

**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

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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.

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(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

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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

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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)