

## **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

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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.

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### 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:

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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.

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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:

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Building Official:

(building plan)

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

Planning:

(site plan)

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

Fire Department:

(fire design)

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

Standards:

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

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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:

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Public Utilities:

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

Public Works:

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

Fire Department:

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

Standards:

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

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

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

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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:

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City Traffic Engineer:

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

Standards:

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

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

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

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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:

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City Engineer:

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

Standards:

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

Public Works Department standards.

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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:

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Fire Department:

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

Planning:

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

Public Utilities:

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

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Public Works:

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

Building Official:

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

Standards: Billings, Montana City Code:

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

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

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

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

Chapter 21, "Solid Waste": All sections.

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

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

Public Works Department standards.

Public Utilities Department standards.

Building Division standards.

**Public Right-of-Way:**

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

Developer:

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Public Utilities:

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

Public Works:

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

Standards:

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

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

**Lighting:**

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

Developer:

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Public Works:

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

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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.

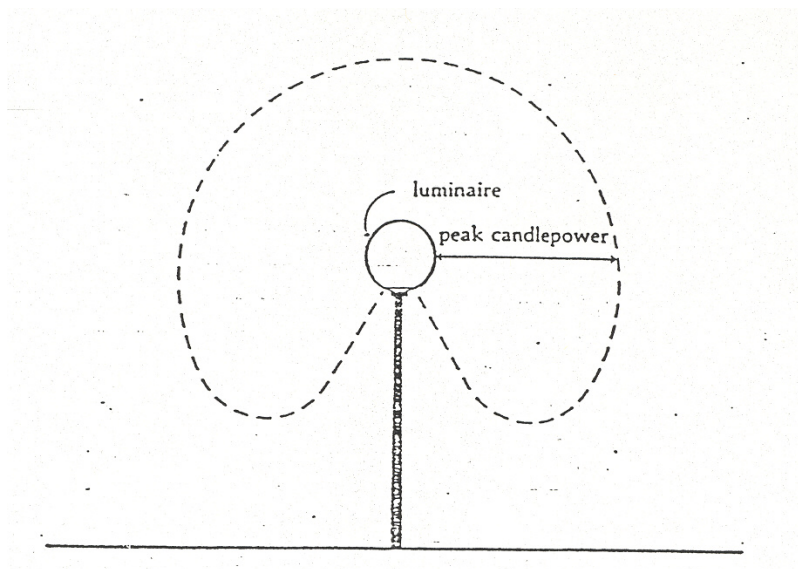
**Footcandle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

**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



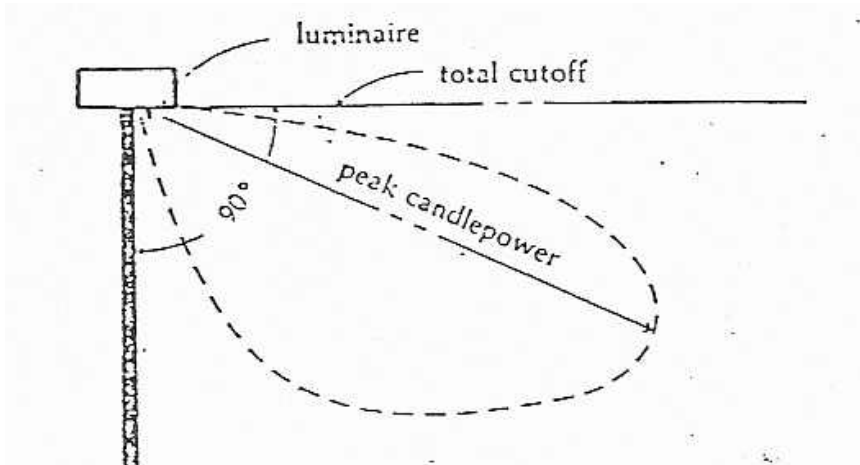
NO CUTOFF LUMINAIRE

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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



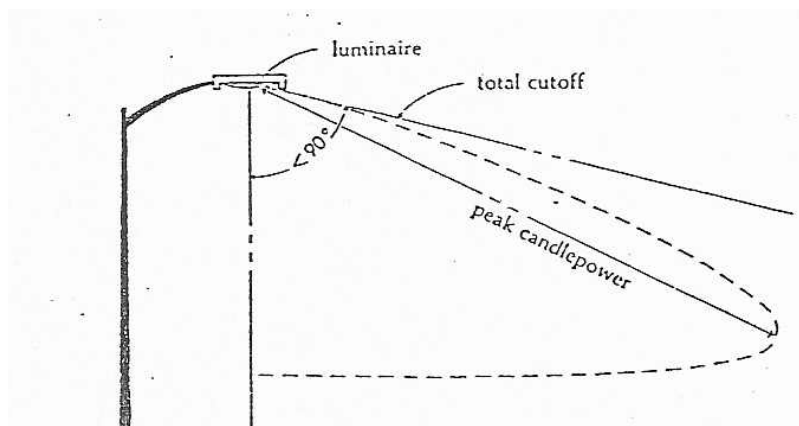
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90° CUTOFF LUMINAIRE

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

– Maximum permitted illumination - 3.0

– Maximum permitted height of post - 40 feet



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LUMINAIRE WITH LESS THAN 90° CUTOFF

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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:

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City Engineer:

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

Standards:

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

Public Works Department standards.

Ordinance No. 83-4565, Section 3.

**Signage:**

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

Developer:

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Sign Code Administrator:

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

Standards:

Sign Code and all other applicable ordinances regulating signs.

**Noise:**

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

Developer:

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Building Official:

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

Standards

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

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

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

**Parking:**

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

Developer:

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Building Official:

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

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

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

(To be completed by Zoning Coordinator and city staff)

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

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

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

**Building Scale:**

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

Developer:

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

Planning:

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

Multiplier     x3     \_\_\_\_\_

Total Points     \_\_\_\_\_

Final Plan Review:

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

Multiplier     x3     \_\_\_\_\_

Total Points     \_\_\_\_\_

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

**Standards and Scoring:**

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

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

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

**Landscaping:**

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

**Developer:**

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

**Planning:**

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

Multiplier    x3    \_\_\_\_\_

Total Points    \_\_\_\_\_

**Final Plan Review:**

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

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

**Standards and Scoring:**

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

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

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

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

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

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

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

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

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

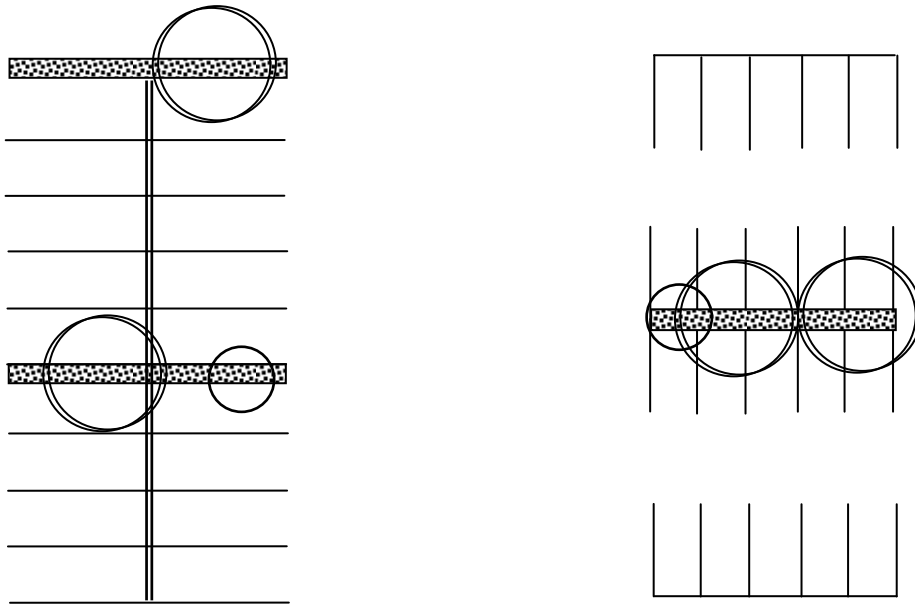
Minimum area within which recommended planting should be provided - three hundred sixty (360) square feet:

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

360 S.F./24 Stalls

- 2 Canopy
- 1 Understory
- 4 Shrubs

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



Examples

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

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

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

Developer:

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

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

Building Official:

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

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

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

Final Plan Review:

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

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

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

Standards and Scoring:

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

Maintain parking according to building code occupancy for employees (one space per employee). In addition to this, meet "Table of Minimum Standards-Off-Street Parking" (BMCC Section 6-1203(j)) according to proposed land use.

Points	Parking Requirement
2	Provide 20% over minimum parking standard plus joint use agreements for at least 25% of the parking provided, or a parking garage for at least the minimum parking standard.
1	Provide 10%-20% over minimum parking standard, or provide minimum standard plus a plan to promote mass transit or carpooling (as approved by MET).
0	Less than 10% over the minimum standard met for parking.

**Land Use:** The land use of the development is encouraged to be medically-related, given that the primary reason for establishing the medical corridor is to provide for a systematic development of medical services in this area and to have its development be consistent with high quality standards.

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

Developer:

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

Planning:

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

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

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

Final Plan Review:

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

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

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

Standards and Scoring:

Set forth below are general and specific land use definitions.

Generally:

Points	Land Use
2	Offices for physicians and surgeons, dentists and dental surgeons, osteopathic physicians, or chiropractors; hospitals and clinics; medical laboratories; dental laboratories; convalescent homes; health and allied services.
1	Medical support services, accessory uses.
0	All other land uses.

Specific land use definitions:

Point Value - 2

Offices of physicians and surgeons:

Clinics (operated by physician groups)

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

Gynecologists

Neurologists

Nuclear medicine and radio-therapists

Obstetrics

Oculists

Offices of physicians and surgeons

Ophthalmologists

Pathologists

Psychiatrists

Psychoanalysts

Radiologists

Offices of dentists and dental surgeons

Offices of osteopathic physicians

Offices of chiropractors

Hospitals:

Hospitals for humans

Hospital-operated clinics

Nurses' training schools

Medical laboratories:

Laboratories (not manufacturing) for biological, bacteriological, chemist, medical, x-ray (picture and treatment)

Pathological laboratories

Research laboratories (medically-related)

Dental laboratories

Denturists

Convalescent homes:

Convalescent homes

Nursing homes

Rest homes

Health and allied services:

Birth control clinics

Blood banks

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

Clinics, not operated by hospitals or physician groups  
Dieticians and diet centers  
Group health associations  
Medical photography  
Mental health centers  
Nursing services  
Occupational therapist  
Optometrists  
Out-patient treatment clinics for alcoholism and drug abuse  
Physiotherapy  
Psychiatric clinics  
Podiatrists  
Prosthesisists  
Orthopedic Supply  
Audiologists  
Psychotherapists  
Rehabilitation centers (therapy and treatment)  
Speech defect clinics

Point Value - 1

Medical support services:

Day care centers  
Group homes  
Medically-related office space  
Medical educational facilities  
Out-patient medical and surgical support services  
Pharmacies

Accessory uses and uses incidental to any of the above uses:

Cafeteria  
Churches, chapels, houses of worship  
Heliport (no bulk-fuel storage will be allowed)  
Hotels, motels  
Mortuaries  
Off-street parking garages and lots

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

Recreational facilities

Restaurant (without beer/wine or all beverage liquor license)

Restaurant (affiliated with hotel or motel, without beer/wine or all beverage liquor license)

Point Value - 0

All other land uses.

**Density:** Increased density of dwelling units is encouraged in order to provide increased housing opportunities close to the hospitals, Central Business District and near major employers and Montana State University - Billings.

Developer:

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

Planning:

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

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

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

Final Plan Review:

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

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

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

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

Standards and Scoring:

Minimum Lot Size	Number of Units
2,500 square feet	1
4,000 square feet	2
5,000 square feet	3
6,000 square feet	4
(500 square feet)	(each additional unit)

Points	Density
2	21% or more units than the standard
1	Up to 20% more units than the standard
0	Fewer units than the standard

**Compatibility:**

All efforts toward promoting neighborhood compatibility are encouraged, such as:

1. Having resolved all differences between proposed development and the affected neighborhood;
2. Keeping the development compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design; scale, bulk and building height, disposition and orientation of buildings on the lot, and visual integrity;
3. Having conflicts between the proposed development and the surrounding land uses effectively mitigated; and
4. Designing the project so that any additional traffic generated does not have significant adverse impact on surrounding development, and the street system.

Developer:

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

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

Planning:

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Recommended Score \_\_\_\_\_  
Multiplier x3 \_\_\_\_\_  
Total Points \_\_\_\_\_

Final Plan Review:

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

Standards and Scoring:

Compatibility has been stressed throughout this document. The reason for that is the desire to protect the residents in the area and to preserve the neighborhood-type setting now enjoyed. Past construction activity has threatened that quality, and this chapter is an attempt to instead enhance the area.

Again, it is recognized that the primary purpose for the corridor is to serve as a central location for medically-related services and products, with all other land uses being secondary in importance. However, the permit zoning system will allow the city to have more control over the area's development than in the past in order to protect both the existing residences and the area to the immediate west of the medical corridor from encroachment by unsightly or inappropriate land uses. At the same time, the city will be able to encourage development which will be beneficial to the entire community in terms of design, health care, and economic return.

Protection of the remaining areas of single-family residences must be assured through communication between the developers and the property owners, and through design. In particular, compatibility is sought for the homes south of 11th Avenue North on North 30th Street, between 12th and 10th Avenues North on North Broadway, and the areas of homes south of 11th Avenue North on North 29th Street. It is these areas which are most in need of compatible, sensitive development around their environs.

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

Points	Compatibility Effort
2	Developer met with adjacent property owners on own accord in effort to keep differences to a minimum and achieved high degree of compatibility with immediate environment.
1	Developer either met with adjacent property owners on own accord to assure compatibility or achieved high degree of architectural compatibility.
0	No effort made.

**Access on North 27<sup>th</sup> Street:** If the project is proposed on property adjacent to North 27th Street, it is encouraged that limited access be provided on North 27th Street and, where applicable, side streets be used for accessibility.

Developer:

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

City Traffic Engineer:

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

Multiplier x2 \_\_\_\_\_

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

Final Plan Review:

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

Multiplier x2 \_\_\_\_\_

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

Standards and Scoring:

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

Billings, Montana City Code; Chapter 6, "Buildings and Building Regulations," Section 6-1208 (Curb Cut Regulations).

If property abuts an avenue, access to the site is to be provided by a curb into the avenue rather than North 27th Street.

The minimum standards from the Curb Cut Ordinance shall be met, as well as the American Association of State Highway and Transportation Officials' standards for site distance.

Points	Access
2	0 access on North 27th Street if avenue is available; otherwise 1 access when frontage is only along North 27th Street; shared access between two properties with property widths of 60 feet or less.
1	1 access for property with 60 feet or less frontage; 2 accesses for any single property tract or business establishment in excess of 60 feet frontage when distance between curb cuts exceeds minimum standard of 25 feet.
0	2 accesses for property or business establishment in excess of 60 feet frontage with 25 feet distance between curb cuts; no effort to use avenue for access when possible to do so.

**Architectural Design:** Development design is encouraged to be either compatible in design with the neighboring properties or promote harmonious transitions in scale and character in areas between different land uses. Design should thus be appropriate to the site and function of the project and should promote interior energy conservation measures.

Developer:

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

Building Official:

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

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

Multiplier x2 \_\_\_\_\_

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

Planning:

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

Multiplier x2 \_\_\_\_\_

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

Final Plan Review:

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

Multiplier x2 \_\_\_\_\_

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

Standards and Scoring:

Examples of design features promoting energy conservation include double-glazed windows, thickness or density of walls and doors, insulation, and sealing around windows and doors.

Examples of compatibility are use of similar building materials, closeness in scale with neighboring structures, color or style similarities.

Solar collectors are to be designed as harmoniously as possible with the natural features of the building or property.

Billings, Montana City Code, Chapter 6, "Buildings and Building Regulations": All appropriate sections.

Points	Scale of Project
2	Either achieves highest possible compatibility in design with surrounding area or provides for maximum level of effort to be harmonious with adjacent, differing land uses, plus incorporating interior energy conservation measures.
1	Makes an effort to be compatible or harmonious and incorporates interior energy conservation measures.
0	No effort made in design or interior energy conservation.

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

**Building Materials:** The use of building materials for structures and fences which are compatible with the surrounding environment is encouraged.

Developer:

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

Building Official:

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

Multiplier x2 \_\_\_\_\_

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

Planning:

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

Multiplier x2 \_\_\_\_\_

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

Final Plan Review:

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

Multiplier x2 \_\_\_\_\_

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

Standards and Scoring:

The use of materials such as wood, brick, or siding which have subdued colors and help blend the building into the landscape is encouraged.

Loud, obnoxious colors, untreated block, and plain metal buildings visible from streets are discouraged.

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

Points	Materials Used
2	When feasible, building materials are natural; colors are otherwise subdued; exceptional effort made to be compatible with neighboring building materials.
1	Colors are subdued and building materials are generally compatible.
0	Loud colors, untreated block, plain metal buildings visible from street, and incompatible materials with surroundings.

**Removal of Dwellings:** The removal of existing dwellings more than forty-five (45) days prior to the start of construction is discouraged. In addition to this, the proper abandonment of existing utility services is required, unless services will be reused.

Developer:

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

Building Official:

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

Multiplier x1 \_\_\_\_\_

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

Final Plan Review:

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

Multiplier x1 \_\_\_\_\_

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

Standards and Scoring:

Billings, Montana, Chapter 6, "Buildings and Building Regulations": Article 6-1000.

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

A cash bond will be deposited with the City in order to ensure the meeting of the deadlines when either "2" or "1" point(s) are sought. The City Administrator will set the terms and conditions of the bond.

Points	Removal of Dwellings
2	Dwelling to be removed less than 30 days prior to project start-up date.
1	Dwelling to be removed 45 to 30 days prior to project start-up date.
0	Dwelling to be removed over 45 days in advance of project start-up date.

**Residential Multi-Family:** Residential multiple family development is encouraged in the southern portion of the medical corridor area and along the west side of North 30th Street.

Developer:

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

Planning:

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

Multiplier x1 \_\_\_\_\_

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

Final Plan Review:

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

Awarded Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

Standards and Scoring:

1990 Yellowstone County Comprehensive Plan.

Points	Location of Proposed Multi-Family Development
2	Between 9th Avenue North and 7th Avenue North; or along the west side of North 30th Street between 9th Avenue North and Grandview Boulevard.
1	Between 11th Avenue North and 9th Avenue North.
0	North of 11th Avenue North.

**Transit:** Developments are encouraged to promote the use of MET by residents, employees and patrons.

Developer:

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

MET Transit:

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

Multiplier x1 \_\_\_\_\_

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

Final Plan Review:

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

Awarded Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

**Standards and Scoring:**

MET Transit Bus Shelter Specifications.

Billings, Montana City Code, Chapter 7, "Businesses and Business Regulations": Article 7-1000.

Upon the developer's request, staff will establish criteria for awarding one (1) or two (2) points for each specific development. These criteria may include, but are not limited to, such items as providing funding for bus shelters, benches, shelter maintenance agreements, subsidized bus passes or fares for development users, schedule displays, and advertising.

The developer can then secure the one (1) or two (2) points by agreeing to comply with the criteria. If the developer does not agree that the criteria are appropriate for the specific development, the criteria established can be appealed to the City Council.

No effort made will result in a zero score.

**Multiple-Use Development:** A development which provides facilities for more than one function is encouraged. Examples of such developments are an office building with child care facilities for employees and a building offering ground floor commercial/office space, as well as, multiple family units on the upper floors.

Developer:

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

**Planning:**

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

Multiplier x1 \_\_\_\_\_

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

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

Final Plan Review:

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Awarded Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

Standards and Scoring:

Billings, Montana City Code:

Chapter 6, "Building and Building Regulations," Article 6-1200.

1990 Yellowstone County Comprehensive Plan.

Uses being proposed in a development should be uses which are allowed within the existing zoning categories of either Residential Professional or Neighborhood Commercial.

Points	Number of Uses
2	3 or more
1	2
0	1

**Pollution:** Developments are encouraged to be designed so that odor and air quality are controlled at its source or by the structure from which it is emitted so it does not constitute a nuisance.

Developer:

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

City Engineer:

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Recommended Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

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

Final Plan Review:

Recommended Score \_\_\_\_\_  
Multiplier x1 \_\_\_\_\_  
Total Points \_\_\_\_\_

Standards and Scoring:

If determined that the proposed development will adversely affect air quality, the city can refer the proposal to the County Air Pollution Control Board.

Points	Mechanism
2	Maximum protection from generating air and odor pollution will be given.
1	Adequate protection from generating air and odor pollution will be given.
0	Minimal effort to be made to protect from possibility of generating air and odor pollution.

**SEC. 27-913. PLANT MATERIALS FOR LANDSCAPING AND BUFFERYARDS.**

- (a) *Rules and Regulations.* The City Administrator shall promulgate and publish rules and regulations which will be on file at the Parks, Recreation, and Public Lands Department specifying the plant materials and standards which must be met in order to satisfy the requirements of landscaping and bufferyards. The rules and regulations will be used to determine which plant materials will satisfy the requirements of this chapter. The plant materials are listed by type: Conifers and evergreen trees, evergreen shrubs, deciduous trees, deciduous shrubs, ground covers, and vines.

Although the rules and regulations will not generally specify the location or spacing of plant material required, all plant materials shall be installed to maximize achieving the purpose(s) for which the planting is required. In the case of bufferyard planting, this means that plant material shall be located so as to achieve the maximum level of protection to the less intense use.

- (b) *Minimum Plant Size.* Unless otherwise specifically indicated elsewhere in this chapter, all plant materials shall meet the minimum size standards set forth in Table 1.

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

TABLE 1.

<i>Plant Material Type</i>	<i>Minimum Size</i>	
	<i>Planting in Bufferyards Abutting Vacant Lands</i>	<i>All Other Plantings</i>
Canopy tree:		
Single stem	1½ inch caliper	2½ inch caliper
Multi-stem clump	6 feet (height)	10 feet (height)
Understory tree	4 feet (height)	1½ inch caliper
Evergreen tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inch (height)	24 inch (height)
Evergreen	12 inch (height)	18 inch (height)

- (c) *Existing Plant Material.* Existing, healthy plant material may be counted as contributing to the total plant material required by this regulation.

**SEC. 27-914. REVIEW CHART - ALL CRITERIA.**

(a)	<i>Absolute Criteria:</i>	<i>Complied With</i>		
1.	Building Standards	Yes_____	No_____	N/A_____
2.	Utilities	Yes_____	No_____	N/A_____
3.	Vehicular Traffic	Yes_____	No_____	N/A_____
4.	Pedestrian Access	Yes_____	No_____	N/A_____
5.	Public Facilities	Yes_____	No_____	N/A_____
6.	Public Right-of-Way	Yes_____	No_____	N/A_____
7.	Lighting	Yes_____	No_____	N/A_____
8.	Drainage	Yes_____	No_____	N/A_____
9.	Signage	Yes_____	No_____	N/A_____
10.	Noise	Yes_____	No_____	N/A_____
11.	Parking	Yes_____	No_____	N/A_____

A proposal must receive a "Yes" answer to all of the above criteria, if applicable, in order to be considered for approval.

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

Does the proposal qualify for a permit based on the above criteria? Yes\_\_\_\_\_ No\_\_\_\_\_

(b) <i>Relative Criteria</i>	<i>Points Earned</i>
1. Building Scale	_____
2. Landscaping	_____
3. Parking	_____
4. Land Use	_____
5. Density	_____
6. Compatibility	_____
7. Access on North 27th Street	_____
8. Architectural Design	_____
9. Building Materials	_____
10. Removal of Dwellings	_____
11. Residential Multi-Family	_____
12. Transit	_____
13. Multiple-Use	_____
14. Pollution	_____
TOTAL	_____

Minimum Points Required. Seventy (70) percent of total applicable points possible for medically-related land use proposal; seventy-five (75) percent of total applicable points possible for nonmedical-related land use proposal.

Proposal (has \_\_\_\_\_)(has not \_\_\_\_\_) attained minimum points required to total applicable points.

Proposal qualifies for a permit. Yes\_\_\_\_\_ No\_\_\_\_\_

**SEC. 27-915. EXISTING DEVELOPMENT.**

- (a) Should an existing development propose to externally remodel fifty (50) percent or more of the building, have an addition put on in excess of ten (10) percent of the existing building, change its use, or create some nonbuilding improvements (e.g., parking lots, fences), then certain provisions shall be complied with. The property will have to comply with all of the applicable absolute criteria and address four (4) of the relative criteria of the permit system before a permit is issued by the Zoning Coordinator.
- (b) Existing developments which involve the external remodeling of less than fifty (50) percent of the building or an addition of ten (10) percent or less onto an existing building must comply with the absolute criteria. The relative criteria will not be addressed by these projects. However, if the existing development is a single-family

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dwelling or a duplex now meeting and proposed to continue meeting the standards of the Residential 6,000 (R-60) zoning category, then it will not need to go through this permit procedure for remodeling, additions, or fences. When these conditions are met, the building permit shall be issued for these development types.

- (c) Internal remodeling projects (which are not changing the use of the building) will be exempt from this chapter and will go through the regular building permit process.
- (d) Parking lots for existing developments which are proposed to add ten (10) or fewer spaces for off-street parking will go through this section's process. All other parking lots will go through the entire permit zoning procedure.

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

- (e) All building permit applications for existing development must receive a "yes" to all applicable absolute criteria plus achieve a minimum score of seventy-five (75) percent among the applicable relative criteria before a project can be approved and a building permit issued. Thus if all four (4) criteria apply, the applicant must achieve at least fifteen (15) points before a permit is issued. The Zoning Coordinator will notify the applicant of the awarded scores. Depending upon the scope of the project it is suggested that the Zoning Coordinator "fast track" this process and allow no more than two (2) weeks for departmental review of the preliminary plan BMCC Section 27-908(B) and one (1) week for review of the final plan BMCC Section 27-908(C). A conceptual review BMCC Section 27-908(A) is not required for this section but is highly recommended. The same notification procedures will be used as is outlined in BMCC Section 27-908 for contacting department representatives and adjacent property owners.

**SEC. 27-916. APPEAL PROCESS RELATING TO ISSUANCE OF DENIAL OF PERMIT.**

- (a) Generally. The following outlines the appeal process which can be exercised by either a developer who is denied a permit or an adjacent property owner who wishes to protest or appeal the city staff decision to grant a permit for a particular development.

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- (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.