of the Billings landscape.*

GOAL: A visually appealing and attractive landscape.

OBJECTIVES:

- Enhance the natural and built environments with art.
- Support cultural appreciation and education.

4. ISSUE: *There is no requirement for surface archeological surveys to be conducted prior to many development processes, nor is there a provision for salvaging any sites that are discovered.*

GOAL: Preservation of archeological, historic, and paleontological resources within Yellowstone County.

OBJECTIVES:

- Preserve unique cultural assets.

- Support cultural appreciation and education.
- Follow State Historic Preservation Office guidelines.

Community Health Element

1. ISSUE: *Existing neighborhood plans lack sufficient detail to address emergency preparedness.*

GOAL: Neighborhoods and communities prepared to react to natural disasters and other emergencies.

OBJECTIVES:

- Identify and acknowledge emergency risks in the community.
- Educate neighborhoods and communities of risks and how to prepare and prevent them.
- Prepare emergency plans so that all responders and citizens know what to do.

2. ISSUE: *Not all neighborhoods are planned with ways to access nutritious foods.*

GOAL: Accessible, affordable and nutritious food for everyone.

OBJECTIVES:

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

3. ISSUE: *Some roadways are not designed to accommodate pedestrians and therefore create inconvenient and unsafe conditions.*

GOAL: Safe roadways supportive of vehicles, bicycles and pedestrians.

OBJECTIVES:

- Reduce traffic conflicts among multiple user groups.
- Support and encourage walking and bicycling for exercise and transportation.
- Provide safe walking routes to schools.
- Reduce vehicle carbon emissions.

4. ISSUE: *Physical activity is not seen as a viable means of getting from place to place.*

GOAL: Physically active, healthy citizens.

OBJECTIVES:

- Neighborhoods designed in ways that promote physical activity.
- Reduce healthcare costs.
- Reduce vehicle carbon emissions.

5. ISSUE: *Neighborhoods lack a sense of community, which is contributing to*

neighborhood decline.

GOAL: Healthy, safe neighborhoods and communities with sense of pride.

OBJECTIVES:

- Citizens with a sense of belonging.
- Safe places to live and raise children.
- Local governments who are responsive to neighborhood needs.

6. ISSUE: *Some neighborhoods are not safe.*

GOAL: Active, safe neighborhoods with a high quality of life.

OBJECTIVES:

- Address neighborhood nuisances to promote safety.
- Adequate resources for public safety and crime prevention.

7. ISSUE: *Poor housing and lack of living wage jobs puts the health of residents at risk.*

GOAL: Adequate affordable housing and living wage options for all citizens.

OBJECTIVES:

- Reduce poverty related health issues.
- Provide service workers more options for housing and basic needs.

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SEC. 27-1101. PURPOSE.

The purpose of this section is to provide landscaping and performance standards which:

- (a) Enhance and promote a unique image for the Billings urban area.
- (b) Protect the public health, safety and welfare by:
 - (1) Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
 - (2) Minimizing noise, air, water and visual pollution;
 - (3) Screening and buffering incompatible land uses;
 - (4) Reducing the amount of reflected glare and heat absorbed in and around developments;
 - (5) Breaking up large expanses of parking lots;
 - (6) Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
 - (7) Providing screening from wind.
- (c) Conserve water resources by:
 - (1) Promoting the use of xeriscaping and drought-tolerant native plantings; and
 - (2) Promoting the utilization of stormwater detention as an irrigation source.
- (d) Ensure that landscaping is an integral part of the site design and development process.

SEC. 27-1102. SCOPE.

Development which satisfies one of the following criteria shall be exempt from this section:

- (a) Single or two-family developments where each unit is located on an individual lot;
- (b) Submitted or approved plans, building permits and/or development existing prior to the effective date of this chapter shall comply with the regulations which were in effect at the time of approval; or
- (c) Development located within one of the following zoning classifications:
 - (1) Central Business District (C.B.D.) Zone
 - (2) Entryway Light Commercial (E.L.C.) Zone
 - (3) Entryway General Commercial (E.G.C.) Zone

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- (4) Entryway Mixed Use (E.M.U.) Zone
- (5) Heavy Industrial (H.I.) Zone
- (6) Medical Corridor Permit Zoning District
- (7) Planned Development (P.D.) Zone
- (8) South 27th Street Corridor Zoning District

The provisions of this section shall apply to development which meets one of the following and is not exempt under above subsection C:

- (a) All new development which has not applied for a building permit before the effective date of this chapter; or
- (b) Existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five (25) percent.

SEC. 27-1103. ADMINISTRATIVE RELIEF.

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Director or his/her designee either before or in conjunction with the building permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request shall close with a section for the Planning Department's use which will include a block for the decision of approval/denial, the Planning Director or his/her designee's signature, and decision date. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Department.

The Planning Director or his/her designee must make all of the following findings in order to grant Administrative Relief:

- (a) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
- (b) The intent of the landscaping section and the specific regulation in question is preserved; and

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(c) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Director or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Board of Adjustment meeting which allows for the required public notice.

Policies

- (1) The Planning Department recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Department recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Department may grant Administrative Relief in the event of these situations and proposals.
- (2) The Planning Department recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

The Planning Department shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

The Planning Department also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the Planning Department generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered,

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees,

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

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Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.¹

SEC. 27-1104. DEFINITIONS.

Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

Bufferyard: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

Caliper: A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

Commercial Uses: Land uses which are allowed by right or through the special review process in the Residential Professional, Neighborhood Commercial, Community Commercial, or Highway Commercial zones, as listed in BMCC Section 27-306 of the Zoning Regulations.

Coniferous: A plant with foliage that persists and remains green year-round.

Deciduous: A plant with foliage that is shed annually.

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

Dripline: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drought Avoidance: The ability of a plant to withstand drought without showing signs of stress.

Drought Tolerance: The ability of a plant to withstand drought without dying.

Industrial Uses: Uses of land which are allowed by right or through the special review process only in the Controlled or Heavy Industrial zoning classifications, as listed in BMCC Section 27-306, of the Zoning Regulations.

¹ (Ord. No. 97-5048, § 9, 12-22-97)

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Landscaping Material, Inorganic: Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Coordinator.

Landscaping Material, Organic: Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

Perimeter Landscaping: The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

Permanent Tree Protection Devices: Structural measures, such as retaining walls or aeration devices, that are designed to protect the tree and its root system throughout its lifetime.

Public Uses: Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

Shrub: A woody plant that usually remains low and produces shoots or stems from the base and is not usually tree-like or single stemmed.

Vegetation, Native: Plant life which is indigenous to a geographic region.

Vehicular Use Area: The area of a site devoted to vehicular parking and driving isles.

Vine: A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

Wall or Fence: An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land. This term also includes a masonry wall.

Xeriscape: Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

SEC. 27-1105. REQUIRED BUFFERYARDS.

(a) For developments with less than 130,000 square feet in lot area, the following standards shall apply:

- (1) The development shall provide a minimum of ten (10) percent of the lot area for landscaping, less the square footage of the building footprint. In addition, fifty (50) percent of this required landscaping shall be placed so that it abuts adjoining public right-of-way, excluding alleys.
- (2) A six (6) foot high sight-obscurer fence or wall shall be provided on the property line where commercial or industrial uses are adjacent or across an alley from residential uses. A continuous hedge may be substituted for the

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required fence or wall, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

(b) For developments with 130,000 square feet or more in lot area, the following standards shall apply:

- (1) *Street Frontage Landscaping* The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose.

- Option 1: 20' minimum bufferyard width
1 tree per 40 linear feet of frontage
- Option 2: 10' minimum bufferyard width
2 trees per 40 linear feet of frontage
- Option 3: Landscaped berm with 2' minimum average height
1' rise: 4' run maximum slope
No minimum or maximum berm width
1 tree per 40 linear feet of frontage
- Option 4: 5' minimum bufferyard
1 tree per 40 linear feet of frontage
30" high decorative or non-decorative wall located appurtenant to the parking area. A non-decorative wall shall be covered with vines on the street side of the wall.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required bufferyard. 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.

- (2) *Perimeter Landscaping* The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the bufferyard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Public Uses
Residential Uses	A	C	D	A
Commercial Uses	C	A	B	B
Industrial Uses	D	B	A	D
Public Uses	A	B	D	A

Note: If a use does not conform with one of the above categories, the Zoning Coordinator shall determine which category best matches the use.

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Bufferyard Classification Requirements:

- Bufferyard A: 5' minimum bufferyard
1 tree per 40 linear feet
- Bufferyard B: 10' minimum bufferyard
2 trees per 40 linear feet
- Bufferyard C: 15' minimum bufferyard
3 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*
- Bufferyard D: 15' minimum bufferyard
4 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

*A continuous hedge may be substituted for the required fence or wall in Bufferyards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required bufferyard. 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.

(c) *Bufferyard Standards for All Developments* All required bufferyards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required bufferyards shall be irrigated, maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter bufferyards.

SEC. 27-1106. OFF-STREET PARKING LOT LANDSCAPING.

The following requirements shall be met for off-street parking lots which are not exempt from this chapter or for developments whose lot area is 130,000 square feet or more.

- (a) There shall be one (1) tree provided for every ten (10) parking stalls.
- (b) Depending on the number of spaces, the following square feet of landscaped area must be placed in the vehicle use areas. The required landscaped area

ARTICLE 27-1100. LANDSCAPING

shall be "stepped" up to the number of stalls which will be provided. For example, a parking lot with 52 stalls shall provide no square feet for the first 9 parking stalls, stalls 10-25 shall provide 15 square feet per stall, stalls 26-50 shall provide 18 square feet per stall, and stalls 51-52 shall provide 25 square feet per stall.

Number of Stalls	Required Landscaped Area
0-9	None required
10-25	15 sq. ft. per stall
26-50	18 sq. ft. per stall
51-99	25 sq. ft. per stall
100 or more	35 sq. ft. per stall

(c) No parking stall shall be more than one hundred and twenty (120) feet from a required landscaped area.

(d) The developer is encouraged to utilize landscaped terminal islands at the end of parking rows and/or divider strips between parking rows to help disperse the required landscaping throughout the entire parking lot.

(e) Parking stalls that abut a required bufferyard may increase the width of this bufferyard a minimum of five (5) feet and count this toward the required off-street parking landscaped area.

(f) 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.

(g) Clear vision areas within the off-street parking area must be established at intersections by maintaining a maximum height for shrubs and ground cover of thirty (30) inches and tree branches must be trimmed up eight (8) feet from the ground.

(h) The minimum width or length of any landscaped area shall be five (5) feet, however the recommended minimum size is eight (8) feet. All of the required landscaped areas must contain a minimum of seventy-five (75) percent living landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping material. Approved sidewalks are not counted toward this percentage.

(i) Parking lots containing between 200-749 parking stalls are encouraged to divide the lot into two or more lots, separated by a landscaped strip which may be counted toward the required off-street parking landscaping area. Parking lots with more than 750 stalls are required to divide the lot into at least two parking lots with a landscaped strip separating them. The minimum width of these landscaping strips shall be ten (10) feet.

(j) A landscaped divider strip that separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:

ARTICLE 27-1100. LANDSCAPING

- (1) The sidewalk has a five (5) foot wide walking path and shall add two (2) feet for vehicle overhang, if the sidewalk abuts a parking stall.
 - (2) The sidewalk runs the entire length of the divider strip.
 - (3) The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than fifty (50) percent of the area of the divider strip.
- (k) Deciduous trees are encouraged within the parking lot.

SEC. 27-1107. SUPPLEMENTAL STANDARDS.

All landscaped areas must comply with the clear vision standards for intersections as established in BMCC Section 27-615 of the Zoning Regulations. These sections regulate the allowed height and placement of fences, walls, signs, landscaping materials, in addition to other objects.

Chain link or wire fencing is prohibited where a sight obscuring fence is required in a bufferyard.

All landscaping shall be located so that it does not interfere with utilities, easements or fire hydrants.

Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater supplies and to reduce problems associated with runoff.

All solid waste storage facilities shall be enclosed on three (3) sides by a sight obscuring fence or wall and by a sight obscuring gate on the remaining side. This requirement shall exclude up to two (2) recycling centers for general public access which are set up in the parking lot of commercially zoned properties.

Any permitted outside storage of merchandise shall be enclosed by a sight obscuring fence or wall. Exceptions to this requirement are temporary promotional displays, vehicle sales lots and plant materials that are located appurtenant to an approved building.

SEC. 27-1108. LANDSCAPING PLAN REQUIREMENTS.

A landscaping plan must be approved by the Planning Director or his/her designee before the issuance of a building permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

- (a) Appropriate to the conditions in which they are planted;
- (b) Have noninvasive growth habits;

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- (c) Encourage low maintenance, high quality design; and
- (d) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the Planning Department or the Montana State University Extension Service.

The landscaping plan should contain the following elements:

- (a) Scale: ¼"=1'0" to 1"=40'
- (b) Property lines, easements and public rights-of-way, including clear vision triangles.
- (c) Buildings or structures - both new and existing.
- (d) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.
- (e) Landscaping materials:
 - (1) Location and spacing of proposed plant materials.
 - (2) Location of existing trees or landscaping to be preserved or eliminated.
 - (3) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule.
 - (4) Size of materials, in diameter and height at installation and maturity.
 - (5) Quantity of each planting materials to be used.
 - (6) Types and location of inorganic landscaping material.
- (f) Location of walls, fences and refuse storage areas.
- (g) Methods of protecting the landscaped areas.
- (h) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel).

SEC. 27-1109. LANDSCAPING MATERIAL STANDARDS.

(a) Plants shall conform to the measurements specified in the plant schedule submitted with the landscaping plan.

(b) Landscaping materials shall comply with the following minimum size standards at the time of planting, with caliper measurements taken six (6) inches above grade.

- (1) Minimum height for shade trees shall be eight (8) feet.
- (2) Minimum size for shade trees shall be a one and one-half (1") inch caliper.
- (3) Minimum size for evergreen trees shall be five (5) feet in height.

ARTICLE 27-1100. LANDSCAPING

(4) Minimum size for shrubs shall be one (1) gallon container for low and medium shrubs and five (5) gallon container for tall shrubs.

(c) It is recommended that a professional horticulturist, nurseryman or design professional be consulted to determine the proper time to move and install all plant materials, so that stress to the plants will be minimized.

SEC. 27-1110. INSTALLATION AND MAINTENANCE.

A performance bond or letter of credit for one hundred fifty (150) percent of the landscaping materials and labor costs shall be posted with the Planning Department to ensure the placement of the required landscaping. The property shall be inspected by the Planning Director or his/her designee to make sure that the required landscaping has been planted before the Certificate of Occupancy is signed off. The planting of the required landscaping may be delayed until the next suitable planting season with written approval from the Planning Director or his/her designee.

The responsibility for the maintenance of the landscaping shall lie with the property owner, his/her successor and/or their agents. All landscaping elements shall be permanently maintained in good growing condition 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.

SEC. 27-1111. ADMINISTRATION AND ENFORCEMENT.

The administration and enforcement of this article shall reside with the Zoning Coordinator as stated in BMCC Sections 27-1602 and 27-1603.

***Editor's note:** Ord. No. 97-5048, § 9, adopted Dec. 22, 1997, repealed former Art. 27-1100, §§ 27-1101--27-1105, in its entirety and enacted new provisions as herein set out. Former Art. 27-1100 pertained to administration and enforcement. See the Code Comparative Table towards the end of this volume for a listing of ordinances amending former §§ 27-1101--27-1105.

ARTICLE 27-800. SOUTH 27TH 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.

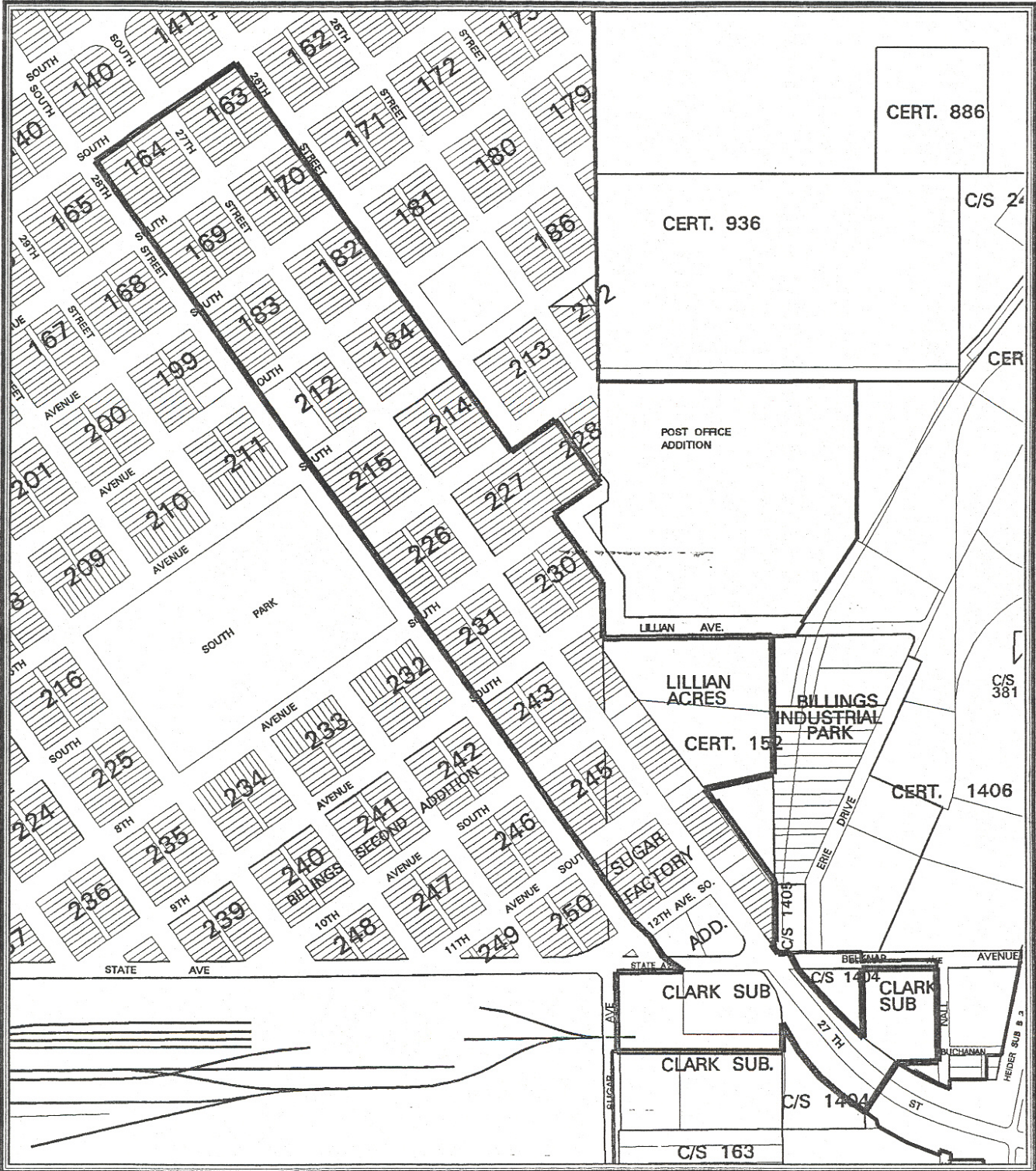
OBJECTIVES

- 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.¹

¹ (Ord. No. 97-5048, § 6,12-22-97)

ARTICLE 27-800. SOUTH 27TH STREET CORRIDOR ZONING DISTRICT

Map 1. South 27th Street Corridor Zoning District Boundaries



ARTICLE 27-800. SOUTH 27TH 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 27TH 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 27TH 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 27TH 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 27TH 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 27th 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

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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;

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- 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

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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.

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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.

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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:

Building Official:

(building plan)

Criterion complied with: Yes_____ No_____

Planning:

(site plan)

Criterion complied with: Yes_____ No_____

Fire Department:

(fire design)

Criterion Complied with: Yes _____ No_____

Standards:

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

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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:

Public Utilities:

Criterion complied with: Yes_____ No_____

Public Works:

Criterion complied with: Yes_____ No_____

Fire Department:

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

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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:

City Traffic Engineer:

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).

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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:

City Engineer:

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.

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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:

Fire Department:

Criterion complied with: Yes_____ No_____

Planning:

Criterion complied with: Yes_____ No_____

Public Utilities:

Criterion complied with: Yes _____ No_____

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Public Works:

Criterion complied with: Yes _____ No _____

Building Official:

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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Public Utilities:

Criterion complied with: Yes _____ No _____

Public Works:

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:

Public Works:

Criterion complied with: Yes _____ No _____

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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.

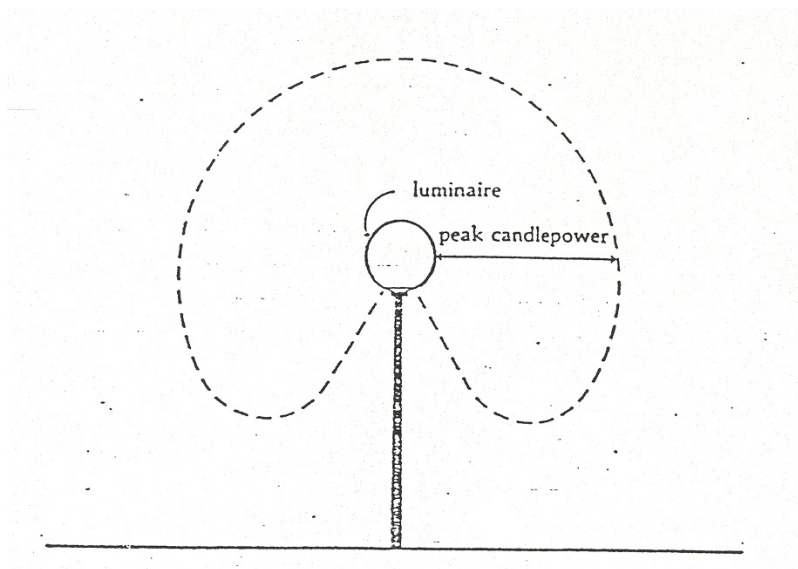
Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

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



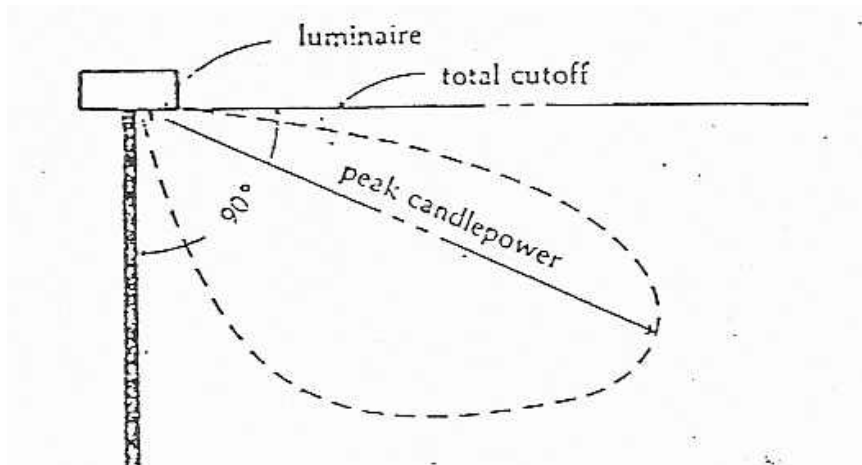
NO CUTOFF LUMINAIRE

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- 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

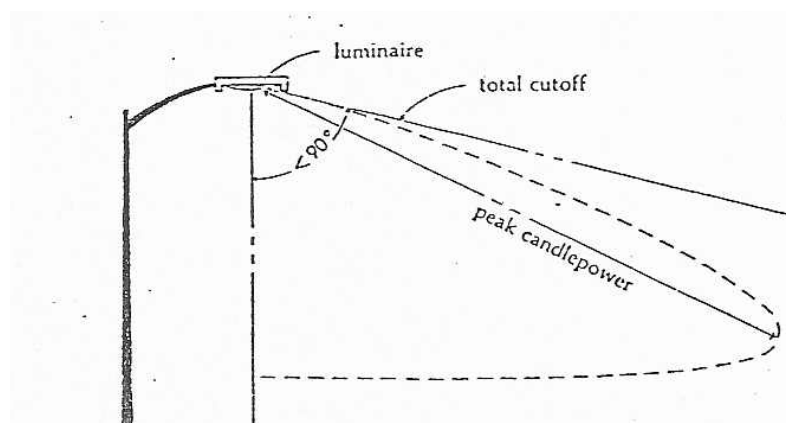
Maximum permitted height of post - 30 feet



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



LUMINAIRE WITH LESS THAN 90° CUTOFF

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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:

City Engineer:

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:

Sign Code Administrator:

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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:

Building Official:

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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Building Official:

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 th 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
TOTAL						58

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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:

Requested Score _____

Planning:

Recommended Score _____

Multiplier x3 _____

Total Points _____

Final Plan Review:

Awarded Score _____

Multiplier x3 _____

Total Points _____

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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:

Requested Score _____

Planning:

Recommended Score _____

Multiplier x3 _____

Total Points _____

Final Plan Review:

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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).

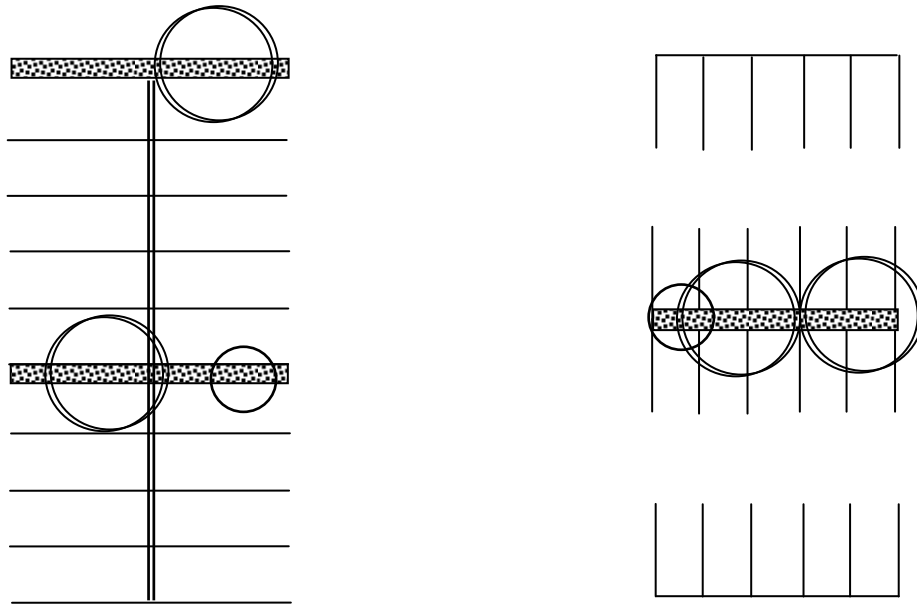
Minimum area within which recommended planting should be provided - three hundred sixty (360) square feet:

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

360 S.F./24 Stalls

- 2 Canopy
- 1 Understory
- 4 Shrubs

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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:

Requested Score_____

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Building Official:

Recommended Score _____

Multiplier x3 _____

Total Points _____

Final Plan Review:

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.

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Developer:

Requested Score _____

Planning:

Recommended Score _____

Multiplier x3 _____

Total Points _____

Final Plan Review:

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)

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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

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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

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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:

Requested Score _____

Planning:

Recommended Score _____

Multiplier x3 _____

Total Points _____

Final Plan Review:

Awarded Score _____

Multiplier x3 _____

Total Points _____

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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:

Requested Score _____

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Planning:

Recommended Score _____

Multiplier x3 _____

Total Points _____

Final Plan Review:

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 27th 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:

Requested Score _____

City Traffic Engineer:

Recommended Score _____

Multiplier x2 _____

Total Points _____

Final Plan Review:

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:

Requested Score _____

Building Official:

ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

Recommended Score _____

Multiplier x2 _____

Total Points _____

Planning:

Recommended Score _____

Multiplier x2 _____

Total Points _____

Final Plan Review:

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:

Requested Score

Building Official:

Recommended Score

Multiplier x2

Total Points

Planning:

Recommended Score

Multiplier x2

Total Points

Final Plan Review:

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:

Requested Score _____

Building Official:

Recommended Score _____

Multiplier x1 _____

Total Points _____

Final Plan Review:

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:

Requested Score _____

Planning:

Recommended Score _____

Multiplier x1 _____

Total Points _____

Final Plan Review:

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:

Requested Score _____

MET Transit:

Recommended Score _____
Multiplier x1 _____
Total Points _____

Final Plan Review:

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:

Requested Score _____

Planning:

Recommended Score _____

Multiplier x1 _____

Total Points _____

ARTICLE 27-900. MEDICAL CORRIDOR PERMIT ZONING DISTRICT

Final Plan Review:

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:

Requested Score _____

City Engineer:

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>		
		Yes_____	No_____	N/A_____
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.

Relative Criterion	Awarded Score	Multiplier	Points Earned	Maximum Points
Building Scale		3		6
Landscaping		3		6
Architectural Design		2		4
Building Materials		2		4
Total Maximum Points				20

- (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

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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

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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)

ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS

(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

ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS

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

ARTICLE 27-1000. INTERCHANGE/ENTRYWAY ZONING DISTRICTS

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:

	EMU	EGC	ELC	ELI
*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 tree 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.
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- (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:

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- 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

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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.)

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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.

Variances 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.

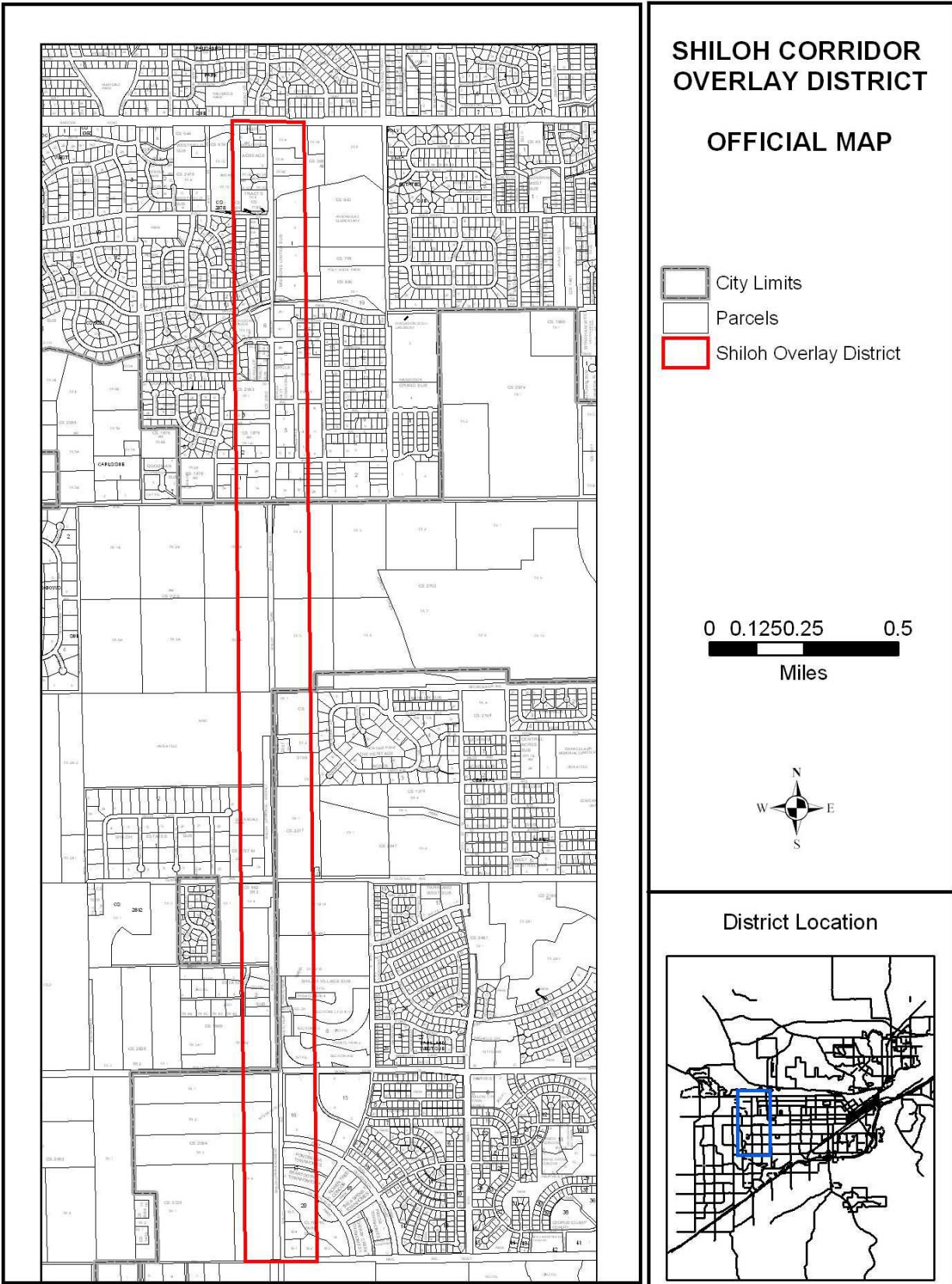
(a) *Generally.* The Shiloh Corridor overlay district review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, the 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.

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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.

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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.

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- (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.

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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.

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(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.

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- 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.

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- 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.

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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

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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.

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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 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.

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- (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.

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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.)

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SEC. 27-1424. SHILOH CORRIDOR OVERLAY DISTRICT APPLICATION FORM.

SHILOH CORRIDOR OVERLAY ZONE PERMIT

Permit # _____

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: _____

FOR OFFICE USE ONLY

Date Received _____

Number of relative criteria categories met: _____ Total number of points scored: _____

Approved _____ Denied _____ Date: _____

Reviewed By: _____

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RELATIVE CRITERIA		
• Applicant must obtain points from eight (8) of nine (9) categories. • 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.		
1.	SITE DEVELOPMENT a. Frontage pavement less than 35' along Shiloh Road b. Public use space included	 _____
2.	ACCESS 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.	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 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.	PARKING 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.	 _____ _____ _____ _____

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5.	SCALE a. Mass and scale of structures does not exceed that of the surrounding development by more than 10 percent. b. Height of structures does not exceed that of the surrounding development by more than 10 percent. c. Building size does not exceed that of the surrounding development by more than 10 percent.	
6.	LANDSCAPING a. Buildings have foundation planting. b. Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) 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 25 feet of street frontage. j. Installation of curvilinear boulevard walk. k. Incorporates existing trees in landscape design.	

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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 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 • Two (2) or more colors • Natural earth toned colors • Substantial fenestration using windows, doors, or other openings • Two (2) or more materials that break up the mass of the structure • Articulation of the parapet walls • Change in wall plane • Change in roof plane • Extended roof overhangs • 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.	_____ _____ _____ _____ _____

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9.	MIXED USE One point will be given for each building that contains two (2) or more of the following uses: • Office • Retail • Personal services • Residential • Hotel • Medical • Entertainment • Restaurant	_____
	TOTAL POINTS	_____

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SEC. 27-1425. 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.

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.

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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.

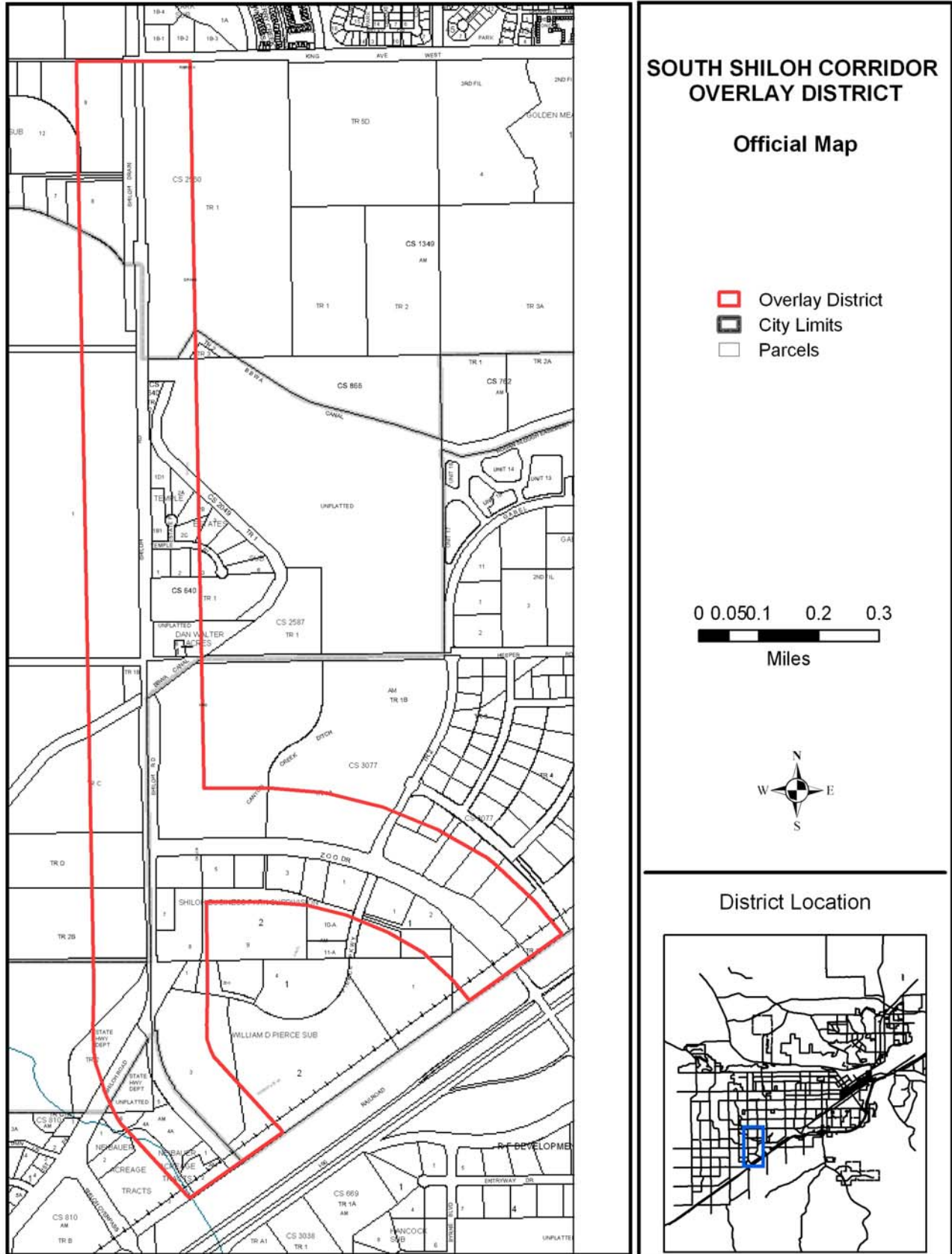
(a) *Generally.* The South Shiloh corridor overlay district review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, 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

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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.

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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.

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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

Permit # _____

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: _____

FOR OFFICE USE ONLY

Date Received _____

Number of relative criteria categories met: _____ Total number of points scored: _____

Approved _____ Denied _____ Date: _____

Reviewed By: _____

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RELATIVE CRITERIA		
• Applicant must obtain points from six (6) of nine (9) categories. • Applicant must obtain 15 points:		
1.	SITE DEVELOPMENT a. Frontage pavement less than 35' along Shiloh Road and Zoo Drive b. Public use space included	 _____
2.	ACCESS 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.	LIGHTING 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.	PARKING 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

5.	SCALE a. Mass and scale of structures does not exceed that of the surrounding development by more than 10 percent. b. Height of structures does not exceed that of the surrounding development by more than 10 percent. c. Building size does not exceed that of the surrounding development by more than 10 percent`.	
6.	LANDSCAPING a. Buildings have foundation planting. b. Landscaping exceeds minimum number of trees and shrubs that are required by ten percent (10%) 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 tree per twenty 20 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 to one hundred fifty (75-150) feet in length contains four (4) facade relief elements; g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;	

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	Facade relief elements • Two (2) or more colors • Natural earth toned colors • Substantial fenestration using windows, doors, or other openings • Two (2) or more materials that break up the mass of the structure • Articulation of the parapet walls • Change in wall plane • Change in roof plane • Extended roof overhangs • 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: • Office • Retail • Personal services • Residential • Hotel • Medical • Entertainment • Restaurant	_____
	TOTAL POINTS	_____

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.

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.

**SOUTH SHILOH CORRIDOR
OVERLAY DISTRICT**

Official Map

[Red Outline] Overlay District
 [Thick Black Line] City Limits
 [Thin Black Line] Parcels

0 0.050.1 0.2 0.3
Miles

N
W E
S

District Location

[Inset Map showing the district location within the city]

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

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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

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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.

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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.

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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.)

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SEC. 27-1451. SOUTH SHILOH CORRIDOR OVERLAY DISTRICT APPLICATION FORM.

SHILOH CORRIDOR OVERLAY ZONE PERMIT

Permit # _____

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: _____

FOR OFFICE USE ONLY

Date Received _____

Number of relative criteria categories met: _____ Total number of points scored: _____

Approved _____ Denied _____ Date: _____

Reviewed By: _____

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RELATIVE CRITERIA		
• Applicant must obtain points from six (6) of nine (9) categories. • Applicant must obtain 15 points:		
1.	SITE DEVELOPMENT a. Frontage pavement less than 35' along Shiloh Road and Zoo Drive b. Public use space included	 _____ _____
2.	ACCESS 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.	LIGHTING 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.	PARKING 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.	 _____ _____ _____ _____

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5.	SCALE a. Mass and scale of structures does not exceed that of the surrounding development by more than 10 percent. b. Height of structures does not exceed that of the surrounding development by more than 10 percent. c. Building size does not exceed that of the surrounding development by more than 10 percent`.	
6.	LANDSCAPING a. Buildings have foundation planting. b. Landscaping exceeds minimum number of trees and shrubs that are required by ten percent (10%) 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 tree per twenty 20 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 to one hundred fifty (75-150) feet in length contains four (4) facade relief elements; g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;	

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	Facade relief elements • Two (2) or more colors • Natural earth toned colors • Substantial fenestration using windows, doors, or other openings • Two (2) or more materials that break up the mass of the structure • Articulation of the parapet walls • Change in wall plane • Change in roof plane • Extended roof overhangs • 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: • Office • Retail • Personal services • Residential • Hotel • Medical • Entertainment • Restaurant	_____
	TOTAL POINTS	_____

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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.

County Zoning Regulations – Summary of Major Amendments May 2019

Fences Walls and Hedges - Sec. 27-604. – **Reserved** (formerly Fences, Walls, & Hedges – refer to **new Sec. 27-1109**)

Entryway/Interchange Zone District Landscaping - Sec. 27-1006. – **Reserved** (formerly Landscaping – refer to **new Sec. 27-1100**)

SECTION 27-1100. – LANDSCAPING (amended May 2019)

Section 27-1101 Purpose.

The purpose of this section is to provide landscaping and performance standards that:

- A. Enhance and promote a unique image for the Yellowstone County urbanizing area.
- B. Protect the public health, safety and welfare by:
 1. Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
 2. Minimizing noise, air, water and visual pollution;
 3. Screening and buffering incompatible land uses;
 4. Reducing the amount of reflected glare and heat absorbed in and around developments;
 5. Breaking up large expanses of parking lots;
 6. Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
 7. Providing screening from wind.
- C. Conserve water resources by:
 1. Promoting the use of xeriscaping and drought-tolerant naturalized plantings; and
 2. Promoting the utilization of storm water detention as an irrigation source.
- D. Ensure that landscaping is an integral part of the site design and development process.

Section 27-1102 Applicability.

A. General Applicability

1. The provisions of this article are applicable to all new development as follows:

Table 27-1101.1: Landscaping Applicability

Landscape Type	Section	A-1	A-S	1 & 2 Family zones	MF in R zone	RMF & RMF-R	Non Res Use in R zone	P	RP NC ELC EMU	CC EGC	HC CI ELI	HI

Key: ✓ = Applicable, ✗ = Not Applicable

Street Frontage	27-1103	X	X	✓ All districts and uses located on a public street								
Bufferyards	27-1104	X	X	X	✓	✓	✓	✓	✓	✓	✓	✓
Parking Lot Landscaping	27-1105	X	X	X	✓ Any parking lot with 10 or more spaces							
Tree Preservation Options	27-1106	X	X	X	✓	✓	✓	✓	✓	✓	✓	✓

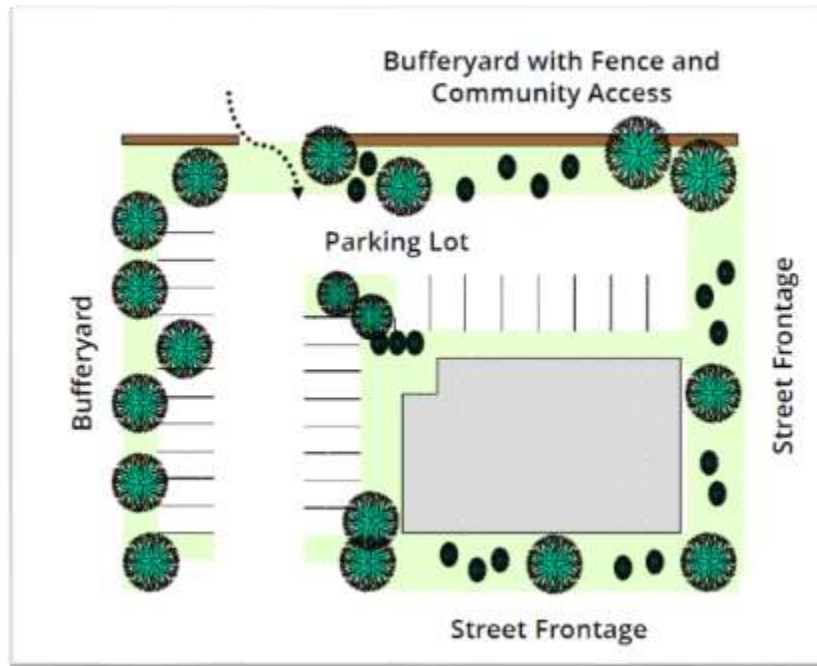


Fig. 27-1102.A: Sample locations of landscape areas

B. Proportionate Compliance

1. **APPLICABILITY TO REDEVELOPMENT AND INFILL: PROPORTIONATE COMPLIANCE.** To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying proportional development standards. This section identifies the process for determining specific site compliance with a proportionate standard.

2. **LIMITED TO SPECIFIC SECTIONS.** A request for proportionate compliance is limited to development standards in the following sections.

- (a) Section 27-1103, Street Frontage Standards
- (b) Section 27-1104, Bufferyard Standards
- (c) Section 27-1105, Off-Street Parking Lot Standards

3. **ELIGIBILITY FOR PROPORTIONATE COMPLIANCE.** Proportionate compliance for landscape standards applicable to a specific development or structure type may be requested for development types in Table 27-1101.2 according to the calculation described in Section 4, below.

Table 27-1101.2: Applicability of Development Standards

Structure Type	Res. Multi-Unit	Mixed-Use	Comm.	Ind.
New Development	Percent compliance with development standards			
New Development	100	100	100	100
Infill, Conforming Lot	90	90	90	90
Infill, Nonconforming Lot	70	70	70	70
Existing Development				
GFA or off-street parking space change less than 10 %	n/a	n/a	n/a	n/a
GFA or off-street parking space change between 10% and 75%	See Sec. 4(b), below.			
GFA or off-street parking space change greater than 75%	100	100	100	100
Interior Redevelopment Only	Parking lot landscaping may be applicable, see Sec. 27-1200 and Sec. 4(a), below			
Nonconformities				
See Section 27-400 for applicability of nonconformity standards				

4. MEASURING REQUIRED COMPLIANCE

- (a) Interior Changes: Where development changes are wholly internal to the existing structure, only the parking landscaping requirements of this Code may be applicable. This requirement may be waived by the planning director where the applicant can show there is sufficient existing parking to service the intended new use(s). Increases in required off-street parking greater than 10% of the existing required off-street parking may require proportional compliance with the parking lot landscaping requirements.
- (b) Gross Floor Area (GFA) Changes and Off-Street Parking Space Changes: The landscape standards shall apply to all increases in GFA or required off-street parking space changes as follows:
 - (1) Minimal Change. Square footage or required off-street parking changes that increase the total gross floor area of a structure or the number of required off-street parking spaces by less than 10 percent, as determined by the zoning compliance permit application, shall not be required to comply with these development standards.
 - (2) Proportionate Change. Square footage or required off-street parking changes that increase the total gross floor area of a structure or the number of required off-street parking spaces by more than 10 percent but less than 75 percent, as determined by the zoning compliance permit application, shall require a corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less.
 - (3) Full Compliance. Square footage or required off-street parking changes that increase total gross floor area of a structure or the number of required off-street parking spaces by 75 percent or greater, as determined by the zoning compliance permit application, shall be required to fully comply with these standards.
- (c) Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

5. TEN-YEAR TIMEFRAME

Any application by property owners to expand or replace part of an existing structure shall remain on record for 10 years from the date of work completion. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous 10 years. The total shall be used by the county to determine the property owner's necessary level of compliance.

Section 27-1103 Landscape Plan.

A. APPLICABILITY

- 1. Landscaping in compliance with this article shall be required for any new construction, and expansion of existing structures. All plans submitted in support of a zoning compliance permit shall include a landscape plan where appropriate.
- 2. A landscaping plan must be approved by the planning director before the issuance of a zoning compliance permit.

B. LANDSCAPE PLAN PREPARATION

- 1. Landscape plans shall be prepared with materials that meet the requirements of Section 27-1107 and that:
 - (a) Are appropriate to the conditions in which they are planted;
 - (b) Have noninvasive growth habits;
 - (c) Encourage low maintenance, high quality design; and
 - (d) Are otherwise consistent with the intent of this article.
- 2. Landscape plans shall be prepared as follows:
 - (a) Lots of 1.5 acres or larger: the plan shall be prepared by a licensed landscape architect.
 - (b) Lots smaller than 1.5 acres: applicants are encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.A list of appropriate plant species for Billings and Yellowstone County can be obtained from the Planning Department.

C. INFORMATION REQUIRED

The landscaping plan shall contain the following elements:

- (a) Scale: no smaller scale than 1"=40'
- (b) Property lines, easements, and public rights-of-way, including clear vision triangles.
- (c) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
- (d) Buildings or structures - both new and existing.
- (e) An estimated count and approximate location of all existing trees, four inches in diameter or larger, measured at four and a half feet above grade, and identification of all trees within that group that are identified for removal and the required characteristics of all trees for tree preservation credit. A tree count is not required for areas of the site that will not be disturbed during construction.
- (f) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.
- (g) Landscaping materials:
 - (1) Location and spacing of proposed plant materials.
 - (2) Location of existing trees or landscaping to be preserved or eliminated.
 - (3) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule.
 - (4) Size of materials, in diameter and height at installation and maturity.
 - (5) Quantity of each planting materials to be used.
 - (6) Types and location of inorganic landscaping material.
- (h) Location of walls, fences, screening, and refuse storage areas.
- (i) Location of any proposed retaining walls, indicating size and material to be used in the construction of the wall.
- (j) Methods of protecting the landscaped areas.
- (k) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel).

D. PROCEDURE FOR LANDSCAPE PLAN REVIEW

1. LANDSCAPE PLAN REVIEW

The planning director shall consider the approval criteria in Section 27-1103.D.2 below when reviewing the landscape plan.

2. APPROVAL CRITERIA

The planning director may approve a landscape plan upon a finding that the application meets all of the following criteria, as applicable:

- (a) The landscape plan conforms to all requirements of this article and is consistent with the currently adopted growth policies and any other applicable plans.
- (b) The plant materials or landscape features are designed and situated in a manner that makes the project visually compatible with its surroundings to the greatest extent possible.
- (c) The landscape design includes the installation of a diversity of species and sizes of vegetation with preference given to locally naturalized vegetation.
- (d) If required, preservation of existing, locally naturalized vegetation is incorporated into the landscape design.
- (e) No plant materials or landscape features are situated in such a manner to inhibit vehicle sight distances established in Section 27-615 or otherwise create a traffic hazard.
- (f) No woody plant materials are situated within any utility easement unless shrubs or other limited height materials are of a size that has been approved by the utility provider.
- (g) The facilities for watering and drainage are adequate to ensure the landscape area is maintained and that no soil, bark, mulch, gravel, stone, or similar materials are allowed to wash off the landscape area into parking areas, driveways, public streets, sidewalks, gutters, or storm drainage facilities.
- (h) The design, selection, and layout of such landscaping is such to minimize maintenance requirements.

E. POST APPROVAL

1. SITE SPECIFIC AND BINDING

Approved landscape plans shall be binding upon the applicants and their successors and assigns. No zoning compliance permit shall be issued for any building or structure where landscaping has not been provided in accordance with the required and approved landscape plan, or any approved modifications thereto.

2. EXPIRATION OF UNBUILT LANDSCAPE PLANS

Approved landscape plans shall expire one year after approval if a zoning compliance permit has not been issued, or the approved use has not been established. In the event that the landscape plan expires due to the passage of this time period, a new landscape plan application must be submitted for approval in the same manner as an original application. An extension not to exceed one year may be granted by the planning director prior to expiration.

3. MODIFICATIONS TO LANDSCAPE PLANS

The holder of an approved landscape plan may request a modification to the document, or the conditions of approval, by submitting amended documents to either the planning director or the original approving body.

F. PERMIT AND SECURITY

1. LANDSCAPING INSTALLED WITHIN ONE YEAR OF ISSUANCE OF ZONING COMPLIANCE PERMIT

- (a) All landscaping and screening material, organic and inorganic, shall meet the standards of Section 27-1106 and be in place within one year of the issuance of a zoning compliance permit. If installed, irrigation systems shall be fully functional at the same time as the completion of the landscape planting. This requirement shall be verified by the submission of a final as-installed landscaping plan by the party responsible for the creation of the landscape plan that is submitted with the zoning compliance permit application.
- (b) If the timing of the project and seasonal limitations prevent planting within the one-year period, security as described in this section may be provided and the planting period may be extended accordingly.

2. SECURITY REQUIRED

- (a) When the timing of a project delays the installation of the landscaping beyond the 1-year time period, a performance bond or letter of credit for 150 percent of the landscaping materials and labor costs shall be posted with the planning department to ensure the placement of the required landscaping.
- (b) The property shall be inspected by the planning director to make sure that the required landscaping has been planted before release of the security bond or letter of credit.
- (c) The installation of the required landscaping may be delayed until the next suitable planting season with written approval from the planning director.

3. MAINTENANCE AND INSPECTION

- (a) Trees, shrubs, fences, walls, irrigation improvements, and other landscape features depicted on plans approved by the county shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:
- (b) Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with development plans and shall contain all construction details for an automatic system.
- (c) All landscaping and irrigation may be subject to periodic inspection for compliance to approved plans.

Section 27-1104 Street Frontage Landscaping.

A. REQUIRED STREET FRONTAGE LANDSCAPING

- 1. The area along any property line that abuts a public street right-of-way shall be provided a landscaped area at least five feet wide that is planted with street trees.
- 2. The required total number of street trees shall be calculated at one tree per 50 lineal feet of frontage. Fractions shall be rounded up to the next whole number.
- 3. Street trees do not need to be spaced at 50-foot intervals; the placement and landscaping design shall be at the discretion of the property developer in consultation with their landscape designer or landscape architect.



Fig. 27-1104.A: Sample illustration of new street trees installed on a commercial site.

B. LOCATION AND CALCULATIONS

1. Measurement

(a) Generally: The street frontage landscape area depth is measured from the property line inward.

(b) Boulevard: Street frontage yards located along a boulevard shall be measured from the leading edge of the sidewalk. Where there is a drainage swale between the road edge and the sidewalk, the street frontage yard shall be measured from the property line inward.

2. Up to 30 percent of required street frontage landscaping may be permitted within a County right-of-way with the issuance of an encroachment permit.

3. Street frontage landscape areas may overlap required yards and be located within required setbacks.

4. Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining landscaping area.

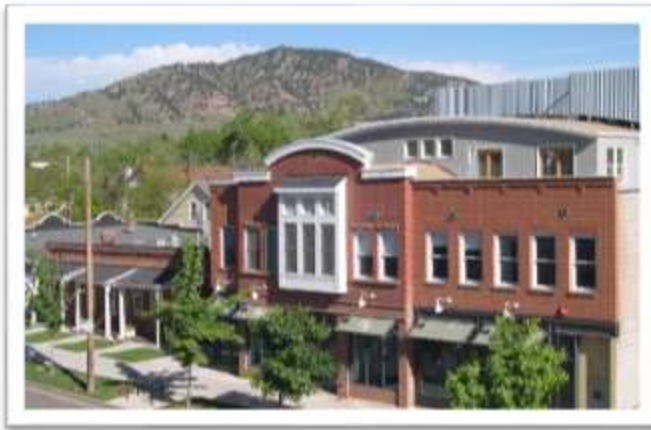


Fig. 27-1104.B (left) Street trees planted along a mixed-use redevelopment

C. PLANT MATERIALS

1. Street tree species shall be chosen from the Billings and Yellowstone County Plant List.

2. The street front landscape yard shall be planted in 75 percent organic materials, excluding turf grass or other material that requires regular mowing. The remaining 25 percent may be covered in inorganic materials.

3. Generally applicable plant materials standards are located in Section 27-1107.
4. The use of coniferous trees is not permitted in street frontage yards.

Section 27-1105 Bufferyards.

A. REQUIRED BUFFERYARDS

1. APPLICABILITY

- (a) The exterior boundary of a lot that adjoins a different zone district, structure, or use, and does not adjoin a public street right-of-way, shall meet the bufferyard requirements shown in Table 27-1105.1 below.
- (b) A lot may require a combination of street frontage yards and bufferyards depending upon the types of surrounding streets and development.

2. TYPES OF BUFFERYARDS

- (a) There are three types of landscaping bufferyards defined in this section that are intended to accomplish the following:
 - (1) B1: Visual Enhancement is intended to create a partial visual separation between uses or districts.
 - (2) B2: Filtered Screen is intended to create a semi-opaque visual separation between uses or districts.
 - (3) B3: Screened Separation is intended to provide both space and a partial visual separation between uses or districts. This bufferyard is intended for use where a new development is located adjacent to a district or use that is significantly different in intensity, such as a residential district next to an industrial district.
- (b) The dimensions and planting requirements for each type of bufferyard is specified in Table 27-1105.2.

Placeholder for illustration

Fig. 27-1105.A: Sample illustration of a B2 bufferyard

3. ADDITIONAL STANDARDS AND INSTRUCTION

- (a) If a use or district does not conform with the categories identified in Table 27-1105.1, the planning director shall determine which category best matches the use.
- (b) A six-foot high sight-obscuring fence or wall shall be provided on the property line where a commercial or industrial use or structure is adjacent or across an alley from residential uses.
 - (1) A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three feet and reaches six feet or more at maturity.
 - (2) Chain link fencing is allowed within a bufferyard where a sight obscuring fence is required so long as the chain link fence has sight-obscuring slats installed.

Table 27-1105.1 Required Bufferyards

Key: B1, B2, or B3 = required bufferyard (see Table 27-1105.2 for requirements), F = Fence required per 27-1105.A.3, X = no bufferyard required

		Proposed Development																			
		Agriculture (A-1 & A-S)				Residential – All Types				General Commercial: RP, NC, CC , and P				Entryway				Heavy Comm/Industrial: HC, CI, and HI			
		Structure/ Use	Ag	SFR	MFR	Non- Res	SFR	MFR	Mixed Use	Non- Res	SFR	MFR	Mixed Use	Non- Res	ELC	EGC	EMU	ELI	HC	CI	HI
Existing Development	Agriculture	AG	X	X	X	X	X	X	B1	B1	X	X	B1	B1	X	X	X	X	X	X	X
		Single Family	X	X	B1	B2	X	B1	B2	B2	X	B1	B2	B2	B2	B3	B2	B3	B3	B3	B3
		Multi Family	X	B1	X	B2	X	X	B2	B2	X	X	B2	B2	B2	B3	B2	B3	B3	B3	B3
		Non-Res	X	B2	B2	X	B2	B2	B1	X	B2	X	B1	X	B1	B2	B2	B2	B2	B2	B2
	Residential	Single Family	X	X	B1	B2	X	B1	B2	B2	X	B1	B2	B2	B2	B3	B2	B3	B3	B3	B3
		Multi Family	X	B1	X	B2	B1	X	B2	B2	X	X	B2	B2	B2	B3	B2	B3	B3	B3	B3
		Mixed Use	X	B2	B1	B1	B2	B1	X	B1	B2	B2	X	B1	X	X	X	B2	B2	B2	B3
		Non-Res	X	B2	B1	X	B2	B1	B1	X	X	B1	B1	X	X	X	X	B2	B1	B1	B1
	General Commercial	Single Family	X	X	B1	B2	X	B1	B2	B2	X	B1	B2	B2	B2	B3	B2	B3	B3	B3	B3
		Multi Family	X	B1	X	B2	B1	X	B1	B2	B1	X	B2	B2	B2	B3	B2	B3	B3	B3	B3
		Mixed Use	X	B2	B1	B1	B2	B1	X	B1	B2	B2	X	B2	X	X	X	B2	B1	B1	B1
		Non-Res	X	B2	B1	X	B2	B1	B1	X	B2	B1	B1	X	B1	B2	B1	B2	B2	B2	B2
	Entryway	ELC	X	B2	B2	B1	B2	B2	X	B1	B2	B2	X	B1	X	B1	X	B1	B2	B2	B2
		EGC	X	B3	B3	B2	B3	B3	X	B2	B3	B3	X	B2	B1	X	B1	B1	X	X	B2
		EMU	X	B2	B2	B1	B2	B2	X	B2	B2	B2	X	B1	X	B1	X	B1	B1	B1	B3
		ELI	X	B3	B3	B2	B3	B3	B2	B2	B3	B3	B2	B2	B2	B1	B2	X	X	X	B1

Heavy Comm/ Industrial	Hwy Comm.	X	B3	B3	B2	B3	B3	B2	B2	B3	B3	B2	B2	B2	X	B1	X	X	B1	B1
	CI	X	B3	B3	B2	B3	B3	B2	B2	B3	B3	B2	B2	B2	X	B1	X	B1	X	B1
	HI	X	B3	B3	B2	B3	B3	B3	B2	B3	B3	B3	B2	B2	B2	B3	B1	B1	B1	X

B. STANDARD BUFFERYARD TYPES

The bufferyard dimensional and planting requirements are established in Table 27-1105.2, and a menu of landscape points is established in Table 27-1105.3. Landscape point allocations may be enhanced through the use or conservation of bonus materials as identified in Table 27-1105.4.

1. STANDARD TYPES OF BUFFERYARDS

Different buffer widths and planting requirements may be specified in this section according to the following standard landscape buffering types:

Table 27-1105.2: Standard Bufferyard Types			
Requirement	B1	B2	B3
Planting Area Width (min. avg., ft.)	6	10	10
Total Points Required [2] (per linear foot of property line)	0.30 points per lin. Ft.	0.50 points per lin. Ft.	1.1 points per lin. Ft.
Min. Tree Points	none	0.35 points per linear ft.	0.60 points per linear ft.
Min. Shrubs/Plant Points	0.10 points per linear ft.	0.05 points per linear ft.	0.05 points per linear ft.
Max. % Non-organic Landscape Materials	25	25	25
Max. Organic Groundcover in Turf Grass	Not permitted	N/A	N/A
Opaque Screen Fence	Optional	Optional	Required
Open Fence	Optional	Optional	N/A

2. DESIGN

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required bufferyard.

3. LOCATION AND CALCULATIONS

(a) Bufferyard depth is measured from the property line inward. Where a buffer area overlaps another buffer area, the area of overlap of one bufferyard shall be subtracted from the total required landscape point calculation to avoid double counting.

(b) Bufferyards may be located within required yards and setbacks.

(c) Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or

property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.

4. LANDSCAPE POINTS

(a) Required bufferyard landscaping is calculated in landscape points. The following table identifies the landscape points awarded for various planted or preserved landscape materials. Plant material standards are provided in Section 27-1107.

Table 27-1105.3: Landscape Points			
Landscape Material	Landscape Points		
	Newly Installed (caliper)	Newly Installed Naturalized (caliper)	Existing Retained (diameter)
Deciduous Trees:			
Greater than 8"	n/a	n/a	27
From 4" to 8"	n/a	n/a	17
From 2.5" to 4"	21	27	n/a
From 1.5" to 2.5" or multi-stem	13	17	n/a
Coniferous Trees, Height:			
Greater than 10'	21	25	27
From 8' to 10'	13	15	17
From 6' to 8'	9	9	12
Shrubs, Plants & Ground Cover:	Points per square feet		Points per square feet: naturalized
Perennials/ground cover	17 per 500		27 per 500
Annual flower bed	17 per 500		22 per 500
Lawn grass	13 per 1000		n/a
Hardscape Materials:	Points		
Split rail fence	0.20 per lineal foot		
Screening fence (opaque)	0.40 per lineal foot		
Organic mulch	13 per 500 sq. ft.		

Table 27-1105.3: Landscape Points			
Landscape Material	Landscape Points		
	Newly Installed (caliper)	Newly Installed Naturalized (caliper)	Existing Retained (diameter)
Ornamental pavers, decorative rock mulch	6 per 250 sq. ft.		
Landscape boulders, 3 feet or greater in height	10 per boulder		
Seating	0.40 per linear foot		
Public amenities (See Sec. B.4(b))	10 per amenity		

(b) Public amenities may be included in a bufferyard that is generally accessible by the public or by adjacent residential development. Public amenities shall meet the following standards:

- (1) Outdoor seating plaza or sheltering structure with a minimum useable area of 180 square feet;
- (2) Public art, including but not limited to sculptures, fountains, clocks, or murals with an installed value equal to or greater than ½ of one percent of the construction value of the structure.
- (3) Sidewalk planters between the sidewalk and the building.
- (4) Pedestrian paths that connect residential development to the adjacent development or to an existing or proposed public walkway system.

5. BONUS CALCULATION

(a) Bonus landscape points may be awarded for landscaping that meets the following standards:

Table 27-1105.4 Bonus Landscape Points	
Retained Existing Trees and Plant Materials	Bonus Landscape Points (% increase)
Trees of exceptional quality ¹ due to size, large canopy cover, trunk diameter, rareness, age, or species	25
300+ square feet with a minimum of 1 tree of 4" caliper or greater or 10 feet in height or greater	15
500+ square feet with a minimum of 2 trees 4" caliper or greater or 15 feet in height or greater	20
800+ square feet with a minimum of 3 trees 4" caliper or greater or 18 feet in height or greater	25
Use of Local, Naturalized Vegetation in New Planting	

Table 27-1105.4 Bonus Landscape Points	
Use of 50 – 75% local, naturalized plant materials	10
Use of 75 – 99% local, naturalized plant materials	15
Use of 100% local, naturalized plant materials	20
Notes:	
1 – Cottonwood, Elm and Ash species do not qualify for this bonus	

(b) Landscape and Bonus Point Standards

(1) Points awarded for retained vegetation in perimeter buffers may only be applied in the buffer area along the same lot line where the vegetation is found.

(2) Any trees preserved on a site in required landscaping areas that meet the specifications in this section and are not identified on the Billings and Yellowstone County Plant List may, at the discretion of the planning director, be credited toward meeting the tree requirements of any landscaping provision of this article.

(3) Any tree for which landscape points or bonus points are given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this section.

(4) Existing trees that are preserved and receive landscape points or bonus points shall be marked on the landscape plan and the amount of bonus points shall be indicated. Any trees which receive points and are later removed shall be replaced with the number of trees for which landscape points was received.

Section 27-1106 – Off-Street Parking Lot Landscaping

A. APPLICABILITY

The following requirements shall be applicable to all new off-street surface parking lots with 10 or more spaces.

B. REQUIRED LANDSCAPE AREA

1. All surface parking lots shall incorporate the following interior landscaping:

(a) All parking stalls shall be within 132 lineal feet of a required parking lot landscape area. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.

(b) Landscape terminal islands that are a minimum of nine feet wide and four feet shorter, at the entry end, than the adjacent parking stalls in the parking row shall be provided at the ends of each parking row.

(c) Parking lots with 100 or more spaces shall also be divided into subsections of no more than 50 spaces with landscape divider strips shall be placed between the sections.



Fig. 27-1106.A Sample parking lot landscape area layout



Fig. 27-1106.B Left: Landscape islands with storm water infiltration;

Fig. 27-1106.C Right: Landscape divider with bio-swale

C. LANDSCAPE AREA DESIGN

1. A landscape divider strip that separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:
 - (a) The sidewalk has a five-foot wide walking path and shall add two feet for vehicle overhang, if the sidewalk abuts a parking stall.
 - (b) The sidewalk extends the entire length of the divider strip. The ends of the sidewalk shall be ADA compliant.
 - (c) The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than 50 percent of the area of the divider strip.
2. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of concrete curbs, extruded asphalt or other approved permanent barriers.
3. No paving shall be permitted within four feet of the center of a tree.

D. PLANT MATERIALS

1. All of the required parking lot landscaped areas must contain a minimum of 75 percent organic landscaping material, with a maximum of 25 percent inorganic landscaping material. Approved sidewalks are not counted toward the percentage of inorganic material unless specifically provided for in this section.
 - (a) A landscape divider strip shall be planted with one tree every forty feet.
 - (b) Islands shall be planted with one tree and at least 75 percent of the ground plane shall be covered with organic material that will remain in place on the island through typical local weather. Turf grass is prohibited in or on parking lot landscape islands. Deciduous trees are encouraged within the parking lot.
2. Clear vision areas where the parking lot access drive enters from a public right-of-way must be maintained as required in Section 27 -615 and as illustrated in Section 27-618.

Plant materials within these clear vision areas must be trimmed down to no more than 30 inches above grade, or in the case of trees, the lowest branch height trimmed up to 8 feet above grade.

3. Landscaping for civic and commercial uses must reach 50 percent coverage within two years of the approval of a zoning compliance permit.

E. WATER CONSERVATION DESIGN

1. Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material, replenishment of groundwater supplies and to reduce problems associated with runoff.

2. Parking lots shall be designed so as not to drain into or across public sidewalks, adjacent property, or directly into natural watercourses. Curbs used to protect landscape islands should have 18 to 24-inch-wide curb cuts at frequent intervals to allow storm water infiltration. The surface of landscape islands and divider strips shall be concave to help channel surface water runoff. The following drainage structures are permitted within parking lot landscape areas:

- (a) Rain gardens,
- (b) Bio-swales
- (c) Drainage easements, and
- (d) Drainage inlets.



Fig. 27-1106.D: Curb cut to allow drainage

F. SNOW STORAGE

1. A portion of the site equal to five percent of the surface areas to be plowed shall be provided as one or more snow storage areas that:

- (a) Are adjacent to and within 20 feet of the edge of the pavement to be plowed;
- (b) Are located so as not to interfere with the safe movement of pedestrians and traffic, including outside of any required clear vision areas;
- (c) Are provided with appropriate drainage and where refreezing of any sheet drainage will not pose safety issues; and
- (d) Remain accessible, useable, and clear of obstructions.

2. Plowed snow may be placed in a required bufferyard or parking lot interior landscape area that has been designed as follows:

(a) Snow storage areas shall be planted with plant materials that are salt-tolerant and that can withstand the weight and compaction of the snow. Mulch shall cover less than 30 percent of the landscape area within three years of installation.

(b) Trees, shrubs and other woody plants shall be protected from adjacent snow storage areas by separation by a minimum at grade separation from tree trunks or shrubs of four horizontal feet, or planters, elevated landscaping elements, walls or other approved mechanisms.

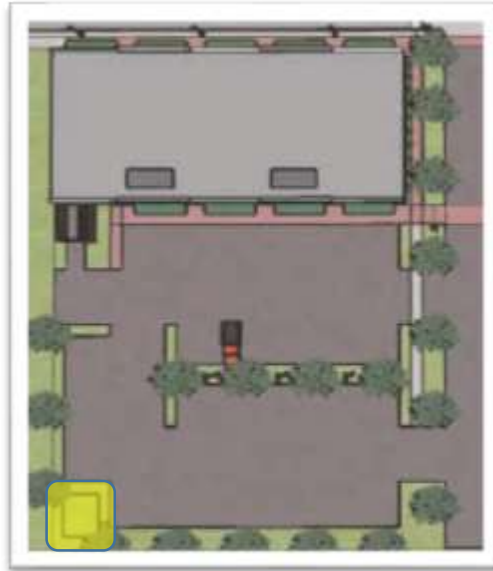


Fig. 27-1106.E Snow storage area

Section 27-1107 Tree Protection During Construction

A. GENERAL REQUIREMENTS

If the developer and designer intend to acquire landscape or bonus points for retained trees and landscaping, then tree protection during construction shall conform to the requirements of this section and the requirements relevant to construction in the American National Standards Institute (ANSI) publication A300 standards.

B. PROTECTIVE FENCING REQUIRED

Tree protection requirements shall apply to existing trees that are to receive credit for preservation. Such trees shall be surrounded by a temporary fluorescent colored fence that shall be constructed around the drip line of each tree, or group of trees to be preserved, prior to any grading or construction on the property.

1. The fencing shall be rigidly supported and maintained during all construction periods at a minimum height of four feet above grade.
2. All trees required to be fenced shall be clearly marked in a method approved by the planning director to notify inspectors the subject tree, or trees, are to be fenced at all times during construction.
3. Fencing may only be removed with the planning director's written permission, or upon approval of the final landscaping inspection.

C. OWNER'S RESPONSIBILITY

The owner or developer shall be responsible for the erection of any and all fences necessary to protect any existing or installed trees from damage both during, and after construction.

D. SHOWN ON SITE OR LANDSCAPING PLAN

The tree protection fencing shall be clearly shown on the site plan or landscape plan.

E. INSPECTION PRIOR TO LAND DISTURBANCE

All tree protection measures shall be inspected and approved by the applicant or landscape design professional responsible for the final landscape plan prior to start of any land disturbing activities.

F. PROHIBITED ACTIVITIES

The following activities are restricted or prohibited within the area contained by the tree protection fence:

1. Storage is prohibited within the fenced areas, including storage of heavy equipment, building materials, or soil.
2. Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used under the entire tree protection area. Tunneling must occur below the main lateral level of roots, or at least two feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be backfilled in the tunnels.
3. Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence.
4. Minimal grading within 20 feet of the tree protection area may be allowed provided it does not impound water during wet periods or increase the drainage rate so that water tables are lowered.

G. TIME LIMIT FOR COMMENCING CONSTRUCTION AFTER CLEARING LAND

Where land is cleared and construction does not begin within 9 months from the date of the zoning compliance permit issuance, the owner shall be required to replant or re-seed the cleared property to its original vegetative cover based on tree counts and other information originally submitted to the county. A six-month extension of this limit may be issued at the discretion of the planning director.

Section 27-1108 Landscaping Material Standards

A. COMPLIANCE WITH LANDSCAPE PLAN

1. Plants shall conform to the measurements specified in the plant schedule submitted with the landscaping plan.
2. Homeowner associations and other similar organizations may not establish landscaping standards that conflict with the naturalized plant or water conservation provisions of this article as approved in an individual zoning compliance permit landscape plan.
3. It is recommended that a professional horticulturist, nurseryman or design professional be consulted to determine the proper time to move and install all plant materials, so that stress to the plants will be minimized.

B. PLANT SELECTION

1. Tree and plant materials shall be selected for: energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, and to achieve a desirable microclimate and minimize energy demand.
2. The Billings and Yellowstone County Plant List shall identify appropriate naturalized plant species for use in required landscaping areas. Applicants may suggest species that are not included on the list and shall provide documentation from a reputable source, such as a state agency or university, of the naturalized status of the species in the Billings and Yellowstone County region.

3. Naturalized vegetation within sensitive land and resource areas shall be preserved unless the county approves an alternative naturalized landscaping plan that preserves significant desirable naturalized vegetation.

4. If turf areas are included in landscaping, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site.

(a) The use of non-naturalized, high water consumptive turf or other monoculture seeding is discouraged.

(b) The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.

(c) No person or organization shall impose private covenants, conditions, deed clauses, or other agreements that require the installation of turf or prevent the utilization of water efficient landscaping, provided such landscaping receives appropriate approval. No person shall prohibit landscaping materials and designs solely on the basis that they make use of water-efficient landscaping.

C. MEASUREMENT

1. CALIPER

(a) Caliper measurement shall be taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4½ inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate.

Note: Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic "slot" or "pincer" type caliper tools should be the average of the smallest and largest measurements.

(b) Trees with multiple stems: When a caliper measurement is included in the specifications, the specifications shall also include the method used to determine the caliper measurement, shown below:

(1) The number of required trunks and the minimum caliper of each required trunk.

(2) The caliper of only the largest trunk, with all other required trunks within a certain caliper range of the largest trunk (e.g., by percent or within two smaller caliper sizes).

(3) The caliper specified is one-half (1/2) of the caliper of the three largest required trunks.

(4) The caliper specified is the average of all required trunks.

2. HEIGHT AND SPREAD (COVERAGE)

(a) Height measurement shall be taken from ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and from the root flare for bare root plants.

(b) Spread measurement shall be the average spread of the branches of the plant, without leaves for deciduous shrubs, including leaves for evergreens.

(c) For deciduous shrubs, height measurement shall extend to the top of all canes meeting the height specification, as appropriate to the plant type.

(d) For evergreens, height measurement shall not be taken at the tip of the leader, but should be taken at the midpoint between the uppermost whorl(s) and the tip of the leader.

D. GENERAL STANDARDS

The following criteria and standards shall apply to landscape materials and installation:

1. PLANT MATERIALS LIST

The planning department shall maintain a suggested and prohibited plant list as necessary to identify plant material requirements or prohibitions within the county. Where a species is chosen for a landscape plan that is not identified on a county plant list, the applicant shall provide information about growth and spacing characteristics on the landscape plan. Plant information shall be taken from objective sources, including professional landscape organization websites or nursery cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.

2. QUALITY

All trees and shrubs used for landscaping shall have well-developed leaders, tops, and roots characteristic of the species, cultivar, or variety per American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office, and shall show evidence of proper nursery pruning per the same standard. All plant materials must be free of insects, diseases, mechanical injuries, and other objectionable features at the time of planting.

3. COVERAGE

(a) Grass, ground cover, shrubs, organic mulch, and other organic landscape materials shall be used to cover at least 75 percent of open ground.

(1) Open ground includes all fill slopes and hillsides, regardless of the angle of the slope.

(2) Open ground also includes all fill rock and shot rock slopes that must be covered with an appropriate depth of soil to allow for the healthy growth of the coverage.

(3) "Top dressing" landscaping materials such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate, and can be used to cover up to 25 percent of open ground.

(b) No area required to be landscaped shall include any artificial trees, plants, or turf; impervious surfacing other than sidewalks, decorative pathways or other public amenities as described in Section 27-1105; or any carpeting designed as a visual substitute for lawn or other groundcover.

(c) Areas devoted to pasture, farm crops, or undeveloped areas of a parcel shall not be considered landscaped for the purpose of fulfilling any landscape requirements.

4. TREES

Trees used for landscaping shall be a species common to, or adapted to this area of the state, and not identified as prohibited on any county plant list. Trees shall have the following characteristics:

(a) Size

(1) Canopy trees shall be deciduous trees that have a minimum height of 30 feet at maturity. All canopy trees shall have a caliper width of at least one and one-half (1.5) inches at time of planting.

(2) Understory trees shall be deciduous trees that have a maximum height of less than 30 feet at maturity. All understory trees shall have a caliper width of at least one (1) inch at time of planting.

(3) Coniferous trees shall have a minimum height of 20 feet at maturity. All coniferous trees shall be at least four (4) feet in height at time of planting.

(4) Street trees shall be canopy trees and shall have a minimum caliper of one and a half (1.5) inches.

(b) All trees shall conform to the American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office.

5. SHRUBS, HEDGES, AND ORNAMENTAL GRASSES

(a) Shrubs shall have the following characteristics:

(1) Small or dwarf deciduous shrubs that typically do not grow to a mature height or spread exceeding three feet shall have a minimum height of twelve inches with a minimum of four canes.

(2) Intermediate deciduous shrubs with a mature height or spread of three to seven feet shall have a minimum height of 18 inches with a minimum of four canes.

(3) Large or tall deciduous shrubs with a mature height exceeding seven feet shall have a minimum height of 24 inches and a minimum of five canes. Where these shrubs have a narrow habit the minimum number of canes may be reduced to one.

(b) Ornamental grasses shall be a minimum of 18 inches in height at time of planting.

(c) Hedges, where installed as a bufferyard screen, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three (3) feet in height at the time of planting and achieve a minimum height of six (6) feet within five (5).

6. GROUND COVER, PERENNIALS, AND ANNUAL PLANTING AREAS

Ground covers, perennials, and annual planting areas used in lieu of grass in whole, and in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after time of planting.

7. LAWN GRASS

Grass areas may be sodded, plugged, sprigged, or seeded, except that sod or other erosion control products shall be used in swales, berms, or other areas subject to erosion.

8. FRACTIONS IN THE CALCULATION OF NUMBER OF TREES AND SHRUBS.

In the calculation of trees and shrubs for any required landscaping, all fractions shall be rounded to the nearest whole number.

E. INTERFERENCE AND VISIBILITY

1. All landscaping shall be sized and located so that it does not interfere with utilities, easements or fire hydrants.

2. All landscaped areas must comply with the clear vision standards for intersections as established in Section 27-615 and as illustrated in Section 27-618.

F. IRRIGATION SYSTEMS

1. GENERAL STANDARDS

Where a property owner or tenant opts to install an in-ground permanent irrigation system, the following standards shall apply:

(a) The landscape plan shall identify the area of approximate installation of an automatic irrigation system, its maintenance, and intended uses. The landscape plan must note and delineate all irrigated and sod areas.

(b) Irrigation systems must be installed prior to plant materials.

(c) Irrigation systems with a precipitation rate exceeding 0.75 inches per hour shall be prohibited on areas exceeding 1,000 square feet with a slope greater than 30 percent unless:

(1) Infiltration trenches, vegetated swales, bio detention areas, and similar facilities as approved by the county are employed to reduce runoff, or

(2) The landscape designer specifies an alternative design or technology that clearly demonstrates to the county's satisfaction no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the final landscape inspection.

2. LOW-FLOW IRRIGATION SYSTEMS

Low-flow irrigation devices shall be used in all narrow or irregularly shaped landscape areas less than eight feet wide in any direction to avoid overspray and runoff.

(a) System design shall be: surface drip system, subterranean drip system, micro-spray, or a combination of these systems.

(b) A hose bib system may be used for irrigation when a landscape area is less than 1,000 square feet in size and when all portions of the area are within 100 feet of a hose attachment.

3. AUTOMATIC OPERATION

(a) All systems shall be equipped with timers and scheduled to operate during evening or early morning hours to minimize evaporation rates.

(b) All automatic underground sprinkler systems shall be equipped with rain and freeze sensors.

Section 27-1109 - Fences, walls and hedges.

A. Applicability

1. Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured.

2. "Fence" for the purposes of this section means any fence, wall or hedge.

3. No fence shall be erected or maintained in a public right-of-way.

B. Height.

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

C. Setbacks required.

1. Front Yard

The maximum height for fences, walls, or hedges in a required front yard setback is four feet. Front yard setback are defined in sections 27-308 or 27-309.

2. Side and Rear Yards.

(a) Fences, walls or hedges between a height of four and six feet may be erected or maintained in any side or rear yard setback. Fences may not block a clear vision areas pursuant to subsection D, below.

(b) Any fence, wall or hedge in excess of six feet shall meet all of the yard setback requirements for structures as defined in sections 27-308 or 27-309.

3. Exceptions

None of the above setback requirements shall apply to lands located in the agricultural-open space (A-1), controlled industrial (CI), or heavy industrial (HI) zones.

D. Setbacks for clear vision areas.

No fence, wall or hedge greater than 30 inches in height may be erected or maintained in any zoning district within a clear vision zone pursuant to Section 27-615 and as illustrated in Section 27-618.

E. Materials

1. Residential and Commercial Zones.

(a) Generally: All fences in residential, agricultural and commercial zoning districts shall be constructed from materials which are commonly used for fencing and shall not be constructed from railroad ties, wood pallets, tires, rubble or salvaged material.

(1) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work.

(2) Materials not listed are subject to special review.

(b) Bufferyard Fencing: Required bufferyard fencing may be constructed of any of the materials identified in Section E.1(a) along with powder-coated or vinyl coated chain link fence.

(1) Where an opaque screening fence is required between uses – such as residential next to heavy commercial or industrial – solid vinyl, wood or similar solid fencing, or powder-coated or vinyl-coated chain link fence with opaque (solid) inserts shall be installed.

(2) An existing fence of the proper height and materials that is located on the property line where a bufferyard fence is required may be retained. Where an existing fence is not compliant with this section, the property owner who is required to install the bufferyard fence shall replace the existing fence with a compliant fence.

2. Industrial Zones. All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, wood pallets, rubble, or salvaged material.

(a) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels.

(b) Materials not listed are subject to special review.

3. Material exception—Barbed wire or electric fence.

(a) Barbed wire and electrically charged fencing is allowed in the A-1 and A-S districts within Yellowstone County. When electrically charged fences are used in an A-1 or A-S district, such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed 150 feet, where such fences are adjacent to public rights-of-way.

(b) Electrically charged fencing is allowed in commercial or industrial districts within Yellowstone County provided that such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed 150 feet, where such fences are adjacent to public rights-of-way. Barbed wire fencing is allowed in commercial or industrial zoning districts when such material is located not less than eight feet above grade.

Section 27-1110 Administrative Relief

A. PURPOSE

Administrative relief is provided to add flexibility in the application of a specific landscaping regulation when a standard is inapplicable or inappropriate to a specific use or design proposal. Administrative relief may be applied to up to a total of 10 individual landscape standards for any site.

B. POLICIES

1. The planning department recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the planning department recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the planning department may grant administrative relief in the event of these situations and proposals.

2. The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the planning department generally assigns the following priorities for compliance with the landscape requirements:

(a) First, adjacent residential uses should be buffered,

(b) Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees,

(c) Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

3. Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and ease of maintenance, relatively few, but larger

landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

4. However, the granting of administrative relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

C. APPLICATION

1. A written request for administrative relief shall be submitted to the planning director or his/her designee either before or in conjunction with the zoning compliance permit review process. The written request shall include a justification in terms of the findings necessary to grant administrative relief. The written request shall close with a section for the planning department's use which will include a block for the decision of approval/denial, the planning director or his/her designee's signature, and decision date. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate.

2. The planning director must make all of the following findings in order to grant administrative relief:

- (a) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
- (b) The intent of the landscaping section and the specific regulation in question is preserved; and
- (c) The granting of the administrative relief will not result in an adverse impact upon surrounding properties.
- (d) Proportional compliance as outlined in this section is not appropriate for the location and development planned.

3. The planning director shall render a decision on the request within 15 working days of receipt of the request and all required information. An appeal of the planning director's decision may be made to the board of adjustment with jurisdiction over the property, within 30 days after the decision. At this time, the appeal will be put on the agenda for the next board of adjustment meeting which allows for the required public notice.

Section 27-1111 Administration and Enforcement

The administration and enforcement of this section shall reside with the planning director as stated in sections 27-1602 and 27-1603.

**ARTICLE 27-1200. OFFSTREET PARKING AND LOADING STANDARDS
(COUNTY ONLY)***

SEC. 27-1201. INTENT.

The intent of this chapter is to reduce traffic congestion and the need for parking on public streets and hazards caused thereby; to provide off-street parking and off-street loading berths adequate for each type of development in terms of both quantity and location. This chapter shall only apply to property located outside the limits of the City of Billings but within the Unincorporated Jurisdictional Area.

SEC. 27-1202. DEFINITIONS.

For the purposes of this chapter, certain words and phrases are defined and shall be construed as herein set forth in this section:

(a) **NUMBER OF EMPLOYEES:** The largest number of employees who are on the premises during the peak working shift, as determined by Zoning Coordinator.

(b) **PARKING LOT:** A structure or an area other than a public street or alley, together with ways of ingress, egress, isles, and maneuvering and backing areas, designed or used for the temporary parking of motor vehicles serving a use permitted in the district in which such parcel is situated, and available for public use whether free, for compensation, or an accommodation for customers or clients.

(c) **OFF-STREET PARKING SPACE:** An area, other than a public street, alleyway or other public property (and exclusive of off-street loading spaces) permanently reserved or set aside for the parking of one (1) motor vehicle.

SEC. 27-1203. PARKING REQUIREMENTS - GENERAL.

There shall be provided at the time of erection of any building or structure or at the time of any change in occupancy of any building or structure minimum off-street parking accommodations meeting the provisions of this chapter.

SEC. 27-1204. EXPANSION AND ENLARGEMENT.

Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of this chapter, provided, however, that no parking space be provided in the case of enlargement or expansion is less than ten (10) percent of the parking spaces required for the enlarged facility as specified in this chapter. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing on November 6, 1973.

SEC. 27-1205. NONCONFORMING USES.

Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even

**ARTICLE 27-1200. OFFSTREET PARKING AND LOADING STANDARDS
(COUNTY ONLY)***

though nonconforming, provided that all regulations herein governing the location, design, size and space standards and operation of such facilities are adhered to.

SEC. 27-1206. COMBINED OR MIXED OCCUPANCIES.

In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements are to be the sum of the area computed. Off-street parking facilities for one (1) use shall not be considered as a substitute for joint use.

SEC. 27-1207. USE NOT SPECIFIED.

In the case of a use not specifically mentioned in this chapter, the requirements for off-street parking facilities shall be determined by the Zoning Coordinator. Such determination shall be based upon the requirements for the most closely comparable use listed.

SEC. 27-1208. REDUCTION IN SPACES.

Off-street parking spaces existing and actually being used for the parking of automobiles or other motor vehicles in connection with the use of an existing building shall not be reduced in number or size, during the entire life of such building or land use, below that which would be required for a new building or use of a similar type.

SEC. 27-1209. FRACTIONAL SPACES.

If the number of off-street parking spaces hereinafter required contains a fraction, such number shall be rounded up to the next highest whole number.

SEC. 27-1210. JOINT USE.

The Zoning Coordinator may authorize the joint use or lease of off-street parking facilities for the following uses or activities under the conditions specified:

(a) Up to fifty (50) percent of the required off-street parking for primarily "nighttime" uses such as theaters, bowling alleys, bars or restaurants and related uses may be supplied by the parking requirements for primarily "daytime" uses such as banks, offices, retail uses, personal service establishments, clothing, food, furniture, manufacturing or wholesale and related uses.

(b) Subsection A of this Section may be reversed so that parking for "nighttime" uses may be used for "daytime" uses.

(c) Up to fifty (50) percent of the parking facilities required by this chapter for churches or auditoriums may be supplied by the parking facilities provided for primarily "daytime" uses.

**ARTICLE 27-1200. OFFSTREET PARKING AND LOADING STANDARDS
(COUNTY ONLY)***

(d) Conditions required for joint use or lease. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within five hundred (500) feet of such parking facilities, in addition to which:

1. The application shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which a joint use of off-street parking facilities is proposed.
2. The applicant shall present to the Zoning Coordinator a legal agreement (lease) executed by the parties concerned for joint use or lease of off-street parking facilities. The lease must be for a minimum of ten (10) years and contain a notification requirement whereby the Planning Department will be informed in writing of any termination or complication experienced during the term of the lease. The legal document shall be recorded with the County Clerk and Recorder.

SEC. 27-1211. DESIGN STANDARDS - LOCATION.

(a) Off-street parking area(s) as required by this chapter shall be located as specified herein:

- (1) Single- and two-family dwellings: On the same building site with the dwelling they are required to serve.
- (2) Multi-family dwellings, townhouses, retirement homes, lodging, boarding and bed and breakfast houses: Within one hundred (100) feet of the use to be served.
- (3) Hospitals, sanitariums, convalescent nursing homes, rest homes, homes for the aged and asylums: Within six hundred (600) feet for employees and three hundred (300) feet for visitors.
- (4) Other uses not specified above: Within four hundred (400) feet of the use they are required to serve.

(b) Where a distance is specified, such distance shall be measured in walking distance measured from the nearest point of the parking facility to the nearest point of the lot such facility is required to serve. The off-street parking shall not be located across a major arterial street except when both properties are contiguous to an intersection with traffic control lights. Off-street parking should not be located across a minor arterial or collector street from the business or residence.

(c) Off-street parking areas must be accessible by a public street or alley, and shall be owned or leased by the owner or lessee of the building or use being served by such parking. Such parking lot shall be maintained as a parking lot so long as the building and/or use served is in operation or until another suitable parking area is established for such building or use.

(d) Customer access via an alley to any commercial use on a lot which is adjacent to an alley and which abuts a Residential zone shall not be permitted over that

**ARTICLE 27-1200. OFFSTREET PARKING AND LOADING STANDARDS
(COUNTY ONLY)***

alley. Employee parking may be allowed in the alley if the alley is paved and if the parking will not conflict with the adjacent residential uses.

(e) Required parking spaces shall be located so as to preclude backing maneuvers onto any public right-of-way from any use, with the exception of single- and two-family dwellings, as defined in this Resolution/Ordinance. Required parking spaces shall not be located in any required front or side yard, except for detached single-family dwellings, townhouses and manufactured homes. See BMCC Section 27-602 for Arterial Setbacks on required parking.

(f) A Drive Approach Permit must be obtained from the County Public Works Department prior to constructing any access.

SEC. 27-1212. DESIGN STANDARDS - OFF-STREET LOADING SPACES.

(a) Off-street loading berths shall be provided on the same lot as the use it serves and shall not be located within the required front setback.

(b) No loading berths shall be located closer than fifty (50) feet to a residentially zoned property, except when the berth area is enclosed, or screened by a six (6) foot minimum high wall or solid fence and the loading berth shall also meet the required setbacks from the adjacent residentially zoned property.

(c) Each loading berth shall be designed with access to a public street or alley and so designed as not to interfere with normal traffic movement. No loading berth shall be located in the alley if it is adjacent to a Residential zone.

(d) Each berth shall be not less than twenty (20) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

(e) Loading berths shall not be considered as off-street parking spaces.

(f) All or part of the required loading berths may be within buildings.

(g) Off-Street Loading - Retail and Commercial. In any district, any building or part thereof having a gross floor area of ten thousand (10,000) square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space, plus one (1) additional loading space for each twenty thousand (20,000) feet or fraction thereof of gross floor area. Such loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

(h) Off-Street Loading - Warehouse and Wholesale. Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the Zoning Coordinator or County Public Works Director. Such loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

SEC. 27-1213. DESIGN STANDARDS - SIZE OF PARKING SPACES AND AISLES.

(a) The minimum width of two-way aisles shall be twenty-six (26) feet. Off-street parking spaces parallel with a wall, fence, or curb shall be a minimum of twenty-two

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(22) feet in length. Angle parking with one ingress/egress shall be prohibited if there is only one isle of parking.

(b) Off-street parking spaces shall have a minimum dimension of nine (9) feet in width. All other minimum dimensions will be based upon standards on file in the County Public Works Director's office.

SEC. 27-1214. HANDICAPPED PARKING REQUIREMENTS.

Parking spaces shall be provided for the handicapped and shall be clearly signed or marked with a stenciled notation on the pavement designating such use. Such parking spaces shall be located closest to the handicapped accessible entrance with an accessible route provided to that entrance and approved handicapped parking signs shall be posted. The size and number of handicapped parking stalls shall comply with the current Americans with Disabilities Act (ADA) policies and rules.

SEC. 27-1215. CONSTRUCTION SPECIFICATIONS.

(a) Surfacing.

- (1) Every off-street parking, loading and driveway area shall be paved with asphaltic or portland cement concrete, except for single-family development on individual lots.
- (2) Surfacing shall be designed by accepted engineering methods, subject to the approval of the County Public Works Director.

(b) Drainage. All off-street parking and loading areas shall be graded and drained so as to adequately dispose of all surface water generated by that impervious surface. Surface water shall not be drained across public sidewalks or alleys. Drainage plans for uses requiring more than ten (10) parking spaces shall be submitted to and approved by the County Public Works Director prior to the issuance of a building permit.

(c) Walkways. Walkways a minimum of five (5) feet in width shall be provided between any building and adjacent parking lot. Where sidewalk curbs serve as wheel stops, an additional two (2) feet of sidewalk width is required.

(d) Lighting. Lighting used to illuminate a parking area shall be arranged in such a manner as to not be a hazard to passing motorists or constitute a nuisance of any kind. Where said parking area is within one hundred and fifty (150) feet of any property zoned Residential by this Resolution/Ordinance and where the parking area is directly visible by the residents within one hundred and fifty (150) feet, illuminating devices shall be shaded in a manner as to direct light away from the residential property.

(e) Wheel Stops. Wheel stops shall be installed at least thirty (30) inches from all adjacent sidewalks, fences and walls. Such stops shall be either a concrete piece at least sixty (60) inches long and five (5) inches high and affixed securely to the parking surface, or a continuous concrete curb. This requirement may be modified, provided other design features will be equally effective in prohibiting a vehicle from obstructing a sidewalk or

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making contact with a walk, fence or landscaped area, and which will promote safe pedestrian access.

(f) Traffic Control Devices. Parking spaces shall be designated by pavement markings. All traffic control devices such as pavement markings, signs, rails, curbs and other similar development proposals shall be installed and completed as shown on the approved plans.

(g) Maintenance. Maintenance of all areas provided for off-street parking shall include repair and maintenance of drain and repair of traffic control devices, signs, lights, standards, surfacing materials, curbs and sidewalks.

(h) Accesses. The accesses to parking lots shall be approved by the County Public Works Department or the Montana Department of Transportation, depending upon jurisdiction.

(i) Improvement Schedule. All parking area improvements to include surfacing, drainage, walkways, lighting, landscaping, screening, traffic control, etc., shall be installed before occupancy of the building or use to be served by such parking. Where parking area improvements will not be completed before occupancy of the building, a performance bond or an irrevocable letter of credit will be accepted for the completion of the required improvements. The performance bond or letter of credit shall be equal to one and one half (1 1/2") times the cost of the parking area improvements to be completed. A cost estimate for improvements not installed at the time of occupancy shall be presented to the Building Official for approval. Performance bonds or letters of credit will not be released until all required improvements shown on the approved plan are installed and accepted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required improvements have not been completed within twelve (12) months of the posting of the bond or letter of credit.

SEC. 27-1216. REQUIRED PARKING AND LOADING SPACES FOR SPECIFIC USES.

Required parking spaces shall be in conformance with the following table and where alternative standards are indicated, the greater requirement applies in conflicting computation. For uses not listed below, see BMCC section 27-1207.

Specific use	Required parking and loading spaces
Residential single-family or duplex dwelling	2 parking spaces per dwelling unit
Residential multi-family dwelling	1 parking space per one (1) bedroom dwelling unit 1 1/2 parking space per two (2) or more bedroom dwelling unit
Fraternity and sorority	1 parking space per two (2) sleeping rooms or 1 parking space per three (3) beds, whichever is greater
Retirement homes and housing projects for the elderly which have received a declaratory ruling from the Montana human rights commission allowing sale or lease of the units exclusively to persons sixty (60) years of age or older*	1--6 dwelling unit(s) require 0.5 parking space per dwelling unit 7--18 dwelling units require 0.33 parking space per dwelling unit

ARTICLE 27-1200. OFFSTREET PARKING AND LOADING STANDARDS (COUNTY ONLY)*

Over 18 dwelling units require 0.25 parking space per dwelling unit, with a minimum of 5 parking spaces

* Conversion to apartments will require the building to meet the residential multi-family dwelling parking requirements

Boarding, lodging, bed and breakfast houses, and similar uses	1 parking space per dwelling or lodging unit
Motels / hotels	1 parking space per sleeping room plus 1/2 parking space per employee per shift
Hospitals and institutions	With less than 100 beds based upon state licensed bed count: 1 1/2 parking spaces for each one thousand (1,000) square feet of total area or 1.2 spaces per bed With over 100 beds based upon state licensed bed count: 1.2 parking spaces per bed
Convalescent nursing homes and retirement homes	1 1/2 parking spaces per one thousand (1,000) square feet
Day care, nursery and preschools	1 parking space per employee and 1 parking space per six (6) children
Schools: elementary and junior high (public or private)	5 parking spaces plus 1 per classroom with minimum auditorium requirements
Schools: high school, college, vocational and trade (public or private)	1 parking space per employee and 1 parking space per five (5) students
Banks, business and professional offices	1 parking space per three hundred (300) square feet of floor area
Medical and dental offices or clinics	1 parking space per two hundred (200) square feet of floor area
Libraries and museums	1 parking space per five hundred (500) square feet of floor area
Theaters, auditoriums, stadiums, sports arenas, and other similar open assemblies	1 parking space per four (4) fixed seats or 1 parking space per one hundred (100) square feet of assembly space without fixed seats
Skating rinks, dance halls, and recreation establishments	1 parking space per two hundred (200) square feet of floor area
Bowling alleys	6 parking spaces per alley
Churches, auditoriums, bingo parlors, and other similar places of assembly	1 parking space per four (4) fixed seats or 1 parking space per one hundred (100) linear inches of pew or 1 parking space per sixty-five (65) square feet of floor area used for assembly purposes
Mortuaries and funeral homes	1 parking space per four (4) seats
Private clubs and lodges	1 parking space per two hundred (200) square feet of floor area
Restaurants and bars	1 parking space per one hundred (100) square feet of floor area
Restaurants, with drive-in service	1 parking space per eighty (80) square feet of floor area, with 10 parking spaces minimum
Retail stores - less than five thousand (5,000) square feet	1 parking space per two hundred (200) square feet of floor area
Retail stores - greater than five thousand (5,000) square feet	25 parking spaces plus 1 parking space per three hundred (300) square feet in excess of five thousand (5,000) square feet
Furniture, appliance, household, and equipment sales	1 parking space per six hundred (600) square feet
Open sales area, trailer sales and rental, manufactured home sales, and garages	1 parking space per one thousand five hundred (1,500) square feet of sales area

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Service stations, automobile repair and services	1 parking space per eighty (80) square feet of gross floor area, with 10 spaces minimum (pump lanes not counted as parking spaces)
Convenience store/gas combination	1 parking space per eighty (80) square feet of gross floor area, with 10 spaces minimum (pump lanes not counted as parking spaces)
Motor vehicle and boat showrooms, machinery sales and service, plumbing, heating and ventilating, upholstery, building material supplies, sales and service	1 parking space per one thousand (1,000) square feet plus 1 parking space per employee
Manufacturing uses, research, testing or repair of materials or commodities and processing, assembling, all industries	1 parking space per two (2) employees on maximum shift, but not less than 1 parking space per eight hundred (800) square feet of gross floor area
Wholesale establishments	5 parking spaces for the first one thousand (1,000) square feet of area and 1 additional space for each one thousand (1,000) square feet or 0.6 spaces per employee
Warehousing or storage buildings, freight terminals	10 spaces for the first twenty thousand (20,000) square feet of area and 1 additional space for each additional ten thousand (10,000) square feet or 0.6 spaces per employee

(Ord. No. 97-5048, § 11, 12-22-97)

Billings Montana City Code

Sec. 6-1203. Off-street parking requirements.

(a) *Required.* There shall be provided at the time of erection of any building or structure or at the time of any change in occupancy of any building or structure minimum off-street parking accommodations meeting the provisions of this section.

(b) *Location:*

(1) Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve. The off-street parking shall not be located across a major arterial street except when both properties are contiguous to an intersection with traffic-control lights. Off-street parking should not be located across a minor arterial or collector street from the business or residence.

(2) For one-and two-family dwellings, off-street parking is required on the same building site with the building they are required to serve.

(3) For multiple dwellings, retirement homes, lodging and boarding houses, etc., off-street parking is required within the walking distance of one hundred (100) feet.

(4) For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred (600) feet for employees and three hundred (300) feet for visitors.

(5) For uses other than those specified above, off-street parking within four hundred (400) feet is required.

(c) *Expansion and enlargement.* Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of this section, provided, however, that no parking space be provided in the case of enlargement or expansion, where the number of parking spaces required for such expansion or enlargement is less than ten (10) percent of the parking spaces required for the enlarged facility as specified in this section. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing on May 3, 1972.

(d) *Nonconforming uses.* Nothing in this section shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though nonconforming provided that all regulations herein governing the location, design and operation of such facilities are adhered to.

(e) *Mixed occupancies.* In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements are to be the sum of the area computed. Off-street parking facilities for one (1) use shall not be considered as a substitute for joint use.

(f) *Use not specified.* In the case of a use not specifically mentioned in the Table of Minimum Standards the requirements for off-street parking facilities shall be determined by the building official. Such determination shall be based upon the requirements for the most comparable use listed.

(g) *Central business district.* The table of minimum standards contained in subsection (j) of this section do not apply to that portion of the city zoned central business district except as specifically provided in this section.

(h) *Authority for joint use or lease of additional parking spaces.* The building official may authorize the joint use or lease of parking facilities for the following uses or activities under conditions specified:

(1) Up to fifty (50) percent of the parking facilities required by this section for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses, may be supplied by certain other types of buildings, or uses herein referred to as "day time" uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.

(2) Up to one hundred (100) percent of the parking facilities required by this section for a church or for an auditorium incidental to public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a "day time" nature.

(i) *Conditions required for joint use or lease.* The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within five hundred (500) feet of such parking facilities, in addition to which:

(1) The application shall show that there is no substantial conflict in the principal operating hours at the two (2) buildings or uses for which a joint use of off-street parking facilities is proposed.

(2) The applicant shall present to the building official a legal agreement (lease) executed by the parties concerned for joint use or lease of off-street parking facilities. The lease must be for a minimum of ten (10) years and contain a notification requirement whereby the city will be informed in writing of any termination or complication experienced during the term of the lease.

(j) *Table of minimum standards.* Required parking spaces shall be in conformance with the following table and where alternative standards are indicated, the greater requirement applies in conflicting computation; where the total quota results in a fraction the next highest full unit shall be provided.

TABLE OF MINIMUM STANDARDS--OFF-STREET PARKING

TABLE INSET:

Use	Space Required
Warehouses, and freight terminals	10 spaces for the first 20,000 sq. ft. of area and 1 space for each additional 10,000 sq. ft. or 0.6 spaces per employee
Wholesale business	5 spaces for the first 1,000 sq. ft. of area and 1 additional space for each 1,000 sq. ft. or 0.6 spaces per employee
Food or beverage places with sale and consumption on premises	1 per 100 sq. ft. of gross floor area
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and services	1 per 1,000 sq. ft. of gross floor area plus 1 per employee

Retirement homes and housing projects for the elderly which have received a declaratory ruling from the Montana Human Rights Commission allowing sale or lease of the units exclusively to persons sixty (60) years of age or older	1--6 dwelling units 0.5 space/dwelling unit 7--18 0.33 space/dwelling unit over 18 0.25 spaces/dwelling unit minimum of 5 spaces
Motel and motor courts	1 per sleeping room plus 0.5 spaces per employee per shift
Hotels	1 per sleeping room plus 0.5 spaces per employee per shift
Hospitals (with less than 100 beds based upon state licensed bed count) and institutions	1 1/2 spaces for each 1,000 sq. ft. of total area or 1.2 spaces per bed
Hospitals (with over 100 beds based upon state licensed bed count)	1.2 spaces per bed
Theaters	1 per 4 seats
Churches, auditoriums, bingo parlors 1 and similar places of assembly	1 per 4 seats or 1 per 100 linear inches of pew or 1 per 65 sq. ft. of gross floor area used for assembly purposes
Stadiums, sports arenas and similar open assemblies	1 per 4 fixed seats plus 1 per 100 sq. ft. of assembly space without fixed seats
Bowling alleys	6 per alley
Medical doctor and dental clinics or offices located within the medical corridor:	
If less than 10,000 sq. ft. of floor area	1 per 200 sq. ft. of gross floor area
If over 10,000 sq. ft. of floor area and under 30,000 sq. ft. of floor area	50 plus 1 per 250 sq. ft. in excess of 10,000 sq. ft.
If over 30,000 sq. ft. of floor area and under 100,000 sq. ft. of floor area	130 plus 1 per 300 sq. ft. in excess of 30,000 sq. ft.
If over 100,000 sq. ft. of floor area	363 plus 1 per 350 sq. ft. in excess of 100,000 sq. ft.
Medical doctor and dental clinics located outside the medical corridor	1 per 200 sq. ft. of gross floor area
Medical and dental clinic	1 per 200 sq. ft. of gross floor area
Banks, business and professional offices	1 per 300 sq. ft. of gross floor area
Mortuaries	1 per 4 seats in the principal auditorium

Other retail:	
If less than 5,000 sq. ft. of floor area	1 per 200 sq. ft. of gross floor area
If over 5,000 sq. ft. of floor area	25 plus 1 per 300 sq. ft. in excess of 5,000 sq. ft.
Manufacturing uses, research testing and processing, assembling, all industries	1 per 2 employees on maximum shift but not less than 1 per 800 sq. ft. of gross floor area
Libraries and museums	1 per 500 sq. ft. of gross floor area
School, elementary, and junior-high public, private or parochial	5 spaces plus one per classroom with minimum auditorium requirements
School, high school, college-public or private	1 per each employee and 1 per 5 students with minimum auditorium requirements
Service stations, and drive-in restaurants	1 per 80 sq. ft. gross floor area, with 10 spaces minimum requirement
Residential, single-family or duplex	2 per dwelling unit
Residential, multifamily	1 per one bedroom dwelling unit 1.5 per two or more bedroom dwelling unit
Fraternity and sorority	1 per 2 sleeping rooms or 1 per 3 beds, whichever is greater
Boarding houses, lodging homes and similar uses	1 per dwelling unit or lodging unit
Convalescent homes, nursing homes, rest homes	1.5 spaces for each 1,000 sq. ft. of total area

1 **NOTE:** For purposes of this section, bingo parlor is defined as a gambling establishment primarily and principally engaged in conducting live bingo and/or keno games.

(k) *Space requirements or employees.* Space requirements for employees shall be computed by the number of employees on shift during peak parking demand.

(l) *Handicapped parking.* Gross area shall provide parking for the handicapped as provided in the building code.

(m) *Off-street loading--Retail and commercial.* In any district, any building or part thereof having a gross floor area of ten thousand (10,000) square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space, plus one (1) additional loading space for each twenty thousand (20,000) feet or major fraction thereof of gross floor area. Each loading space shall be not less than twenty (20) feet in width, twenty-five (25) feet in length, and

fourteen (14) feet in height. Such loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

(n) *Off-street loading--Warehouse and wholesale.* Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the city engineer. Such loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

(o) *Screening required.* Screening in the form of walls, architectural fences or dense coniferous hedges shall be required where any parking facility has a common boundary with any residentially zoned property.

(p) *Reserved.*

(q) *Construction:*

(1) *Generally.* Plans for parking lots shall be submitted to the building official. After approval by the city engineer the building official may issue a construction permit. A permit shall be obtained before construction of any parking facility is started.

(2) *Surfacing.* Surfacing is required for all off-street parking, loading, storage, sales, rental or service areas for vehicles including service stations and used-car lots. Surfacing shall be designed by accepted engineering methods and subject to the approval of the city engineer.

(3) *Drainage.* Drainage is required for all surfaced areas as approved by the city engineer. Surface water shall not be drained across public sidewalks or alleys.

(4) *Walkway.* Walkways five (5) feet in width shall be provided between any building and an adjacent parking lot.

(5) *Lighting.* Lighting shall be directed away from residential areas and public streets.

(6) *Bumper curb.* A raised bumper curb of concrete six (6) inches high is required for all parking stalls adjacent to the property line and where necessary to ensure pedestrian access.

(7) *Traffic-control devices.* Parking stalls shall be designated by pavement markings. All traffic-control devices such as pavement markings, signs, rails, curbs and other developments shall be installed and completed as shown on the approved plans.

(8) *Maintenance.* Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of dirt, trash, and weeds, repair and maintenance of drain and repair of traffic control devices, signs, lights, standards, fences, walls, surfacing materials, curbs, sidewalks and railings.

(9) *Accesses.* The accesses to the parking lot will be governed by the curb cut policy.

(r) *Limited access through the alley.* Customer access via an alley to any commercial use on a lot which is adjacent to an alley which abuts an "R" zone shall not be permitted over that alley.

(s) *Minimum dimensions.* All off-street parking facilities shall be developed with not less than a nine (9) feet stall width. All other minimum dimensions will be based upon standards on file in the engineer's office.

(t) *Ramped driveway access:*

(1) A ramped driveway exit rising up to a public sidewalk must have a transition section that is almost level (maximum slope five (5) percent) before intersecting the sidewalk to prevent the hood of the car from obscuring the driver's view of pedestrians on the walk. The transition should be a minimum of sixteen (16) feet long.

(2) With a sloped drive, a transition shall always be provided to ensure adequate clearance for the vehicles using the drive.

(3) The egress shall be free of vision obstructions.

(u) *Site improvement time limit.* By the following July first of the year after the principal structure has been occupied, the requirements of this section and section 6-1206 shall be completed. Section 6-1206 shall not be applicable when a subdivision is covered by a subdivision improvements agreement.

(Ord. No. 84-4852, § 2(exh. A), 4-9-84; Ord. No. 85-4649, §§ 1--3, 7-1-85; Ord. No. 87-4724, § 1, 1-26-87; Ord. No. 91-4869, § 1, 6-3-91; Ord. No. 91-4881, § 1, 8-5-91; Ord. No. 91-4884, § 1, 9-9-91; Ord. No. 94-4958, § 1, 4-11-94; Ord. No. 98-5049, § 1, 1-12-98)

Cross references: Traffic and motor vehicles, Ch. 24.

Sec. 6-1204. Reserved.

Editor's note: Ord. No. 98-5049, § 2, adopted Jan. 12, 1998, repealed former section 6-1204 in its entirety which pertained to fences and hedges and derived from Ord. No. 84-4582, § 2(exh. B), 4-9-84; Ord. No. 89-4807, § 1, 10-23-89; Ord. No. 90-4287, § 1, 4-16-90)

Sec. 6-1205. Reserved.

Editor's note: Ord. No. 98-5049, § 3, adopted Jan. 12, 1998, repealed former section 6-1205 in its entirety which pertained to visibility at intersections and derived from Ord. No. 84-4582, § 2(exh. C), 4-9-84; Ord. No. 90-4827, § 2, 4-16-90.

SECTION 27-1201 PURPOSE

The purpose of this section is to provide landscaping and performance standards that:

- A. Enhance and promote a unique image for the City of Billings.
- B. Protect the public health, safety and welfare by:
 - 1. Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
 - 2. Minimizing noise, air, water and visual pollution;
 - 3. Screening and buffering incompatible land uses;
 - 4. Reducing the amount of reflected glare and heat absorbed in and around developments;
 - 5. Breaking up large expanses of parking lots;
 - 6. Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
 - 7. Providing screening from wind.
- C. Conserve water resources by:
 - 1. Promoting the use of xeriscaping and drought-tolerant naturalized plantings; and
 - 2. Promoting the utilization of storm water detention as an irrigation source.
- D. Ensure that landscaping is an integral part of the site design and development process.

SECTION 27-1202 APPLICABILITY**A. GENERAL APPLICABILITY**

- 1. The provisions of this article are applicable to all new development as identified in Table 27-1200.1.
- 2. A property or development site may have more than one type of required landscaping. Each type of landscaping is calculated separately. One type of required landscaping may not be calculated toward nor substituted for the provision of a different type of required landscaping. For example, street frontage landscaping may not be calculated toward off-street parking lot landscaping.

Table 27-1200.1: Landscaping Applicability

Landscaping Type	Section	Res (N1-3, NX1-3 and RMH)	NO, NMU	CMU1, CMU2	DX, CBD	CX, I1, I2	P2, P3	EBURD
Key: ✓ = Applicable, ⊘ = Not Applicable								
Street Frontage/ Trees	27-1203	✓ All districts and uses located on a public street						Located in Sec.27-900
Bufferyards	27-1204	⊘	✓	✓	✓	✓	✓	
Parking Lot Landscaping	27-1205	⊘	✓ Any parking lot with 10 or more spaces					

Table 27-1200.1: Landscaping Applicability

Landscape Type	Section	Res (N1-3, NX1-3 and RMH)	NO, NMU	CMU1, CMU2	DX, CBD	CX, I1, I2	P2, P3	EBURD

Key: ✓ = Applicable, ⊘ = Not Applicable

Tree Preservation Options	27-1206	⊘	✓	✓	✓	✓	✓	

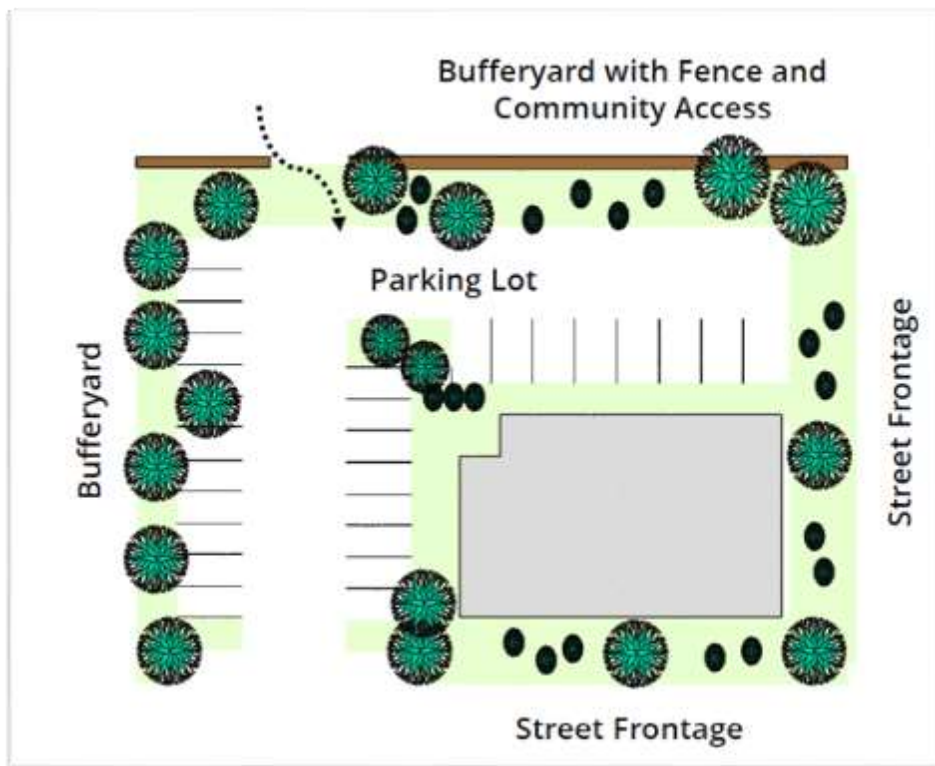


Fig. 27-1200.A: Illustrated location of different required landscape types

B. PROPORTIONATE COMPLIANCE

Article 27-1100, Proportionate Compliance, may be applicable to adjust landscape standards for redevelopment projects.

SECTION 27-1203 LANDSCAPE PLAN

A. APPLICABILITY

1. Landscaping in compliance with this article shall be required for any new construction, and expansion of existing structures. All plans submitted in support of a building permit shall include a landscape plan where appropriate.
2. A landscaping plan must be approved by the Zoning Coordinator or designee before the issuance of a building permit.

B. LANDSCAPE PLAN PREPARATION

1. Landscape plans shall be prepared with materials that meet the requirements of Section 27-1207 and that:
 - (a) Are appropriate to the conditions in which they are planted;

- (b) Have noninvasive growth habits;
 - (c) Encourage low maintenance, high quality design; and
 - (d) Are otherwise consistent with the intent of this article.
2. Landscape plans shall be prepared as follows:
- (a) Lots of 1 acre or larger: the plan shall be prepared by a licensed landscape architect.
 - (b) Lots smaller than 1 acre: the applicant is encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.
- A list of appropriate plant species for Billings can be obtained from the Planning Division.

C. INFORMATION REQUIRED

The landscaping plan shall contain the following elements:

- (a) Scale: no smaller scale than 1"=40'
- (b) Property lines, easements, and public rights-of-way, including clear vision areas as identified in Section 27-1803.H.
- (c) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection
- (d) Existing and proposed buildings or structures
- (e) Existing and proposed signs
- (f) An estimated count and approximate location of all existing trees, four inches in diameter or larger, measured at four and a half feet above grade, and identification of all trees within that group that are identified for removal and the required characteristics of all trees for tree preservation credit. A tree count is not required for areas of the site that will not be disturbed during construction.
- (g) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.
- (h) Landscaping materials:
 - (1) Location and spacing of proposed plant materials.
 - (2) Location of existing trees or landscaping to be preserved or eliminated.
 - (3) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule.
 - (4) Size of materials, in diameter and height at installation and maturity.
 - (5) Quantity of each planting materials to be used.
 - (6) Types and location of inorganic landscaping material.
- (i) Location of walls, fences, screening, and refuse storage areas.
- (j) Location of any proposed retaining walls, indicating size and material to be used in the construction of the wall.
- (k) Methods of protecting the landscaped areas.
- (l) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel).

D. PROCEDURE FOR LANDSCAPE PLAN REVIEW**1. Landscape Plan Review**

The Zoning Coordinator shall consider the approval criteria in Section 27-1203.D.2 below when reviewing the landscape plan.

2. Approval Criteria

The Zoning Coordinator may approve a landscape plan upon a finding that the application meets all of the following criteria, as applicable:

- (a) The landscape plan conforms to all requirements of this article and is consistent with the currently adopted growth policies and any other applicable plans.
- (b) The landscape design includes the installation of a diversity of species and sizes of vegetation with preference given to locally naturalized vegetation.
- (c) If required, preservation of existing, locally naturalized vegetation is incorporated into the landscape design.
- (d) No plant materials or landscape features are situated in such a manner so as to inhibit vehicle sight distances established in Section 27-1803.H, or otherwise create a traffic hazard.
- (e) No woody plant materials are situated within any utility easement unless shrubs or other limited height materials are of a size that has been approved by the utility provider.
- (f) The facilities for watering and drainage are adequate to ensure the landscape area is maintained and that no soil, bark, mulch, gravel, stone, or similar materials are allowed to wash off the landscape area into parking areas, driveways, public streets, sidewalks, gutters, or storm drainage facilities.
- (g) The design, selection, and layout of such landscaping is such so as to minimize maintenance requirements.

E. POST APPROVAL**1. Site Specific and Binding**

Approved landscape plans shall be binding upon the applicants and their successors and assigns. No certificate of occupancy shall be issued for any building or structure where landscaping has not been provided in accordance with the required and approved landscape plan, or any approved modifications thereto.

2. Expiration of Unbuilt Landscape Plans

Approved landscape plans shall expire one year after approval if a certificate of occupancy has not been issued. In the event that the landscape plan expires due to the passage of this time period, a new landscape plan application must be submitted for approval in the same manner as an original application. An extension not to exceed one year may be granted by the Zoning Coordinator prior to expiration.

3. Modifications to Landscape Plans

The holder of an approved landscape plan may request a modification to the document, or the conditions of approval, by submitting amended documents to the Zoning Coordinator or designee.

F. PERMIT AND SECURITY**1. Landscaping Installed Within One Year of Issuance of Building Permit**

- (a) All landscaping and screening material, organic and inorganic, shall meet the standards of Section 27-1210 and be in place prior to the issuance of a certificate of occupancy. Irrigation systems shall be fully functional at the same time as the completion of the landscape planting. This requirement shall be verified by the submission of a final, as-installed landscaping plan by the party responsible for the creation of the landscape plan that is submitted with the certificate of occupancy application.
- (b) If the timing of the project and seasonal limitations prevent planting prior to issuance of the certificate of occupancy, security as described in this section may be provided and the planting period may be extended accordingly.

2. Security Required

- (a) When the timing of a project delays the installation of the landscaping beyond the 1-year time period, a performance bond or letter of credit for 150 percent of the landscaping materials and labor costs shall be posted with the planning division to ensure the placement of the required landscaping.
- (b) The property shall be inspected by the Zoning Coordinator to make sure that the required landscaping has been planted before release of the security bond or letter of credit.
- (c) The installation of the required landscaping may be delayed until the next suitable planting season with written approval from the Zoning Coordinator.

G. MAINTENANCE AND INSPECTION

- 1. Trees, shrubs, irrigation improvements, and other landscape features depicted on plans approved by the City shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:
 - (a) Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance.
 - (b) All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices.
 - (c) The repair or replacement of required landscape structures (e.g., walls and fences) to a structurally sound condition.
 - (d) The regular repair or replacement, where necessary, of any landscaping required by this section.
- 2. Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with development plans and shall contain all construction details for an automatic system.
- 3. All landscaping and irrigation may be subject to periodic inspection for compliance to approved plans.

SECTION 27-1204 STREET FRONTAGE LANDSCAPING**A. PURPOSE**

Street frontage landscaping trees helps maintain and enhance the appearance of the City, contribute to pedestrian safety and comfort, and offer environmental benefits by allowing the infiltration of storm water, reducing urban heating, and improving air quality

B. REQUIRED STREET FRONTAGE LANDSCAPING

The area along any property line that abuts a public and private street right-of-way shall be provided a street frontage landscaped area planted with street trees. Property owners shall plant and maintain street trees as follows and as further required by this section:

1. All Districts Except CBD

- (a) The street frontage landscape area shall be at least 10 feet wide. The width of the landscape area may be reduced to six feet with the provision of drip irrigation per Section 27-1210.F.
- (b) The required total number of street trees shall be calculated at one tree per 40 lineal feet of frontage. Fractions shall be rounded up to the next whole number.
- (c) Street trees do not need to be spaced at 40-foot intervals; the maximum interval shall be 60 feet with decisions about landscaping design within that interval left to the discretion of the property developer in consultation with their landscape designer or landscape architect.
- (d) Additional required plant materials are specified in Section 27-1204.D.

2. CBD

- (a) The required total number of trees is one tree per 25 feet of frontage. In the CBD trees shall be spaced an average of 25 feet and may not be grouped. Tree spacing may be varied by up to five feet to avoid planting a tree directly in front of a building entrance. Overall spacing shall be designed to avoid placing trees side-by-side at street corners.
- (b) Street trees shall be planted in pervious landscape areas, tree strips, or tree wells that are located adjacent to the back-of-curb. The dimensions of the tree planting area for a single tree shall be no less than five-foot square.

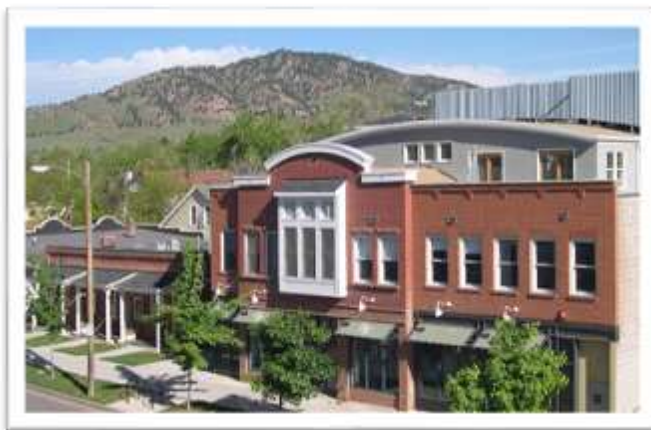


Fig. 27-1200.B: Street tree landscaping examples (left: mixed use, right: multifamily)

C. LOCATION AND CALCULATIONS

1. Measurement
 - (a) Generally: The street frontage landscape area depth is measured from the property line inward.
 - (b) Boulevard: Street frontage yards located along a boulevard shall be measured from the curb inward. Trees may be located within a boulevard where permitted by City Engineering.
2. Street frontage landscape areas may overlap required yards and be located within required setbacks.
3. Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining landscaping area.

D. PLANT MATERIALS

1. Street tree species shall be chosen from the Billings Plant List.
2. The ground plane of the street front landscape yard shall be planted in 75 percent organic materials that will remain in place through typical local weather and may not include turf grass or other material that requires regular mowing. The remaining 25 percent of the ground plane may be covered in inorganic materials.
3. Generally applicable plant materials standards are located in Section 27-1210.
4. The use of coniferous trees is not permitted in street frontage landscaping.

SECTION 27-1205 BUFFERYARDS**A. REQUIRED BUFFERYARDS**

1. Applicability
 - (a) The exterior boundary of a lot that adjoins or is located across an alley from a different zone district, structure, or use, and that does not adjoin a public street right-of-way, shall meet the bufferyard requirements shown in Table 27-1200.3 below.
 - (b) A lot may require a combination of street frontage yards and bufferyards depending upon the types of surrounding development.

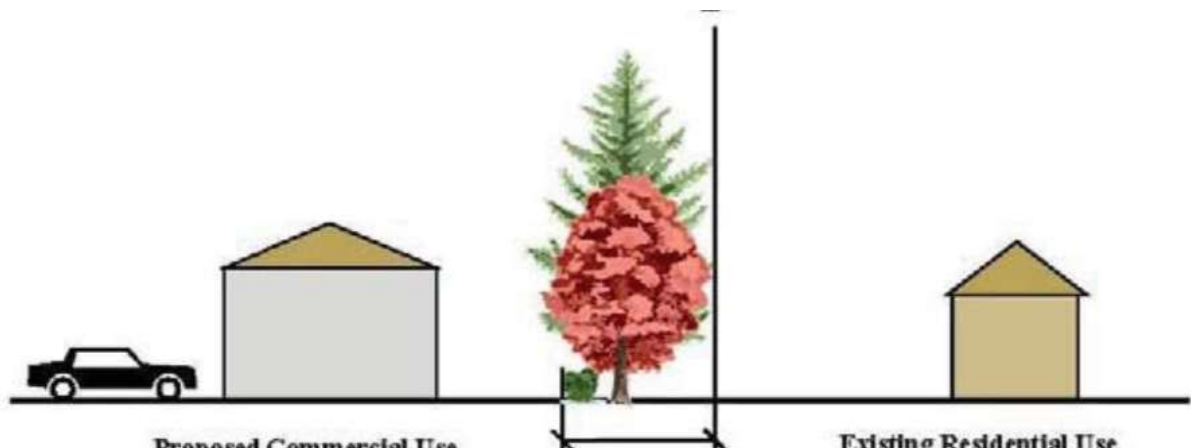


Fig. 27-1200.C: Bufferyards are located between different types of development

- (c) In the CBD, the requirements of this section shall be accommodated to the maximum extent feasible. The bufferyard design may be adjusted by the Zoning Coordinator to accommodate the space available on the lot.

2. Types of Bufferyards

- (a) There are three types of landscaping bufferyards defined in this section that are intended to accomplish the following:
 - (1) B1: Visual Enhancement is intended to create a partial visual separation between uses or districts.
 - (2) B2: Filtered Screen is intended to create a semi-opaque visual separation between uses or districts.
 - (3) B3: Screened Separation is intended to provide both space and a partial visual separation between uses or districts. This bufferyard is intended for use where a new development is located adjacent to a district or use that is significantly different in intensity, such as a residential district next to an industrial district.
- (b) The dimensions and planting requirements for each type of bufferyard is specified in Table 27-1200.4.

3. Additional Standards and Instruction

- (a) If a use or district does not conform to the categories identified in Table 27-1200.3, the Zoning Coordinator shall determine which category best matches the use.
- (b) A six-foot high sight-obscuring fence or wall shall be provided on the property line where a commercial or industrial use or structure is adjacent to or across an alley from any residential uses, including residential as part of a mixed-use development.
 - (1) A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three feet and reaches six feet or more at maturity.
 - (2) Vinyl or powder-coated, colored chain link fencing is allowed within a bufferyard where a sight obscuring fence is required so long as the chain link fence has sight-obscuring slats installed.

Table 27-1200.3 Required Bufferyards

Key: B1, B2, or B3 = required bufferyard (see Table 27-1205.2 for requirements) x = no bufferyard required

Proposed New Development

Read **DOWN** columns
for proposed uses

		Structure/ Use	Category 1: Neighborhood Residential and Mixed- Use (N1-3, NX1-3, RMH, NO, NMU)				Category 2: Commercial Mixed-Use (CMU1, CMU2)				Category 3: Downtown (DX, CBD)				Category 4: Heavy Commercial and Industrial (CX, I1, I2)				Category 5: Public (P1, P2, P3)		
			SFR	MFR	Mixed Use	Non- Res.	SFR	MFR	Mixed Use	Non- Res.	SFR	MFR	Mixed Use	Non- Res.	CX	I1	I2	EBURD	P1	P2	P3
Existing Adjacent Development Categories	Cat. 1 (N1-3, NX1-3, RMH, NO, NMU)	Single Family	X	B1	B2	B2	NA	NA	B2	B3	NA	B1	B2	B3	B3	B3	B3		X	B2	B2
		Multi Family	B1	X	B2	B2	NA	NA	B2	B3	NA	X	B2	B3	B3	B3	B3		X	B2	B2
		Mixed-Use	B2	B2	B	B1	NA	NA	B	B1	NA	B2	B	B1	B2	B3	B3		X	B1	B1
		Non-Residential	B2	B2	B1	B	NA	NA	B1	B	NA	B2	B1	B	B1	B2	B3		X	B1	B1
	Cat. 2 (CMU1 CMU2)	Single Family	X	B1	B2	B2	NA	NA	B2	B3	NA	B1	B2	B3	B3	B3	B3		X	B2	B2
		Multi Family	B1	X	B2	B2	NA	NA	B2	B3	NA	X	B2	B3	B3	B3	B3		X	B2	B2
		Mixed Use	B2	B2	B	B1	NA	NA	B	B1	NA	B2	B	B1	B2	B3	B3		X	B1	B1
		Non-Residential	B2	B2	B1	B	NA	NA	B1	B	NA	B2	B1	B	B1	B2	B3		X	B1	B1
	Cat. 3 (DX, CBD)	Single Family	X	B1	B2	B2	NA	NA	B2	B3	NA	B1	B2	B3	B3	B3	B3		X	B2	B2
		Multi Family	B1	X	B2	B2	NA	NA	B2	B3	NA	X	B2	B3	B3	B3	B3		X	B2	B2
		Mixed Use	B2	B2	B	B1	NA	NA	B	B1	NA	B2	B	B2	B2	B3	B3		X	B1	B1
		Non-Residential	B2	B2	B1	B	NA	NA	B1	B	NA	B2	B2	B	B1	B2	B3		X	B1	B1
	Cat. 4 (CX, I1, I2, EBURD)	CX	B3	B3	B2	B1	NA	NA	B3	B3	NA	B3	B3	B2	B	B	B		X	B3	B3
		I1	B3	B3	B3	B2	NA	NA	B3	B3	NA	B3	B3	B2	B	B	B		X	B3	B3
		I2	B3	B3	B3	B3	NA	NA	B3	B3	NA	B3	B3	B2	B	B	B		X	B3	B3
		EBURD	B3	B3	B3	B2	NA	NA	B1	B	NA	B1	B1	B	B	B	B		X	B2	B2
	Cat. 5 (Public)	P1	X	X	X	X	X	X	X	X	X	X	X	X	B1	B1	B1		X	X	X
		P2	B2	B2	B1	B1	NA	NA	B2	B2	NA	B1	B1	B1	B3	B3	B3		X	B	B
		P3	B2	B2	B1	B1	NA	NA	B2	B2	NA	B1	B1	B1	B3	B3	B3		X	B	B

For Proposed Development in EBURD, please see Section 27-905, for landscaping standards.

B. STANDARD BUFFERYARD TYPES

The bufferyard dimensional and planting requirements are established in Table 27-1200.4, and a menu of landscape points is established in Table 27-1200.5. Landscape point allocations may be enhanced through the use or conservation of bonus materials as identified in Table 27-1200.6.

1. Standard Types of Bufferyards

Different buffer widths and planting requirements may be specified in this section according to the following standard landscape buffering types:

Table 27-1200.4: Standard Bufferyard Types

Requirement	B1	B2	B3
Planting Area Width (min. avg., ft)	6	10	10
Total Points Required (per linear foot of property line)	0.30 points per lin. ft.	0.50 points per lin. ft.	1.1 points per lin. ft.
Min. Tree Points	none required	0.35 points per linear ft.	0.60 points per linear ft.
Min. Shrubs/Plant Points	0.10 points per linear ft.	0.05 points per linear ft.	0.05 points per linear ft.
Max. % Non-organic Landscape Materials	25	25	25
Max. Organic Groundcover in Turf Grass	Not permitted	N/A	N/A
Opaque Screen Fence	Optional	Optional	Required
Open Fence	Optional	Optional	N/A

Bufferyard type B - Requires 1 tree every 70 feet along shared property line, with drip irrigation to each tree.

2. Design

Placement and landscaping design shall be at the discretion of the developer, in consultation with the landscape architect or landscape designer, including the placement of the required trees within the required bufferyard.

3. Location and Calculations

- (a) Bufferyard depth is measured from the property line inward. Where a buffer area overlaps another buffer area, the area of overlap of one bufferyard shall be subtracted from the total required landscape point calculation to avoid double counting.
- (b) Bufferyards may be located within required yards and setbacks.
- (c) Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.

4. Landscape Points

- (a) Required bufferyard landscaping is calculated in landscape points. The following table identifies the landscape points awarded for various planted or preserved landscape materials. Plant material standards are provided in Section 27-1210.

Table 27-1200.5: Landscape Points

Landscape Material	Landscape Points		
	Newly Installed (caliper)	Newly Installed Naturalized (caliper)	Existing Retained (diameter)
Deciduous Trees:			
Greater than 8"	n/a	n/a	27
From 4" to 8"	n/a	n/a	17
From 2.5" to 4"	21	27	n/a
From 1.5" to 2.5" or multi-stem	13	17	n/a
Coniferous Trees, Height:			
Greater than 10'	21	25	27
From 8' to 10'	13	15	17
From 6' to 8'	9	9	12
Shrubs, Plants & Ground Cover:	Points per square feet	Points per square feet: naturalized	
Perennials/ground cover	17 per 500	27 per 500	
Annual flower bed	17 per 500	22 per 500	
Lawn grass	13 per 1000	n/a	
Hardscape Materials:	Points		
Split rail fence	0.20 per lineal foot		
Screening fence (opaque)	0.40 per lineal foot		
Organic mulch	13 per 500 sq. ft.		
Ornamental pavers, decorative rock mulch	6 per 250 sq. ft.		
Landscape boulders, 3 feet or greater in height	10 per boulder		
Seating	0.40 per linear foot		
Public amenities (See Sec. B.4(b))	10 per amenity		

(b) Public amenities may be included in a bufferyard that is generally accessible by the public or by adjacent residential development. Public amenities shall meet the following standards:

- (1) Outdoor seating plaza or sheltering structure with a minimum useable area of 180 square feet.
- (2) Public art, including but not limited to sculptures, fountains, clocks, or murals with an installed value equal to or greater than $\frac{1}{2}$ of one percent of the construction value of the structure.
- (3) Sidewalk planters between the sidewalk and the building.
- (4) Pedestrian paths that connect residential development to the adjacent development or to an existing or proposed public walkway system.

5. Bonus Calculation

(a) Bonus landscape points may be awarded for landscaping that meets the following standards:

Table 27-1200.6 Bonus Landscape Points

Retained Existing Trees and Plant Materials	Bonus Landscape Points (% increase)
Trees of exceptional quality ¹ due to size, large canopy cover, trunk diameter, rareness, age, or species	25
300+ square feet with a minimum of 1 tree of 4" caliper or greater or 10 feet in height or greater	15
500+ square feet with a minimum of 2 trees 4" caliper or greater or 15 feet in height or greater	20
800+ square feet with a minimum of 3 trees 4" caliper or greater or 18 feet in height or greater	25
Use of Local, Naturalized Vegetation in New Planting	
Use of 50 – 75% local, naturalized plant materials	10
Use of 75 – 99% local, naturalized plant materials	15
Use of 100% local, naturalized plant materials	20
Low Impact Development (LID) (Parking lot only)	
Incorporation of City-approved low impact development BMP in a required landscape area	20
Notes:	
1 – Populus, Elm, and Ash species do not qualify for this bonus	

(b) Landscape and Bonus Point Standards

- (1) Points awarded for retained vegetation in perimeter buffers may only be applied in the buffer area along the same lot line where the vegetation is found.
- (2) Any trees preserved on a site in required landscaping areas that meet the specifications in this section and are not identified on the Billings Plant List may, at the discretion of the Zoning Coordinator, be credited toward meeting the tree requirements of any landscaping provision of this article.
- (3) Any tree for which landscape points or bonus points are given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this section.
- (4) Existing trees that are preserved and receive landscape points or bonus points shall be marked on the landscape plan and the amount of bonus points shall be indicated. Any trees which receive points and are later removed shall be replaced with the number of trees for which landscape points was received.

SECTION 27-1206 OFF-STREET PARKING LOT LANDSCAPING**A. APPLICABILITY**

The following requirements shall be applicable to all new off-street surface parking lots with 10 or more spaces.

B. REQUIRED LANDSCAPE AREA

1. All surface parking lots shall incorporate the following interior landscaping:

- (a) All parking stalls shall be within 132 lineal feet of a required parking lot landscape area. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.
- (b) Landscape terminal islands that are a minimum of nine feet wide and four feet shorter than the adjacent parking stalls in the parking row shall be provided at the ends of each parking row.
- (c) Parking lots with 100 or more spaces shall also be divided into subsections of no more than 50 spaces with landscape divider strips shall be placed between the sections.

Fig. 27-1200.D
Sample parking
lot landscape
area layout



Fig. 27-1200.E Left: Landscape islands with storm water infiltration.

Fig. 27-1200.F Right: Landscape divider with bio-swale

C. LANDSCAPE AREA DESIGN

1. A sidewalk located within a landscape divider strip that separates either parking rows or parking lots shall be allowed to count toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:
 - (a) The sidewalk has a five-foot wide walking path and shall add two feet for vehicle overhang, if the sidewalk abuts a parking stall.
 - (b) The sidewalk extends the entire length of the divider strip. The ends of the sidewalk shall be ADA compliant.

- (c) The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than 50 percent of the area of the divider strip.
- 2. Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of concrete curbs, extruded asphalt or other approved permanent barriers.
- 3. No paving shall be permitted within four feet of the center of a tree.

D. PLANT MATERIALS

- 1. The ground plane of all of the required parking lot landscaped areas shall be planted in a minimum of 75 percent organic landscaping material that will remain in place through typical local weather, with a maximum of 25 percent of the ground plane covered in inorganic landscaping material. Approved sidewalks are not counted toward the percentage of inorganic material unless specifically provided for in this section.
 - (a) A landscape divider strip shall be planted with one tree every forty feet.
 - (b) Islands shall be planted with one tree in addition to the required ground plane coverage. Turf grass is prohibited in or on parking lot landscape islands. Deciduous canopy trees are encouraged within the parking lot.
- 2. Clear vision areas where the parking lot access drive enters from a public right-of-way must be maintained as required in Section 27-1803.H. Plant materials within these clear vision areas must be trimmed down to no more than 30 inches above grade, or in the case of trees, the lowest branch height trimmed up to 8 feet above grade.

E. WATER CONSERVATION DESIGN

- 1. Where appropriate and approved by the Engineering Division, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material, replenishment of groundwater supplies and to reduce problems associated with runoff.
- 2. Parking lots shall be designed so as not to drain into or across public sidewalks, adjacent property, or directly into natural watercourses. Curbs used to protect landscape islands should have 18 to 24-inch-wide curb cuts at frequent intervals to allow storm water infiltration. The surface of landscape islands and divider strips shall be concave to help channel surface water runoff. The following drainage structures are permitted within parking lot landscape areas:
 - (a) Rain gardens,
 - (b) Bio-swales,
 - (c) Drainage easements, and
 - (d) Drainage inlets.



Fig. 27-1200.G: Curb cut to allow drainage

F. SNOW STORAGE

1. A portion of the site equal to five percent of the surface areas to be plowed shall be provided as one or more snow storage areas that:
 - (a) Are adjacent to and within 20 feet of the edge of the pavement to be plowed;
 - (b) Are located so as not to interfere with the safe movement of pedestrians and traffic, including outside of any required clear vision areas as identified in Section 27-18xx;
 - (c) Are provided with appropriate drainage and where refreezing of any sheet drainage will not pose safety issues; and
 - (d) Remain accessible, useable, and clear of obstructions.
2. Plowed snow may be placed in a required bufferyard or parking lot interior landscape area that has been designed as follows:
 - (a) Snow storage areas shall be planted with plant materials that are salt-tolerant and that can withstand the weight and compaction of the snow. Mulch shall cover less than 30 percent of the landscape area within three years of installation.
 - (b) Trees, shrubs and other woody plants shall be protected from adjacent snow storage areas by separation by a minimum at grade separation from tree trunks or shrubs of four horizontal feet, or planters, elevated landscaping elements, walls or other approved mechanisms.

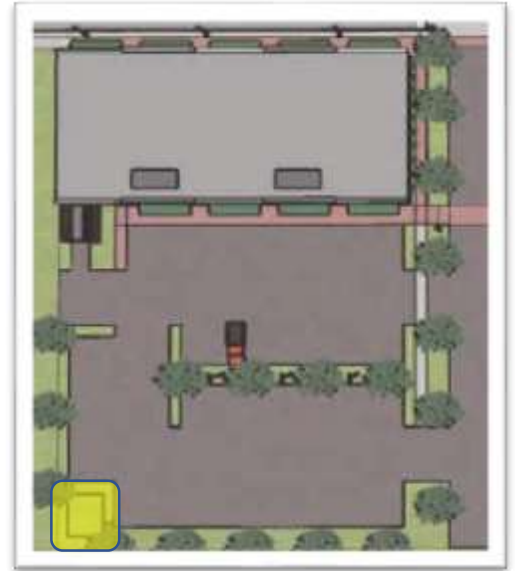


Fig. 27-1200.H Snow storage area

SECTION 27-1207 UTILITY AND SERVICE AREA SCREENING**A. SINGLE FAMILY RESIDENTIAL**

To the maximum extent practicable, utility equipment on residential lots shall be located behind the front building line of the house and screened from public view by an opaque wall, fence, or landscaping screen. Alternative locations may be approved by the planning and community services director to allow for the retention of existing trees on wooded sites.

B. MULTIFAMILY AND NON-RESIDENTIAL**1. Screening Generally****(a) Site Screening**

All multiple-family residential projects, manufactured and mobile home parks, and all mixed-use and non-residential projects shall include on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with trash bins, recycle bins, storage yards, service areas, loading docks, and equipment areas on the property.

(b) Visual Screening

Structures shall be designed and screened so that windows and decks do not overlook neighboring residential properties in a manner that intrudes on privacy.

2. Mechanical Equipment

(a) Applicability

- (1) The standards of this section shall apply to all of the following:
 - (i) Electrical and gas-powered mechanical equipment;
 - (ii) Ductwork and major plumbing lines used to heat, cool, or ventilate; and
 - (iii) Power systems for the building or site upon which the equipment is located.
- (2) Roof or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards. The standards of this section are not intended to apply to solar arrays, solar energy collection systems, or small wind energy systems, if such systems are otherwise in compliance with applicable building codes and development standards requirements.

(b) Screening Standards

- (1) **Roof-Mounted Mechanical Equipment:** Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to, or greater than the height of the mechanical equipment being screened. Roof-mounted mechanical equipment, except solar energy collection systems, is prohibited on single-family residential dwellings.
- (2) **Wall-Mounted Mechanical Equipment:** Wall-mounted mechanical equipment, except air conditioning equipment (e.g., window AC units), that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.
- (3) **Ground-Mounted Mechanical Equipment:** Ground-mounted mechanical equipment shall be screened from view by landscaping, a fence, or a decorative wall that is integrated into the architecture of the structure. The fence or wall shall be of a height equal to, or greater than the height of the mechanical equipment being screened.
- (4) **Alternate Screening:** Alternate screening methods that meet the intent of this section may be approved by the Planning and Community Services Director. Alternative screening might include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, architectural elements, and painting or otherwise causing the equipment to blend with the site or structure.

3. Service, Loading, and Storage Areas

(a) Applicability

These screening requirements are applicable to all service, loading, and storage areas. Applicants are encouraged to locate the types of features listed in this

subsection where they are not visible from off-site, or from public areas of a site, so that screening is unnecessary.

(b) Placement

- (1) All service areas shall be placed at the rear, on the side of, or inside buildings.
- (2) No service area shall be visible from a public right-of-way, or from adjacent residential areas.
- (3) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas, or at entries.

(c) Outside Storage Areas and Loading Docks

- (1) All storage areas, service areas, and loading docks visible from any public street right-of-way must be screened according to one or more of the screening options provided in these standards. Property zoned industrial must also screen from view, all outside storage areas that are adjacent to, or can be seen from non-industrial zoned property.
- (2) Screening shall be a minimum height of eight feet to screen truck berths, loading docks, areas designated for permanent parking, or storage of heavy vehicles, equipment, or materials.
- (3) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full-size tractor-trailer shall provide a 48-foot wing wall, where wing walls are used.

(d) Shopping Cart Storage

- (1) All shopping carts shall be stored either inside the building they serve or adjacent to the building in an area that is screened from public view.
- (2) Shopping cart corrals shall be made of a material suitable for withstanding weathering and rusting.
- (3) Shopping cart storage shall not be located in required off-street parking spaces.

SECTION 27-1208 TREE PROTECTION DURING CONSTRUCTION

A. GENERAL REQUIREMENTS

If the developer and designer intend to acquire landscape or bonus points for retained trees and landscaping, then tree protection during construction shall conform to the requirements of this section and the requirements relevant to construction in the American National Standards Institute (ANSI) publication A300 standards.

B. PROTECTIVE FENCING REQUIRED

Tree protection requirements shall apply to existing trees that are to receive credit for preservation. Such trees shall be surrounded by a temporary fluorescent colored fence that shall be constructed around the drip line of each tree, or group of trees to be preserved, prior to any grading or construction on the property.

1. The fencing shall be rigidly supported and maintained during all construction periods at a minimum height of four feet above grade.
2. All trees required to be fenced shall be clearly marked in a method approved by the Zoning Coordinator to notify inspectors the subject tree, or trees, are to be fenced at all times during construction.
3. Fencing may only be removed with the Zoning Coordinator's written permission, or upon approval of the final landscaping inspection.

C. OWNER'S RESPONSIBILITY

The owner or developer shall be responsible for the erection of any and all fences necessary to protect any existing or installed trees from damage both during, and after construction.

D. SHOWN ON SITE OR LANDSCAPING PLAN

The tree protection fencing shall be clearly shown on the site plan or landscape plan.

E. INSPECTION PRIOR TO LAND DISTURBANCE

All tree protection measures shall be inspected and approved by the applicant or landscape design professional responsible for the final landscape plan prior to start of any land disturbing activities.

F. PROHIBITED ACTIVITIES

The following activities are restricted or prohibited within the area contained by the tree protection fence:

1. Storage is prohibited within the fenced areas, including storage of heavy equipment, building materials, or soil.
2. Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used under the entire tree protection area. Tunneling must occur below the main lateral level of roots, or at least two feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be backfilled in the tunnels.
3. Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence.
4. Minimal grading within 20 feet of the tree protection area may be allowed provided it does not impound water during wet periods or increase the drainage rate so that water tables are lowered.

G. TIME LIMIT FOR COMMENCING CONSTRUCTION AFTER CLEARING LAND

Where land is cleared and construction does not begin within 9 months from the date of the building permit issuance, the owner shall be required to replant or re-seed the cleared property to its original vegetative cover based on tree counts and other information originally submitted to the City. A six-month extension of this limit may be issued at the discretion of the Zoning Coordinator.

SECTION 27-1209 LANDSCAPING MATERIAL STANDARDS

A. COMPLIANCE WITH LANDSCAPE PLAN

1. Plants shall conform to the measurements specified in the plant schedule submitted with the landscaping plan.

2. Homeowner associations and other similar organizations may not establish landscaping standards that conflict with the naturalized plant or water conservation provisions of this article as approved in an individual building permit landscape plan.
3. It is recommended that a professional horticulturist, nurseryman or design professional be consulted to determine the proper time to move and install all plant materials, so that stress to the plants will be minimized and plant success will be maximized.

B. PLANT SELECTION

1. Tree and plant materials shall be selected for: energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, and to achieve a desirable microclimate and minimize energy demand.
2. The Billings Plant List shall identify appropriate tree and plant species for use in required landscaping areas. Alternate appropriate trees and plants may be used on a site as recommended by a Landscape Architect or Landscape Designer.
3. Naturalized vegetation within sensitive land and resource areas shall be preserved unless the City approves an alternative naturalized landscaping plan that preserves significant desirable naturalized vegetation.
4. If turf areas are included in landscaping, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site.
 - (a) The use of non-naturalized, high water consumptive turf or other monoculture seeding is discouraged.
 - (b) The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.
 - (c) No person or organization shall impose private covenants, conditions, deed clauses, or other agreements that require the installation of turf or prevent the utilization of water efficient landscaping, provided such landscaping receives appropriate approval. No person shall prohibit landscaping materials and designs solely on the basis that they make use of water-efficient landscaping.

C. MEASUREMENT

1. Caliper

- (a) Caliper measurement shall be taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4½ inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate.

Note: Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic "slot" or "pincer" type caliper tools should be the average of the smallest and largest measurements.

- (b) Trees with multiple stems: When a caliper measurement is included in the specifications, the specifications shall also include the method used to determine the caliper measurement, shown below:

- (1) The number of required trunks and the minimum caliper of each required trunk.
- (2) The caliper of only the largest trunk, with all other required trunks within a certain caliper range of the largest trunk (e.g., by percent or within two smaller caliper sizes).
- (3) The caliper specified is one-half (1/2) of the caliper of the three largest required trunks.
- (4) The caliper specified is the average of all required trunks.

2. Height and Spread (Coverage)

- (a) Height measurement shall be taken from ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and from the root flare for bare root plants.
- (b) Spread measurement shall be the average spread of the branches of the plant, without leaves for deciduous shrubs, including leaves for evergreens.
- (c) For deciduous shrubs, height measurement shall extend to the top of all canes meeting the height specification, as appropriate to the plant type.
- (d) For evergreens, height measurement shall not be taken at the tip of the leader but should be taken at the midpoint between the uppermost whorl(s) and the tip of the leader.

D. GENERAL STANDARDS

The following criteria and standards shall apply to landscape materials and installation:

1. Plant Materials List

The planning division shall maintain a suggested and prohibited plant list as necessary to identify plant material requirements or prohibitions within the City. Where a species is chosen for a landscape plan that is not identified on a City plant list, the applicant shall provide information about growth and spacing characteristics on the landscape plan. Plant information shall be taken from objective sources, including professional landscape organization websites or nursery cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.

2. Quality

All trees and shrubs used for landscaping shall have well-developed leaders, tops, and roots characteristic of the species, cultivar, or variety per American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office, and shall show evidence of proper nursery pruning per the same standard. All plant materials must be free of insects, diseases, mechanical injuries, and other objectionable features at the time of planting.

3. Coverage

- (a) Grass, ground cover, shrubs, organic mulch, and other organic landscape materials shall be used to cover at least 75 percent of open ground. Shade provided by trees, shrubs, or structures, or anything not on the horizontal plane of the site does not qualify as ground cover.
 - (1) Open ground includes all fill slopes and hillsides, regardless of the angle of the slope.

- (2) Open ground also includes all fill rock and shot rock slopes that must be covered with an appropriate depth of soil to allow for the healthy growth of the coverage.
- (3) Inorganic material can be incorporated into a landscape plan where appropriate and can be used to cover up to 25 percent of open ground.
- (b) No area required to be landscaped shall include any artificial trees, plants, or turf; impervious surfacing other than sidewalks, decorative pathways or other public amenities; or any carpeting designed as a visual substitute for lawn or other groundcover.
- (c) Areas devoted to pasture, farm crops, or undeveloped areas of a parcel shall not be considered landscaped for the purpose of fulfilling any landscape requirements.

4. Trees

Trees used for landscaping shall be a species common to, or adapted to this area of the state, and not identified as prohibited on any City plant list. Trees shall have the following characteristics:

(a) Size

- (1) Canopy trees shall be deciduous trees that have a minimum height of 30 feet at maturity. All canopy trees shall have a caliper width of at least two (2) inches at time of planting.
- (2) Understory trees shall be deciduous trees that have a maximum height of less than 30 feet at maturity. All understory trees shall have a caliper width of at least one and one half (1.5) inches at time of planting.
- (3) Coniferous trees shall have a minimum height of 20 feet at maturity. All coniferous trees shall be at least four feet in height at time of planting.
- (4) Street trees shall be canopy trees.
- (b) All trees shall conform to the American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office.

5. Shrubs, Hedges, and Ornamental Grasses

(a) Shrubs shall have the following characteristics:

- (1) Small or dwarf deciduous shrubs that typically do not grow to a mature height or spread exceeding three feet shall have a minimum height of twelve inches with a minimum of four canes.
- (2) Intermediate deciduous shrubs with a mature height or spread of three to seven feet shall have a minimum height of 18 inches with a minimum of four canes.
- (3) Large or tall deciduous shrubs with a mature height exceeding seven feet shall have a minimum height of 24 inches and a minimum of five canes. Where these shrubs have a narrow habit the minimum number of canes may be reduced to one.
- (b) Ornamental grasses shall have a minimum two-gallon pot size at time of planting.
- (c) Hedges, where installed as a bufferyard screen, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least

three feet in height at the time of planting and achieve a minimum height of six feet within five years.

6. Ground Cover, Perennials, and Annual Planting Areas

Ground covers, perennials, and annual planting areas used in lieu of grass in whole, and in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage at maturity.

7. Lawn Grass

Grass areas may be sodded, plugged, sprigged, or seeded, except that sod or other erosion control products shall be used in swales, berms, or other areas subject to erosion.

8. Naturalized Plants and Grasses

Naturalized plants and grasses shall not be considered weeds that are subject to BMCC 25-302; however, the area planted in naturalized plants and grasses shall be kept weed-free to maintain this exemption. The owner shall provide documentation to show the seed mix used for naturalized plants and grasses.

9. Fractions in the calculation of number of trees and shrubs.

In the calculation of trees and shrubs for any required landscaping, all fractions shall be rounded to the nearest whole number.

E. INTERFERENCE AND VISIBILITY

1. All landscaping shall be sized and located so that it does not interfere with utilities, easements or fire hydrants.
2. All landscaped areas must comply with the clear vision area standards for intersections as established in Section 27-1803.H.

F. IRRIGATION SYSTEMS

1. Required and Optional Systems

- (a) Automatic irrigation systems are not required for single unit or two-unit residential dwellings on single lots or in the CBD.
- (b) Automatic irrigation systems shall be installed in required landscape areas in all other zone districts.

2. General Standards

The following standards shall apply to all in-ground permanent irrigation systems:

- (a) The landscape plan shall identify the area of approximate installation of an automatic irrigation system, its maintenance, and intended uses. The landscape plan must note and delineate all irrigated and sod areas.
- (b) Irrigation systems installed with new development must be installed prior to plant materials.
- (c) Irrigation systems with a precipitation rate exceeding 0.75 inches per hour shall be prohibited on areas exceeding 1,000 square feet with a slope greater than 30 percent unless:
 - (1) Infiltration trenches, vegetated swales, bio detention areas, and similar facilities as approved by the City are employed to reduce runoff, or
 - (2) The landscape designer specifies an alternative design or technology that clearly demonstrates to the City's satisfaction no runoff or erosion will occur.

Prevention of runoff and erosion must be confirmed during the final landscape inspection.

3. Low-Flow Irrigation Systems

Low-flow irrigation devices shall be used in all landscape areas that are less than eight feet wide in any direction to avoid overspray and runoff.

- (a) System design shall be either surface drip system, subterranean drip system, micro-spray, or a combination of these systems.
- (b) A hose bib system may be used for irrigation when a landscape area is less than 1,000 square feet in size and when all portions of the area are within 100 feet of a hose attachment.

4. Automatic Operation

- (a) All systems shall be equipped with timers and scheduled to operate during evening or early morning hours to minimize evaporation rates.
- (b) All automatic underground sprinkler systems shall be equipped with rain and freeze sensors.

SECTION 27-1210 FENCES, WALLS AND HEDGES

A. APPLICABILITY

- 1. Fences, walls, and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured.
- 2. "Fence" for the purposes of this section means any fence, wall or hedge.
- 3. No fence shall be erected or maintained in a public right-of-way.
- 4. All fences shall require a permit from the planning division.

B. HEIGHT

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

C. SETBACKS REQUIRED

1. Front Yard

The maximum height for fences, walls, or hedges in a required front yard setback is four feet. Front yard setbacks are defined in the applicable zone district.

2. Side and Rear Yards

- (a) Fences, walls, or hedges between a height of four and six feet may be erected or maintained in any side or rear yard setback. Fences may not block a clear vision area pursuant to Section 27-1803.H.
- (b) Any fence, wall, or hedge in excess of six feet shall meet all of the yard setback requirements for structures as defined in the applicable zone district and will require a building permit.

3. Exceptions

The setback requirements described above shall not apply in the heavy commercial (CX), EBURD-CW, EBURD-IS, light industrial (I1), or heavy industrial (I2) zones.

D. SETBACKS FOR CLEAR VISION AREAS

No fence, wall, or hedge greater than 30 inches in height may be erected or maintained within a clear vision area in any zone district, pursuant to Section 27-1803.H.

E. MATERIALS**1. Residential and Commercial Zones**

- (a) Generally: All fences in residential, and commercial zoning districts shall be constructed from materials which are commonly used for fencing.
 - (1) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work.
 - (2) Prohibited materials: Railroad ties, intact wood pallets, tires, or rubble.
 - (3) Salvaged material that do not meet one of the commonly used fence materials identified above are generally prohibited except as provided in this section. Salvaged material may be used for fencing where:
 - (i) The appearance of the completed fence is substantially similar to and consistent with the design of a fence constructed of commonly-used materials,
 - (ii) The salvaged material fence is constructed according to generally applicable fence construction standards, and
 - (iii) The salvaged material is in good repair and capable of long-term maintenance by the property owner.
 - (4) Materials not listed are subject to special review.
- (b) Bufferyard Fencing: Required bufferyard fencing may be constructed of any of the materials identified in Section E.1(a) along with powder-coated or vinyl coated chain link fence.
 - (1) Where an opaque screening fence is required between uses – such as residential next to heavy commercial or industrial – solid vinyl, wood or similar solid fencing, or powder-coated or vinyl-coated chain link fence with opaque (solid) inserts shall be installed.
 - (2) An existing fence of the proper height and materials that is located on the property line where a bufferyard fence is required may be retained. Where an existing fence is not compliant with this section, the property owner who is required to install the bufferyard fence shall replace the existing fence with a compliant fence.

2. Industrial Zones

All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, intact wood pallets, rubble, or salvaged material.

- (a) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels.

- (b) Barbed wire is only permitted where an eight-foot tall fence is permitted. The barbed wire must be placed on top of the fence and must be located a minimum of eight feet from the ground. Electric fencing is not permitted.
- (c) Materials not listed are subject to special review.

SECTION 27-1211 ADMINISTRATIVE RELIEF

A. PURPOSE

Administrative relief is provided to add flexibility in the application of a specific landscaping regulation when a standard is inapplicable or inappropriate to a specific use or design proposal. Administrative relief may be applied up to a total of 10 individual landscape standards for any site.

B. POLICIES

1. The planning division recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the planning division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the planning division may grant administrative relief in the event of these situations and proposals.
2. The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the planning division generally assigns the following priorities for compliance with the landscape requirements:
 - (a) First, adjacent residential uses should be buffered,
 - (b) Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees,
 - (c) Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.
3. Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.
4. However, the granting of administrative relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

C. APPLICATION

1. A written request for administrative relief shall be submitted to the Zoning Coordinator or his/her designee either before or in conjunction with the building permit review process. The written request shall include a justification in terms of the findings necessary to grant administrative relief. The written request shall close with a section for the planning division's use which will include a block for the decision of approval/denial, the Zoning Coordinator signature, and decision date. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate.

2. The Zoning Coordinator must make all of the following findings in order to grant administrative relief:
 - (a) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
 - (b) The intent of the landscaping section and the specific regulation in question is preserved; and
 - (c) The granting of the administrative relief will not result in an adverse impact upon surrounding properties.
 - (d) Proportional compliance as outlined in this section is not appropriate for the location and development planned.
3. The Zoning Coordinator shall render a decision on the request within 30 calendar days of receipt of the request and all required information. An appeal of the Zoning Coordinator's decision may be made to the board of adjustment with jurisdiction over the property, within 30 days after the decision. At this time, the appeal will be put on the agenda for the next board of adjustment meeting which allows for the required public notice.

SECTION 27-1101 PURPOSE

The purpose of this section is to provide landscaping and performance standards that:

- A. Enhance and promote a unique image for the Yellowstone County urbanizing area.
- B. Protect the public health, safety and welfare by:
 - 1. Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
 - 2. Minimizing noise, air, water and visual pollution;
 - 3. Screening and buffering incompatible land uses;
 - 4. Reducing the amount of reflected glare and heat absorbed in and around developments;
 - 5. Breaking up large expanses of parking lots;
 - 6. Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
 - 7. Providing screening from wind.
- C. Conserve water resources by:
 - 1. Promoting the use of xeriscaping and drought-tolerant naturalized plantings; and
 - 2. Promoting the utilization of storm water detention as an irrigation source.
- D. Ensure that landscaping is an integral part of the site design and development process.

SECTION 27-1202 APPLICABILITY**A. GENERAL APPLICABILITY**

- 1. The provisions of this article are applicable to all new development as identified in Table 27-1200.1.
- 2. A property or development site may have more than one type of required landscaping. Each type of landscaping is calculated separately. One type of required landscaping may not be calculated toward nor substituted for the provision of a different type of required landscaping. For example, street frontage landscaping may not be calculated toward off-street parking lot landscaping.

Table 27-1200.1: Landscaping Applicability

Landscape Type	Section	A	RR1, RR3	N4, RRMH	C3, CX	P1-3	I1, I2
Key: ✓ = Applicable, ✗ = Not Applicable							
Street Frontage	27-1203	✗	✗	✓ All districts and uses located on a public street			
Bufferyards	27-1204	✗	✗	✗	✓	✓	✓
Parking Lot Landscaping	27-1205	✗	✗	✗	✓ Any parking lot with 10 or more spaces		
Tree Preservation Options	27-1206	✗	✗	✗	✓	✓	✓

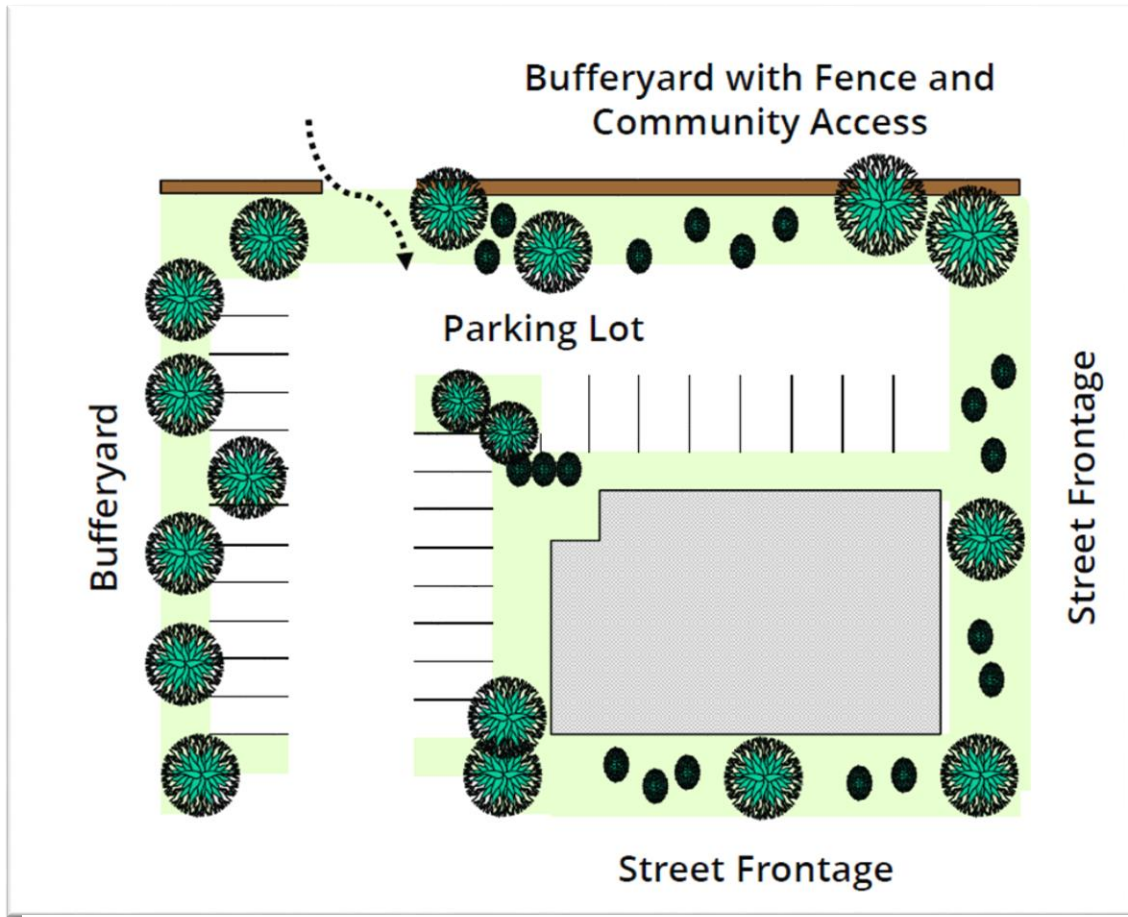


Fig. 27-1200.A: Sample locations of landscape areas

B. PROPORTIONATE COMPLIANCE

Article 27-1100, Proportionate Compliance, may be applicable to adjust landscape standards for redevelopment projects.

SECTION 27-1203 LANDSCAPE PLAN

A. APPLICABILITY

1. Landscaping in compliance with this article shall be required for any new construction, and expansion of existing structures. All plans submitted in support of a zoning compliance permit shall include a landscape plan where appropriate.
2. A landscaping plan must be approved by the zoning coordinator before the issuance of a zoning compliance permit.

B. LANDSCAPE PLAN PREPARATION

1. Landscape plans shall be prepared with materials that meet the requirements of Section 27-1207 and that:
 - (a) Are appropriate to the conditions in which they are planted;
 - (b) Have noninvasive growth habits;
 - (c) Encourage low maintenance, high quality design; and

- (d) Are otherwise consistent with the intent of this article.
 - 2. Landscape plans shall be prepared as follows:
 - (a) Lots of 1 acre or larger: the plan shall be prepared by a licensed landscape architect.
 - (b) Lots smaller than 1 acre: the applicant is encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.
- A list of appropriate plant species for Yellowstone County can be obtained from the Planning Department.

C. INFORMATION REQUIRED

The landscaping plan shall contain the following elements:

- (a) Scale: no smaller scale than 1"=40'
- (b) Property lines, easements, and public rights-of-way, including clear vision areas.
- (c) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
- (d) Buildings or structures - both new and existing.
- (e) An estimated count and approximate location of all existing trees, four inches in diameter or larger, measured at four and a half feet above grade, and identification of all trees within that group that are identified for removal and the required characteristics of all trees for tree preservation credit. A tree count is not required for areas of the site that will not be disturbed during construction.
- (f) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.
- (g) Landscaping materials:
 - (1) Location and spacing of proposed plant materials.
 - (2) Location of existing trees or landscaping to be preserved or eliminated.
 - (3) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule.
 - (4) Size of materials, in diameter and height at installation and maturity.
 - (5) Quantity of each planting materials to be used.
 - (6) Types and location of inorganic landscaping material.
- (h) Location of walls, fences, screening, and refuse storage areas.
- (i) Location of any proposed retaining walls, indicating size and material to be used in the construction of the wall.
- (j) Methods of protecting the landscaped areas.
- (k) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel).

D. PROCEDURE FOR LANDSCAPE PLAN REVIEW

1. Landscape Plan Review

The zoning coordinator shall consider the approval criteria in Section 27-1203.D.2 below when reviewing the landscape plan.

2. Approval Criteria

The zoning coordinator may approve a landscape plan upon a finding that the application meets all of the following criteria, as applicable:

- (a) The landscape plan conforms to all requirements of this article and is consistent with the currently adopted growth policies and any other applicable plans.
- (b) The plant materials or landscape features are designed and situated in a manner that makes the project visually compatible with its surroundings to the greatest extent possible.
- (c) The landscape design includes the installation of a diversity of species and sizes of vegetation with preference given to locally naturalized vegetation.
- (d) If required, preservation of existing, locally naturalized vegetation is incorporated into the landscape design.
- (e) No plant materials or landscape features are situated in such a manner so as to inhibit vehicle sight distances established in Section 27-1812 or otherwise create a traffic hazard.
- (f) No woody plant materials are situated within any utility easement unless shrubs or other limited height materials are of a size that has been approved by the utility provider.
- (g) The facilities for watering and drainage are adequate to ensure the landscape area is maintained and that no soil, bark, mulch, gravel, stone, or similar materials are allowed to wash off the landscape area into parking areas, driveways, public streets, sidewalks, gutters, or storm drainage facilities.
- (h) The design, selection, and layout of such landscaping is such so as to minimize maintenance requirements.

E. POST APPROVAL**1. Site Specific and Binding**

Approved landscape plans shall be binding upon the applicants and their successors and assigns. No zoning compliance permit shall be issued for any building or structure where landscaping has not been provided in accordance with the required and approved landscape plan, or any approved modifications thereto.

2. Expiration of Unbuilt Landscape Plans

Approved landscape plans shall expire one year after approval if a zoning compliance permit has not been issued, or the approved use has not been established. In the event that the landscape plan expires due to the passage of this time period, a new landscape plan application must be submitted for approval in the same manner as an original application. An extension not to exceed one year may be granted by the zoning coordinator prior to expiration.

3. Modifications to Landscape Plans

The holder of an approved landscape plan may request a modification to the document, or the conditions of approval, by submitting amended documents to either the zoning coordinator.

F. PERMIT AND SECURITY**1. Landscaping Installed Within One Year of Issuance of Zoning Compliance Permit**

- (a) All landscaping and screening material, organic and inorganic, shall meet the standards of Section 27-1206 and be in place within one year of the issuance of a

zoning compliance permit. Irrigation systems shall be fully functional at the same time as the completion of the landscape planting. This requirement shall be verified by the submission of a final as-installed landscaping plan by the party responsible for the creation of the landscape plan that is submitted with the zoning compliance permit application.

- (b) If the timing of the project and seasonal limitations prevent planting within the one-year period, security as described in this section may be provided and the planting period may be extended accordingly.

2. Security Required

- (a) When the timing of a project delays the installation of the landscaping beyond the 1-year time period, a performance bond or letter of credit for 150 percent of the landscaping materials and labor costs shall be posted with the planning department to ensure the placement of the required landscaping.
- (b) The property shall be inspected by the zoning coordinator to make sure that the required landscaping has been planted before release of the security bond or letter of credit.
- (c) The installation of the required landscaping may be delayed until the next suitable planting season with written approval from the zoning coordinator.

3. Maintenance and Inspection

- (a) Trees, shrubs, fences, walls, irrigation improvements, and other landscape features depicted on plans approved by the county shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:
 - (1) Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices.
 - (2) The repair or replacement of required landscape structures (e.g., walls and fences) to a structurally sound condition.
 - (3) The regular maintenance, repair or replacement, where necessary, of any landscaping required by this section.
- (b) Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with development plans and shall contain all construction details for an automatic system.
- (c) All landscaping and irrigation may be subject to periodic inspection for compliance to approved plans.

SECTION 27-1204 STREET FRONTAGE LANDSCAPING**A. REQUIRED STREET FRONTAGE LANDSCAPING**

1. The area along any property line that abuts a public street right-of-way shall be provided a landscaped area at least five feet wide that is planted with street trees.
2. The required total number of street trees shall be calculated at one tree per 50 lineal feet of frontage. Fractions shall be rounded up to the next whole number.
3. Street trees do not need to be spaced at 50-foot intervals; the maximum interval shall be 80 feet with decisions about landscaping design within that interval left to the discretion of the property developer in consultation with their landscape designer or landscape architect.



Fig. 27-1200.B: Sample illustration of new street trees installed on a commercial site.

B. LOCATION AND CALCULATIONS

1. Measurement
 - (a) Generally: The street frontage landscape area depth is measured from the property line inward.
 - (b) Boulevard: Street frontage yards located along a boulevard shall be measured from the leading edge of the sidewalk. Where there is a drainage swale between the road edge and the sidewalk, the street frontage yard shall be measured from the property line inward.
2. Up to 30 percent of required street frontage landscaping may be permitted within a County right-of-way with the issuance of an encroachment permit.
3. Street frontage landscape areas may overlap required yards and be located within required setbacks.
4. Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining landscaping area.



Fig. 27-1200.C (left) Street trees planted along a mixed-use redevelopment; D (right) street trees planted along a multifamily structure

C. PLANT MATERIALS

1. Street tree species shall be chosen from the Yellowstone County Plant List.
2. The street front landscape yard shall be planted in 75 percent organic materials, excluding turf grass or other material that requires regular mowing. The remaining 25 percent may be covered in inorganic materials.
3. Generally applicable plant materials standards are located in Section 27-1207.
4. The use of coniferous trees is not permitted in street frontage yards.

SECTION 27-1205 BUFFERYARDS

A. REQUIRED BUFFERYARDS

1. **Applicability**
 - (a) The exterior boundary of a lot that adjoins a different zone district, structure, or use, and does not adjoin a public street right-of-way, shall meet the bufferyard requirements shown in Table 27-1200.2 below.
 - (b) A lot may require a combination of street frontage yards and bufferyards depending upon the types of surrounding streets and development.
2. **Types of Bufferyards**
 - (a) There are three types of landscaping bufferyards defined in this section that are intended to accomplish the following:
 - (1) B1: Visual Enhancement is intended to create a partial visual separation between uses or districts.
 - (2) B2: Filtered Screen is intended to create a semi-opaque visual separation between uses or districts.
 - (3) B3: Screened Separation is intended to provide both space and a partial visual separation between uses or districts. This bufferyard is intended for use where a new development is located adjacent to a district or use that is significantly different in intensity, such as a residential district next to an industrial district.

- (b) The dimensions and planting requirements for each type of bufferyard is specified in Table 27-1200.3.

3. Additional Standards and Instruction

- (a) If a use or district does not conform with the categories identified in Table 27-1200.2, the zoning coordinator shall determine which category best matches the use.
- (b) A six-foot high sight-obscuring fence or wall shall be provided on the property line where a commercial or industrial use or structure is adjacent or across an alley from residential uses.
 - (1) A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three feet and reaches six feet or more at maturity.
 - (2) Chain link fencing is allowed within a bufferyard where a sight obscuring fence is required so long as the chain link fence has sight-obscuring slats installed.

Table 27-1200.2 Required Bufferyards

Key: B1, B2, or B3 = required bufferyard (see Table 27-1200.3 for requirements), F = Fence required per 27-1205.A.3,
X = no bufferyard required

Proposed New Development

Read **DOWN** columns
for proposed uses

		Structure/ Use	Agriculture			Residential: RR1, RR3, N4, R- RMH			Commercial: C3			Public: P1, P2, P3			Heavy Commercial and Industrial: CX, I1, I2		
			Ag	SFR	Non- Res	SFR		Non-Res		Mix Use	Non-Res	P1	P2	P3	CX	I1	I2
Existing Adjacent Development	Agriculture	Ag	X	X	X	X		B1		B1	B1	X	X	X	X	X	X
		Single Family	X	X	B2	X		B2		B2	B2	X	B2	B2	B3	B3	B3
		Multi Family	X	B1	B2	B1		B2		B2	B2	X	B2	B2	B3	B3	B3
		Non-Residential	X	B2	B	B2		B		B1	B	X	B1	B1	B2	B2	B2
	Residential	Single Family	X	X	B2	X		B2		B2	B3	X	B2	B2	B3	B3	B3
		Multi Family	X	B1	B2	B1		B2		B2	B3	X	B2	B2	B3	B3	B3
		Mixed Use	X	B2	B1	B2		B1		B	B1	X	B1	B1	B2	B2	B3
		Non-Residential	X	B2	B	B2		B		B1	B	X	B1	B1	B1	B2	B2
	Commercial	Single Family	X	X	B2	X		B2		B2	B2	X	B2	B2	B3	B3	B3
		Multi Family	X	B1	B2	B1		B2		B2	B2	X	B2	B2	B3	B3	B3
		Mixed Use	X	B2	B1	B2		B1		B	B2	X	B1	B1	B2	B2	B2
		Non-Residential	X	B2	B	B2		B		B1	B	X	B1	B1	B1	B2	B2
	Public	P1	X	X	X	X		X		X	X	X	X	X	B1	B1	B1
		P2	X	B2	B1	B3		B1		X	B2	X	B	B	B3	B3	B3
		P3	X	B2	B1	B2		B1		X	B1	X	B	B	B3	B3	B3
	Industrial	CX	X	B3	B2	B3		B2		B2	B2	X	B3	B3	B	B1	B1
		I1	X	B3	B2	B3		B2		B2	B2	X	B3	B3	B1	B	B1
		I2	X	B3	B2	B3		B2		B3	B2	X	B3	B3	B1	B1	B

B. STANDARD BUFFERYARD TYPES

The bufferyard dimensional and planting requirements are established in Table 27-1200.2, and a menu of landscape points is established in Table 27-1200.3. Landscape point allocations may be enhanced through the use or conservation of bonus materials as identified in Table 27-1200.4.

1. Standard Types of Bufferyards

Different buffer widths and planting requirements may be specified in this section according to the following standard landscape buffering types:

Table 27-1200.3: Standard Bufferyard Types

Requirement	B1	B2	B3
Planting Area Width (min. avg., ft)	6	10	10
Total Points Required [2] (per linear foot of property line)	0.30 points per lin. Ft.	0.50 points per lin. Ft.	1.1 points per lin. Ft.
Min. Tree Points	none required	0.35 points per linear ft.	0.60 points per linear ft.
Min. Shrubs/Plant Points	0.10 points per linear ft.	0.05 points per linear ft.	0.05 points per linear ft.
Max. % Non-organic Landscape Materials	25	25	25
Max. Organic Groundcover in Turf Grass	Not permitted	N/A	N/A
Opaque Screen Fence	Optional	Optional	Required
Open Fence	Optional	Optional	N/A

Bufferyard type B - Requires 1 tree every 70 feet along shared property line, with drip irrigation to each tree.

2. Design

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required bufferyard.

3. Location and Calculations

- Bufferyard depth is measured from the property line inward. Where a buffer area overlaps another buffer area, the area of overlap of one bufferyard shall be subtracted from the total required landscape point calculation to avoid double counting.
- Bufferyards may be located within required yards and setbacks.
- Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.

4. Landscape Points

- Required bufferyard landscaping is calculated in landscape points. The following table identifies the landscape points awarded for various planted or preserved landscape materials. Plant material standards are provided in Section 27-1207.

Table 27-1200.4: Landscape Points

Landscape Material	Landscape Points		
	Newly Installed (caliper)	Newly Installed Naturalized (caliper)	Existing Retained (diameter)
Deciduous Trees:			
Greater than 8"	n/a	n/a	27
From 4" to 8"	n/a	n/a	17
From 2.5" to 4"	21	27	n/a
From 1.5" to 2.5" or multi-stem	13	17	n/a
Coniferous Trees, Height (feet)			
Greater than 10	21	25	27
From 8 to 10	13	15	17
From 6 to 8	9	9	12
Shrubs, Plants & Ground Cover	Points per square feet		Points per square feet: naturalized
Perennials/ground cover	17 per 500		27 per 500
Annual flower bed	17 per 500		22 per 500
Lawn grass	13 per 1000		n/a
Hardscape Materials	Points		
Split rail fence	0.20 per lineal foot		
Screening fence (opaque)	0.40 per lineal foot		
Organic mulch	13 per 500 sq. ft.		
Ornamental pavers, decorative rock mulch	6 per 250 sq. ft.		
Landscape boulders, 3 feet or greater in height	10 per boulder		
Seating	0.40 per linear foot		
Public amenities (See Sec. B.4(b))	10 per amenity		

(b) Public amenities may be included in a bufferyard that is generally accessible by the public or by adjacent residential development. Public amenities shall meet the following standards:

- (1) Outdoor seating plaza or sheltering structure with a minimum useable area of 180 square feet;
- (2) Public art, including but not limited to sculptures, fountains, clocks, or murals with an installed value equal to or greater than $\frac{1}{2}$ of one percent of the construction value of the structure.
- (3) Sidewalk planters between the sidewalk and the building.
- (4) Pedestrian paths that connect residential development to the adjacent development or to an existing or proposed public walkway system.

5. Bonus Calculation

(a) Bonus landscape points may be awarded for landscaping that meets the following standards:

Table 27-1200.5 Bonus Landscape Points

Retained Existing Trees and Plant Materials	Bonus Landscape Points (% increase) [1]
Trees of exceptional quality ¹ due to size, large canopy cover, trunk diameter, rareness, age, or species	25
300+ square feet with a minimum of 1 tree of 4" caliper or greater or 10 feet in height or greater	15
500+ square feet with a minimum of 2 trees 4" caliper or greater or 15 feet in height or greater	20
800+ square feet with a minimum of 3 trees 4" caliper or greater or 18 feet in height or greater	25
Use of Local, Naturalized Vegetation in New Planting	
Use of 50 – 75% local, naturalized plant materials	10
Use of 75 – 99% local, naturalized plant materials	15
Use of 100% local, naturalized plant materials	20
Notes:	
[1] Cottonwood, Elm and Ash species do not qualify for this bonus	

(b) Landscape and Bonus Point Standards

- (1) Points awarded for retained vegetation in perimeter buffers may only be applied in the buffer area along the same lot line where the vegetation is found.
- (2) Any trees preserved on a site in required landscaping areas that meet the specifications in this section and are not identified on the Billings and Yellowstone County Plant List may, at the discretion of the zoning coordinator, be credited toward meeting the tree requirements of any landscaping provision of this article.
- (3) Any tree for which landscape points or bonus points are given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this section.
- (4) Existing trees that are preserved and receive landscape points or bonus points shall be marked on the landscape plan and the amount of bonus points shall be indicated. Any trees which receive points and are later removed shall be replaced with the number of trees for which landscape points was received.

SECTION 27-1206 OFF-STREET PARKING LOT LANDSCAPING

A. APPLICABILITY

The following requirements shall be applicable to all new off-street surface parking lots with 10 or more spaces.

B. REQUIRED LANDSCAPE AREA

1. All surface parking lots shall incorporate the following interior landscaping:
 - (a) All parking stalls shall be within 132 lineal feet of a required parking lot landscape area. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.

- (b) Landscape terminal islands that are a minimum of nine feet wide and four feet shorter than the adjacent parking stalls in the parking row shall be provided at the ends of each parking row.
- (c) Parking lots with 100 or more spaces shall also be divided into subsections of no more than 50 spaces with landscape divider strips shall be placed between the sections.

Fig. 27-1200.E
Sample parking
lot landscape
area layout

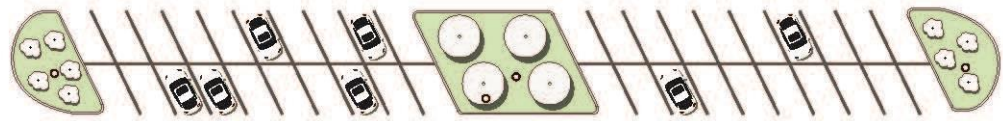


Fig. 27-1200.F Left: Landscape islands with storm water infiltration.

Fig. 27-1200.G Right: Landscape divider with bio-swale

C. LANDSCAPE AREA DESIGN

1. A landscape divider strip that separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:
 - (a) The sidewalk has a five-foot wide walking path and shall add two feet for vehicle overhang, if the sidewalk abuts a parking stall.
 - (b) The sidewalk extends the entire length of the divider strip. The ends of the sidewalk shall be ADA compliant.
 - (c) The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than 50 percent of the area of the divider strip.

2. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of concrete curbs, extruded asphalt or other approved permanent barriers.
3. No paving shall be permitted within four feet of the center of a tree.

D. PLANT MATERIALS

1. All of the required parking lot landscaped areas must contain a minimum of 75 percent organic landscaping material, with a maximum of 25 percent inorganic landscaping material. Approved sidewalks are not counted toward the percentage of inorganic material unless specifically provided for in this section.
 - (a) A landscape divider strip shall be planted with one tree every forty feet.
 - (b) Islands shall be planted with one tree and at least 75 percent of the ground plane shall be covered with organic material that will remain in place on the island through typical local weather. Turf grass is prohibited in or on parking lot landscape islands. Deciduous canopy trees are encouraged within the parking lot.
2. Clear vision areas where the parking lot access drive enters from a public right-of-way must be maintained as required in Section 27-1812. Plant materials within these clear vision areas must be trimmed down to no more than 30 inches above grade, or in the case of trees, the lowest branch height trimmed up to 8 feet above grade.

E. WATER CONSERVATION DESIGN

1. Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material, replenishment of groundwater supplies and to reduce problems associated with runoff.
2. Parking lots shall be designed so as not to drain into or across public sidewalks, adjacent property, or directly into natural watercourses. Curbs used to protect landscape islands should have 18 to 24-inch-wide curb cuts at frequent intervals to allow storm water infiltration. The surface of landscape islands and divider strips shall be concave to help channel surface water runoff. The following drainage structures are permitted within parking lot landscape areas:
 - (a) Rain gardens,
 - (b) Bio-swales,
 - (c) Drainage easements, and
 - (d) Drainage inlets.

F. SNOW STORAGE

1. A portion of the site equal to five percent of the surface areas to be plowed shall be provided as one or more snow storage areas that:



Fig. 27-1200.H: Curb cut to allow drainage

- (a) Are adjacent to and within 20 feet of the edge of the pavement to be plowed;
 - (b) Are located so as not to interfere with the safe movement of pedestrians and traffic, including outside of any required clear vision areas as identified in Section 27-1812;
 - (c) Are provided with appropriate drainage and where refreezing of any sheet drainage will not pose safety issues; and
 - (d) Remain accessible, useable, and clear of obstructions.
2. Plowed snow may be placed in a required bufferyard or parking lot interior landscape area that has been designed as follows:
- (a) Snow storage areas shall be planted with plant materials that are salt-tolerant and that can withstand the weight and compaction of the snow. Mulch shall cover less than 30 percent of the landscape area within three years of installation.
 - (b) Trees, shrubs and other woody plants shall be protected from adjacent snow storage areas by separation by a minimum at grade separation from tree trunks or shrubs of four horizontal feet, or planters, elevated landscaping elements, walls or other approved mechanisms.

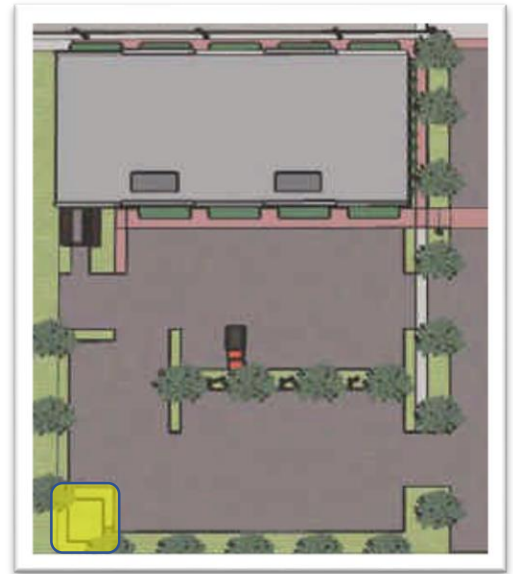


Fig. 27-1200.I Snow storage area

SECTION 27-1207 TREE PROTECTION DURING CONSTRUCTION

A. GENERAL REQUIREMENTS

If the developer and designer intend to acquire landscape or bonus points for retained trees and landscaping, then tree protection during construction shall conform to the requirements of this section and the requirements relevant to construction in the American National Standards Institute (ANSI) publication A300 standards.

B. PROTECTIVE FENCING REQUIRED

Tree protection requirements shall apply to existing trees that are to receive credit for preservation. Such trees shall be surrounded by a temporary fluorescent colored fence that shall be constructed around the drip line of each tree, or group of trees to be preserved, prior to any grading or construction on the property.

- 1. The fencing shall be rigidly supported and maintained during all construction periods at a minimum height of four feet above grade.
- 2. All trees required to be fenced shall be clearly marked in a method approved by the zoning coordinator to notify inspectors the subject tree, or trees, are to be fenced at all times during construction.
- 3. Fencing may only be removed with the zoning coordinator's written permission, or upon approval of the final landscaping inspection.

C. OWNER'S RESPONSIBILITY

The owner or developer shall be responsible for the erection of any and all fences necessary to protect any existing or installed trees from damage both during, and after construction.

D. SHOWN ON SITE OR LANDSCAPING PLAN

The tree protection fencing shall be clearly shown on the site plan or landscape plan.

E. INSPECTION PRIOR TO LAND DISTURBANCE

All tree protection measures shall be inspected and approved by the applicant or landscape design professional responsible for the final landscape plan prior to start of any land disturbing activities.

F. PROHIBITED ACTIVITIES

The following activities are restricted or prohibited within the area contained by the tree protection fence:

1. Storage is prohibited within the fenced areas, including storage of heavy equipment, building materials, or soil.
2. Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used under the entire tree protection area. Tunneling must occur below the main lateral level of roots, or at least two feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be backfilled in the tunnels.
3. Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence.
4. Minimal grading within 20 feet of the tree protection area may be allowed provided it does not impound water during wet periods or increase the drainage rate so that water tables are lowered.

G. TIME LIMIT FOR COMMENCING CONSTRUCTION AFTER CLEARING LAND

Where land is cleared and construction does not begin within 9 months from the date of the zoning compliance permit issuance, the owner shall be required to replant or re-seed the cleared property to its original vegetative cover based on tree counts and other information originally submitted to the county. A six-month extension of this limit may be issued at the discretion of the zoning coordinator.

SECTION 27-1208 LANDSCAPING MATERIAL STANDARDS**A. COMPLIANCE WITH LANDSCAPE PLAN**

1. Plants shall conform to the measurements specified in the plant schedule submitted with the landscaping plan.
2. Homeowner associations and other similar organizations may not establish landscaping standards that conflict with the naturalized plant or water conservation provisions of this article as approved in an individual zoning compliance permit landscape plan.
3. It is recommended that a professional horticulturist, nurseryman or design professional be consulted to determine the proper time to move and install all plant materials, so that stress to the plants will be minimized.

B. PLANT SELECTION

1. Tree and plant materials shall be selected for: energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, and to achieve a desirable microclimate and minimize energy demand.
2. The Yellowstone County Plant List shall identify appropriate naturalized plant species for use in required landscaping areas. Landscape architects or landscape designers may suggest species that are not included on the list that are known to them to be able to thrive in the Yellowstone County area.
3. Naturalized vegetation within sensitive land and resource areas shall be preserved unless the county approves an alternative naturalized landscaping plan that preserves significant desirable naturalized vegetation.
4. If turf areas are included in landscaping, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site.
 - (a) The use of non-naturalized, high water consumptive turf or other monoculture seeding is discouraged.
 - (b) The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.
 - (c) No person or organization shall impose private covenants, conditions, deed clauses, or other agreements that require the installation of turf or prevent the utilization of water efficient landscaping, provided such landscaping receives appropriate approval.
 - (d) No person shall prohibit landscaping materials and designs solely on the basis that they make use of water-efficient landscaping.

C. MEASUREMENT**1. Caliper**

- (a) Caliper measurement shall be taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4½ inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate.

Note: Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic “slot” or “pincer” type caliper tools should be the average of the smallest and largest measurements.

- (b) Trees with multiple stems: When a caliper measurement is included in the specifications, the specifications shall also include the method used to determine the caliper measurement, shown below:
 - (1) The number of required trunks and the minimum caliper of each required trunk.
 - (2) The caliper of only the largest trunk, with all other required trunks within a certain caliper range of the largest trunk (e.g., by percent or within two smaller caliper sizes).

(3) The caliper specified is one-half (1/2) of the caliper of the three largest required trunks.

(4) The caliper specified is the average of all required trunks.

2. Height and Spread (Coverage)

(a) Height measurement shall be taken from ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and from the root flare for bare root plants.

(b) Spread measurement shall be the average spread of the branches of the plant, without leaves for deciduous shrubs, including leaves for evergreens.

(c) For deciduous shrubs, height measurement shall extend to the top of all canes meeting the height specification, as appropriate to the plant type.

(d) For evergreens, height measurement shall not be taken at the tip of the leader, but should be taken at the midpoint between the uppermost whorl(s) and the tip of the leader.

D. GENERAL STANDARDS

The following criteria and standards shall apply to landscape materials and installation:

1. Plant Materials List

The planning department shall maintain a suggested and prohibited plant list as necessary to identify plant material requirements or prohibitions within the county. Where a species is chosen for a landscape plan that is not identified on a county plant list, the applicant shall provide information about growth and spacing characteristics on the landscape plan. Plant information shall be taken from objective sources, including professional landscape organization websites or nursery cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.

2. Quality

All trees and shrubs used for landscaping shall have well-developed leaders, tops, and roots characteristic of the species, cultivar, or variety per American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office, and shall show evidence of proper nursery pruning per the same standard. All plant materials must be free of insects, diseases, mechanical injuries, and other objectionable features at the time of planting.

3. Coverage

(a) Grass, ground cover, shrubs, organic mulch, and other organic landscape materials shall be used to cover at least 75 percent of open ground.

(1) Open ground includes all fill slopes and hillsides, regardless of the angle of the slope.

(2) Open ground also includes all fill rock and shot rock slopes that must be covered with an appropriate depth of soil to allow for the healthy growth of the coverage.

(3) "Top dressing" landscaping materials such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate, and can be used to cover up to 25 percent of open ground.

- (b) No area required to be landscaped shall include any artificial trees, plants, or turf; impervious surfacing other than sidewalks, decorative pathways or other public amenities as described in Section 27-1205; or any carpeting designed as a visual substitute for lawn or other groundcover.
- (c) Areas devoted to pasture, farm crops, or undeveloped areas of a parcel shall not be considered landscaped for the purpose of fulfilling any landscape requirements.

4. Trees

Trees used for landscaping shall be a species common to, or adapted to this area of the state, and not identified as prohibited on any county plant list. Trees shall have the following characteristics:

(a) Size

- (1) Canopy trees shall be deciduous trees that have a minimum height of 30 feet at maturity. All canopy trees shall have a caliper width of at least one and one-half (1.5) inches at time of planting.
 - (2) Understory trees shall be deciduous trees that have a maximum height of less than 30 feet at maturity. All understory trees shall have a caliper width of at least one (1) inch at time of planting.
 - (3) Coniferous trees shall have a minimum height of 20 feet at maturity. All coniferous trees shall be at least four (4) feet in height at time of planting.
 - (4) Street trees shall be canopy trees and shall have a minimum caliper of one and a half (1.5) inches.
- (b) All trees shall conform to the American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office.

5. Shrubs, Hedges, and Ornamental Grasses

(a) Shrubs shall have the following characteristics:

- (1) Small or dwarf deciduous shrubs that typically do not grow to a mature height or spread exceeding three feet shall have a minimum height of twelve inches with a minimum of four canes.
 - (2) Intermediate deciduous shrubs with a mature height or spread of three to seven feet shall have a minimum height of 18 inches with a minimum of four canes.
 - (3) Large or tall deciduous shrubs with a mature height exceeding seven feet shall have a minimum height of 24 inches and a minimum of five canes. Where these shrubs have a narrow habit the minimum number of canes may be reduced to one.
- (b) Ornamental grasses shall have a minimum two-gallon pot size at time of planting.
- (c) Hedges, where installed as a bufferyard screen, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three feet in height at the time of planting and achieve a minimum height of six feet at maturity.

6. Ground Cover, Perennials, and Annual Planting Areas

Ground covers, perennials, and annual planting areas used in lieu of grass in whole, and in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage at maturity.

7. Lawn Grass

Grass areas may be sodded, plugged, sprigged, or seeded, except that sod or other erosion control products shall be used in swales, berms, or other areas subject to erosion.

8. Fractions in the calculation of number of trees and shrubs.

In the calculation of trees and shrubs for any required landscaping, all fractions shall be rounded to the nearest whole number.

E. INTERFERENCE AND VISIBILITY

1. All landscaping shall be sized and located so that it does not interfere with utilities, easements or fire hydrants.
2. All landscaped areas must comply with the clear vision area standards for intersections as established in Section 27-1812.

F. IRRIGATION SYSTEMS**1. General Standards**

Where a property owner or tenant opts to install an in-ground permanent irrigation system, the following standards apply:

- (a) The landscape plan shall identify the area of approximate installation of an automatic irrigation system, its maintenance, and intended uses. The landscape plan must note and delineate all irrigated and sod areas.
- (b) Irrigation systems must be installed prior to plant materials.
- (c) Irrigation systems with a precipitation rate exceeding 0.75 inches per hour shall be prohibited on areas exceeding 1,000 square feet with a slope greater than 30 percent unless:
 - (1) Infiltration trenches, vegetated swales, bio detention areas, and similar facilities as approved by the county are employed to reduce runoff, or
 - (2) The landscape designer specifies an alternative design or technology that clearly demonstrates to the county's satisfaction no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the final landscape inspection.

2. Low-Flow Irrigation Systems

Low-flow irrigation devices shall be used in all narrow or irregularly shaped landscape areas less than eight feet wide in any direction to avoid overspray and runoff.

- (a) System design shall be: surface drip system, subterranean drip system, micro-spray, or a combination of these systems.
- (b) A hose bib system may be used for irrigation when a landscape area is less than 1,000 square feet in size and when all portions of the area are within 100 feet of a hose attachment.

3. Automatic Operation

- (a) All systems shall be equipped with timers and scheduled to operate during evening or early morning hours to minimize evaporation rates.
- (b) All automatic underground sprinkler systems shall be equipped with rain and freeze sensors.

SECTION 27-1209 FENCES, WALLS AND HEDGES¹**A. APPLICABILITY**

- 1. Fences, walls, and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured.
- 2. "Fence" for the purposes of this section means any fence, wall or hedge.
- 3. No fence shall be erected or maintained in a public right-of-way.
- 4. Any fence greater than a height of three (3) feet shall require a permit from the planning department.

B. HEIGHT

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

C. SETBACKS REQUIRED**1. Front Yard**

The maximum height for fences, walls, or hedges in a required front yard setback is four feet.

2. Side and Rear Yards

- (a) Fences, walls, or hedges between a height of four and six feet may be erected or maintained in any side or rear yard setback. Fences may not block a clear vision area pursuant to subsection D, below.
- (b) Any fence, wall, or hedge in excess of six feet shall meet all of the yard setback requirements for the applicable zone district.

3. Exceptions

The setback requirements described above shall not apply in the Agricultural (A), Heavy Commercial (CX), Light Industrial (I1), or Heavy Industrial (HI) zones.

D. SETBACKS FOR CLEAR VISION AREAS

No fence, wall or hedge greater than 30 inches in height may be erected or maintained within a clear vision area in any zone district pursuant to Section 27-1812.

E. MATERIALS**1. Residential and Commercial Zones**

- (a) Generally: All fences in residential, agricultural, and commercial zoning districts shall be constructed from materials which are commonly used for fencing and shall

¹Current Sec. 27-604.

not be constructed from railroad ties, wood pallets, tires, rubble, or salvaged material.

- (1) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work.
 - (2) Materials not listed are subject to special review.
- (b) Bufferyard Fencing: Required bufferyard fencing may be constructed of any of the materials identified in Section E.1(a) along with powder-coated or vinyl coated chain link fence.
- (1) Where an opaque screening fence is required between uses – such as residential next to heavy commercial or industrial – solid vinyl, wood or similar solid fencing, or powder-coated or vinyl-coated chain link fence with opaque (solid) inserts shall be installed.
 - (2) An existing fence of the proper height and materials that is located on the property line where a bufferyard fence is required may be retained. Where an existing fence is not compliant with this section, the property owner who is required to install the bufferyard fence shall replace the existing fence with a compliant fence.

2. Industrial Zones

All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, wood pallets, rubble, or salvaged material.

- (a) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels.
- (b) Materials not listed are subject to special review.

3. Material Exception—Barbed Wire or Electric Fence

- (a) Barbed wire and electrically charged fencing is allowed in agricultural, commercial, and industrial districts. When electrically charged fences are used adjacent to a public right-of-way, the fence(s) shall be posted with warning signs or fluorescent markings at intervals not to exceed 150 feet.
- (b) Barbed wire fencing is allowed in commercial or industrial zoning districts when such material is located not less than eight feet above grade.

SECTION 27-1210 ADMINISTRATIVE RELIEF

A. PURPOSE

Administrative relief is provided to add flexibility in the application of a specific landscaping regulation when a standard is inapplicable or inappropriate to a specific use or design proposal. Administrative relief may be applied to up to a total of 10 individual landscape standards for any site.

B. POLICIES

1. The planning department recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the planning department recognizes that there may be landscape proposals which conform

to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the planning department may grant administrative relief in the event of these situations and proposals.

2. The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the planning department generally assigns the following priorities for compliance with the landscape requirements:
 - (a) First, adjacent residential uses should be buffered,
 - (b) Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees,
 - (c) Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.
3. Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.
4. However, the granting of administrative relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

C. APPLICATION

1. A written request for administrative relief shall be submitted to the zoning coordinator or his/her designee either before or in conjunction with the zoning compliance permit review process. The written request shall include a justification in terms of the findings necessary to grant administrative relief. The written request shall close with a section for the planning department's use which will include a block for the decision of approval/denial, the zoning coordinator or his/her designee's signature, and decision date. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate.
2. The zoning coordinator must make all of the following findings in order to grant administrative relief:
 - (a) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
 - (b) The intent of the landscaping section and the specific regulation in question is preserved; and
 - (c) The granting of the administrative relief will not result in an adverse impact upon surrounding properties.
 - (d) Proportional compliance as outlined in this section is not appropriate for the location and development planned.
3. The zoning coordinator shall render a decision on the request within 15 working days of receipt of the request and all required information. An appeal of the zoning coordinator's

decision may be made to the board of adjustment with jurisdiction over the property, within 30 days after the decision. At this time, the appeal will be put on the agenda for the next board of adjustment meeting which allows for the required public notice.

SECTION 27-1301 GENERAL APPLICABILITY**A. OFF-STREET PARKING REQUIRED**

1. Minimum off-street parking in any district other than CBD or EBURD shall be provided pursuant to this section at the time of erection of any building or structure or at the time of any change in occupancy of any building or structure.
2. No minimum off-street parking is required in the CBD or EBURD zone districts except as specifically provided in this section. Where off-street parking is provided, it shall meet the standards of this section.
3. Required off-street parking areas must be used for parking only. Automobile sales, storage, and other uses are prohibited unless specifically permitted by another section of this Zoning Code.

B. EXPANSION, ENLARGEMENT, AND NONCONFORMITIES

1. Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of Section 27-1100, Proportionate Compliance.
2. Changes to the size or location of existing off-street parking areas in NX, NO, NMU, and CMU districts shall be done in a manner that brings the parking area into greater compliance with the zone district site standards. See Section 27-1500, Nonconformities.
3. Nothing in this section shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though those uses or buildings are nonconforming, provided that the new parking can be provided in compliance with this section and the requirements of the zone district.

C. ZONE DISTRICT GROUPINGS

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

District Groupings Used in this Section	
Residential	All N districts, RMH
Mixed-Use	All NX districts, NO, NMU, All CMU districts
Commercial	C3, CX
Industrial	I1, I2
Public	All P districts
EBURD	All EBURD districts

SECTION 27-1302 CALCULATION OF REQUIRED PARKING**A. REQUIRED PARKING**

1. Required off-street parking spaces shall be provided in conformance with Table 27-1300.1, Off-Street Parking Standards, unless modified by Article 27-1100, Proportionate Compliance.
2. In the case of mixed uses, the total requirements for the various uses shall be computed separately unless the joint use provisions of Section 27-1304 apply.

B. CALCULATION OF REQUIRED PARKING

1. When determination of the number of parking or loading spaces results in a requirement of a fractional space, any fraction shall be rounded up and counted as one parking space.
2. When there are multiple structures on a lot or multiple uses in a structure, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
3. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time.
4. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the design capacity of the facility.
5. When the standards use seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per four occupants unless otherwise specified in Table 27-1300.1, Off-Street Parking Standards.
6. When the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum occupant load, as determined by the adopted building code.
7. Surface parking spaces provided for multiple-unit structures shall not be assigned and shall be available to all residents unless approved through Section 27-1600, Site Development Plan. Where surface parking is assigned, the minimum number of spaces provided shall be increased by 20%.

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
RESIDENTIAL	
Households Living (dwelling unit/structure)	
Dwelling, single unit, detached and attached	2 per du
Dwelling, multiple unit structure	1.5 per du + 1 guest space per 10 units; 27-1302.C.8 also applies
Dwelling unit in a mixed-use structure	2 per du
Accessory dwelling unit	Sec. 27-1009 (ADU standards)
Manufactured Home (Class A, B, C)	2 per du
Group Household Living	
Comm. Res. Facility, Large	2 + 1 per 5 beds
Comm. Res. Facility, Small	Dwelling, single unit
Fraternity/Sorority House	1 per 2 sleeping rooms or 1 per 3 beds, whichever is greater
Group Living Facility	2 + 1 per 5 beds
Retirement Home or Village	1 to 6 units: 0.5 space/du 7 to 18 units: 0.33 space/du Over 18 units: 0.25 spaces/du Minimum of 5 spaces
Travel Trailer Park/ Campground	1 space per campsite/RV site

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
PUBLIC, CIVIC, AND INSTITUTIONAL	
Assembly	
General Assembly	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Libraries and Museums	1 per 1,000 SF GFA for museum and art gallery; 1 per 333 SF GFA for library
Education	
School, College or University	1 per 400 SF GFA
School, Primary and Secondary	Elementary School: 2 per classroom Middle School: 2 per classroom High School: 6 per classroom and 1 per 300 SF GFA additional enclosed floor space
School, Trade, Business, Vo/Tech	1 per 300 SF indoor GFA
Government and Public Safety	
All	1 per 300 SF GFA of space used by the public + 1 per 600 SF GFA of space not used by the public
Health Care and Social Assistance	
Adult Day Care	1 per 400 SF GFA plus 2 stacking spaces at drop-off area for adult day care in mixed-use or non-residential districts
All Healthcare, unless otherwise specified	1 per 2 beds based on maximum capacity + 1 per 350 SF GFA for areas that are not patient rooms. Healthcare facilities without patient rooms apply the 1 per 350 SF GFA standard.
Parks and Recreation	
Arboretums/Botanic Gardens/Zoos	1 per 4 occupants at capacity
Golf Course/Swimming Pool (Public)	Golf: 4 per hole plus 2.5 per 1,000 sf GFA in clubhouse; Pool: Sec. 27-1302.D
Public Parks and Playgrounds	Sec. 27-1302.D
Public Recreation Facilities	Sec. 27-1302.D; Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field
COMMERCIAL	
Amusement and Recreation	
Amusement & Recreation, Indoor	6 per 1,000 SF GFA
Amusement & Recreation, Outdoor	1 per 4 occupants at capacity
Adult Entertainment	1 per 200 SF GFA
Casino, Large	1 per 150 SF GFA
Animal Sales and Services	
Boarding/Kennel	1 per 400 SF GFA
General Sales and Services	1 per 400 SF GFA

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
Shelter	1 per 800 SF GFA
Veterinary, all	1 per 400 SF GFA (indoor only)
Assembly, Entertainment and Trade	
All assembly	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Child Care	
All child care	1 per 400 sf GFA + 2 stacking spaces at drop-off area for child care in mixed-use or non-residential districts
Commercial Service	
Broadcasting Stations and Studios	1 per 400 SF GFA
Business Service	1 per 400 SF GFA
Crematory, Funeral Services	1 per 50 SF chapel area, minimum 2
Cemetery	1 per 50 SF chapel area, minimum 2
Consumer Maintenance and Repair	1 per 400 SF GFA
Personal Service	1 per 400 SF GFA
Studio or Instruction Service	1 per 400 SF GFA
Eating and Drinking Establishment	
Restaurant	1 per 150 SF GFA
with drive-thru	1 per 100 SF GFA
Bar or Tavern	1 per 150 SF GFA
Craft Alcohol	1 per 150 SF GFA
Financial Services	
Financial and Alternative Financial	1 per 300 SF GFA
Lodging	
Boarding	1 per guest room
Bed and Breakfast Inn	2 + 1 space for each guest room
Campground/RV Park	1 per campsite/RV site
Hotel/Motel	1 per room + 1 per 300 SF meeting or restaurant and bar area
Short-Term Rental	Parking assigned to dwelling unit
Office	
Business or Professional	1 per 350 SF GFA
Medical doctor or dental clinics	Medical, dental or optical: 1 per 222 SF GFA; Professional therapy (mental health, physical, occupational, or similar): 1 per 250 SF GFA
Research and Testing Laboratories	1 per 400 SF GFA
Parking, Commercial	
Commercial, primary use	n/a
Retail Sales	

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
Retail (all unless otherwise specified)	1 per 200 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft. up to 100,000 SF total GFA
Retail, large format	Retail standard up to 50,000 SF GFA then 1 per 1,000 SF GFA. If part of the structure is warehouse, apply the retail standard and Table 27-1300.2 to the areas in each use.
Retail, Extended Display Floor	1 per 1,000 SF GFA
Commercial Greenhouse/Nursery	1 per 1,000 SF GFA
Outdoor Sales Lot	1 per 1,000 SF GFA sales area
Vehicle Sales and Service, Personal	
Car Wash	
Fueling Station, with or without convenience store	1 per 200 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft.
Vehicle Sales and Rental	Sales: 1 per 1,000 SF GFA used by general public plus storage of cars for sale Rental: 1 per 250 SF GFA used by general public plus storage of cars for rent
Vehicle Maintenance and Repair,	1 per 250 SF GFA
INDUSTRIAL, WHOLESALE, AND STORAGE	
Industrial and Construction Services	
All	Table 27-1300.2
Manufacturing, Assembly, or Processing	
All	Table 27-1300.2
Natural Resource Extraction	
All	1 per site
Warehouse and Storage Services	
All	Table 27-1300.2
Waste and Salvage	
All	Table 27-1300.2
TRANSPORTATION, UTILITIES, AND COMMUNICATIONS	
Alternative Energy Production	
Solar Power Array, large/commercial	1 per site
Wind Energy Conversion Systems, large/commercial	1 per site
BioMass Conversion Systems, large/commercial	1 per site
Transportation	
Bus or Taxi Maintenance and Parking Shed	Sec. 27-1302.D

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
Airport Passenger Terminal	Sec. 27-1302.D
Bus/Public Transit Terminal	Sec. 27-1302.D
Train Passenger Terminal	Sec. 27-1302.D
Train/Railroad Freight Terminal, Switching Yard	Sec. 27-1302.D
Utilities and Public Facilities	
Major	Table 27-1300.2
Minor (e.g., lift stations, substations, pump stations)	Table 27-1300.2
Offices, Buildings, Yards, and Land	Table 27-1300.2
Pipelines (except natural gas)	n/a
Transmission and Distribution Lines	n/a
Wireless Communication Facilities	
Amateur Radio, greater than 100' high	1 per site
Land Mobile Radio and Broadcast Antennae	1 per site
Wireless Communication Facilities	Sec. 27-1302.D

C. PARKING FOR INDUSTRIAL AND WAREHOUSE USES

Uses that reference this subsection in Table 27-1300.1, shall provide the minimum number of parking spaces identified in Table 27-1300.2. The total number of required spaces is cumulative based on the variety of different functions present in a single structure or lot.

Table 27-1300.2: Parking for Industrial, Wholesale, and Storage Uses

Use or Activity	Minimum Required
Office or administrative area	1 per 300 GFA
Indoor sales area	1 per 200 GFA
Retail	Table 27-1300.1
Assembly, vehicular service, or manufacturing area:	First 1-3,000 sf of floor area:
	1 per 200 GFA
	Additional SF over 3,000 calculated as follows:
	3,001-5,000 sf of floor area
	1 per 500 GFA
	5,001-10,000 sf of floor area
	1 per 750 GFA
	10,001 or more sf of floor area
	1 per 1,250 GFA
Indoor storage or warehousing area	1 per 1,000 GFA or 1 per employee on largest shift
Outdoor sales, display, or storage area (3,000 sf or less)	1 per 750 GFA
Outdoor sales, display, or storage area (more than 3,000 sf)	1 per 1,000 GFA

D. USES WITH VARIABLE PARKING DEMAND

Uses that reference this subsection in Table 27-1300.1 have widely varying parking demand characteristics, making it difficult to establish a single parking standard. Upon receiving a development application for a use subject to this subsection, the Planning & Community Services Director, with input from the Engineering Division, shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use or establish

minimum parking standards on the basis of a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) Parking Generation, or other acceptable estimates as approved by the zoning administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

E. ADA ACCESSIBLE PARKING

All parking lots shall provide the minimum number of accessible parking spaces required by the federal Americans with Disabilities Act (ADA). All accessible parking spaces shall meet the design and location requirements of the Americans with Disabilities Act (ADA). Accessible parking spaces shall be counted toward the minimum number of spaces required in Tables 27-1300.1. and 1300.2

F. MAXIMUM NUMBER OF PARKING SPACES

1. Calculation

The maximum permitted number of parking spaces shall be determined as follows:

Table 27-1300.3: Maximum Parking

Number of spaces required	Parking May not Exceed the Minimum Number of Spaces Permitted by More than:
1 to 50	20%
51-500	10%
501 or more	50 spaces

2. Maximum Surface Parking Calculation Exceptions

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum surface parking requirement:

- (a) Accessible parking;
- (b) Vanpool and carpool parking;
- (c) Spaces with electrical vehicle charging stations, up to a maximum of two per 50 parking spaces;
- (d) Parking spaces which are used seasonally (March 1-November 1) to provide bicycle parking;
- (e) On-street parking adjacent to the lot or lots on which the parking is located; and
- (f) Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

3. Site Specific Standards

- (a) There is no limitation on the number of parking spaces provided when the spaces exceeding the minimum are located in a parking garage or similar structure.
- (b) Any paved areas adjacent to parking lots, excluding drive aisles, access points, and permanent loading, storage, sales, rental or service areas, shall be considered to provide parking even if no parking spaces are delineated by pavement marking.

4. Maximum Surface Parking Waiver Request

- (a) Requests to exceed the maximum surface parking requirement shall be accompanied by a written justification demonstrating how the maximum number of

parking spaces specified in Table 27-1300.3 is insufficient for the proposed development. The written justification must include an analysis of current parking supply and conditions, an assessment of the ability of existing supply to meet existing peak demand, a projection of future demand, and must demonstrate consideration and evaluation of alternative parking management practices (e.g., shared parking, shuttle, valet, etc.).

- (b) A waiver to the maximum surface parking requirement may be allowed by the Planning & Community Services Director in situations that meet all of the following criteria:
 - (1) The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
 - (2) The parking demand beyond the maximum parking standard cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
 - (3) The request is the minimum necessary increase from the standards; and
 - (4) The applicant can provide all of the design requirements for excess parking.

5. Design Requirements for Excess Surface Parking

An applicant that receives a parking waiver to provide parking that exceeds the maximum number of permitted parking spaces permitted in Table 27-1300.3 shall be required to include additional internal landscaping as described below.

- (a) Parking lot landscaping shall comply with the internal landscaping standards in Section 27-1200, Landscaping.
- (b) In addition to the landscaping standards in Section 27-1200, deciduous trees and shrubs shall be provided in the quantities outlined in Table 27-1300.4 for parking that exceeds the maximum limit. Any required additional landscaping shall be distributed throughout the site.

Table 27-1300.4: Additional Landscaping Requirement for Excess Surface Parking

Number of Spaces Over Maximum Parking Limit	Number of Deciduous Trees (2-inch Caliper)	Number of Deciduous Shrubs (5-Gallon)
0-5	0	4
6-10	1	8
11-15	2	12
16-20	3	16
21+	1 per 4 spaces over maximum	1 per space over maximum

- (c) Where the maximum number of parking spaces in the DX or CMU1 districts is exceeded, the applicant may provide, as an alternative to the additional landscaping standards in a lump sum payment of \$500.00 per space for each space over the maximum to the Boulevard Tree Cost Share Program in lieu of installation.

G. BICYCLE PARKING

1. Applicable Design Standards

- (a) When required, bicycle parking must comply with the City of Billings Bicycle Parking Guidelines (referred to APBP: Association of Pedestrian and Bicycle

Professionals), available at the Planning Division offices or on-line at the City of Billings Webpages on Transportation Planning.

- (b) In mixed-use, commercial, and public districts all short-term racks shall be located within 50 feet of the primary entrance of the building served by the rack(s) and shall be visible when facing that primary entrance.

2. **When Required**

- (a) Bicycle parking shall be provided in Table 27-1300.5. Where the amount of required parking is not specified in Table 27-1300.5, the requirements of the Billings Bicycle Parking Guidelines shall apply.:

Table 27-1300.5: Bicycle Parking

Zone District	Required Bicycle Parking
Residential Districts	
N1, N2, N3, NX1	None
NX2	None required, long-term parking recommended
NX3	Short-term parking required per APBP. Long-term parking recommended.
Mixed-Use and Commercial Districts	
CBD	Pay into bike parking fund for number of short-term racks required by APBP.
DX	Short-term parking required per APBP. Long-term parking recommended.
CMU1	Min. 1 short-term rack per building
CMU2	Min. 1 short-term rack per building
NMU	Short-term parking required per APBP. Long-term parking recommended.
NO	Short-term parking required per APBP. Long-term parking recommended.
CX	Min. 1 short-term rack per building
EBURD	Min. 1 short-term rack per building
Public Districts	
P1	Short-term parking required per APBP. Long-term parking recommended when park is expected to be main work place for one or more employees. Sec. 27-1302.G.1(b) is not applicable when primary use is outdoor space.
P2	Short-term parking required per APBP. Long-term parking recommended.
P3	Short-term parking required per APBP. Long-term parking recommended.

SECTION 27-1303 LOADING SPACES**A. RETAIL AND COMMERCIAL****1. Required**

Any building or part thereof having a gross floor area of 10,000 square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each 20,000 feet or major fraction thereof of gross floor area. Loading spaces are not required in CBD, CMU1, and NMU zones.

2. Design

- (a) Each loading space shall be not less than 20 feet in width, 25 feet in length, and 14 feet in height.
- (b) Loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

B. WAREHOUSE AND WHOLESALE

Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the city engineer. Such loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

SECTION 27-1304 PARKING EXCEPTIONS AND REDUCTIONS**A. CBD AND EBURD EXCEPTION**

Off-street parking is not required within the boundaries of the Central Business District (CBD) or East Billings Urban Redevelopment District (EBURD) in order to minimize disruptive curb cuts and driveways, encourage the consolidation of parking space in appropriate locations, and maximize the use of property for buildings and structures.

B. ON-STREET PARKING

On-street parking spaces on residential local streets that are directly adjacent to the property served may be counted towards the number of required spaces subject to the following:

- 1. Marked spaces shall be counted if:
 - (a) 50 percent or more of the stall length of a parallel space is adjacent to the property served; or
 - (b) 50 percent or more of the stall width of perpendicular or angled parking is adjacent to the property served.
- 2. Unmarked parallel spaces shall be determined by dividing the total curb length adjacent to the property served where parking is permitted by 20 feet.

C. JOINT USE**1. Authority and Calculation**

The Planning & Community Services Director may authorize the joint use or lease of parking facilities for the following uses or activities under conditions specified:

- (a) Up to 50 percent of the parking facilities required by this section for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses, may be supplied by certain other types of buildings, or uses herein referred to as

"day time" uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.

- (b) Up to 100 percent of the parking facilities required by this section for a religious institution or for an auditorium incidental to a school, may be supplied by the off-street parking facilities provided by uses primarily of a "day time" nature.

2. Conditions Required for Joint Use or Lease

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within 500 feet of such parking facilities, in addition to which:

- (a) The application shall show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which a joint use of off-street parking facilities is proposed.
- (b) The applicant shall present to the Planning & Community Services Director a legal agreement (lease) executed by the parties concerned for joint use or lease of off-street parking facilities. The lease must be for a minimum of 10 years and contain a notification requirement whereby the city will be informed in writing of any termination or complication experienced during the term of the lease.

D. TRANSIT OFFSET

The number of required parking spaces may be reduced for developments within 1,320 feet of a regular route served by intra-city fixed route transit service.

- 1. To be eligible for a transit reduction the business owner must provide documentation of contracting for and securing a minimum of three years of employee transit passes. The reduction in required parking spaces shall be one space for each transit pass purchased meeting these requirements.
- 2. Uses eligible for a transit offset in the number of required parking spaces are:
 - (a) Rented or leased residential multi-family living units or manufactured home park with eight or more living units where a transit pass is included in the rental or lease of selected individual units: The maximum transit offset shall not exceed 20% of the number of living units in the complex.
 - (b) Hospitals; professional offices, including medical and dental clinics or offices; and financial institutions: the maximum transit offset shall not exceed 20% of the total required parking for such uses.

E. REDUCED NEED POPULATIONS

The required minimum number of parking spaces may be reduced by:

- 1. 33 percent for any group living use or multi-unit use in which occupancy of at least 80 percent of the units is restricted for use by those 55 years of age or older.
- 2. 50 percent for any group living use or multi-unit use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of "handicapped" individuals under the federal Fair Housing Act.

SECTION 27-1305 ACCESS AND CIRCULATION**A. STREET ACCESS**

1. Street access to the parking lot will be governed by the curb cut policy in BMCC Section 6-1200.
2. Limited access through the alley. Customer access via an alley to any commercial use on a lot which is adjacent to an alley which abuts an "N" zone shall not be permitted over that alley except in the CBD, EBURD, and DX zones.

B. PEDESTRIAN ACCESS

1. Walkways with a minimum unobstructed width of five feet shall be provided between any building and an adjacent parking lot.
2. Pedestrian pathways shall be provided through all parking areas larger than 40 parking spaces to create a safe and convenient connection to building entryways,
3. Pedestrian pathways in and through parking areas must be designed and constructed to meet the following criteria:
 - (a) Americans with Disabilities Act (ADA) guidelines
 - (b) Limit conflict between pedestrians and vehicular traffic;
 - (c) Be clearly delineated and directional using techniques such as contrasting textured or colored material, segregation of pathway from vehicle travel lanes, and raised pathway surfaces;
 - (d) Be located a reasonable walking distance from all parking spaces to minimize conflict with moving vehicles;
 - (e) Provide functional connection between the parking area, the building served by the parking area, and adjacent public sidewalks and rights of way; and
 - (f) Provide safe, convenient pedestrian access to all building entryways open to the public.

SECTION 27-1306 LOCATION OF OFF-STREET PARKING**A. DISTANCE**

Off-street parking facilities shall be located as follows:

1. One-and two-unit dwellings: on the same lot with the building they are required to serve.
2. Dwellings with more than two units, group household living, and lodging uses: within the walking distance of 100 feet.
3. Group living primarily for aging populations and health care: within 600 feet for employees and 300 feet for visitors.
4. Uses other than those specified above, off-street parking within 500 feet is required.

B. MEASUREMENT

Where Section 27-1306.A requires that parking spaces be located within a defined distance of a lot, building entrance, or similar, the following shall apply:

1. At least 50 percent of the spaces in any contiguous parking lot must entirely be within the required distance.

2. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve.
3. The off-street parking shall not be located across an arterial or collector street except when both properties abut an intersection with traffic-control lights.
4. In addition, adequate and safe pedestrian access must be provided from and to the parking areas.

SECTION 27-1307 OFF-STREET VEHICLE PARKING AND STORAGE RESTRICTIONS

A. RESIDENTIAL DISTRICTS

1. Purpose and Applicability

- (a) The following standards for off-street parking and vehicle storage shall apply in all residential zoning districts and on property that is developed for residential use.
- (b) This section is intended to ensure that:
 - (1) Parking is not the primary use of the property, and
 - (2) Where accessory parking is permitted, it is provided in accordance with this Zoning Code.

2. Licensed and Operable Motor Vehicles

The following standards apply to the open storage and off-street parking of licensed and operable motor vehicles is an allowed accessory use subject to the following standards:

- (a) This is an allowed accessory use for non-commercial vehicles. Parking and open storage of one licensed and operable motor vehicle used for commercial or business purposes is an allowed accessory use provided it does not exceed 12,000 pounds in G.V.W. (gross vehicle weight).
- (b) Front or side yard parking shall be on a surface prepared with asphalt or concrete.
- (c) Rear yard parking or open storage may be provided on any type of surface. (See also BMCC Sections 6-1203)

3. Licensed and Operable Recreational Vehicles

Open storage and off-street parking of licensed and operable recreational vehicles (for the purposes of this section, including but not limited to snowmobiles, boats, and campers, all-terrain vehicles, off-road motorcycles, and sport/utility trailers) is an allowed accessory subject to the following standards:

- (a) The use is allowed in any rear yard and may be provided on any type of surface.
- (b) The use is allowed in a front or side yard only if there is no access to a rear yard. Where permitted in a front or side yard, the use shall be provided on a surface prepared with asphalt or concrete.
- (c) When provided in any yard:
 - (1) There shall be at least a five-foot separation between such recreational vehicle and any door, window, or other opening of a dwelling or accessory building that provides ventilation or access to the structure.
 - (2) There shall be setbacks to property lines at a minimum of three feet to a side or rear property line and eight feet from the back of a sidewalk. If no sidewalk

exists, all measurements shall be made from the front and side adjacent to street property lines.

- (d) The use of any recreational vehicle for living or sleeping purposes for more than five consecutive days is prohibited when parked off-street or stored in any residential zoning district or in an area developed for residential use.

B. MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

The following standards for off-street parking and storage shall apply in all mixed-use, commercial, and industrial zoning districts.

1. Outdoor storage for the off-street parking of inoperable motor vehicles for more than five consecutive days as a primary use is a special review use of property as designated in Table 27-1000.1.
2. Accessory outdoor storage for the off-street parking of inoperable motor vehicles for more than five consecutive days is regulated in Section 27-1009, Accessory Uses.

SECTION 27-1301 GENERAL APPLICABILITY**A. OFF-STREET PARKING REQUIRED**

1. Minimum off-street parking shall be provided pursuant to this section at the time of erection of any building or structure or at the time of any change in occupancy of any building or structure.
2. Required off-street parking areas must be used for parking only. Automobile sales, storage, and other uses are prohibited unless specifically permitted by another section of this Zoning Code.

B. EXPANSION, ENLARGEMENT, AND NONCONFORMITIES

1. Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of Section 27-1100, Proportionate Compliance.
2. Changes to the size or location of existing off-street parking areas in NX, NO, and NMU districts shall be done in a manner that brings the parking area into greater compliance with the zone district site standards. See Section 27-1500, Nonconformities.
3. Nothing in this section shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though those uses or buildings are nonconforming, provided that the new parking can be provided in compliance with this section and the requirements of the zone district.

C. ZONE DISTRICT GROUPINGS

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

District Groupings Used in this Section	
Agricultural	Agriculture
Residential	All Rural Residential districts, All N districts, RMH
Mixed-Use	All NX districts, NO, NMU, All CMU districts
Commercial	C3, CX
Industrial	I1, I2
Public	All P districts

SECTION 27-1302 CALCULATION OF REQUIRED PARKING**A. REQUIRED PARKING**

1. Required off-street parking spaces shall be provided in conformance with Table 27-1300.1, Off-Street Parking Standards, unless modified by Article 27-1100, Proportionate Compliance.
2. In the case of mixed uses, the total requirements for the various uses shall be computed separately unless the joint use provisions of Section 27-1304 apply.

B. CALCULATION OF REQUIRED PARKING

1. When determination of the number of parking or loading spaces results in a requirement of a fractional space, any fraction shall be rounded up and counted as one parking space.
2. When there are multiple structures on a lot or multiple uses in a structure, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
3. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time.
4. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the design capacity of the facility.
5. When the standards use seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per four occupants unless otherwise specified in Table 27-1300.1, Off-Street Parking Standards.
6. When the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum occupant load, as determined by the adopted building code.
7. Surface parking spaces provided for multiple-unit structures shall not be assigned and shall be available to all residents unless approved through Section 27-1600, Site Development Plan. Where surface parking is assigned, the minimum number of spaces provided shall be increased by 20%.

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
RESIDENTIAL	
Households Living (dwelling unit/structure)	
Dwelling, single unit, detached and attached	2 per du
Dwelling, multiple unit structure	1.5 per du + 1 guest space per 10 units; 27-1302.C.8 also applies
Dwelling unit in a mixed-use structure	2 per du
Accessory dwelling unit	Sec. 27-1009 (ADU standards)
Manufactured Home (Type 1 or Type 2)	2 per du
Group Household Living	
Comm. Res. Facility, Large	2 + 1 per 5 beds
Comm. Res. Facility, Small	Dwelling, single unit
Fraternity/Sorority House	1 per 2 sleeping rooms or 1 per 3 beds, whichever is greater
Group Living Facility	2 + 1 per 5 beds
Retirement Home or Village	1 to 6 units: 0.5 space/du 7 to 18 units: 0.33 space/du Over 18 units: 0.25 spaces/du Minimum of 5 spaces
Travel Trailer Park/ Campground	1 space per campsite/RV site

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
PUBLIC, CIVIC, AND INSTITUTIONAL	
Assembly	
General Assembly	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Libraries and Museums	1 per 1,000 SF GFA for museum and art gallery; 1 per 333 SF GFA for library
Education	
School, College or University	1 per 400 SF GFA
School, Primary and Secondary	Elementary School: 2 per classroom Middle School: 2 per classroom High School: 6 per classroom and 1 per 300 SF GFA additional enclosed floor space
School, Trade, Business, Vo/Tech	1 per 300 SF indoor GFA
Government and Public Safety	
All	1 per 300 SF GFA of space used by the public + 1 per 600 SF GFA of space not used by the public
Health Care and Social Assistance	
Adult Day Care	1 per 400 SF GFA plus 2 stacking spaces at drop-off area for adult day care in mixed-use or non-residential districts
All Healthcare, unless otherwise specified	1 per 2 beds based on maximum capacity + 1 per 350 SF GFA for areas that are not patient rooms. Healthcare facilities without patient rooms apply the 1 per 350 SF GFA standard.
Parks and Recreation	
Arboretums/Botanic Gardens/Zoos	1 per 4 occupants at capacity
Golf Course/Swimming Pool (Public)	Golf: 4 per hole plus 2.5 per 1,000 sf GFA in clubhouse; Pool: Sec. 27-1302.D
Public Parks and Playgrounds	Sec. 27-1302.D
Public Recreation Facilities	Sec. 27-1302.D; Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field
COMMERCIAL	
Amusement and Recreation	
Amusement & Recreation, Indoor	6 per 1,000 SF GFA
Amusement & Recreation, Outdoor	1 per 4 occupants at capacity
Adult Entertainment	1 per 200 SF GFA
Casino, Large	1 per 150 SF GFA
Animal Sales and Services	
Boarding/Kennel	1 per 400 SF GFA
General Sales and Services	1 per 400 SF GFA
Shelter	1 per 800 SF GFA

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
Veterinary, all	1 per 400 SF GFA (indoor only)
Assembly, Entertainment and Trade	
All assembly	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Child Care	
All child care	1 per 400 sf GFA + 2 stacking spaces at drop-off area for child care in mixed-use or non-residential districts
Commercial Service	
Broadcasting Stations and Studios	1 per 400 SF GFA
Business Service	1 per 400 SF GFA
Crematory, Funeral Services	1 per 50 SF chapel area, minimum 2
Cemetery	1 per 50 SF chapel area, minimum 2
Consumer Maintenance and Repair	1 per 400 SF GFA
Personal Service	1 per 400 SF GFA
Studio or Instruction Service	1 per 400 SF GFA
Eating and Drinking Establishment	
Restaurant	1 per 150 SF GFA
with drive-thru	1 per 100 SF GFA
Bar or Tavern	1 per 150 SF GFA
Craft Alcohol	1 per 150 SF GFA
Financial Services	
Financial and Alternative Financial	1 per 300 SF GFA
Lodging	
Boarding	1 per guest room
Bed and Breakfast Inn	2 + 1 space for each guest room
Campground/RV Park	1 per campsite/RV site
Hotel/Motel	1 per room + 1 per 300 SF meeting or restaurant and bar area
Short-Term Rental	Parking assigned to dwelling unit
Office	
Business or Professional	1 per 350 SF GFA
Medical doctor or dental clinics	Medical, dental or optical: 1 per 222 SF GFA; Professional therapy (mental health, physical, occupational, or similar): 1 per 250 SF GFA
Research and Testing Laboratories	1 per 400 SF GFA
Parking, Commercial	
Commercial, primary use	n/a
Retail Sales	
Retail (all unless otherwise specified)	1 per 200 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft. up to 100,000 SF total GFA

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
Retail, large format	Retail standard up to 50,000 SF GFA then 1 per 1,000 SF GFA. If part of the structure is warehouse, apply the retail standard and Table 27-1300.2 to the areas in each use.
Retail, Extended Display Floor	1 per 1,000 SF GFA
Commercial Greenhouse/Nursery	1 per 1,000 SF GFA
Outdoor Sales Lot	1 per 1,000 SF GFA sales area
Vehicle Sales and Service, Personal	
Car Wash	
Fueling Station, with or without convenience store	1 per 200 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft.
Vehicle Sales and Rental	Sales: 1 per 1,000 SF GFA used by general public plus storage of cars for sale Rental: 1 per 250 SF GFA used by general public plus storage of cars for rent
Vehicle Maintenance and Repair,	1 per 250 SF GFA
INDUSTRIAL, WHOLESALE, AND STORAGE	
Industrial and Construction Services	
All	Table 27-1300.2
Manufacturing, Assembly, or Processing	
All	Table 27-1300.2
Natural Resource Extraction	
All	1 per site
Warehouse and Storage Services	
All	Table 27-1300.2
Waste and Salvage	
All	Table 27-1300.2
TRANSPORTATION, UTILITIES, AND COMMUNICATIONS	
Alternative Energy Production	
Solar Power Array, large/commercial	1 per site
Wind Energy Conversion Systems, large/commercial	1 per site
BioMass Conversion Systems, large/commercial	1 per site
Transportation	
Bus or Taxi Maintenance and Parking Shed	Sec. 27-1302.D
Airport Passenger Terminal	Sec. 27-1302.D
Bus/Public Transit Terminal	Sec. 27-1302.D
Train Passenger Terminal	Sec. 27-1302.D

Table 27-1300.1: Off-Street Parking Standards

Use	Required Parking
Train/Railroad Freight Terminal, Switching Yard	Sec. 27-1302.D
Utilities and Public Facilities	
Major	Table 27-1300.2
Minor (e.g., lift stations, substations, pump stations)	Table 27-1300.2
Offices, Buildings, Yards, and Land	Table 27-1300.2
Pipelines (except natural gas)	n/a
Transmission and Distribution Lines	n/a
Wireless Communication Facilities	
Amateur Radio, greater than 100' high	1 per site
Land Mobile Radio and Broadcast Antennae	1 per site
Wireless Communication Facilities	Sec. 27-1302.D

C. PARKING FOR INDUSTRIAL AND WAREHOUSE USES

Uses that reference this subsection in Table 27-1300.1, shall provide the minimum number of parking spaces identified in Table 27-1300.2. The total number of required spaces is cumulative based on the variety of different functions present in a single structure or lot.

Table 27-1300.2: Parking for Industrial, Wholesale, and Storage Uses

Use or Activity	Minimum Required
Office or administrative area	1 per 300 GFA
Indoor sales area	1 per 200 GFA
Retail	Table 27-1300.1
Assembly, vehicular service, or manufacturing area:	First 1-3,000 sf of floor area:
	1 per 200 GFA
	Additional SF over 3,000 calculated as follows:
	3,001-5,000 sf of floor area
	1 per 500 GFA
	5,001-10,000 sf of floor area
	1 per 750 GFA
	10,001 or more sf of floor area
	1 per 1,250 GFA
Indoor storage or warehousing area	1 per 1,000 GFA or 1 per employee on largest shift
Outdoor sales, display, or storage area (3,000 sf or less)	1 per 750 GFA
Outdoor sales, display, or storage area (more than 3,000 sf)	1 per 1,000 GFA

D. USES WITH VARIABLE PARKING DEMAND

Uses that reference this subsection in Table 27-1300.1 have widely varying parking demand characteristics, making it difficult to establish a single parking standard. Upon receiving a development application for a use subject to this subsection, the Planning & Community Services Director shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum parking standards on the basis of a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) Parking Generation, or other acceptable estimates as approved by the zoning administrator, and should include other reliable data collected from uses or combinations of uses that are the

same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

E. ADA ACCESSIBLE PARKING

All parking lots shall provide the minimum number of accessible parking spaces required by the federal Americans with Disabilities Act (ADA). All accessible parking spaces shall meet the design and location requirements of the Americans with Disabilities Act (ADA). Accessible parking spaces shall be counted toward the minimum number of spaces required in Tables 27-1300.1. and 1300.2

SECTION 27-1303 LOADING SPACES

A. RETAIL AND COMMERCIAL

1. Required

Any building or part thereof having a gross floor area of 10,000 square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each 20,000 feet or major fraction thereof of gross floor area. Loading spaces are not required in CMU1 and NMU zones.

2. Design

- (a) Each loading space shall be not less than 20 feet in width, 25 feet in length, and 14 feet in height.
- (b) Loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

B. WAREHOUSE AND WHOLESALE

Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the city engineer. Such loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

SECTION 27-1304 PARKING EXCEPTIONS AND REDUCTIONS

A. ON-STREET PARKING

On-street parking spaces on residential local streets that are directly adjacent to the property served may be counted towards the number of required spaces subject to the following:

- 1. Marked spaces shall be counted if:
 - (a) 50 percent or more of the stall length of a parallel space is adjacent to the property served; or
 - (b) 50 percent or more of the stall width of perpendicular or angled parking is adjacent to the property served.
- 2. Unmarked parallel spaces shall be determined by dividing the total curb length adjacent to the property served where parking is permitted by 20 feet.

B. JOINT USE

1. Authority and Calculation

The Planning & Community Services Director may authorize the joint use or lease of parking facilities for the following uses or activities under conditions specified:

- (a) Up to 50 percent of the parking facilities required by this section for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses, may be supplied by certain other types of buildings, or uses herein referred to as "day time" uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
- (b) Up to 100 percent of the parking facilities required by this section for a religious institution or for an auditorium incidental to a school, may be supplied by the off-street parking facilities provided by uses primarily of a "day time" nature.

2. Conditions Required for Joint Use or Lease

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within 500 feet of such parking facilities, in addition to which:

- (a) The application shall show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which a joint use of off-street parking facilities is proposed.
- (b) The applicant shall present to the Planning & Community Services Director a legal agreement (lease) executed by the parties concerned for joint use or lease of off-street parking facilities. The lease must be for a minimum of 10 years and contain a notification requirement whereby the city will be informed in writing of any termination or complication experienced during the term of the lease.

C. REDUCED NEED POPULATIONS

The required minimum number of parking spaces may be reduced by:

1. 33 percent for any group living use or multi-unit use in which occupancy of at least 80 percent of the units is restricted for use by those 55 years of age or older.
2. 50 percent for any group living use or multi-unit use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of "handicapped" individuals under the federal Fair Housing Act.

SECTION 27-1305 ACCESS AND CIRCULATION

A. STREET ACCESS

Street access to the parking lot will be governed by County Public Works Director and adopted policies of Yellowstone County.

B. PEDESTRIAN ACCESS

1. Walkways with a minimum unobstructed width of five feet shall be provided between any building and an adjacent parking lot.
2. Pedestrian pathways shall be provided through all parking areas larger than 40 parking spaces to create a safe and convenient connection to building entryways,
3. Pedestrian pathways in and through parking areas must be designed and constructed to meet the following criteria:
 - (a) Americans with Disabilities Act (ADA) guidelines
 - (b) Limit conflict between pedestrians and vehicular traffic;

- (c) Be clearly delineated and directional using techniques such as contrasting textured or colored material, segregation of pathway from vehicle travel lanes, and raised pathway surfaces;
- (d) Be located a reasonable walking distance from all parking spaces to minimize conflict with moving vehicles;
- (e) Provide functional connection between the parking area, the building served by the parking area, and adjacent public sidewalks and rights of way; and
- (f) Provide safe, convenient pedestrian access to all building entryways open to the public.

SECTION 27-1306 LOCATION OF OFF-STREET PARKING

A. DISTANCE

Off-street parking facilities shall be located as follows:

1. One-and two-unit dwellings: on the same lot with the building they are required to serve.
2. Dwellings with more than two units, group household living, and lodging uses: within the walking distance of 100 feet.
3. Group living primarily for aging populations and health care: within 600 feet for employees and 300 feet for visitors.
4. Uses other than those specified above, off-street parking within 500 feet is required.

B. MEASUREMENT

Where Section 27-1306.A requires that parking spaces be located within a defined distance of a lot, building entrance, or similar, the following shall apply:

1. At least 50 percent of the spaces in any contiguous parking lot must entirely be within the required distance.
2. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve.
3. The off-street parking shall not be located across an arterial or collector street except when both properties abut an intersection with traffic-control lights.
4. In addition, adequate and safe pedestrian access must be provided from and to the parking areas.

SECTION 27-1307 OFF-STREET VEHICLE PARKING AND STORAGE RESTRICTIONS

A. RESIDENTIAL DISTRICTS

1. Purpose and Applicability

- (a) The following standards for off-street parking and vehicle storage shall apply in all residential zoning districts and on property that is developed for residential use.
- (b) This section is intended to ensure that:
 - (1) Parking is not the primary use of the property, and
 - (2) Where accessory parking is permitted, it is provided in accordance with this Zoning Code.

2. Licensed and Operable Motor Vehicles

The following standards apply to the open storage and off-street parking of licensed and operable motor vehicles is an allowed accessory use subject to the following standards:

- (a) This is an allowed accessory use for non-commercial vehicles. Parking and open storage of one licensed and operable motor vehicle used for commercial or business purposes is an allowed accessory use provided it does not exceed 12,000 pounds in G.V.W. (gross vehicle weight).
- (b) Front or side yard parking or open storage shall be on a surface prepared with asphalt or concrete.
- (c) Rear yard parking or open storage may be provided on any type of surface.

3. Licensed and Operable Recreational Vehicles

Open storage and off-street parking of licensed and operable recreational vehicles (for the purposes of this section, including but not limited to snowmobiles, boats, and campers, all-terrain vehicles, off-road motorcycles, and sport/utility trailers) is an allowed accessory subject to the following standards:

- (a) The use is allowed in any rear yard and may be provided on any type of surface.
- (b) The use is allowed a front or side yard only if there is no access to a rear yard.
- (c) When provided in any yard:
 - (1) There shall be at least a five-foot separation between such recreational vehicle and any door, window, or other opening of a dwelling or accessory building that provides ventilation or access to the structure.
 - (2) There shall be setbacks to property lines at a minimum of three feet to a side or rear property line and eight feet from the back of a sidewalk. If no sidewalk exists, all measurements shall be made from the front and side adjacent to street property lines.
- (d) The use of any recreational vehicle for living or sleeping purposes for more than five consecutive days is prohibited when parked off-street or stored in any residential zoning district or in an area developed for residential use.

B. MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

The following standards for off-street parking and storage shall apply in all mixed-use, commercial, and industrial zoning districts.

- 1. Outdoor storage for the off-street parking of inoperable motor vehicles for more than five consecutive days as a primary use is a special review use of property as designated in Table 27-1000.1.
- 2. Accessory outdoor storage for the off-street parking of inoperable motor vehicles for more than five consecutive days is regulated in Section 27-1009, Accessory Uses.

SECTION 27-1101 PURPOSE AND APPLICABILITY**A. PURPOSE**

To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying proportional development standards. This section identifies the process for determining specific site compliance with a proportionate standard.

B. APPLICABILITY

1. **New Development**
New development shall comply fully with all site development and zone district standards.
2. **Existing Development**
Applicants for some types of redevelopment may qualify for the proportionate application of site or zone district standards as described in this section.
3. **No New or Increased Noncompliance**
Any redevelopment of a structure or site shall be designed to either increase compliance with this Zoning Code or, at a minimum, not increase existing noncompliance. Redevelopment shall not establish new noncompliance with this Zoning Code, regardless of the applicability of this section.

C. FIVE-YEAR TIMEFRAME

1. Any application by a property owner to expand or replace part of an existing structure shall remain on record for five years from the date of work completion.
2. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous five years.
3. The total shall be used by the City to determine the property owner's necessary level of compliance.

D. SITE DEVELOPMENT STANDARDS

An applicant may request the application of proportionate compliance with the following site development standards pursuant to Section 27-1102:

1. Section 27-1200, Landscaping
 - (a) 27-1204, Street Frontage Landscaping
 - (b) 27-1205, Bufferyard Standards
 - (c) 27-1205, Off-Street Parking Lot Standards
2. Section 27-1300, Parking and Loading
 - (a) Table 27-1300.1, Off-Street Parking Standards
 - (b) 27-1203 Loading Spaces

E. ZONE DISTRICT STANDARDS

An applicant may request the application of proportionate compliance with eligible zone district standards pursuant to Section 27-1103.

SECTION 27-1102 SITE DEVELOPMENT STANDARDS ELIGIBILITY AND MEASUREMENT**A. ELIGIBILITY FOR PROPORTIONATE COMPLIANCE**

Proportionate compliance with eligible site development standards as applicable to a specific development or structure type may be requested for development types in Table 27-1100.1 according to the calculations described in Section 27-1102.B.

Table 27-1100.1: Applicability of Development Standards

	Res. Multi- Unit	Mixed-Use and Public	Comm.	Ind.
New Development	Percent compliance with development standards			
New Development	100	100	100	100
Existing Development				
Interior Change(s),		Apply Sec. 27-1102.B.2		
Redevelopment:				
Less than 10% GFA	n/a	n/a	n/a	n/a
Between 10% and 75% GFA		Apply Sec. 27-1102.B.2		
Greater than 75% GFA	100	100	100	100
Use Change with Increased Parking		Apply Sec. 27-1102.B.3		
Nonconformities				
<i>See Section 27-1500 for applicability of nonconformity standards</i>				

B. MEASURING REQUIRED COMPLIANCE**1. Interior Changes**

In the CBD, DX, CMU1, CMU2, NO, NMU, and EBURD districts, Section 27-1204, Street Frontage Landscaping requirements shall be applicable when a building is remodeled by 10% or more. This shall be calculated based on the value of the remodel permit as a percentage of the building's most recent assessed valuation. For example, a property owner with a building assessed at \$1,500,000 who submits an application for a remodel permit valued at \$300,000 shall be responsible for 20% compliance with the applicable street frontage landscaping requirements.

2. Gross Floor Area (GFA) Changes

(a) Site development standards shall be proportionately applied to all increases in GFA as follows:

- (1) Minimal Change. Square footage changes that increase the total gross floor area of a structure by less than 10 percent, as determined by the building permit application, shall not be required to comply with these development standards.
- (2) Proportionate Change. Square footage changes that increase the total gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the building permit application, shall require a corresponding

percent increase in compliance with these development standards or until the site reaches compliance, whichever is less.

- (3) Full Compliance. Square footage changes that increase total gross floor area of a structure by 75 percent or greater, as determined by the building permit application, shall be required to fully comply with these standards.

- (b) Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

3. Increased Parking Requirement

Where a change of use triggers a requirement for increased parking on a lot, the calculations of Section 27-1102.B.2 shall be applied to calculate required landscaping improvements from Section 27-1205, Off-Street Parking Lot Standards.

SECTION 27-1103 ZONE DISTRICT STANDARDS ELIGIBILITY AND MEASUREMENT

The following proportionate compliance standards apply to redevelopment in the N1, N2, NX, NMU, NO, CMU1, CMU2, and DX districts.

A. GENERAL SITE DESIGN REQUIREMENTS

For any site renovations, the applicable neighborhood or mixed-use general site design requirements shall be met.

B. GENERAL RENOVATIONS

Where any renovation includes an addition of more than 50 percent in gross building square footage within a 5-year period, all site and structure regulations shall be met.

C. FACADE RENOVATIONS

If the building's façade exists or will exist within the required build-to zone of the district regulations, the facade regulations shall be met, if the renovation includes any one of the following:

1. Expansion or change in location of 50 percent or more of the windows on any street façade of the building. Refer to Section 27-1800 for the definition of street façade.
2. Replacement of 50 percent or more of facade materials on any street facade of the building with a different facade material.

D. ROOF RENOVATIONS

If the renovation of the shape or style of more than 50 percent of the roof occurs, the roof regulations shall be met.

SECTION 27-1101 PURPOSE AND APPLICABILITY**A. PURPOSE**

To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying proportional development standards. This section identifies the process for determining specific site compliance with a proportionate standard.

B. APPLICABILITY

1. **New Development**
New development shall comply fully with all site development and zone district standards.
2. **Existing Development**
Applicants for some types of redevelopment may qualify for the proportionate application of site or zone district standards as described in this section.
3. **No New or Increased Noncompliance**
Any redevelopment of a structure or site shall be designed to either increase compliance with this Zoning Code or, at a minimum, not increase existing noncompliance. Redevelopment shall not establish new noncompliance with this Zoning Code, regardless of the applicability of this section.

C. FIVE-YEAR TIMEFRAME

1. Any application by a property owner to expand or replace part of an existing structure shall remain on record for five years from the date of work completion.
2. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous five years.
3. The total shall be used by the County to determine the property owner's necessary level of compliance.

D. SITE DEVELOPMENT STANDARDS

An applicant may request the application of proportionate compliance with the following site development standards pursuant to Section 27-1102:

1. Section 27-1200, Landscaping
 - (a) 27-1204, Street Frontage Landscaping
 - (b) 27-1205, Bufferyard Standards
 - (c) 27-1205, Off-Street Parking Lot Standards
2. Section 27-1300, Parking and Loading
 - (a) Table 27-1300.1, Off-Street Parking Standards
 - (b) 27-1203 Loading Spaces

E. ~~ZONE DISTRICT STANDARDS~~

~~An applicant may request the application of proportionate compliance with eligible zone district standards pursuant to Section 27-1103.~~

SECTION 27-1102 SITE DEVELOPMENT STANDARDS ELIGIBILITY AND MEASUREMENT**A. ELIGIBILITY FOR PROPORTIONATE COMPLIANCE**

Proportionate compliance with eligible site development standards as applicable to a specific development or structure type may be requested for development types in Table 27-1100.1 according to the calculations described in Section 27-1102.B.

Table 27-1100.1: Applicability of Development Standards

	Res. Multi- Unit	Mixed-Use and Public	Comm.	Ind.
New Development	Percent compliance with development standards			
New Development	100	100	100	100
Existing Development				
Redevelopment:				
Less than 10% GFA	n/a	n/a	n/a	n/a
Between 10% and 75% GFA		Apply Sec. 27-1102.B.1		
Greater than 75% GFA	100	100	100	100
Use Change with Increased Parking		Apply Sec. 27-1102.B.1		
Nonconformities				
<i>See Section 27-1500 for applicability of nonconformity standards</i>				

B. MEASURING REQUIRED COMPLIANCE**1. Gross Floor Area (GFA) Changes**

- (a) Site development standards shall be proportionately applied to all increases in GFA as follows:
 - (1) Minimal Change. Square footage changes that increase the total gross floor area of a structure by less than 10 percent, as determined by the zoning compliance permit application, shall not be required to comply with these development standards.
 - (2) Proportionate Change. Square footage changes that increase the total gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the zoning compliance permit application, shall require a corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less.
 - (3) Full Compliance. Square footage changes that increase total gross floor area of a structure by 75 percent or greater, as determined by the zoning compliance permit application, shall be required to fully comply with these standards.
- (b) Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

2. Increased Parking Requirement

Where a change of use triggers a requirement for increased parking on a lot, the calculations of Section 27-1102.B.1 shall be applied.

SECTION 27-1103 ZONE DISTRICT STANDARDS ELIGIBILITY AND MEASUREMENT

The following proportionate compliance standards apply to redevelopment in the N1, N2, NX, NMU, NO, CMU1, and CMU2 districts.

A. GENERAL SITE DESIGN REQUIREMENTS

For any site renovations, the applicable neighborhood or mixed-use general site design requirements shall be met.

B. GENERAL RENOVATIONS

Where any renovation includes an addition of more than 50 percent in gross building square footage within a 5-year period, all site and structure regulations shall be met.

C. FACADE RENOVATIONS

If the building's façade exists or will exist within the required build-to zone of the district regulations, the facade regulations shall be met, if the renovation includes any one of the following:

1. Expansion or change in location of 50 percent or more of the windows on any street façade of the building. Refer to Section 27-1800 for the definition of street facade.
2. Replacement of 50 percent or more of facade materials on any street facade of the building with a different facade material.

D. ROOF RENOVATIONS

If the renovation of the shape or style of more than 50 percent of the roof occurs, the roof regulations shall be met.