

ORDINANCE 23-_____

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE REGULATIONS IN SECTIONS 27-1000,
27-1300, 27-1400, 27-1500, 27-1600, and 27-1800, BE
AMENDED TO CORRECT ERRORS, CROSS
REFERENCES, OMISSIONS AND TO AMEND AND
PROVIDE CLARIFICATION OF THE REGULATIONS**

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 text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed corrections and clarifications to the zoning regulations that pertain to all the real property within the City of Billings. 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. Sections 27-1000 – Uses and Use Standards, 27-1200 - Landscaping, 27-1300 – Off Street Parking, 27-1400 – Signs, 27-1500 – Nonconformities, 27-1600 – Administration, and 27-1800 – Definitions and Measurements, have been found to contain errors unrelated to the substance of the zoning regulations. Correction of these errors through an ordinance will make the regulations clearer and provide for accurate administration of the code.

Section 3. ZONE REGULATION CORRECTIONS AND AMENDMENTS

a. Section 27-1002.A.2 is amended as follows:

Sec. 27-1002. - Uses by district.

A. Use table. Table 27-1000.1, Permitted Primary Uses, identifies the permitted primary uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted:

- 1. Permitted /P/. These uses are permitted by-right in the zone districts in which they are listed. Permitted uses are required to comply with applicable use-specific standards identified in this article.
- 2. Permitted in a specified location, such as on upper stories or in the back of a structure/PL/. These uses are permitted by-right in the districts in which they are listed,

provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least ~~thirty (30)~~ **twenty (20)** feet from the front facade.

3. Permitted with use restrictions /PR/. These uses must comply with the use restrictions identified in this zoning code, including those restrictions included in this article and any use restrictions identified in the zone district where the uses is proposed to be located.

4. Requires a special review /SR/. These uses require special review by the city zoning commission are not permitted uses in the districts in which they are listed but may be allowed as special exceptions subject to specific conditions. Uses permitted by special review must follow any applicable development standards associated with the use as well as meet the requirements of the special review.

5. Uses that are not permitted are indicated by a blank space.

b. Section 27-1002.C – Uses by District – Table 27-1000.1 is amended as follows:

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD				Public							
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards	
PUBLIC, CIVIC, AND INSTITUTIONAL																												
Assembly																												
Civic Assembly	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	P	P	P	P	P	P	P	P	PR	P	PR	PR	PR	PR	27-1004
Religious Assembly	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	SR	SR	SR	P	P	P	P	P		P	PR	PR	PR	PR	27-1004
Campus																												
Planned Civic Campus																									P		P3: 27-500	
Planned Educational Campus																									P		P3: 27-500	
Planned Medical Campus																									P		P3: 27-500	
Educational																												
School, College or University								SR	SR	P	P	P	P	P			PL	P	P	PL	P		P	P	P	P		
School, Primary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P			PL	P	P	PL	P		P	P	P	P		
School, Trade, Business, Vo/Tech								P	PL	PL	PL	P	P	P	P		PL	P	P	PL	P		P		P	PR	27-1004	
Government and Public Safety																												
Correctional Facilities															SR											SR		
Emergency Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards	
COMMERCIAL																												
Commercial Service																												
Broadcasting Stations and Studios								SR	SR	P	P	P	P	P	P	P	P	P	P	P	P							
Business Service								P	P	P	P	P	P	P	P		P	P	P	P	P							
Crematory, Funeral Services										P	P	P	P	P	P		P	P	P	P	P							
Cemetery																												
Consumer Maintenance and Repair								P	P	P	P	P	P	P	P		P	P	P	P	P							
Personal Service								P	P	P	P	P	P	P	P		P	P	P	P	P				PR	PR	PR	27-1005
Studio or Instruction Service								P	P	P	P	P	P	P			P	P	P	P	P				PR	PR	PR	27-1005

Office																												
Business or Professional								P	P	P	P	P	P	P	P		P	P	P	P	P				P	P	P	

Retail Sales																												
Retail, Large-Format											P			P	P		P	P	P	P								

Vehicle Sales and Service, Personal																													
Car Wash										SR	P			P	P	P			P	P	P							27-1005	
Vehicle Sales and Rental											P	P	SR	P	P	P			P	P	P								
Outdoor Sales Lot											PR	SR	SR	P	P	P			PR	P	P							27-1005.M 27-1008.P	
Vehicle Maintenance and Repair, Minor (5,000 SF or less)										P	P	P	SR	P	P	P			P	P	P								
Vehicle Maintenance and Repair, Major (>5,000 SF)											SR			P	P	P			P	P	P								
Vehicle Service Station											PR	PR	PR	PR	P	P	P			PR	PR	PR	PR			P	P	P	27-1005
with Convenience Store										SR	PR	PR	PR	PR	P	P	P			PR	PR	PR	PR			P	P	P	27-1005

c. Section 27-1007.C – Wireless communication facilities is amended as follows:

2. Applicability.

(c) Pre-existing WCFs.

(2) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of subsection 27-1007.C.54 General requirements.

d. Section 27-1008.E Accessory Use Table 27-1000.6 is amended as follows:

Table 27-1000.6: Accessory Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD				Public				Additional Standards		
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Civ		P3 Ed	P3 Med
Residential																											
Accessory Dwelling Unit	SR	PR PL	PR PL	PR PL			PR PL																				27-1008
Employee/Caretaker Unit													PR	PR	PR						PR		P	P	P	P	27-1008
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-1008
Short-Term Rental (Guest Home)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR			PR	PR	PR					PR	PR	PR	PR	27-1005
Shelter (accessory to religious institution)												PR	PR				PR	PR	PR	PR	PR						27-1004

e. Sections 27-1404.C, 27-1405.A.(3, 4 and 5), 27-1407.D and 27-1407.F are amended as follows:

27-1404. Measurement and calculation.

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C. Height and clearance. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located. Sign height and clearance is measured as follows:

1. Freestanding sign height.

(a) The vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.

(b) Height shall include the sign face, base, cabinet, and ornamental cap.

(c) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.

2. Sign clearance.

(a) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade directly underneath the sign face at the lowest point of the sign structure, including any framework or other structural elements.

(b) Signs that project over a roof shall maintain a four (4) foot clearance over the average roof height.

27-1405.A Freestanding signs.

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3. Monument or ground signs. Monument or ground signs shall have zero may have up to two feet of clearance above the existing finish grade level and shall may be supported in or on the ground.

4. Pole signs.

(a) Pole signs shall have a minimum clearance of eight feet between the bottom edge of the sign face and the grade directly below unless a larger clearance is required by subsections (b) or (c) below.

~~(a)~~ (b) If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance of fourteen (14) feet shall be maintained between the bottom of the sign edge and the established grade of the site.

~~(b)~~ (c) A clear, unobstructed area, a minimum of eight (8) feet in height is required above existing finish grade level when a pole sign is located over a pedestrian walkway or within a clear sight triangle.

5. *Pedestrian-scale signs.*

(a) A pedestrian-scale pole-mounted sign is freestanding, has a minimum clearance of at least two feet above the existing finished grade level, and may be mounted on one or two (2) poles. Three (3) configurations are permitted:

(no changes to Figure 5.)

27-1407.D. CBD and DX.

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2. *Maximum total signage.*

(a) *Attached wall signs.*

(1) *Buildings under ten (10) stories.* Ten (10) percent of the wall area up to a max of two hundred fifty (250) square feet **for any single wall sign**. This **The** maximum wall sign area is calculated ~~on a per~~ **for each** tenant basis **based on the tenant's occupied floor area. Tenant wall sign area is .015 square feet of wall sign area per square foot of occupied floor area.** See Sec. 27-1407.D.4 for wall signs on building facades that do not face a street.

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4. District specific standards.

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(b) Tenant signage in multitenant structures shall be calculated for each tenant based on the **tenant's occupied floor area. Tenant wall sign area is .015 square feet of wall sign area per square foot of occupied floor area.** ~~front wall area of the individual unit.~~ Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance.

27-1407.F. Public districts.

1. Public 1: Park and open space.

(a) Freestanding signage is permitted per street frontage as identified in Table 27-1400.12.

(b) Internal park signage is exempt per subsection 27-1403-G. **1402.C**

f. Section 27-1506.A is amended as follows:

Sec. 27-1506. - Compliant single unit residential lots.

A. A single unit dwelling and customary accessory buildings may be erected on any vacant single lot of record as of the effective date of this zoning ordinance in an N1-4-3, NX1-3 or RMH district as follows:

g. Section 27-1606 is amended as follows:

Sec. 27-1606. Procedures for complete applications with changed status.

B. Withdrawn application.

1. Prior to public notice.

(b) A zone change, **special review or variance** application may be withdrawn at any time prior to the publication of the legal advertisement for the public hearing before the city zoning commission **or city board of adjustment**. A withdrawn zone change application may be refiled after a 120-day waiting period. **There is no mandatory waiting period for a withdrawn special review or variance.**

2. Following public notice.

(c) The city zoning commission **or board of adjustment** may allow withdrawal of an application, after advertisement of the ~~zoning commission~~ public hearing has been published, by a majority vote of the members present. After the city zoning commission hearing, a request for withdrawal shall be submitted to the city clerk and shall be submitted by the property owner or authorized agent, as listed on the application. The city council shall have exclusive authority to act on any request for withdrawal after notice of the ~~public hearing~~ **zoning commission recommendation** has been published.

h. Section 27-1302, Table 27-1300.1 Off-Street Parking Standards, is amended as follows:

Table 27-1300.1. Off-Street Parking Standards.

Use	Required Parking
COMMERCIAL	
Eating and Drinking Establishment	
Restaurant	1 per 150 SF GFA
with drive thru	1 per 100 SF-GFA
<u>Without interior seating</u>	<u>as determined by the Zoning Coordinator</u>
Bar or Tavern	1 per 150 SF GFA
Craft Alcohol	1 per 150 SF GFA

i. Section 27-1803 – Definitions, is amended as follows:

M. Terms

Manufacturing: Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

Artisan: Spaces used by artists for the creation of art or the practice of their artistic endeavors.

Limited: The creation of a unique or customized product, such as hats, boots, or knives, in fulfillment of a customer order.

Light General: An establishment engaged in fabrication, assembly, processing, or manufacturing that generally do not create significant impacts on surrounding areas.

Heavy: An establishment engaged in fabrication, assembly, processing, or manufacturing that have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, noise, or other factors.

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Monument or ground sign: ~~A freestanding sign, other than a pole sign, and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass~~ A monument sign must have a proportionate base where the widest part of the base of the sign is at least one-half (1/2) the width of the widest part of the sign face, or the base consists of two (2) or more supports where the sign face is not more than two (2) feet above the existing grade of the ground under the sign face. A multitenant monument sign is a monument sign permitted for a property with three (3) or more tenants, as identified by individual tenant addresses.

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P. Terms

Pole sign: A sign that is ~~supported by~~ mounted on one or more uprights, poles, or braces affixed to the ground, and not attached to a building or structure. The uprights, poles or braces must be independent of each other and may not be clad or covered so as to form a continuous solid structure between the sign face and the ground. A pole

sign has a minimum clearance of at least eight feet to existing grade level and a pedestrian-scale pole sign has a minimum clearance of at least two feet to existing grade level.

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 - Zoning Code Housekeeping Amendments 2023