

ORDINANCE 22-5807

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE REGULATIONS IN SECTIONS 27-300,
27-400, 27-1000, 27-1200, 27-1400, AND 27-1600, 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 City 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 27-300 – Neighborhood Residential Districts, 27-400 – Commercial and Mixed Use Districts, 27-1000 – Uses and Use Standards, 27-1200 - Landscaping, 27-1400 – Signs, and 27-1600 – Administration, 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 AMENDMENTS.

(a) **Table 27-300.3 (N1) – A.10- Permitted Driveway Access Location, Table 27-300.4 A.2 – Maximum Front Building Width, Table 27-300.6 (NX1) A.10 – Permitted Driveway Access Location, 27-300.7 A.2 Maximum Building Width and A.10 - Permitted Driveway Access Location (NX2/NX3).** Edit the language as follows for each Table:

Table 27-300.3 - A

10	Permitted Driveway Access Location	Alley, side street if no alley Any	See BMCC Section 6-1200 for driveway access.
11	Attached Garage Entrance Location	Rear, side, or street-side façade; front façade allowed maximum of no more than 40% of the facade	

Table 27-300.4 – A

2	Maximum Front Building Width (feet)	80 110 per principal building	
---	-------------------------------------	-------------------------------	--

12	Principal Building: Maximum Height (stories)	1.5; 2 stories maximum 60% of footprint except as provided in subsection 27-305.D	
	Maximum Height (feet)	27	

(insert table break)

Table 27-300.6 - A

10	Permitted Driveway Access Location	Alley, side street; front street if no side street is available-Any	See BMCC Section 6-1200 for driveway access standards.
----	---------------------------------------	--	---

Table 27-300.7- A

		Multi-Unit Building	Side-by-Side Units	REFERENCES
2	Maximum Building Width (feet)	16 feet per ground floor unit	8 units/172 feet on any frontage	See 27-307.D for fee simple row building units.

10	Permitted Driveway Access Location	Alley, side street; front street if no side street is available-Any	See BMCC Section 6-1200 for driveway standards.
----	---------------------------------------	--	--

(b) Section 27-303.I – Yard Treatment is amended by deleting the subsection in its entirety and renumbering the following sections I. and J.

I. ~~Yard treatment. Build to zones, and front, side and rear yards shall be a minimum of sixty (60) percent landscape area.~~

Re-number the following sections **J. I. Front entrances and K. J. Arterial setbacks**

(c) Section 27-409 – Table 27-400.6 Site and Structure Regulations for CX district be amended to add diagram numbers in the first column as follows:

			REFERENCES
A.	BUILDING SITING		
e-1	Maximum Building Coverage (%)	50	
w-2	Front Setback (feet)	20 minimum	See subsection 27-403.K for arterial setback regulations.
e-3	Street-Side Setback (feet)	10 minimum	
r-4	Side Setback (feet)	0; 10 minimum if abutting N, NX or RMH district	
t-5	Rear Setback (feet)	10 minimum; 0 if abutting an alley	
B.	PARKING SITING		
y-6	Surface or Accessory Parking Yard Location	Side or Rear	
u-7	Loading Location	Rear, Interior Side	
i-8	Permitted Driveway Access Location	See section 27-1305 for driveway access locations	
C.	HEIGHT		
e	Overall: Maximum Height (feet)	60	

(d) Section 27-603.B. is amended as follows:

B. If I2: Heavy industrial dimensions. Development in heavy industrial district shall comply with the following:

(e) Section 27-1006.C.1 is amended as follows:

C. Personal self-service storage.

1. Generally applicable standards. Standards listed in subsections e, f and g are not applicable to the CX, I1 or I2 zone districts. Subsections a through d apply in all zone districts.

(a) No business activity other than rental of storage units shall be conducted within a self-service storage unit.

- (b) In CMU1, CMU2, and EBURD-CW, individual self-storage units, unit doors, loading areas or other service areas shall be screened from a public right-of-way and any adjacent non-industrial districts.
- (c) Security fencing or gates shall be located behind any required landscaping area.
- (d) Security gates shall be located so that two (2) vehicles awaiting entry do not stack into the public right-of-way or any pedestrian path. This may be reduced to one vehicle for facilities with fewer than twenty-five (25) units or where security gates are only locked outside of normal business hours.
- (e) Exterior doors serving individual units shall not be oriented towards a public right-of-way unless located behind other structures.
- (f) Individual units accessed from outdoors shall be located at least one hundred (100) feet from a front or street side property line.
- (g) No self-service storage facility shall exceed three (3) acres in size.

(f) Section 27-1007.C.6(b)(3) is amended as follows:

- (b) New support structures and major modifications shall be considered as follows:
 - (1) Stealth communication facilities shall be permitted as an allowed use in all commercial zoning districts.
 - (2) Antenna support structures shall be permitted as an allowed use in all commercial and mixed-use zoning districts when located on school, government-owned utility, and other government sites. Proposed antennas or antenna support structures that are contrary to this section must be requested through the special review process.
 - (3) Antenna support structures and antennas located in NO, NC, and DX that do not meet the requirements of subsection ~~7(b)(1) or 7(b)(2)~~ ~~6(b)(1) or 6(b)(2)~~ shall be required to obtain special review approval. Wireless communication facility tower farms are not allowed in these zoning districts.

(g) Sections 27-1009.A.2.b(2) and 27-1009.D.2 are amended as follows:

A.2.b(2) Any temporary structure must be setback five (50) feet behind all property lines;

D. Temporary use/structure permit required.

1. Before any group 2 or group 3 temporary use or structure is established, the property owner shall obtain a temporary use/structure permit for each location from the zoning coordinator or his/her designee.
2. For group 3 temporary uses, the temporary use permit holder shall post a ~~one thousand five hundred dollars (\$1,500.00)-bond, in an amount set by city council resolution from time to time~~, for each location with the planning and community services department to ensure timely removal of the use and/or structure.

(h) Section 27-1102 A. Eligibility for Proportionate Compliance Table 27-1100.1 Applicability of Development Standards is amended as follows:

	Res. Multi-Unit	Mixed-Use and Public	Comm.	Ind.
New Development	Percent compliance with development standards			
New Development	100	100	100	100
Existing Development				
Interior Change(s)	Apply subsection 27-1102.B.2 1			
Redevelopment:				
Less than 10% GFA	n/a	n/a	n/a	n/a
Between 10% and 75% GFA	Apply subsection 27-1102.B.2			
Greater than 75% GFA	100	100	100	100
Use Change with Increased Parking	Apply subsection 27-1102.B.3			
Nonconformities				
See article 27-1500 for applicability of nonconformity standards				

(i) Section 27-1203.B and 27-1203.B.1(d) is amended as follows:

B. Required street frontage landscaping. The area along any property line that abuts a public and private street right-of-way shall be provided a street frontage landscaped area planted with street trees. Property owners shall plant and maintain street trees as follows and as further required by this section:

1(a) through 1(c) no changes

1.(d) Additional required plant materials are specified in subsection 27-1204.D. 1208.

(j) Section 27-1209.A.4 and 27-1209.B is amended as follows:

4. All fences over 36 inches in height and equal to or less than 7 feet in height shall require a permit from the planning division. Fences over seven feet in height may require a permit from the Building Division.

B. *Height.* Height, for the purposes of this section, shall be defined as the vertical distance from the top rail, board or wire to the ground directly below as measured inside the fence.

(k) Section 27-1400 – Signs amend Tables 27-1400.6; 27-1400.8 and 27-1400.10 and Section 27-1407.F.2 to correct references as follows:

Table 27-1400.6. Attached Signs in CMU1, CMU2, and EBURD RSVMS.

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	Subsection 27-1405.B, Projecting Sign
Wall	1 per tenant per street frontage	Same as wall	Subsection DC.2.(a), above [1]	Internal or external	Static; Max 40% of sign area	Subsection 27-1405.B, Wall Sign
Window	n/a	architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs
Notes						
[1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

Table 27-1400.8. Attached Signs in CBD and DX.

Sign Type	Number	Height (max., ft.) [1]	Sign Area Max per Sign (sf)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Signs
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Signs
Projecting	1 per street frontage	May not extend beyond roofline	48 sf	Internal or external	n/a	Subsection 27-1405.B, Projecting Signs
Roof	1 per premises	4 ft. above roofline	x	Internal or external	Animated; Max 40% of sign face	Subsection 27-1405.B, Roof Sign
Under awning or canopy signs	1 per tenant	Below awning or canopy	x	Internal or external	n/a	Buildings with awnings or canopies over the right-of-way

Wall	1 per tenant per street frontage	Same as wall	Subsection ED.2(a) above [2]	Internal or external	Animated; Max 40% of sign face	Subsection 27-1405.B, Wall Sign
Window	n/a	Limited to architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs
Notes:						
[1] Attached signs on taller structures, except for roof signs, shall be located at or below the 10th story of the building.						
[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

Table 27-1400.10. Attached Signs Commercial, Industrial, and EBURD CW, 13th, and IS.

Sign Type	Number	Height (max., ft.)	Sign Area Max per Sign (sf)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	Subsection 27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	Subsection 27-1405.B, Projecting Sign
Roof [1]	1 per premises	4 ft above roofline	250	Internal or external	n/a	Subsection 27-1405.B, Roof Sign
Wall	1 per tenant per street frontage	Same as wall	Subsection FE.2(a) above, [2]	Internal or external	Static; Max. 40% of sign face	Subsection 27-1405.B, Wall Sign
Window	n/a	Limited to architect. distinct window area	Subsection 27-1405.B, Window Signs	No	n/a	Subsection 27-1405.B, Window Signs
Notes:						
[1] Permitted in lieu of a wall sign.						
[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.						

Section 27-1407.F. 2. Public 2: Public and institutional. Signage is permitted pursuant to subsection 27-1406~~7~~.B, NO and NMU.

(I) Section 27-1404.B.3(a)(1) Method of measuring sign area shall be amended as follows:

3. *Method of measuring sign area.*

(a) *Freestanding signs.*

(1) The sign area of a freestanding sign shall be measured from the outside edge of the sign face.

a. The sign area of a multiple freestanding signs each consisting of more than one single-sided sign shall be computed by adding together the total area(s) of all signs. See subsection (2)a. for sign area calculation for two-sided signs.

(m) Section 27-1408.D.2(a) Location of temporary sign shall be amended as follows:

2. *Location.*

(a) Temporary signs are subject to the prohibited sign locations identified in subsection 27-14012.E.

(n) Section 27-1407.G Historic districts signs shall be amended as follows:

G. *Historic districts.* Statement of special purpose. This special code acknowledges the unique visual concerns associated with the Billings' historic districts, including the Billings Townsite Historic District, Old Town Historic District, and North Elevation Historic District, as defined in BMCC section 6-1103700, and recognizes the benefits of restoring the district's visual appearance of prosperity, cohesiveness, and historic integrity, while continuing to promote business advertising variety, individuality, and growth.

(o) Section 27-1628.C.2(b)(3) and 27-1628.E.2(c) Zone Changes be amended as follows:

(3) *Posted.* Place notice of the public hearing on the property subject to the special review zone change fifteen (15) calendar days in advance of the public hearing.

2. *City council action.*

(a) The city council shall hold a public hearing within twenty (20) thirty (30) calendar days after the publication of the zoning commission recommendation.

(b) Before taking action on a zone change application, and after presentation of the zoning commission report, the city council shall hold a public hearing on the application.

(c) An additional public hearing shall be held at A second reading of the ordinance as required by BMCC section 2-223232.

(p) Section 27-1619.E Master Site Plan be amended as follows:

E. Review and decision-making. A master site plan is subject to administrative approval and shall be reviewed as follows:

1. Within thirty (30) sixty (60) calendar days following the submittal of a complete application, the zoning coordinator shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. The review period clock stops when corrections or revisions are required and begins again once the additional information or modified complete plans are received. Failure of the applicant to timely respond to the corrections or request for additional information does not trigger subsection 2.

2. In the event that review exceeds thirty (30) ninety (90) calendar days, the applicant may seek immediate approval from the planning director.

(q) 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				Additional Standards			
	Key: P = Permitted, PL = Location Limits in Zone District, PR - Applicable Use Restrictions, SR = Special Review																										
Use Table	N3	N2	N1	NX1	NX2	NX3	R/MH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	S	P1	P2	P3 Civ	P3 Ed	P3 Med	
Manufacturing, Assembly or Processing																											
Artisan/Craft										P P	P P	P P	P	P	P	P	PR PL	PR PL	PR PL	PR PL	PR PL	PR PL				27-1006	
Vehicle Sales and Service, Personal																											
Outdoor Sales Lot													PR	SR	SR	P	P	P	P	P	P	P	P	P	P	P	27-1009 27-1005.M 27-1008.P
Assembly																											
Civic Assembly	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	P P	P	P	P	P	P	P	P	P	P	P	P	27-1004	
Health Care and Social Assistance																											
Office and Clinical Services									P	P	P	P	P	P	P	P	P	P	P	P	P	PL	P	P	P	P	
Retail Sales																											
Retail, General with drive-thru									SR	P PR	P			P			P	P	P	P	P	P	P	P	P	27-1009 27-1008.J	
without drive-thru										PR-P	P	P	P				P	P	P	P	P						

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 25th day of April 2022.

PASSED, ADOPTED and APPROVED on second reading this 9th day of May 2022.



DS

CITY OF BILLINGS

BY: _____

DocuSigned by:
William A. Cole
2CA11D54233A4EE
William A. Cole, Mayor

Attest:

DocuSigned by:
BY: _____
Denise Bohlman
D503C2218DC34F0
Denise R. Bohlman, City Clerk

Zoning Code Housekeeping Amendments 2022