

ORDINANCE NO. 12-5562

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1404(a); 27-1406; 27-1409; 27-1411; 27-1414; 27-1415; 27-1416; 27-1417; 27-1424 – SHILOH CORRIDOR OVERLAY DISTRICT - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION 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. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-1404 through 27-1424 as follows:

Sec. 27-1404. - Application and approval process.

(a) *Approval required.* This chapter applies only to properties within the city. 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 any way imply approval by any other city department.

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.

Sec. 27-1409. - Development features required to earn points (relative criteria).

(2) **Access:**

- a. A transit or school bus stop.
- b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the Subdivision Regulations.
- c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each fifty (50) feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).
- d. Provision for internal access between lots.
- e. Shared driveway.
- f. Internal sidewalks incorporating stone, brick, patterned or colored concrete.
- g. Installation of a curvilinear boulevard walk.

Sec. 27-1411. - Definitions.

The definitions used in this chapter may be found below and in section 27-703 of the city sign regulations ~~or article x, section of the Yellowstone County sign regulations.~~

Sec. 27-1414. - Signs permitted in all zones in connection with specific uses.

The following signs may be permitted in any zone, subject to the limitations as provided herein.

(1) *Bulletin boards.* In addition to the permanent signs allowed in 27-1415 below, bulletin boards may be permitted on the premises property used for public or private assembly of public, charitable or religious institutions, subject to the following:

- a. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
- b. No part of the sign shall exceed a height of six (6) feet above the ground.
- c. The sign, if lighted illuminated, shall use external low-intensity lighting.
- d. ~~A thirty two (32) square foot, double-faced sign, no higher than fourteen (14) feet above grade, is authorized for a public or private school on property not less than three (3) acres in size.~~

(5) *Real estate sign.*

- a. *Residential and agricultural use or property.* One (1) temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.

Sec. 27-1415. - Sign standards in agricultural (A-O) and residential (A-S, R-150, R-96, R80, R-70R, R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) zones.

(a) *Permitted signs by zone.* Sign structures are permitted in the agricultural and residential zones in accordance with the following uses and standards:

(1) A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet and a maximum height of four (4) feet above grade.

(2) A freestanding or wall sign identifying a community residential facility, family day care home, child day care center in a residence, nursery school, or similar institution is permitted, provided that such sign shall not exceed a maximum area of five (5) square feet, a maximum height of four (4) feet above grade and is unlighted.

(b) *Permitted signs by use.*

(1) The standards in tables 1 and 2 apply to the following uses: Public or private assembly and non-residential uses within residential zones are allowed the following signs:

- Residential/semi-public uses include a church, public park, multiple family dwelling, dormitory, fraternity, sorority, nursing home, retirement apartment, public building, child day care center, family day care provider, non-profit community hall or lodge, animal clinic, cemetery, or sanitarium.
- School/public uses include a school (kindergarten through university), hospital, police station, fire station, post office, or public golf course, incinerator, solid waste recycling transfer site, or landfills.

(2) (1) Wall signs. On-premises wall signs are permitted, not to exceed one (1) sign of thirty-two (32) square feet, the maximum number and size as shown in table 1. Wall signs shall be unlighted non-illuminated or have low-intensity external lighting, and shall be placed flat against the outside wall of a the main building.

Use per Paragraph 2(a)	Maximum Number of Signs	Maximum Sign Area
Residential/Semi-Public	1	20 square feet
Schools/Public Use	1	32 square feet

Table 1 Wall Signs Agricultural and Residential Zones

(3) (2) Freestanding signs. On-premises freestanding signs are permitted, not to exceed one (1) sign of 32 square feet* and a maximum height of 15 feet, the maximum number, size and height as shown in table 2. On-premises freestanding signs shall be unlighted non-illuminated or have low-intensity external lighting.

Use per Paragraph 2(a)	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Height
Residential/Semi-Public	1	16 square feet	6 feet
Schools/Public Use	1	32 square feet*	15 feet

*Maximum sign area may be increased to forty-eight (48) square feet for monument signs seven (7) feet or less in height.

Table 2 Freestanding Signs Agricultural and Residential Zones

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than

one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

Sec. 27-1416. - Sign standards for business commercial and industrial (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) zones.

Sec. 27-1417. - Modification to sign standards in CC, HC, CI, HI, EGC, ELI zoning districts.

(4) The sign plan shall be consistent with the Yellowstone County - City of Billings 2003-Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the zoning coordinator.

Sec. 27-1424. - Shiloh corridor overlay district application form.

3.	LIGHTING	
a.	Demonstrate light does not spill over to adjacent residential properties	---

6.	LANDSCAPING	
j.	Installation of curvilinear boulevard walk	---
j- k.	Incorporates existing trees in landscape design.	—

7.	ARCHITECTURAL DESIGN		
h.	. Significant variation in building masses and/or forms		—

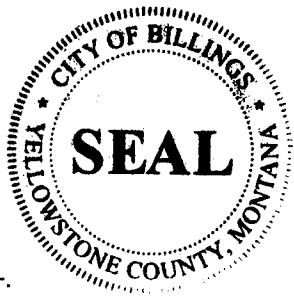
Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 March 26, 2012.

PASSED, ADOPTED AND APPROVED on second reading April 9, 2012.



ATTEST:

BY: Cari Martin
Cari Martin, City Clerk

CITY OF BILLINGS:

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ZC #889 – Text – North Shiloh Corridor