

## ORDINANCE NO. 06-5387

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1404 THROUGH 1406 AND SECTION 27-1431 THROUGH 1433 BMCC, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. Pursuant to sections 27-1425 and 27-1452, BMCC the Planning division reexamined the Shiloh Corridor Overlay District regulations and forwarded recommended amendments to the City Zoning Commission. 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 proposed amendments to the City Zoning Regulations.*

**Section 2. DESCRIPTION.** *The zoning regulation shall apply to the Shiloh Corridor Overlay District which is five hundred feet in both directions from center line of Shiloh Road: from the intersection of Shiloh Road and Rimrock Road, to the dead end of Shiloh Road at the railroad right-of-way and from the intersection of Shiloh Road and Zoo Drive to Interstate 90, Section 27-1404 through 1406 and Section 27-1431 through 1433 in the Billings, Montana City Code.*

**Section 3.** *That the Billings, Montana City Code be amended by revising Section 27-1404 through 1406 and Section 27-1431 through 1433 to delete certain language and add new language to read as follows:*

### **PROPOSED AMENDMENTS TO SHILOH CORRIDOR OVERLAY DISTRICT STANDARDS**

#### **SEC. 27-1404. APPLICATION AND APPROVAL PROCESS.**

(a) *Approval required.* . This chapter applies only to properties within the City of Billings. Any new development or remodel requires a building permit from the city Building Division. Planning Division approval is also required prior to construction. Planning Division approval is to ensure compliance with the zoning regulations. This does not in anyway imply approval by any other city department.

(b) *Content of application.* Each application for development located in the Shiloh Corridor overlay district shall include the following:

- (1) The name and address of the property owner and applicant, if different;

- (2) The legal and general description of the tracts or lots upon which review is sought;
- (3) A statement of proposed use;
- (4) A complete site development plan drawn to scale of no less than one (1) inch = forty (40) feet indicating:
  - a. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
  - b. Dimension and location of all existing and proposed buildings, recreation areas, utility and service areas, trash storage area, fire hydrants, access drives, full width of street and adjacent drives, parking areas, existing utility lines, and easements;
  - c. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
  - d. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
  - e. Location and description of all off-site improvements and right-of-way dedication; and
  - f. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
  - g. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
    - (1) Building plans drawn to a scale of no less than one-sixteenth (1/16) inch = one (1) foot for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
    - (2) A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
    - (3) A timetable for the proposed construction project; and
    - (4) A complete form showing compliance with the relative criteria and points assigned (see section 27-1424);
    - (5) Any other information pertinent to the particular project which, in the opinion of the zoning coordinator, is determined to be necessary for the review of the project.

Within fifteen (15) working days following the submittal of a complete application, the zoning coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that

review exceeds fifteen (15) days, the applicant may seek immediate approval from the planning director. If an application is determined to be incomplete, the applicant shall be notified within five (5) days of the submittal. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this section.

(Ord. No. 04-5310, § 1, 12-13-04)

#### **SEC. 27-1405. DEFINITIONS.**

Terms not specifically defined in this chapter shall have the same meanings as defined in section 27-201. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. No. 04-5310, § 1, 12-13-04)

#### **SEC. 27-1406. ABSOLUTE CRITERIA.**

(a) *Development standards.*

- (1) *Shiloh road frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.
- (2) *Other regulations.* All other city and county codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
- (3) *Sidewalks.* All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five (5) feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one (1) canopy tree per every forty (40) linear feet.

(b) *Landscaping standards.*

- (1) *Shiloh Road frontage setback landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road, excluding driveways. Frontage setbacks shall be landscaped with a minimum of ~~eight (8)~~ five (5) canopy or evergreen trees and fifteen (15) shrubs per one hundred (100) feet of frontage.

- a. Developer is encouraged to mass trees to create interest along the frontage. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Within 200 lineal feet of street frontage the required number of trees and shrubs may be massed together to create one or more large tree and shrub planting area(s) somewhere within the 200 lineal foot length. Developer is encouraged to mass ornamental trees and shrub beds at intersections with Shiloh Road and other right-of-way frontage roads and at internal street intersections while still maintaining clear vision triangle height restrictions, pursuant to section 27-618.
  - b. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right-of-way.
- (2) *Right-of-way frontage other than Shiloh Road landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of ~~four (4)~~ three (3) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage. See (1) a. above
  - a. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right of way.
- (3) *Off-street parking lot landscaping.*
  - a. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
  - b. ~~Two (2)~~ One (1) canopy and/or evergreen tree and (5) shrubs shall be required for every eight (8) parking spaces. Developer is encouraged to mass trees to create interest inside parking lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout the parking lot and to use parking lot islands with trees and shrubs to direct traffic through parking lot.
  - c. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
  - d. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in

any direction shall be limited to one hundred (100) feet. See section 27-1106 for additional requirements.

- (4) *Commercial uses abutting residential and public uses.* All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of ~~six (6)~~ five (5) canopy or evergreen trees and twelve (12) shrubs per one hundred (100) linear feet. See (1) a. above. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.

- (5) *Non-living material allowed.* River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than twenty-five (25) percent of the landscaped area shall contain non-living material.
- (6) *Landscape maintenance required.* All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.
- (7) *Protection of landscaped areas.* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- (8) *Automobile and recreation vehicle sales.* Automobile and recreation vehicle sales are required to install two (2) of the required trees and one and one half (1½) the required shrubs along street frontages or are exempt from the tree requirements as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc.
- (9) *Plant standards.*
  - a. *Canopy tree.* A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.

- b. *Evergreen.* A tree or shrub of a species that normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
- c. *Ornamental tree.* A species of tree that normally bears flowers in the spring time of the year or has other ornamental features such as unique leaves, bark, leaf color or fruit. Minimum size at installation shall be one and one half (1½) inch caliper. Caliper shall be defined by the American Nurseryman Standard Definition.
- d. *Shrubs.* The minimum size of a shrub shall be at least five (5) gallons.
- e. *Recommended tree types.* It is recommended that the developer work with the city parks department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the planning department.
- f. *Fractions in the calculations of number of trees and shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five-tenths (.5) shall be rounded down to the nearest whole number; fractions of more than five-tenths (.5) shall be rounded up to the nearest whole number.

**SEC. 27-1431. APPLICATION AND APPROVAL PROCESS.**

- (a) *Approval required.* . This chapter applies only to properties within the City of Billings. Any new development or remodel requires a building permit from the city Building Division. Planning Division approval is also required prior to construction. Planning Division approval is to ensure compliance with the zoning regulations. This does not in anyway imply approval by any other city department.
- (b) *Content of application.* Each application for development located in the South Shiloh corridor overlay district shall include the following:
  - (1) The name and address of the property owner and applicant, if different;

- (2) The legal and general description of the tracts or lots upon which review is sought;
- (3) A statement of proposed use;
- (4) A complete site development plan drawn to scale of no less than one (1) inch = forty (40) feet indicating:
- a. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
  - b. Dimension and location of all existing and proposed buildings, recreation areas, utility and service areas, trash storage area, fire hydrants, access drives, full width of street and adjacent drives, parking areas, existing utility lines, and easements;
  - c. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
  - d. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
  - e. Location and description of all off-site improvements and right-of-way dedication; and,
  - f. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
  - g. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
- (5) Building plans drawn to a scale of no less than one-sixteenth inch ( 1/16) = one (1) foot. for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
- (6) A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
- (7) A timetable for the proposed construction project; and
- (8) A complete form showing compliance with the relative criteria and points assigned (see section 27-1424);
- (9) Any other information pertinent to the particular project which, in the opinion of the zoning coordinator, is determined to be necessary for the review of the project.

(Ord. No. 05-5314, § 1, 1-24-05)

## **SEC. 27-1432. DEFINITIONS.**

Terms not specifically defined in this chapter shall have the same meanings as defined in sections 27-201 and 27-1104. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. No. 05-5314, § 1, 1-24-05)

## **SEC. 27-1433. ABSOLUTE CRITERIA.**

### *(a) Development standards.*

- (1) *Shiloh Road and Zoo Drive frontage setbacks.* The minimum frontage setback from the property line along Shiloh Road and Zoo Drive for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in section 27-602 must also be maintained.
- (2) *Other regulations.* All other city and county codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.
- (3) *Sidewalks.* All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five (5) feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one (1) canopy tree per every forty (40) linear feet.

### *(b) Landscaping standards.*

- (1) *Shiloh Road and Zoo Drive frontage setback landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road and Zoo Drive, excluding driveways. Frontage setbacks shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) feet of frontage. Trees may be massed within the frontage setback as long as the same densities are maintained.
  - a Developer is encouraged to mass trees to create interest along the frontage. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Within 200 lineal feet of street frontage the required number of trees and shrubs may be massed together to create one or more large tree and shrub planting area(s) somewhere within the 200 lineal foot length. Developer is encouraged to mass ornamental trees and shrub beds at intersections with Shiloh Road, Zoo Drive and other right-of-way



frontage roads and at internal street intersections while still maintaining clear vision triangle height restrictions, pursuant to section 27-618.

- b. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right-of-way.

(2) *Right-of-way frontage other than Shiloh Road and Zoo Drive landscaping required.* All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of four (4) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage. Massing of landscaping elements with the required number of landscaping is permitted to meet the intent of subsection (b)(1)a.

- a. Up to thirty (30) percent of the required landscaping may be located in the boulevard of the public right of way.

(3) *Off-street parking lot landscaping.*

- a. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
- b. ~~Two (2)~~ One (1) canopy and/or evergreen tree and five (5) shrubs shall be required for every nine (9) parking spaces. Developer is encouraged to mass trees to create interest inside parking lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout the parking lot and to use parking lot islands with trees and shrubs to direct traffic through parking lot.
- c. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
- d. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited to one hundred fifty (150) feet. See section 27-1106 for additional requirements.
- e. Trees and shrubs may be massed.

(4) *Commercial uses abutting residential and public uses.* All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of five (5) canopy or evergreen trees and ten (10) shrubs per one hundred (100) linear feet. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6)

feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.

- (5) *Non-living material allowed.* River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than twenty-five (25) percent of the landscaped area shall contain non-living material.
- (6) *Landscape maintenance required.* All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.
- (7) *Protection of landscaped areas.* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- (8) *Landscape exemptions.* Uses for automobile and recreation vehicle sales are required to install half (1/2) the required trees and one and one half (1½) the required shrubs along street frontages or are exempt from the tree requirements in the interior of their lots only as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc. If no landscaping is provided in the interior of lots, at least one (1) additional tree and two additional shrubs per five hundred (500) feet of frontage should be provided in perimeter landscape to offset the exemption. This landscaping may also be massed.
  - a Developer is encouraged to mass trees to create interest inside their lot. Two (2) ornamental trees may be substituted for one (1) canopy or evergreen tree. Developer is encouraged to create several large shrub areas throughout their lot and to use planting islands with trees and shrubs to direct traffic through their lot.
- (9) *Plant standards.*
  - a. *Canopy tree.* A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.
  - b. *Evergreen.* A tree or shrub of a species that normally retains leaves/needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
  - c. *Ornamental tree.* A species of tree that normally bears flowers in the spring time of the year or has other ornamental features such as unique leaves, bark, leaf color or fruit. Minimum size at installation shall be one and one half (1½) inch caliper. Caliper shall be defined by the American Nurseryman Standard Definition.

- d. *Shrubs.* The minimum size of a shrub shall be at least five (5) gallons.
- e. *Recommended tree types.* It is recommended that the developer work with the city parks department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the planning department.
- f. *Fractions in the calculations of number of trees and shrubs.* In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five-tenths (.5) shall be rounded down to the nearest whole number; fractions five-tenths and more (.5) shall be rounded up to the nearest whole number.

**Section 4. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5. 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.

**Section 6. EFFECTIVE DATE.** This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading August 14, 2006.

PASSED, ADOPTED AND APPROVED on second reading September 11, 2006.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AEE, City Clerk