

ORDINANCE NO. 12-5571

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-612 – SUPPLEMENTAL COMMERCIAL DEVELOPMENT STANDARDS BY ADDING A NEW SECTION 27-612(e) AND SECTION 27-309 TO DELETE LANGUAGE AND ADD LANGUAGE AND 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. 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 27-612 (b) as follows:

SEC. 27-612. SUPPLEMENTAL COMMERCIAL DEVELOPMENT STANDARDS.

Certain commercial uses shall be specifically restricted as follows:

(b) Drive-in Service. Any persons desiring to use any premises or to erect, construct or alter any new or existing building or structure for a drive-in service as defined in BMCC Section 27-201 shall satisfy the following criteria, based upon the adjoining zoning district(s).

(1) When a drive-in establishment adjoins (including any location across an alley) residentially zoned property, the use shall obtain approval of a Special Review as outlined in BMCC Sections 27-1503 and 27-1509. The application will conform to all the standards within subsection 27-612(e).

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-612 to add a new section as follows:

e. Commercial and Industrial Uses within the City of Billings. All Commercial and Industrial Uses, as listed within Section 27-306, within 50 feet of any Residential zoning district, including a Planned Development that allows residential use, shall comply with these site development standards:

(1) All buildings in excess of 30 feet in height shall be setback a minimum of 30 feet from a property line that adjoins a residential zone and a minimum of 10 feet from a property line that parallels but does not adjoin a residential zone.

(2) All outdoor lighting, with the exception of signage, shall have full cutoff shields so no part of the fixture or lens projects below the cutoff shield. Light pole standards must be 20 feet in height or less.

(3) Mechanical equipment, including but not limited to air conditioning units, air handling units, back-up power generators, installed at ground level or on a roof must be fully screened from view. The screening shall be at least the height of the mechanical equipment. Mechanical equipment that generates or is expected to generate noise in excess of 55 decibels (DbA) within three (3) feet of the equipment location must provide sound abatement or suppression which may require the equipment to be enclosed in a structure.

(4) Loading docks, if necessary or required by the operation, must be located the farthest distance practicable from the residential zone. However, if the property adjoins an arterial street, the loading dock must be set back far enough such that no trucks will be loading, unloading, or backing within the street. Loading shall be done from alleys when possible.

(5) Outdoor storage of merchandise or equipment must be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally coordinated in color and design with the building. Vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only.

(6) No fascia of a building or canopy may be internally illuminated.

(7) No signs may be placed on a building wall that parallels a residential zone. No freestanding advertising signs may be placed within 30 feet of a property line that adjoins a residential zone or within 10 feet of a property line that parallels a residential zone.

(8) No outdoor waste storage on the commercial or industrial property shall be located within 30 feet of a property line that adjoins a residential zone or within 10 feet of a property line that parallels a residential zone. This requirement shall not apply where the property is separated from a residential zone or residential use by an alley or street. All on-site solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building.

(9) No outdoor announcement system or music system, whether permanent or temporary, is allowed.

(10) Existing developments that do not conform to one or more of these development standards, may continue unless the site is re-developed for a new use, a new building is added to the existing development, or the floor area of the existing structures is increased by more than 10% of the gross floor area. At the time of re-development, change in use or expansion, the property will conform to these standards.

Section 5. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-309 as follows:

SEC. 27-309. AREA, YARD AND HEIGHT REQUIREMENTS – COMMERCIAL AND INDUSTRIAL

ZONING REQUIREMENTS	ZONING CLASSIFICATION DISTRICTS								
	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	27 th Street Corridor
MINIMUM LOT AREA REQUIREMENT IN SQUARE FEET: (a)	10,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MINIMUM YARD REQUIREMENTS: (a) (b)									
Front	20	20	20	20	N/A	20	20	20	(d)
Side (c)	10	0	0	0	N/A	0	0	0	(d)
Side Adjacent to Street	10	10	10	10	N/A	10	10	10	(d)
Rear (c)	0	0	0	0	N/A	0	0	0	(d)
MAXIMUM HEIGHT	34	34	45	45	N/A	70	N/A	N/A	(d)
MAXIMUM LOT COVERAGE IN PERCENT (a)	50	50	50	75	N/A	75	75	50	50

- (a) For minimum lot size, yard and lot coverage requirements for residential dwellings in Commercial or Industrial zones, see BMCC Section 27-310.
- (b) For arterial setback and watercourse setback requirements, see BMCC Sections 27-602 and 27-616, respectively.
- (c) ~~Side and rear setbacks shall be increased to fifteen (15) feet when contiguous to residentially zoned property. Additional development standards apply where commercial or industrial zones are within 50 feet of residentially zoned property or residential uses. See Section 27-615(e).~~
- (d) Minimum yard requirements and maximum height for property located in the South 27th Street Corridor Zoning District are located in BMCC Sections 27-810 and 27-811, respectively.

NOTE:

- All height and setback requirements denote feet; all minimum lot area figures denote square footage.
- For height exceptions, see BMCC Section 27-310(F).
- For permitted projections, see BMCC Section 27-310(G).
- N/A = Not Applicable.

Section 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 8. 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 May 29, 2012.

PASSED, ADOPTED AND APPROVED on second reading June 11, 2012.

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk



CITY OF BILLINGS:

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

Zone Change #897 – Text Amendment - Neighborhood Manners