

Cardwell Ranch PD Amendments  
Zone Change 986  
September 2020  
Proposed PD Amendments

ARTICLE IV - REGULATION OF USES ACCORDING TO PLANNING AREA

B. Permitted Uses in Planning Area 1 and Planning Area 2 (Community Commercial). The uses listed below are permitted in Planning Area 1 of The East 80 at Cardwell Ranch. Planning Area 1 shall consist of ~~proposed~~ Lots 1 and 2 of Block 1, and ~~proposed~~ Lots 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, ~~15~~, and 16 of Block 2 as amended. These uses, which are generally commercial in nature, are also permitted in Planning Area 2. Planning Area 2 shall consist of ~~proposed~~ Lot 4A and Lot 15A of Block 2. Multi-family uses are only allowed in Planning Area 2, ~~and then only upon Special Review approval~~. No uses are permitted other than those specifically listed below or that are determined to be analogous in accordance with Article IV.FE. ~~Uses followed by "SR" (Special Review) may only be permitted with consent of YGAF, Inc. and after Special Review approval as described in Article IV.D.~~ Some uses may also be subject to a special level of review by YGAF, Inc. or the Association under private covenants or other agreements, including in particular, but not limited to, those designated with an asterisk (\*).

- Accessory detached structures associated with a permitted principal structure \*
- Adult foster family care homes (up to four aged or disabled adults) \*
- Animal boarding facilities ~~(SR)~~ \*
- Administrative and research facilities \*
- Animal groomers
- Art galleries
- Assisted living facilities ~~(SR)~~ \*
- Auto parts supply ~~(SR)~~ \*
- Bakeries
- Banks, credit unions, and savings and loan facilities
- Barber and beauty shops
- Bicycle sales, rental, and repair shops
- Boarding, lodging and bed and breakfast houses
- Bookstores
- Breweries associated with eating establishments ~~(SR)~~ \*
- Broadcast station offices (but all antennae and satellite dishes must comply with other provisions of this Agreement) \*
- Building supply stores and hardware stores (but no lumber yards) ~~(SR)~~
- Bus stops
- Camera, hobby, toy, and gift stores
- Car wash, only if incidental to fuel sales ~~(SR)~~ \*
- Casinos and gambling activity, as defined in M.C.A. § 23-5-112, if incidental to another permitted use and with written consent of YGAF, Inc. \*
- Ceramics and pottery shops
- Charitable, educational or nonprofit institutions
- Child day care centers (up to 13 children)
- Churches, synagogues, and places of worship ~~(SR)~~ \*
- Clinics, medical, dental, and surgical for the care of human patients
- Clothing and apparel stores
- Community centers
- Convalescent, nursing, and retirement homes
- Convenience and specialty food stores (but no fuel sales except upon Special Review)
- Cultural, educational, and instructional facilities
- Denturists
- Department stores \*
- Drive-through facility ~~(SR)~~ \*
- Drug stores ~~(SR)~~ \*
- Eating establishments (alcohol served) ~~(SR)~~ \*
- Eating establishments (no alcohol served) ~~(SR)~~ \*

- Educational and instructional facilities including public and private elementary and secondary schools, colleges, universities, professional schools, and junior colleges (but not trade schools) ~~(SR)~~ \*
- Finance and loan companies
- Fire stations ~~(SR)~~ \*
- Florists
- Flower shops and nurseries (provided that there is no outside storage)
- Food and grocery stores
- Fuel stations – gas or diesel (but not to include truck stops as defined by Section 27-201 of the Unified Zoning Regulations and prohibited below) ~~(SR)~~ \*
- Furniture – retail only
- Greenhouses for on-site, retail sales if incidental to another permitted use
- Hardware and appliance – retail only
- Health clubs and fitness related businesses
- Hospitals \*
- Hotels and motels
- Jewelry stores
- Laundry and/or dry cleaning drop-off and pickup store without drive-through facility
- Laundry and/or dry cleaning drop-off and pickup store with drive-through facility (SR) \*
- Libraries, museums, and art galleries
- Liquor stores
- Medical clinics
- Membership organization offices
- Minor component assembly incidental to another permitted use
- Multi-family residential (Planning Area 2 only) ~~(SR)~~
- Offices – all, including business professional, medical, and dental
- Office equipment stores – retail only
- Office supply and equipment, copying and mail services stores – retail only
- Open spaces, park areas, water amenities, community gardens, athletic fields, bike trails, playgrounds, and walking paths
- Park Land and Open Space
- Parking facilities, including above or below ground parking garages \*
- Pet stores
- Pharmacies
- Photo studios, shops, and processing – retail only
- Physical therapy facilities
- Police stations ~~(SR)~~ \*
- Postal service facilities without truck terminal facilities
- Public administration facilities, including government facilities, except correctional institutions
- Rehabilitation centers
- Rental car dealerships ~~(SR)~~ \*
- Retail stores
- Retirement homes \*
- Same-day medical care centers
- Sports medicine and rehabilitation facilities
- Surgery centers \*
- Theaters
- Veterinary clinics and hospitals \*
- Wine stores
- Any additional use permitted in a Community Commercial zoning district upon prior written consent of YGAF, Inc. if consistent with the Unified Zoning Regulations ~~and after Special Review approval~~, provided that such use is not otherwise limited or prohibited herein. \*

~~D. Special Review Procedure and Criteria.~~

~~1. Procedure. The City of Billings may authorize the uses described in Article IV by granting Special Review approval if the proposed use conforms to the following standards and criteria. All applications for special review shall include the information required by the Unified Zoning Regulations. The procedure for reviewing the request shall conform to the Unified Zoning Regulations.~~

~~2. Criteria to be Considered. In considering a special review request, in addition to the review criteria in the Unified Zoning Regulations, the City shall consider the following criteria:~~

~~a. YGAF, Inc. has given its written consent to the special review request.~~

~~b. The proposed use is consistent with the terms, intent and objectives of this Agreement.~~

~~c. The proposed use is compatible with surrounding uses or is otherwise sufficiently screened and separated from adjacent land in such a way that any adverse effects are adequately mitigated.~~

~~d. The proposed use will not attract large volumes of vehicular traffic that will create traffic congestion that cannot be safely and effectively managed and regulated with proper design and traffic control equipment.~~

~~e. The proposed use meets architectural design guidelines or will use an existing building for its purposes.~~

~~f. Minimum visual and functional conflict will be created between the proposed use and nearby uses.~~

~~g. Anticipated noise and congestion created by the use will be comparable to the levels created by other uses in the vicinity.~~

~~h. The use shall not require servicing or deliveries of materials, stocks, or supplies by trucks having more than three (3) axles.~~

~~i. The proposed use will not be materially detrimental to other properties.~~

~~E.D. Prohibited Uses in All Areas. The following operations and uses shall not be permitted on any property in The East 80 at Cardwell Ranch, regardless of where the property is located: .....~~

~~F. E. Analogous Uses. If a use is not specifically permitted, specifically prohibited, or specifically subject to special review, the zoning coordinator shall determine whether the use is permitted or prohibited or subject to special review by determining whether it is most closely analogous to a use that is specifically permitted, prohibited, or subject to special review. The decision of the zoning coordinator shall not become effective until it has been reviewed and approved by YGAF, Inc.~~

~~G. F. Procedure for Obtaining YGAF, Inc. Approval. Any developer of property in The East 80 at Cardwell Ranch shall obtain the written approval of YGAF, Inc. prior to submitting any application for subdivision, zone change, building permit, or design approval of any kind to the City or any other government authority. The City shall not accept any such application unless the developer first presents written evidence of YGAF, Inc.'s approval. Neither YGAF, Inc. nor the City shall approve the developer's application unless the proposed development complies with the requirements of this Agreement.~~