

**ORDINANCE 20-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY DELETING SECTIONS 27-100, 27-200, 27-300, 27-400, 27-600, 27-700, 27-800, 27-900, 27-1000, 27-1100, 27-1200, 27-1300, 27-1400, 27-1500, 27-1600, 27-1700 & 27-1800; AND BY MOVING SECTION 27-500 TO SECTION 6-700 BMCC AND RENAMING SECTION 6-700 “HISTORIC PRESERVATION”; AND BY AMENDING SECTION 6-1201, 6-1202 and 6-1203 BMCC AS SET FORTH IN SECTION 5. BELOW; AND BY ADOPTING NEW CODE SECTIONS 27-100 THROUGH 27-1800 AS SET FORTH IN EXHIBIT A OF THIS ORDINANCE; AND BY ADOPTED THE ZONING MAP UPDATE AS SET FORTH IN EXHIBIT B OF THIS ORDINANCE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Regulations and Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning text amendment and the Zoning Map update for all property within the city limits. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

**Section 2. DESCRIPTION.** *The Zoning Code Amendments and the Zoning Map Update shall apply to all land within the City of Billings*

**Section 3. ZONING TEXT AMENDMENT.** *The new sections of the Zoning Code are contained in Exhibit A attached to this ordinance.*

**Section 4. ZONING MAP UPDATE.** *The Zoning Map Update is contained in Exhibit B attached to this ordinance.*

**Section 5. TEXT AMENDMENT.** *Sections 6-1201 through 6-1203 of the BMCC is specifically amended as follows:*

**ARTICLE 6-1200. - SITE DEVELOPMENTS**

**Sec. 6-1201. - Purpose.**

*The purpose of this article is to establish and impose as conditions precedent to site developments certain requirements on each development or redevelopment of real property within the city.*

**Sec. 6-1202. - Compliance with all laws.**

Prior to or contemporaneous therewith a developer developing or redeveloping real property within the city shall comply with all subdivision laws and regulations, zoning laws, health laws and the following provisions:

- (1) Off-street parking requirements, section ~~6-1203~~ 27-1300;
- (2) Fences and hedges, section ~~6-1204~~ 27-1200;
- (3) Visibility at intersections, section ~~6-1205~~ 27-1800;
- (4) Curbs, gutters and sidewalks, section 6-1206;
- (5) Security guarantee, section 6-1207;
- (6) Curb cut regulations, section 6-1208;
- (7) Storm drainage requirements, section 6-1209;
- (8) Site development variances, section 6-1210.

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

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

~~(b) *Location:*~~

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

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

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

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

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

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

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

- ~~(e) *Mixed occupancies.* In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements are to be the sum of the area computed. Off-street parking facilities for one (1) use shall not be considered as a substitute for joint use.~~
- ~~(f) *Use not specified.* In the case of a use not specifically mentioned in the Table of Minimum Standards the requirements for off-street parking facilities shall be determined by the building official. Such determination shall be based upon the requirements for the most comparable use listed.~~
- ~~(g) *Central business district.* The table of minimum standards contained in subsection (j) of this section does not apply to that portion of the city zoned central business district or to the East Billings parking overlay district as defined in section 27-1460, except as specifically provided in this section.~~
- ~~(h) *Authority for joint use or lease of additional parking spaces.* The building official may authorize the joint use or lease of parking facilities for the following uses or activities under conditions specified:
 
  - ~~(1) Up to fifty (50) percent of the parking facilities required by this section for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses, may be supplied by certain other types of buildings, or uses herein referred to as "day time" uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.~~
  - ~~(2) Up to one hundred (100) percent of the parking facilities required by this section for a church or for an auditorium incidental to public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a "day time" nature.~~~~
- ~~(i) *Conditions required for joint use or lease.* The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within five hundred (500) feet of such parking facilities, in addition to which:
 
  - ~~(1) The application shall show that there is no substantial conflict in the principal operating hours at the two (2) buildings or uses for which a joint use of off-street parking facilities is proposed.~~
  - ~~(2) The applicant shall present to the building official a legal agreement (lease) executed by the parties concerned for joint use or lease of off-street parking facilities. The lease must be for a minimum of ten (10) years and contain a notification requirement whereby the city will be informed in writing of any termination or complication experienced during the term of the lease.~~~~
- ~~(j) *Table of minimum standards.* Required parking spaces shall be in conformance with the following table and where alternative standards are indicated, the greater requirement applies in conflicting computation; where the total quota results in a fraction the next highest full unit shall be provided.~~

~~TABLE OF MINIMUM STANDARDS—OFF-STREET PARKING~~

Use	Space Required
Warehouses, and freight terminals	10 spaces for the first 20,000 sq. ft. of area and 1 space for each additional 10,000 sq. ft. or 0.6 spaces per employee
Wholesale business	5 spaces for the first 1,000 sq. ft. of area and 1 additional space for each 1,000 sq. ft. or 0.6 spaces per employee
Food or beverage places with sale and consumption on	1 per 100 sq. ft. of gross floor area

premises	
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and services	1 per 1,000 sq. ft. of gross floor area plus 1 per employee
Retirement homes and housing projects for the elderly which have received a declaratory ruling from the Montana Human Rights Commission allowing sale or lease of the units exclusively to persons sixty (60) years of age or older	1—6 dwelling units 0.5 space/dwelling unit 7—18 0.33 space/dwelling unit over 18 0.25 spaces/dwelling unit minimum of 5 spaces
Motel and motor courts	1 per sleeping room plus 0.5 spaces per employee per shift
Hotels	1 per sleeping room plus 0.5 spaces per employee per shift
Hospitals (with less than 100 beds based upon state licensed bed count) and institutions	1½ spaces for each 1,000 sq. ft. of total area or 1.2 spaces per bed
Hospitals (with over 100 beds based upon state licensed bed count)	1.2 spaces per bed
Theaters	1 per 4 seats
Churches, auditoriums, bingo parlors <sup>1</sup> and similar places of assembly	1 per 4 seats or 1 per 100 linear inches of pew or 1 per 65 sq. ft. of gross floor area used for assembly purposes
Stadiums, sports arenas and similar open assemblies	1 per 4 fixed seats plus 1 per 100 sq. ft. of assembly space without fixed seats
Bowling alleys	6 per alley
Medical doctor and dental clinics or offices located within the medical corridor:	
— If less than 10,000 sq. ft. of floor area	1 per 200 sq. ft. of gross floor area
— If over 10,000 sq. ft. of floor area and under 30,000 sq. ft. of	50 plus 1 per 250 sq. ft. in excess of

floor area	10,000 sq. ft.
— If over 30,000 sq. ft. of floor area and under 100,000 sq. ft. of floor area	130 plus 1 per 300 sq. ft. in excess of 30,000 sq. ft.
— If over 100,000 sq. ft. of floor area	363 plus 1 per 350 sq. ft. in excess of 100,000 sq. ft.
Medical doctor and dental clinics located outside the medical corridor	1 per 200 sq. ft. of gross floor area
Medical and dental clinic	1 per 200 sq. ft. of gross floor area
Banks, business and professional offices	1 per 300 sq. ft. of gross floor area
Mortuaries	1 per 4 seats in the principal auditorium
Other retail:	
If less than 5,000 sq. ft. of floor area	1 per 200 sq. ft. of gross floor area
If over 5,000 sq. ft. of floor area	25 plus 1 per 300 sq. ft. in excess of 5,000 sq. ft.
Manufacturing uses, research testing and processing, assembling, all industries	1 per 2 employees on maximum shift but not less than 1 per 800 sq. ft. of gross floor area
Libraries and museums	1 per 500 sq. ft. of gross floor area
School, elementary, and junior high public, private or parochial	5 spaces plus one per classroom with minimum auditorium requirements
School, high school, college public or private	1 per each employee and 1 per 5 students with minimum auditorium requirements
Service stations, and drive in restaurants	1 per 80 sq. ft. gross floor area, with 10 spaces minimum requirement

Residential, single family or duplex	2 per dwelling unit
Residential, multifamily	1 per one bedroom dwelling unit 1.5 per two or more bedroom dwelling unit
Fraternity and sorority	1 per 2 sleeping rooms or 1 per 3 beds, whichever is greater
Boarding houses, lodging homes and similar uses	1 per dwelling unit or lodging unit
Convalescent homes, nursing homes, rest homes	1.5 spaces for each 1,000 sq. ft. of total area

~~Footnote:~~

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

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

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

~~(m) Off-street loading Retail and commercial. In any district, any building or part thereof having a gross floor area of ten thousand (10,000) square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space, plus one (1) additional loading space for each twenty thousand (20,000) feet or major fraction thereof of gross floor area. Each loading space shall be not less than twenty (20) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. Such loading space shall be located so as to preclude backing maneuvers on the public right-of-way.~~

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

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

~~(p) Reserved.~~

~~(q) Construction:~~

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

- ~~(2) *Surfacing.* Surfacing is required for all off-street parking, loading, storage, sales, rental or service areas for vehicles including service stations and used-car lots. Surfacing shall be designed by accepted engineering methods and subject to the approval of the city engineer.~~
- ~~(3) *Drainage.* Drainage is required for all surfaced areas as approved by the city engineer. Surface water shall not be drained across public sidewalks or alleys.~~
- ~~(4) *Walkway.* Walkways five (5) feet in width shall be provided between any building and an adjacent parking lot.~~
- ~~(5) *Lighting.* Lighting shall be directed away from residential areas and public streets.~~
- ~~(6) *Bumper curb.* A raised bumper curb of concrete six (6) inches high is required for all parking stalls adjacent to the property line and where necessary to ensure pedestrian access.~~
- ~~(7) *Traffic-control devices.* Parking stalls shall be designated by pavement markings. All traffic-control devices such as pavement markings, signs, rails, curbs and other developments shall be installed and completed as shown on the approved plans.~~
- ~~(8) *Maintenance.* Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of dirt, trash, and weeds, repair and maintenance of drain and repair of traffic control devices, signs, lights, standards, fences, walls, surfacing materials, curbs, sidewalks and railings.~~
- ~~(9) *Accesses.* The accesses to the parking lot will be governed by the curb cut policy.~~
- ~~(r) *Limited access through the alley.* Customer access via an alley to any commercial use on a lot which is adjacent to an alley which abuts an "R" zone shall not be permitted over that alley.~~
- ~~(s) *Minimum dimensions.* All off-street parking facilities shall be developed with not less than a nine (9) foot stall width. All other minimum dimensions will be based upon standards on file in the engineer's office.~~
- ~~(t) *Ramped driveway access:*~~
  - ~~(1) A ramped driveway exit rising up to a public sidewalk must have a transition section that is almost level (maximum slope five (5) percent) before intersecting the sidewalk to prevent the hood of the car from obscuring the driver's view of pedestrians on the walk. The transition should be a minimum of sixteen (16) feet long.~~
  - ~~(2) With a sloped drive, a transition shall always be provided to ensure adequate clearance for the vehicles using the drive.~~
  - ~~(3) The egress shall be free of vision obstructions.~~
- ~~(u) *Site improvement time limit.* By the following July first of the year after the principal structure has been occupied, the requirements of this section and section 6-1206 shall be completed. Section 6-1206 shall not be applicable when a subdivision is covered by a subdivision improvements agreement.~~

**Section 5. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 6. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 7. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 9<sup>th</sup> day of November, 2020.

PASSED, ADOPTED and APPROVED on second reading this 23<sup>rd</sup> day of November, 2020.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Project ReCode Zoning Code Amendment and Zoning Map Update