

ORDINANCE 23-_____

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Section 27-1623 SPECIAL REVIEW
CRITERIA, BE AMENDED**

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 to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. 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 text of Section 27-1623 be amended to allow conditions of approval related to the existing site conditions for special review approval.*

Section 3. ZONE TEXT AMENDMENT. *The text of Section 27-1623 is amended as follows:*

Sec. 27-1623. Special review uses.

D. Decision criteria. The zoning commission shall only recommend approval or conditional approval and the city council shall only approve or conditionally approve a special review request if:

- 1. The special review use is consistent with the city's growth policy and applicable neighborhood plans, if any;*
- 2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
- 3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this zoning code, including zone district dimensions, landscaping requirements, and parking;*
- 4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*
- 5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
- 6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:*

- (a) Regulation of the use;
- (b) Special setbacks, buffers, or screening;
- (c) Surfacing of parking areas;
- (d) Street, alley, or service road dedications, improvements, or bonds;
- (e) Regulation of points of vehicular ingress and egress;
- (f) Regulation of signs;
- (g) Regulation on the performance of the site, including noise, vibration, and odors;
- (h) Regulation of the hours of activities;
- (i) Timeframe for development;
- (j) Duration of use; and

(k) Update to existing structures or sites to bring the facility closer to compliance with the current building or site development standards including but not limited to signage, landscaping, parking lot landscaping, doors and windows on the street facades of buildings, or other site and building standards; and

~~(k)~~ **(l)** Other relevant conditions that will ensure the orderly development of the site.

- (7) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- (8) Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets; and
- (9) The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. 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 _____ day of September 2023.

PASSED, ADOPTED and APPROVED on second reading this ___day of October 2023.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 1034, Text Amendment for Special Review conditions