



PLANNING AND COMMUNITY SERVICES
CITY OF BILLINGS AND YELLOWSTONE COUNTY, MONTANA
January 6, 2012



-MEMORANDUM-

To: City & County Departments, Neighborhood Task Forces, Interested Parties
From: Nicole Cromwell, AICP, Zoning Coordinator, Planner II
Subject: Draft City Code Amendments, Request to Initiate Amendments to Unified Zoning Regulations

Attached please find the following:

- 1) Board of County Commissioners' report on draft changes to the zoning regulations dated November 21, 2011.
- 2) City Council report on draft changes to the zoning regulations dated November 21, 2011.
- 3) Three (3) packets of draft amendments the City and County Zoning Commissions will review and may initiate at their February meetings. The City Zoning Commission will meet on Tuesday, February 7, 2012 at 4:30 pm in Council Chambers. The County Zoning Commission will meet on Monday, February 13, 2012 at 4:00 pm in the Large Conference Room, 4th Floor Parnly Library. Each Commission will consider initiating these amendments, although some amendments will apply only in the County jurisdictional zoning area and some will apply only within the Billings city limits.

The County Commissioners and the City Council reviewed the proposed amendments at discussion and work session meetings in November 2011. The Zoning Commissions will now review the proposed amendments and consider initiating the amendments. After formal initiation of the amendments, the Planning Division will refine the drafts from comments received, and conduct public outreach efforts. Public hearings will be scheduled with each Zoning Commission and governing bodies for enactment of the initiated amendments. It is likely we will proceed with three (3) separate "batches" of amendments over a period of months rather than all of the initiated amendments in one hearing.

Please review the draft amendments and return any comments or concerns at your earliest convenience. We have received one comment from the Billings Association of Realtors concerning lot area requirements for the Residential 7,000 zoning district.



BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA
Monday, November 21, 2011

TITLE: Proposed Amendments to the City/County Unified Zoning Regulations
DEPARTMENT: Planning and Community Services
PRESENTED BY: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

PROBLEM/ISSUE STATEMENT: The 2011 and 2009 State Legislatures passed a number of laws that have an impact on municipal and county zoning regulations. The zoning regulations for both the city and county are unified under Chapter 27, BMCC, and need to be amended to be consistent with these new State laws. In addition, there are several amendments the Planning Division is proposing that respond to “housekeeping” of current regulations to ensure consistency of administration. The Council also has requested amendments to the code that relate to compatibility of commercial uses adjacent to residential uses, resolving issues related to detached accessory buildings, and other miscellaneous amendments. For ease of discussion, the Planning Division has separated the amendments in to three broad categories:

- Council initiatives/requests and housekeeping changes
- Legislative changes
- Neighborhood Manners and discretionary

Staff will bring these forward to the Council for review at its November 21 Work Session and for Council to officially initiate the amendments at its business meeting on December 12. The Planning Division will also brief the Board of County Commissioners on the proposed amendments, ask them to provide any housekeeping amendments, and also take official action to initiate the amendments. The Planning Division will schedule the amendments for public notice and hearings sequentially during the winter and spring of 2012.

COUNCIL INITIATIVES/REQUESTS AND HOUSEKEEPING CHANGES

- Vertical siding on accessory structures in residential zoning districts. The Council initiated this amendment and we have draft language prepared for public hearings. The amendment will allow vertical siding on detached accessory structures in cases where the dwelling also has vertical siding. *This will apply to property only within the city limits.*
- Correctional facilities. The Council initiated these amendments to better regulate where public and private correctional facilities are located in the community. Three ordinances have been drafted and reviewed by the City Attorney. One would amend the code for commercial districts to specifically prohibit any new public correctional facilities in the South 27th Street Corridor or the Controlled Industrial district. Another ordinance would amend the code to specify where private correctional facilities could be located with special review approval. The code currently allows private correctional facilities by special review approval in Controlled Industrial, Public and the S 27th Street Corridor. The amendment would not allow

these in the South 27th Street Corridor. The third amendment would eliminate the code reference to “rehabilitative centers” and the use table for residential zones that allow this use by special review approval only. This use, as currently described, is covered by other use definitions and is adequately covered in the use table under those defined terms.

“Rehabilitative centers” is an artifact of the 1972 zoning code that is out of date and duplicative of newer terms and uses. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*

- **Livestock and poultry.** The Planning Division would like to clarify section 27-607 to add the words “and fowl” to the first sentence. Currently, the code must be consulted in three different sections to determine whether “fowl” are not allowed within the city limits. If the City Council chooses to amend the City Code to allow “fowl” within the city limits, then this amendment can be modified to reflect this initiative. *This will apply to property only within the city limits.*
- **Area Requirements in Residential zones.** The Planning Division would like to clarify section 27-308 to ensure understanding that lot area requirements for multiple units refers to attached units in a single structure and not separate units on a single lot. In addition, the footnote that indicates the special review requirement for three-plex through 10-plex structures in the Residential 6,000 zoning district will be moved to the Residential 6,000 column of the table. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- **Reference to fees – code artifact.** The Planning Division would like to eliminate the language concerning fees referred to in Section 27-1704. Fees are set by resolution of the City Council and the Board of County Commissioners. This is an artifact of the code and should be deleted. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- **Separation of detached accessory structures for property within the city or county.** The Planning Division would like to amend Section 27-310(i) of the code to create separate subsections related to detached accessory structures in residential zones based on whether they are within the city limits or within the County zoning jurisdiction. The current code is convoluted and not easy to interpret or administer. Separate subsections based on jurisdiction will clarify this section. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- **North and South Shiloh Corridor housekeeping.** The Planning Division would like to amend Section 27-1400 to remove drafting errors and correct the signage requirements for non-residential uses in residential zones – as they might apply to all types of assembly uses. *This will apply to property only within the city limits.*
- **Non-zoning – Nuisance Weeds.** The Code Enforcement Division would like to amend section 25-300 to clarify the manner in which nuisance vegetation needs to be cut or removed. The current language is not specific enough to notify the public that “cutting” means by any available mechanical method. *This will apply to property only within the city limits.*

LEGISLATIVE CHANGES

- **Municipal and County zoning.** The 2009 and 2011 Montana legislatures made some minor adjustments to the MCA authorizing local zoning regulations – HB181 (2011), HB460 (2011) and HB486 (2009). The amendments focused on the review criteria for zone changes,

protest provisions related to owners of unit ownership property (condominiums and townhomes), notice provisions and enforcement within the County zoning jurisdiction. The Planning Division has prepared amendments responsive to these legislative changes. There will be separate ordinances for each jurisdiction since some sections will only apply outside the city limits. The County notice provisions for zone changes will likely have an impact on application timelines and staff resources to provide the additional notice. The Planning Division also is recommending deleting some definitions to avoid confusion on unit ownership. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*

NEIGHBORHOOD MANNERS AND DISCRETIONARY AMENDMENTS

- Fence height in front yard setback. Maximum fence height in the required front setback is now 3 feet. Most fence material suppliers do not carry this height but most carry a 4-foot fence material. Fence height in the front is primarily to promote public health and safety since a tall fence in front of a structure could prevent emergency access or block vision of the address numbers on the building. Allowing a 4-foot front yard fence will not have an effect on public health or safety and would allow property owners to provide a more secure front yard area for pets and children. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- RV parking standards. The Code Enforcement Division handles complaints on RV setbacks and these have been steadily increasing in the past 4 years. In 2008, there were 426 RV complaints for the entire year and in 2011 through October we have received 620 complaints. We average about 3 to 4 complaints every work day. The current code requires a minimum 20 foot front setback for RVs parked on a residential property. Most residential driveways cannot accommodate this required setback. RVs may be parked on the street if they remain attached to the towing vehicle or if they are self-powered. In order to accommodate the increasing demand to park RVs for some period of time in residential zones, the Planning Division is recommending Section 27-601(a) be amended to allow an 8-foot front setback for RVs in residential zones. The current code will still require an RV to be parked or stored in a back yard if there is access to the back yard. An 8-foot front setback will allow many RV owners to park off the street and the reduced setback will not ~~affect~~ public health or safety. This amendment will not negate any current or future private subdivision covenants and restrictions. The city does not enforce these private covenants and restriction. *This will apply to property both inside the city limits and in the 4 ½ -mile County zoning jurisdiction.*
- Update Clear Vision for driveways and alleys. In 2009, the City Council and County Commissioners amended the clear vision standards in the zoning code to better identify safe and predictable clear vision areas for street intersections based on the type of street and type of use. One of these new clear vision standards for driveways and alley intersections with streets requires a 5-foot deep “tail” to extend along the property frontage for a considerable distance – the least distance is 70 feet and it increases up to 110 feet if the driveway or alley enters an arterial street. Many residential properties are not even 70 feet wide, so these 5-foot “tails” preclude any fencing or landscaping over 30 inches tall for the entire frontage. The Planning Division does recognize the engineering and traffic safety principals behind the 5-foot “tails”, however we believe the clear vision area provides enough pedestrian and traffic safety without the need to have a 5-foot clear zone across every residential property. Accommodation of the 5-foot “tails” in fence building has caused significant confusion for

property owners, and fence company employees, and also creates an area that is difficult to maintain and could be prone to weeds. *This will apply to property both inside the city limits and in the 4 1/2 -mile County zoning jurisdiction.*

- *Neighborhood Manners.* The City Council has expressed an interest in supporting in-fill development provided such development can be compatible with existing neighborhoods. Several instances of incompatible uses adjacent to residential zones have come forward in the past year. The Planning Division has proposed an amendment to Section 27-612 to add a subsection with requirements for commercial or industrial type uses adjacent to or within 50 feet of a residential zone. The proposed amendment includes requirements for lighting, building setbacks, noise generation, loading docks, solid waste disposal, and signage. *This will apply to property only within the city limits.*



CITY COUNCIL WORK SESSION ITEM

CITY OF BILLINGS, MONTANA

Monday, November 21, 2011

TITLE: Proposed Amendments to the City/County Unified Zoning Regulations
DEPARTMENT: Planning and Community Services
PRESENTED BY: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

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LEGISLATIVE CHANGES

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- Neighborhood Manners. The City Council has expressed an interest in supporting in-fill development provided such development can be compatible with existing neighborhoods. Several instances of incompatible uses adjacent to residential zones have come forward in the past year. The Planning Division has proposed an amendment to Section 27-612 to add a subsection with requirements for commercial or industrial type uses adjacent to or within 50 feet of a residential zone. The proposed amendment includes requirements for lighting, building setbacks, noise generation, loading docks, solid waste disposal, and signage.

Council Initiatives
Housekeeping Changes

SEC. 27-310. SUPPLEMENTAL AREA, YARD AND HEIGHT RESTRICTIONS.

Section 27-310(i) (9) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits, horizontal exterior siding is required on detached accessory structures greater than 200 square feet in size, unless the principle structure has vertical siding or a combination of horizontal and vertical siding. The detached accessory structure siding shall match the design and material of the principle structure to the maximum extent practicable.

DRAFT

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-201 – DEFINITIONS, 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 Board of Planning 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 in any zoning district as described in Section 27-301 in the Billings, Montana City Code.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-201 to add certain language as follows:

COMMUNITY RESIDENTIAL FACILITIES:

- (1) **ADULT FOSTER FAMILY CARE HOME:** A private home licensed by the Montana Department of ~~Family Services~~ Public Health and Human Services owned by one (1) or more persons eighteen (18) years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four (4).
- (2) **COMMUNITY GROUP HOME:** A family oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.
- (3) **HALFWAY HOUSE:** A place operated in accordance with the regulations of the Montana Department of Public Health and Human Services ~~Health and Environmental Sciences~~ for the rehabilitation of alcohol or drug dependent persons.

- (4) **YOUTH FOSTER HOME:** A youth care facility licensed by the Montana Department of Public Health and Human Services ~~Family Services~~ in which substitute care is provided to one (1) to six (6) foster children or youths, other than the foster parents' own children, stepchildren or wards.
- (5) **YOUTH GROUP HOME:** A youth care facility licensed by the Montana Department of Public Health and Human Services ~~Family Services~~ in which substitute care is provided to seven (7) to twelve (12) children or youth.
- (6) ASSISTED LIVING FACILITY:** An assisted living facility licensed by the Montana Department of Public Health and Human Services in a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services for persons 18 years old or older.

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 _____, 2012.

PASSED, ADOPTED AND APPROVED on second reading _____, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY:
Cari Martin, City Clerk

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-306 – DISTRICT REGULATIONS: COMMERCIAL AND INDUSTRIAL USES, 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 Board of Planning 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 in any zoning district as described in Section 27-301 in the Billings, Montana City Code.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-306 to add and delete certain language as follows:

TITLES AND DESCRIPTION OF INDUSTRIES	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
SR - SPECIAL REVIEW A - ALLOWED									
87 Engineering, Accounting, Research, Management, And Related Services (Except Below):			A	A	A	A	A		A
– 871, 872 Engineering, architectural and surveying services; accounting, auditing and bookkeeping services	A	A	A	A	A	A	A		A
– 8731 Commercial physical and biological research			SR	A	A	A	A		A
– 8733 Noncommercial research organizations			SR	A	A	A	A		A
– 8734 Testing laboratories			SR	A	A	A	A		A
– 8744 Facilities support management services <u>other than below</u>				<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>		<u>A</u>
– <u>Privately operated correctional facilities</u>						SR	<u>SR</u>	SR	<u>SR</u>

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PASSED by the City Council on first reading _____, 2012.

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CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:
BY:
City Clerk

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-201 – DEFINITIONS AND REVISING SECTION 27-305 – DISTRICT REGULATIONS: RESIDENTIAL USES, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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Section 3. That the Billings, Montana City Code be amended by revising Section 27-201 to delete certain language as follows:

~~**REHABILITATIVE CENTER:** A use providing board and room, recreational, counseling and other rehabilitative services to individuals of either sex, who by reason of mental or physical disability, family and school adjustment problems, require specialized attention and care in order to achieve personal independence. An individual participating in a work release, or similar program, such as pre-release centers, from a state institution and under the supervision of a court, state or local agency shall be included within this definition.~~

Section 4. That the Billings, Montana City Code be amended by revising Section 27-305 to delete certain language as follows:

TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A - ALLOWED	Agricultural -Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential - 7,000 Restricted	Residential - 7,000	Residential - 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential Multi-Family - Restricted	Residential Manufactured Home
Rehabilitative Centers	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR

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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.

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ATTEST:

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92 Justice, Public Order, And Safety (Except Below):	A	A	A	A	A	A	A	A	A
– 9223 Correctional institutions						SR	SR	SR	SR

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DRAFT

SEC. 27-607. LIVESTOCK AND FOWL.

Livestock and fowl, as defined in BMCC Section 27-201, shall not be maintained in any zoning district located within the limits of the City of Billings except as provided within Section 27-305 or 27-306. ~~(see also BMCC Sections 4-501 through 4-505).~~ However, horses may be permitted in the City when located within a Planned Development, as described in Section 27-1303, that is specifically designed to accommodate horses and/or equestrian centers.

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ZONING CLASSIFICATION DISTRICTS

ZONING REQUIREMENTS	ZONING CLASSIFICATION DISTRICTS												
	Agricultural-Open Space	Agricultural-Suburban	Residential-15,000	Residential-9,600	Residential-8,000	Residential-7,000 Restricted	Residential-7,000	Residential-6,000 Restricted	Residential-6,000 (c)	Residential-5,000	Residential Multi-Family	Residential Multi-Family – Restricted	Residential Manufactured Home
MINIMUM LOT AREA PER DWELLING UNIT: (a) (b) (e)	10A	1A	15,000	9,600	8,000 10,000	7,000	7,000 9,600	6,000	6,000 7,000 8,500 10,000 11,500 13,000 14,500 16,000 17,500	5,000 8,000	400 each add. (attached) unit	1,500 each add. (attached) unit	6,000
One Unit (attached)													
Two Units (attached)													
Three Units (attached)													
Four Units (attached)													
Five Units (attached)													
Six Units (attached)													
Seven Units (attached)													
Eight Units (attached)													
Nine Units (attached)													
Ten Units (attached)													
MINIMUM YARD REQUIREMENTS: (d) (e)													
Front (f)(g)	35	25	25	20	20	20	20	15	15	15	15	15	20
Side (h) (i) (j) (k)	15	10	10	5	5	5	5	5	5	5	5	5	8
Side Adjacent to Street (l)	35	25	25	10	10	10	10	10	10	10	10	10	10
Rear	35	25	25	20	20	20	20	20	20	20	20	20	20
MAXIMUM HEIGHT (m) (n)	34	34	34	34	34	34	34	34	34	34	N/A	40	34
MAXIMUM LOT COVERAGE IN PERCENT	15	25	30	30	30	30	30	40	40	40	55	55	30

SEC. 27-308. AREA, YARD AND HEIGHT REQUIREMENTS – RESIDENTIAL

- (a) In the A-1 & A-S districts, minimum lot area figures are in Acres. All other minimum lot area figures denote square footage.
- (b) The above requirements are applicable to all structures located on a single lot. For building groups see BMCC Section 27-310(B).
- (c) In the Residential-6,000 zone, three-plexes up through ten-plexes up require Special Review approval, see BMCC Section 27-1503 or 27-1509.
- (d) For arterial setback and watercourse setback requirements, See BMCC Sections 27-602 and 27-616, respectively.
- (e) For yard setbacks on corner lots, refer to definitions of lot frontage and yard (side) in BMCC Section 27-201.
- (f) Block frontages which have buildings constructed prior to the effective date of this Resolution/Ordinance shall have a minimum twenty (20) foot front setback for all districts.
- (g) Garages and carports that have their approach from a street shall be setback a minimum of twenty (20) feet.
- (h) Required side yards shall be increased to eight (8) feet in distance from the nearest second story portion of the building, plus one (1) foot for each story in excess of two (2).
- (i) Townhouses are exempt from the side yard requirements in the Residential 5,000, Residential 6,000, Residential 7,000, Residential 8,000, RMF R and RMF zoning districts. In addition, townhouses require Special Review approval, as delineated in BMCC Section 27-1503 or 27-1509.
- (j) In the Residential 5,000 district, if no alley exists as a secondary means of access, one (1) side yard shall be increased to ten (10) feet.
- (k) In the Residential Manufactured Home district, a site built structure complying with the CABO One and Two Family Dwelling code, may be setback a minimum of five (5) feet from the side property line, unless the structure contains two (2) or more stories.
- (l) Front yard setbacks as required in the district shall be provided on side streets when a side street frontage exceeds one hundred and fifty (150) feet.
- (m) In the A-1 district, maximum height restrictions apply to buildings designed and constructed for human occupancy.
- (n) Where there is a change in the adjacent grade of three (3) feet or more the maximum height will be increased one (1) foot for each two (2) feet of grade change.

NOTE:

- All height and setback requirements denote feet.
- For height exceptions, see BMCC Section 27-310(F).
- For permitted projections, see BMCC Section 27-310(G).
- For setbacks for detached accessory structures, see BMCC Section 27-310(I)
- N/A = Not Applicable

TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A - ALLOWED	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential - 7,000 Restricted	Residential - 7,000	Residential - 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential Multi-Family - Restricted	Residential Manufactured Home
CONVENTS	SR	SR	SR	SR	SR		SR		SR	SR	A	A	SR
DWELLINGS: - Single-family - Two-family - Multiple-family - Manufactured Homes - Class A - Class B - Class C - Modular Homes - Townhouses (minimum 2,500 square feet) - Farm Tenant Houses	A A A SR A	A A SR SR A	A A SR SR A	A A	A A A A	A A	A A A A	A A	A A SR A	A A A A	A A A A	A A A A	A A A A A

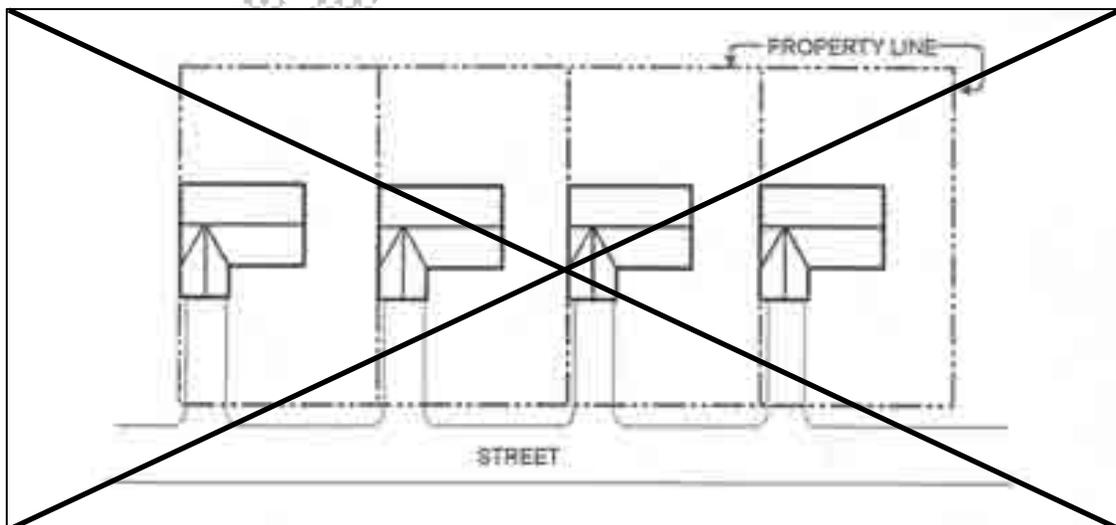
SECTION 27-305 – RESIDENTIAL USES

SEC. 27-617. ZERO LOT LINE CONDITIONS.

Where an individual owns two (2) adjoining lots or where the owners of the two (2) adjoining lots make legal written agreement, a zero lot line may be used for single family dwellings, but only so as to create a zero lot line on one (1) side of any lot (See BMCC Section 27-618, Figure 5).

SEC. 27-618. ILLUSTRATIONS.

FIGURE 5. ZERO LOT LINES



Sec. 27-1701. - Provisions of this chapter developed to be minimum standards.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

Sec. 27-1702. - Separability clause.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Sec. 27-1703. - Repeal of conflicting resolutions/ordinances and effective date.

Resolutions/ordinances or parts of resolutions/ordinances in conflict with this Resolution/Ordinance [Ord. No. 97-5048] are hereby repealed to the extent necessary to give this chapter full force and effect. This Zoning Resolution/Ordinance for the City of Billings and the unincorporated 4½ Mile Jurisdictional Area of Yellowstone County shall become effective on February 1, 1998.

Sec. 27-1704. - Schedule of fees, charges and expenses.

The city council and board of county commissioners shall establish a schedule of fees, charges and expenses and a collection procedure for appeals and other matters pertaining to this chapter. Said schedule may be amended from time to time by resolution/~~ordinance~~ of the city council ~~and or~~ board of county commissioners. Within this schedule of fees, the city council administrator shall be solely responsible for setting the fee for the Medical Corridor Permit Zoning preliminary and final reviews, as established in BMCC section 27-909(B).

No zone change, special review or variance shall be issued unless or until such costs, charged, fees or expenses ~~listed below~~ have been paid in full nor shall any action be taken on proceedings before the city or county board of adjustment or zoning commission unless or until charges and fees have been paid in full to the planning and community services department.

~~SCHEDULE OF APPLICATION FEES~~

~~(1) Board of Adjustment Variance:~~

~~a. Residential \$325.00~~

~~b. Commercial 400.00~~

~~(2) Zoning Commission:~~

~~a. Zone change~~

~~Residential 650.00~~

~~Commercial 900.00~~

b. ~~Special review~~

~~Residential 650.00~~

~~Commercial 900.00~~

~~(3) Planned development — Preliminary review and zone change~~

~~Change to fees in Resolution 98-17350~~

~~Five acres or less 750.00~~

~~Over five acres 1,200.00~~

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- (i) **Yards and Setbacks for Accessory Buildings in Residential Zones within the Billings city limits.** The following setbacks shall be provided for accessory buildings in Residential zones:

(1) Detached garages, carports, patios, tool or storage sheds, playhouses, greenhouses or other accessory buildings shall meet the setbacks required in below Table 1.

TABLE 1 Setbacks from property lines for detached garages, carports, tool or storage sheds, greenhouses or other detached accessory structures					
	Front (b)	Side Adjacent to Street (b)	Side	Rear with Alley (c)	Rear Without Alley
BUILDINGS LESS THAN 18 FEET IN HEIGHT (a) (d) (e) (f)					
Approach from a street	20	20	3	0	3
Approach at right angle from an alley	20	10	3	6	N/A
All others	20	10	3	0	3
BUILDINGS GREATER THAN 18 FEET IN HEIGHT UP TO AND INCLUDING THE MAXIMUM ALLOWED HEIGHT (a) (d) (e)					
Approach from a street	20	20	8	6	8
Approach at right angle from an alley	20	10	8	6	N/A
All others.	20	10	8	6	8

- (a) All setbacks are denoted in feet from the property line.
- (b) In districts with Front or Side Adjacent to Street setbacks greater than those required in above Table 1, the structure shall meet the most restrictive setback requirement.
- (c) No above building or structure nor any part thereof shall protrude into or hang over the public right-of-way.
- (d) Structures located adjacent to arterial streets must meet the Arterial Setbacks as outlined in BMCC Section 27-602.
- ~~(e) Detached accessory buildings used to house, keep or shelter livestock or fowl shall meet the setbacks described in BMCC Section 27-607.~~
- (f) (e) The side wall of detached accessory buildings in the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning

districts within the Billings city limits shall be no greater in height than the side walls, excluding a gable wall, of an existing or proposed principal structure on the property.

N/A = Not Applicable

(2) Garages, carports and other accessory buildings attached to a dwelling shall be considered to be part of the dwelling and setbacks shall be the same as those required for such dwelling. In addition, garages and carports attached to the dwelling that have their approach from a street shall be setback from that street property line a minimum of twenty (20) feet or meet the front setback in the zoning district in which it is located, whichever is greater.

(3) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s) greater than 200 square feet in size shall not exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated as follows or equal to the principal building first story square footage, whichever is less.

Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000, and Residential Manufactured Home zoning districts within the Billings city limits the maximum size allowed for detached accessory structures shall be based on the following criteria, based on the size of the lot:

- Lots containing less than .25 acres = 1,000 square feet maximum size.
- Lots containing .25 acres up to 1 acre shall use the following formula:
(667 x lot acreage) + 833 = maximum detached structure size)
- Lots containing more than 1 acre = 1,500 square foot maximum size.

This provision shall not apply in the Agricultural Open or Agricultural Suburban zoning districts.

No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.

(4) Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits the maximum total square footage in detached accessory structures on any lot shall not exceed three thousand (3,000) square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. This three thousand (3,000) square foot limit shall not apply in the Agricultural Open zoning district.

~~(5) See BMCC Section 27-607, for setbacks regarding detached structures used to house livestock or fowl.~~

~~(6) (4) For watercourse setbacks, see BMCC Section 27-616.~~

~~(7) (5) No above allowed building or structure nor any part thereof shall protrude into or hang over any public right-of-way.~~

~~(8) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s) greater than 200 square feet in size shall not exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated in Section 3 above or equal to the principal building first story square footage, whichever is less. No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.~~

~~(9) (6) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits, horizontal exterior siding is required on detached accessory structures greater than 200 square feet in size, unless the principle structure has vertical siding or a combination of horizontal and vertical siding. The detached accessory structure siding shall match the design and material of the principle structure to the maximum extent practicable.~~

(j) **Yards and Setbacks for Accessory Buildings in Residential Zones outside the Billings city limits and within the County jurisdictional zoning area.** The following setbacks shall be provided for accessory buildings in Residential zones:

- (1) Detached garages, carports, patios, tool or storage sheds, playhouses, greenhouses or other accessory buildings shall meet the setbacks required in below Table 1.

TABLE 1 Setbacks from property lines for detached garages, carports, tool or storage sheds, greenhouses or other detached accessory structures					
	Front (b)	Side Adjacent to Street (b)	Side	Rear with Alley (c)	Rear Without Alley
BUILDINGS LESS THAN 18 FEET IN HEIGHT (a) (d) (e) (f)					
Approach from a street	20	20	3	0	3
Approach at right angle from an alley	20	10	3	6	N/A
All others	20	10	3	0	3
BUILDINGS GREATER THAN 18 FEET IN HEIGHT UP TO AND INCLUDING THE MAXIMUM ALLOWED HEIGHT (a) (d) (e)					
Approach from a street	20	20	8	6	8
Approach at right angle from an alley	20	10	8	6	N/A
All others.	20	10	8	6	8

- (a) All setbacks are denoted in feet from the property line.
- (b) In districts with Front or Side Adjacent to Street setbacks greater than those required in above Table 1, the structure shall meet the most restrictive setback requirement.
- (c) No above building or structure nor any part thereof shall protrude into or hang over the public right-of-way.
- (d) Structures located adjacent to arterial streets must meet the Arterial Setbacks as outlined in BMCC Section 27-602.
- (e) Detached accessory buildings used to house, keep or shelter livestock or fowl shall meet the setbacks described in BMCC Section 27-607.

~~(f) The side wall of detached accessory buildings in the R 9,600, R 8,000, R 7,000, R 7,000R, R 6,000, R 6,000R, R 5,000 and Residential Manufactured Home zoning districts within the Billings city limits shall be no greater in height than the side walls, excluding a gable wall, of an existing or proposed principal structure on the property.~~

N/A = Not Applicable

(2) Garages, carports and other accessory buildings attached to a dwelling shall be considered to be part of the dwelling and setbacks shall be the same as those required for such dwelling. In addition, garages and carports attached to the dwelling that have their approach from a street shall be setback from that street property line a minimum of twenty (20) feet or meet the front setback in the zoning district in which it is located, whichever is greater.

(3) ~~Except in the R 9600, R 8,000, R 7,000, R 7,000R, R 6,000, R 6,000R, R 5,000, and Residential Manufactured Home zoning districts within the Billings city limits~~ ~~†~~The maximum size allowed for detached accessory structures shall be based on the following criteria, based on the size of the lot:

- Lots containing less than .25 acres = 1,000 square feet maximum size.
- Lots containing .25 acres up to 1 acre shall use the following formula:
(667 x lot acreage) + 833 = maximum detached structure size)
- Lots containing more than 1 acre = 1,500 square foot maximum size.

This provision shall not apply in the Agricultural-Open **Space** or Agricultural-Suburban zoning districts.

(4) ~~Except in the R 9600, R 8,000, R 7,000, R 7,000R, R 6,000, R 6,000R, R 5,000 and Residential Manufactured Home zoning districts within the Billings city limits~~ ~~†~~The maximum total square footage in detached accessory structures on any lot shall not exceed three thousand (3,000) square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. This three thousand (3,000) square foot limit shall not apply in the Agricultural-Open **Space** zoning district.

(5) See BMCC Section 27-607, for setbacks regarding detached structures used to house livestock or fowl.

(6) For watercourse setbacks, see BMCC Section 27-616.

(7) No above allowed building or structure nor any part thereof shall protrude into or hang over any public right-of-way.

~~(8) In the R 9,600, R 8,000, R 7,000, R 7,000R, R 6,000, R 6,000R, R 5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s) greater than 200 square feet in size shall not exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated in~~

~~Section 3 above or equal to the principal building first story square footage, whichever is less. No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.~~

- ~~(9) In the R 9,600, R 8,000, R 7,000, R 7,000R, R 6,000, R 6,000R, R 5,000 and Residential Manufactured Home zoning districts within the Billings city limits, horizontal exterior siding is required on detached accessory structures greater than 200 square feet in size.~~

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ARTICLE 27-1400. - SHILOH CORRIDOR OVERLAY DISTRICT

Sec. 27-1401. - Purpose.

The purpose of the Shiloh Corridor Overlay District is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

Sec. 27-1402. - District boundaries.

The boundaries of the Shiloh Corridor Overlay District shall be that displayed on the map at the end of section 27-1403. In no case shall the boundaries of the district exceed a depth of five hundred (500) feet from the centerline of the right-of-way of Shiloh Road from King Avenue north to Rimrock Road. If only a portion of the property falls within the boundaries of the district, the entire property will be subject to the regulations in section 27-1400.

Sec. 27-1403. - Review criteria.

(a) *Generally.* The Shiloh Corridor overlay district review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, the development may proceed.

New developments and existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five (25) percent must comply with these regulations.

(b) *Absolute criteria.* A developer must meet all absolute criteria to obtain planning and community services department approval. The absolute criteria are defined in sections 27-1406 through 27-1408. Absolute criteria also include all other applicable codes, ordinances, and statutes, including, but not necessarily limited to, minimum engineering and building standards, public service and utility requirements, and environmental regulations.

(c) *Relative criteria.* Relative criteria are the "points" of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in section 27-1409. The development plans are evaluated against the relative criteria and scored on a point chart.

Shiloh Corridor Overlay District Map

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.

(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.

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.

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 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

two hundred (200) lineal feet of street frontage the required number of trees and shrubs may be massed together to create one (1) or more large tree and shrub planting area(s) somewhere within the two hundred (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 three (3) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage. See subsection (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. 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 five (5) canopy or evergreen trees and twelve (12) shrubs per one hundred (100) linear feet. See subsection (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. 27-1407. - Building design standards.

(a) *Materials.* All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material.

(b) *Roofs.* Roofs exposed to view shall be finished with a durable material that is architecturally coordinated in color and design with the building material. Recommended materials include: standing seam, dimensional asphalt shingles, shakes or shingles. Other types or styles of roofing materials that are consistent with this chapter may be approved by the zoning coordinator or his/her designee. Pitched roofs are encouraged wherever possible.

(c) *Mechanical equipment.* mechanical equipment, placed at ground level or on a roof, shall be screened. The screening shall be at least the height of the mechanical equipment. Sound suppression/abatement shall be provided when mechanical equipment is installed on property that is adjacent to residential uses or zoning districts.

(d) *Elevations and facades.* Buildings shall incorporate one or more of the following: recesses, off sets, angular forms, or other architectural features such as bell towers or clock towers to provide a visually interesting shape. The break in facade shall be a minimum of twelve (12) feet in length and with a minimum protrusion or recess of four (4) feet. Buildings shall incorporate a break in the architectural facade at least every sixty (60) feet. It is encouraged that each offset area contain landscaping or other similar amenities that will complement the offset area.

Sec. 27-1408. - Additional provisions.

(a) *Storage of merchandise.* Any permitted storage of merchandise outside an approved building shall 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. However, 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. Bufferyards or required landscaping shall not be used for the displaying of merchandise. Chain link and other types of wire fencing are prohibited.

(b) *Area lighting.*

(1) All outdoor pole lighting shall be fully shielded (no light emitted by the fixture is projected above the horizontal plan of the fixture) and mounted at heights no greater than twenty (20) feet above grade.

(2) All outdoor lighting, except street lights, shall be located and aimed or shielded so as

to minimize stray light trespassing across property boundaries.

(c) *Canopy, marquee and "wall pack" lighting.* Canopy, marquee and "wall pack" lighting shall be fully shielded. No internally illuminated fascia shall be allowed.

(d) *Storage of junk.* No person shall store junk, partially or completely dismantled vehicles, or salvaged materials outside a building. In the case of repair shops, such material must be enclosed within a building or an area having a sight-obscuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.

(e) *Waste storage area.* All 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. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material. Solid waste enclosures are encouraged to be landscaped.

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

In accordance with section 27-1403, each application for development in this overlay district must score a minimum number of points based on the relative criteria described below. The number of points required depends on the underlying zoning of the property on which the development is located. Design elements are listed under nine (9) category headings. A project shall earn one (1) point for each design element that it incorporates. At least one (1) point shall be earned from eight (8) out of the nine (9) categories listed. The developer must attain the following minimum number of points:

Twenty (20) points if the lot size is greater than twenty-five thousand (25,000) square feet;
or

Fifteen (15) points if the lot size is less than twenty-five thousand (25,000) square feet.

(1) *Site development:*

- a. Pavement along Shiloh frontage setback is less than or equal to thirty-five (35) feet.
- b. Construct one or more public use spaces such as mini-parks, water feature, playfields or playgrounds, rest areas, for example.

(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.

(3) *Lighting:*

a. Demonstrate lighting does not spill over to adjacent residential properties.

b. Establish an overall outdoor lighting budget for the property that does not exceed fifty thousand (50,000) initial lamp lumens per net acre for all fully shielded and unshielded light sources.

c. Continuity of lighting fixture design with adjacent properties.

d. Incorporate outdoor light fixtures at heights less than twenty (20) feet.

(4) *Parking:*

a. A joint use parking agreement.

b. Parking provided does not exceed one hundred (100) percent of required spaces.

c. Landscaping internally integrated in parking areas and/or sales area.

d. Parking lots placed at the rear and/or side of the building, none in front.

(5) *Scale:*

a. The mass and scale does not exceed that of the surrounding development by more than ten (10) percent.

b. The height of structures does not exceed that of the surrounding development by more than ten (10) percent.

c. The building size does not exceed that of the surrounding development by more than ten (10) percent.

(6) *Landscaping:*

a. Buildings have foundation planting.

b. Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) percent each.

c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.

- d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.
- e. Terraced or bermed site design.
- f. Stormwater retention areas include significant landscaping.
- g. Bufferyards larger than required by at least ten (10) percent.
- h. Continuity of landscaping features at interface with adjacent property.
- i. Canopy trees placed in the boulevard along internal streets at one tree per twenty-five (25) feet of street frontage.
- j. Installation of a curvilinear boulevard walk.
- k. Incorporates existing trees in landscape design.

(7) *Architectural design:*

- a. Building materials are natural, i.e. wood or stone.
- b. Pitched roof with a minimum 3:12 pitch.
- c. Exceeds the state energy code requirements by:
 - Twenty-five (25) percent = One (1) point
 - Fifty (50) percent = Two (2) points
 - More than seventy-five (75) percent = Three (3) points
- d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.
- e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;
- f. Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements;
- g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;

Facade relief elements:

1. Two (2) or more colors.
2. Natural earth toned colors.
3. Substantial fenestration using windows, doors, or other openings.
4. Two (2) or more materials that break up the mass of the structure.

5. Articulation of the parapet walls.
6. Change in wall plane.
7. Change in roof plane.
8. Extended roof overhangs.
9. Significant variation in building masses and/or forms.

(8) *Signage:*

- a. Signage is not internally illuminated.
- b. Monument signs used in lieu of pole signs.
- c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.
- d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).
- e. Comprehensive sign plan.

(9) *Mixed use:* One point will be given for each building that contains two (2) or more of the following uses:

- a. Office.
- b. Retail.
- c. Personal services such as dry cleaner, laundromats, beauty salons.
- d. Residential.
- e. Hotel/motel.
- f. Medical.
- g. Entertainment.
- h. Restaurant.

Sec. 27-1410. - Signage standards—Purpose, intent, and scope.

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site

monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

(1) *Permits required.* Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the planning and community services department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit 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.

(2) *Permit applications.* All permit applications for signs shall include a site plan that provides the following information:

- a. The location of the affected lot, building and sign;
- b. The scale of the site plan;
- c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
- d. All existing signs on the site including their size and height; and
- e. The legal description of the parcel.

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.~~

Bulletin board means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

Electronically changeable message sign means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed. This definition does not include video boards.

Flashing sign means an electrical sign or portion thereof which changes light intensity in a brief,

brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

Individual business means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

Monument sign means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

Multiple businesses include businesses that may be located in a single building or in multiple buildings on a single site.

Support structure(s) means posts or columns and their anchors and bolts that structurally support the sign attached to it.

Three-sided sign means a sign with three (3) faces.

Two-sided sign means a sign with two (2) faces.

Sec. 27-1412. - Exempt signs.

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the Uniform Building Code.

- (1) The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this section, reader board or similar sign specifically designed for replaceable copy.
- (2) Painting, repainting or normal maintenance, unless a structural or electrical change is made.
- (3) Temporary banners and temporary signs as permitted herein.
- (4) Real estate sign as permitted herein.
- (5) Incidental signs.
- (6) Political signs.
- (7) Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

Sec. 27-1413. - Prohibited signs.

The following signs are prohibited in all zones unless otherwise specifically permitted.

- (1) Sign which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices.
- (2) Signs that create a safety hazard for pedestrian or vehicular traffic.

- (3) Flashing signs.
- (4) Portable signs.
- (5) Portable reader boards.
- (6) Portable electric signs.
- (7) Banner signs.
- (8) Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
- (9) Roof signs.
- (10) Video boards.
- (11) Billboards.
- (12) Painted signs on buildings, including those attached on or to the surface of windows.

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~~ 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.~~

(2) *Temporary residential subdivision or area name signs.* A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:

- a. The freestanding sign shall be located on the premises being sold or leased.
- b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
- c. The sign shall remain only as long as property remains unsold or unleased for the

first time with the tract, but not to exceed one (1) year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.

d. The sign shall be non-illuminated.

e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.

(3) *Permanent residential subdivision or area name signs.* Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:

a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and

b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.

(4) *Contractor, architect, surveyor, or engineer signs.* One on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:

a. The sign is located on the parcel on which the construction is located.

b. The sign shall not exceed forty (40) square feet in area; and

c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve (12) months without approval from the planning department. The planning department may extend the one (1) year time period upon written request of the owners/developers of the project.

(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.

b. *Commercial and industrial use or property.* One (1) temporary on-premise sign 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 thirty-two (32) square feet and no higher than ten (10) feet above grade.

c. *Open house and directional sign.* For (a) and (b), an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.

(6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1417 through 27-1423 and their definitions.

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 property or building used for public or private assembly 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 non-illuminated 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.

a. ~~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.~~

b. ~~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) Wall signs. On-premises wall signs are permitted, not to exceed 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) Freestanding signs. On-premises freestanding signs are permitted, not to exceed 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.

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

(1) *Wall signs—Individual and multiple businesses.* Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of two hundred fifty (250) square feet, whichever provides the smaller area. "False fronts" and mansard roofs shall not be included when calculating the total area of the wall.

(2) *Freestanding signs (pole or monument design)—Individual businesses.* One on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in table 3.

Zoning District	Maximum Area ≤ 100' Street Frontage	Maximum Area ≥ 100' Street Frontage	Maximum Sign Height
RP	50 square feet	50 square feet	15 feet

NC	50 square feet	50 square feet	15 feet
CC	80 square feet	140 square feet	20 feet
HC	80 square feet	140 square feet	20 feet
CI	80 square feet	140 square feet	20 feet
HI	50 square feet	50 square feet	15 feet
ELC	80 square feet	120 square feet	20 feet
EGU	80 square feet	140 square feet	20 feet
EMU	50 square feet	50 square feet	15 feet
ELI	80 square feet	140 square feet	20 feet

Table 3 - Freestanding Signs - Commercial and Industrial Zones

(3) *Freestanding signs (pole or monument design)—Multiple businesses.*

- a. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in table 4.
- b. Freestanding signage allowed for an individual business under paragraph (a)(2) of this section shall not be combined with signage allowed for multiple businesses under this paragraph.
- c. The minimum separation between signs shall be five hundred (500) feet, measured from the center of the sign.

Zoning District	Maximum Number of Signs	Maximum Area	Maximum Sign Height
RP	1	75 square feet	15 feet
NC	1	75 square feet	15 feet
CC	1 per 500 feet of street frontage*	175 square feet	20 feet
HC	1 per 500 feet of street frontage*	175 square feet	20 feet
CI	1 per 500 feet of street frontage*	175 square feet	20 feet
HI	1 per 500 feet of street frontage*	75 square feet	15 feet
ELC	1 per 500 feet of street frontage*	150 square feet	15 feet
EGU	1 per 500 feet of street frontage*	175 square feet	20 feet
EMU	1	75 square feet	15 feet
ELI	1 per 500 feet of street frontage*	175 square feet	20 feet

*One (1) freestanding sign is permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Table 4 - Standards for on-premises signs for multiple businesses

(b) *Incentive to substitute height restricted monument signs for freestanding signs.*

(1) Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under paragraphs (a)(2) and (3) with maximum sign number(s) and area(s) as provided in tables 5 and 6. There is no minimum separation requirement between signs.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	1	50 square feet
NC	1	50 square feet
CC	2	90 square feet
HC	2	90 square feet
CI	2	90 square feet
HI	2	90 square feet
ELC	2	80 square feet
EGC	2	90 square feet
EMU	2	50 square feet
ELI	2	90 square feet

Table 5—Standards for on-premises monument signs for individual businesses

*Two (2) freestanding signs are permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	2	50 square feet
NC	2	50 square feet
CC	2 per 500 feet of street frontage*	90 square feet
HC	2 per 500 feet of street frontage*	90 square feet
CI	2 per 500 feet of street frontage*	90 square feet
HI	2 per 500 feet of street frontage*	90 square feet
ELC	2 per 500 feet of street frontage*	80 square feet
EGC	2 per 500 feet of street frontage*	90 square feet

EMU	2 per 500 feet of street frontage*	50 square feet
ELI	2 per 500 feet of street frontage*	90 square feet

Table 6—Standards for on-premises monument signs for multiple businesses

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

For shopping centers, industrial parks, mixed use developments, and hotel conference centers; the zoning coordinator may approve a comprehensive sign plan that deviates from the provisions set forth in section 27-1416 above, provided the following standards and conditions are met:

- (1) The development exceeds the following minimum square foot floor area requirements:
 - a. Two hundred fifty thousand (250,000) square feet for a shopping center or hotel conference center.
 - b. Two hundred fifty thousand (250,000) square feet of commercial/industrial floor space for a mixed use development.
 - c. Three hundred thousand (300,000) square feet for an industrial park.
- (2) The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
- (3) The sign plan shall conform to the standards of section 27-1416; except that a maximum of three (3) of the allowed signs under section 27-1416 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
- (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.
- (5) The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the planning department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.
- (6) Modifications to the approved sign plan shall require reapplication and approval by the

zoning coordinator.

Sec. 27-1418. - Sign location and setback.

- (a) All signs shall be located so that they:
 - (1) Do not interfere with vehicular or pedestrian accessibility or sight distance;
 - (2) Conform to the provisions of section 27-615, the clear vision triangles and visibility at intersections; and
 - (3) No sign may encroach upon, or overhang, adjacent property or public right-of-way.
- (b) All signs shall be located and set back as follows:
 - (1) Any portion of a sign (including structural supports) that is higher than three (3) feet and less than seven (7) feet above grade shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.
 - (2) Structural supports less than two (2) feet in width or diameter, measured at any point on the support, and three (3) to seven (7) feet above grade, shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

Sec. 27-1419. - Sign area and calculation.

- (a) The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.
- (b) Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.
- (c) The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one sign shall be computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A ten (10) percent increase in sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.
- (d) The sign area for multiple-sided signs shall be calculated as follows:
 - (1) The total sign area for a two-sided sign shall be calculated using one face, but the second face may not exceed the area of the first face.
 - (2) The total sign area for a three-sided sign shall be calculated using one face, but the

second and third face total area may not exceed the area of the first face.

Sec. 27-1420. - Maintenance of signs.

- (a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
- (b) Any damaged sign base shall be repaired within sixty (60) days.
- (c) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

Sec. 27-1421. - Nonconforming signs.

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

Sec. 27-1422. - Landscaping for freestanding and monument signs.

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

Sec. 27-1423. - Sign illumination.

Externally illuminated signs shall have lighting confined to the sign, and positioned and shielded to minimize impacts to the surrounding area(s). The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)

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

SHILOH CORRIDOR OVERLAY ZONE PERMIT Permit # _____

.....

Application Information

Applicant Name: _____ Date: _____

Applicant Address: _____ Phone: _____

Property Owner Name (if different): _____

Property Owner Address: _____ Phone: _____

Property Information

Property Address: _____

Section, Township, Range: _____ Zoning District: _____

Lot size: _____ sq. ft. Lot area covered by structure(s): _____ sq. ft. _____%

Subdivision/COS: _____ Block: _____ Lot: _____

Proposed Use: _____

FOR OFFICE USE ONLY

Date Received _____ / _____ / _____

Number of relative criteria categories met: _____ Total number of points scored: _____

Approved _____ Denied _____ Date: _____

Reviewed By: _____

RELATIVE CRITERIA

•Applicant must obtain points from eight (8) of nine (9) categories.

•Applicant must obtain the following number of points:

20 points if the lot size is greater than 25,000 square feet.

	15 points if the lot size is less than 25,000 square feet.	
1.	SITE DEVELOPMENT:	
	a.	Frontage pavement less than 35' along Shiloh Road
	b.	Public use space included
2.	ACCESS	
	a.	MET transit or school bus stop
	b.	Bikepath or pedestrian trail easement (above what subdivision requires)
	c.	Bikepath or pedestrian trail construction (1 point for each 50 feet, 4 points max)
	d.	Reciprocal access between lots
	e.	Shared driveway approaches
	f.	Internal sidewalks incorporating stone, brick patterned or colored concrete.
	g.	Installation of a curvilinear boulevard walk.
3.	LIGHTING	
	a.	Demonstrate light does not spill over to adjacent residential properties
	b.	Establish an overall outdoor lighting budget for the property that does not exceed 50,000 initial lamp lumens per net acre for all fully shielded and unshielded light sources.
	c.	Continuity of lighting fixture design with adjacent properties.
	d.	Incorporate outdoor light fixtures at heights less than twenty-five (25) feet.
4.	PARKING	
	a.	Joint use parking agreement.
	b.	Parking does not exceed 100% of required spaces.
	c.	Landscaping internally integrated in parking areas.
	d.	Parking lots placed at the rear and/or side of building—none in front.
5.	SCALE	
	a.	Mass and scale of structures does not exceed that of the surrounding development by more than 10 percent.
	b.	Height of structures does not exceed that of the surrounding development by more than 10 percent.
	c.	Building size does not exceed that of the surrounding development

		by more than 10 percent.	
6.	LANDSCAPING		
	a.	Buildings have foundation planting.	—
	b.	Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) each.	—
	c.	Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.	—
	d.	Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.	—
	e.	Terraced or bermed site design.	—
	f.	Stormwater retention areas include significant landscaping.	—
	g.	Bufferyards larger than required by at least ten (10) percent.	—
	h.	Continuity of landscaping features at interface with adjacent property.	—
	i.	Canopy trees placed in the boulevard along internal streets at one tree per 25 feet of street frontage.	—
	j.	Installation of curvilinear boulevard walk	---
	j. k.	Incorporates existing trees in landscape design.	—
7.	ARCHITECTURAL DESIGN		
	a.	Building materials are natural, i.e. wood or stone.	—
	b.	Pitched roof with a minimum 3:12 pitch.	—
	c.	Exceeds the state energy code requirements by:	—
		•Twenty-five (25) percent = One (1) point	
		•Fifty (50) percent = Two (2) points	
		•More than seventy-five (75) percent = Three (3) points	
	d.	The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.	—
	e.	Each building up to seventy-five (75) feet in length contains four (4) facade relief elements.	—
	f.	Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements.	—
	g.	Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements.	—
		Facade relief elements	
		•Two (2) or more colors	
		•Natural earth toned colors	
		•Substantial fenestration using windows, doors, or other openings	
		•Two (2) or more materials that break up the mass of the structure	
		•Articulation of the parapet walls	
		•Change in wall plane	
		•Change in roof plane	
		•Extended roof overhangs	
	h.	. Significant variation in building masses and/or forms	—
8.	SIGNAGE		

	a.	Signage is not internally illuminated.	—
	b.	Monument signs used in lieu of pole signs.	—
	c.	Area of signage is at least twenty (20) percent less than total area allowable for each sign type.	—
	d.	Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).	—
	e.	Comprehensive sign plan.	—

9.	MIXED USE		
	One point will be given for each building that contains two (2) or more of the following uses:		—
		•Office	
		•Retail	
		•Personal services	
		•Residential	
		•Hotel	
		•Medical	
		•Entertainment	
		•Restaurant	
	TOTAL POINTS		—

Sec. 27-1425. - Reexamination of regulations.

After one (1) year of the effective date of this article, and periodically afterwards, these regulation shall be reviewed for their effectiveness and the practicality of implementation and enforcement.

Sec. 27-1426. - Appeal process.

An appeal may be made by any applicant aggrieved by a denial of a Shiloh corridor overlay zone permit by the planning and community services department. The applicant shall first appeal to the department director, and if not satisfied with the director's determination, may then file an appeal with city council. The city council shall hold a public hearing and make a determination whether to approve or deny the permit. Before either the director or city council makes a determination on the permit, the following criteria shall be considered:

- (1) That the official erred in the interpretation or application of this chapter;
- (2) That approving the permit will not confer on the applicant any special privilege that is denied by this chapter to other land in the same district;
- (3) That no substantial detriment to the public good is created;
- (4) That the intent and purpose of this chapter is not impaired.

Upon receiving written notice of denial of a permit from the planning and community services

department, the aggrieved applicant has fourteen (14) days from the date on the notice to submit a written request for appeal to the department director. The director shall meet with the applicant within five (5) days of receiving the request and issue a determination on the decision to deny the permit. If the department director upholds the decision to deny, the applicant may file, within fourteen (14) days from the date of the director's determination, a request for appeal before the city council. If an appeal is requested, the planning and community service director shall:

(5) Submit a staff report to the city council within thirty (30) days after receipt of the appeal scheduling a public hearing and describing the nature of the appeal. The memo shall include the request for the appeal and a copy of the notice stating reason(s) for the denial of the permit.

(6) Place notice of the time, date and place of the public hearing in a newspaper of general circulation fifteen (15) days in advance of the date set for the public hearing.

(7) Notify, by mail, the party requesting the appeal and all adjacent property owners of the time, date and place of the public hearing and nature of the appeal five (5) days in advance of the public hearing.

Upon reversing a decision to deny a permit, the council may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the appeal is granted, shall be deemed a violation of this chapter.

Under no circumstances shall the council issue a decision that would allow a use not permitted under the terms of this chapter in the district involved. Approval of a permit shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

Sec. 27-1427. - South Shiloh corridor overlay district.

Sec. 27-1428. - Purpose.

The purpose of the South Shiloh corridor overlay district is to provide standards for industrial, commercial, and mixed-use development as called for in the West Billings Plan. This overlay zoning district is intended to promote an aesthetically pleasing and distinct entryway corridor by encouraging abundant landscaping, attractive building design, and preservation of scenic vistas. Single family and duplex residential development are exempt from the requirements of this overlay zoning district. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

Sec. 27-1429. - District boundaries.

The boundaries of the South Shiloh corridor overlay district shall be that displayed on the map at the end of section 27-1430. In no case shall the boundaries of the district exceed a depth of five hundred (500) feet from the centerline of the right-of-way of Shiloh Road from King Avenue south to Interstate 90 and Zoo Drive from Interstate 90 to the intersection of Shiloh Road; and from the centerline of King Avenue West, extending five hundred (500) feet to the south, between the intersection of Shiloh Road and King Avenue West and the intersection of King Avenue West and 32nd Street West. If only a portion of the property falls within the boundaries of the district, the entire property will be subject to the regulations in section [27-1500-27-1427](#).

Sec. 27-1430. - Review criteria.

(a) *Generally.* The South Shiloh corridor overlay district review process is a review of development proposals against a set of absolute and relative criteria. Site and development plans are evaluated to determine whether the proposed development meets the identified criteria. If the criteria are met, the development may proceed.

New developments and existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five (25) percent must comply with these regulations.

(b) *Absolute criteria.* A developer must meet all absolute criteria to obtain planning and community services department approval. The absolute criteria are defined in sections [27-1506-27-1433](#) through [27-1436-27-1508](#). Absolute criteria also include all other applicable codes, ordinances, and statutes, including, but not necessarily limited to, minimum engineering and building standards, public service and utility requirements, and environmental regulations.

(c) *Relative criteria.* Relative criteria are the "points" of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in section [27-1436-27-1509](#). The development plans are evaluated against the relative criteria and scored on a point chart.

South Shiloh Corridor Overlay District Map

Sec. 27-1431. - 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.

(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 (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.
- (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 27-1451 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.

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.

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 two hundred (200) lineal feet of street frontage the required number of trees and

shrubs may be massed together to create one (1) or more large tree and shrub planting area(s) somewhere within the two hundred (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. 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 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 one-half ($\frac{1}{2}$) the required trees and one and one-half ($1\frac{1}{2}$) 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 ($1\frac{1}{2}$) 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 (.5) and more shall be rounded up to the nearest whole number.

Sec. 27-1434. - Building design standards.

(a) *Materials.* All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material.

(b) *Roofs.* Roofs exposed to view shall be finished with a durable material that is architecturally coordinated in color and design with the building material. Recommended materials include: standing seam, dimensional asphalt shingles, shakes or shingles. Other types or styles of roofing materials that are consistent with this chapter may be approved by the zoning coordinator or his/her designee. Pitched roofs are encouraged wherever possible.

(c) *Mechanical equipment.* Mechanical equipment, placed at ground level or on a roof, shall be screened. The screening shall be at least the height of the mechanical equipment. Sound suppression/abatement shall be provided when mechanical equipment is installed on property that is adjacent to residential uses or zoning districts.

(d) *Elevations and facades.* Buildings shall incorporate one or more of the following: recesses, off sets, angular forms, or other architectural features such as bell towers or clock towers to provide a visually interesting shape. The break in facade shall be a minimum of twelve (12) feet in length and with a minimum protrusion or recess of four (4) feet. Buildings shall incorporate a break in the architectural facade at least every sixty (60) feet. It is encouraged that each offset area contain landscaping or other similar amenities that will complement the offset area.

Sec. 27-1435. - Additional provisions.

(a) *Storage of merchandise.* Any permitted storage of merchandise outside an approved building shall 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. However, 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. Bufferyards or required

landscaping shall not be used for the displaying of merchandise. Chain link and other types of wire fencing are prohibited.

(b) *Area lighting.*

(1) All outdoor pole lighting shall be fully shielded cut off fixtures with recessed lamps (no light emitted by the fixture is projected above the horizontal plan of the fixture, and no dropped lenses) and mounted at heights no greater than twenty (20) feet above grade.

(2) All outdoor lighting, except street lights, shall be located and aimed or shielded so as to minimize stray light trespassing across property boundaries and no more than one and one-half (1.5) foot candles as measured vertically at the lot line.

(c) *Canopy, marquee and "wall pack" lighting.* Canopy, marquee and "wall pack" lighting shall be fully shielded with recessed lamps. No internally illuminated fascia shall be allowed.

(d) *Storage of junk.* No person shall store junk, partially or completely dismantled vehicles, or salvaged materials outside a building. In the case of repair shops, such material must be enclosed within a building or an area having a sight-obscuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.

(e) *Waste storage area.* All 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. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material. Solid waste enclosures are encouraged to be landscaped.

Sec. 27-1436. - Development features required to earn points (relative criteria).

In accordance with section **27-1430 27-1503**, each application for development in South Shiloh corridor overlay district must score a minimum number of points based on the relative criteria described below. Design elements are listed under nine (9) category headings. A project shall earn one (1) point for each design element that it incorporates. At least one (1) point shall be earned from six (6) out of the nine (9) categories listed. The developer must attain a minimum of fifteen (15) points.

(1) *Site development.*

a. Pavement along Shiloh and Zoo frontage setback is less than or equal to thirty-five (35) feet.

b. Construct one or more public use spaces such as mini-parks, water feature, playfields or playgrounds, rest areas, for example.

(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. A single approach onto a public road that serves multiple lots.

(3) *Lighting.*

- a. Light spill over limits of less than one and one-half (1.5) foot candles.
- b. Continuity of lighting fixture design with adjacent properties.
- c. Incorporate outdoor light fixtures at heights less than twenty (20) feet.

(4) *Parking.*

- a. A joint use parking agreement.
- b. Parking provided does not exceed one hundred twenty-five (125) percent of required spaces.
- c. Landscaping internally integrated in parking areas and/or sales area.
- d. Parking lots placed at the rear and/or side of the building, none in front.

(5) *Scale.*

- a. The mass and scale does not exceed that of the surrounding development by more than ten (10) percent.
- b. The height of structures does not exceed that of the surrounding development by more than ten (10) percent.
- c. The building size does not exceed that of the surrounding development by more than ten (10) percent.

(6) *Landscaping.*

- a. Buildings have landscaping immediately adjacent to a building.
- b. Landscaping exceeds the minimum number of trees and shrubs that are required by ten (10) percent each.
- c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.
- d. Drought tolerant tree, shrub and grass species requiring a significant reduction of

water use.

- e. Terraced or bermed site design.
- f. Stormwater retention areas include significant landscaping.
- g. Bufferyards larger than required by at least ten (10) percent.
- h. Continuity of landscaping features at interface with adjacent property.
- i. Canopy trees placed in the boulevard along all streets except Shiloh Road and Zoo Drive, at one (1) tree per twenty-five (25) feet of street frontage.
- j. Installation of a curvilinear boulevard walk.
- k. Incorporates existing trees in landscape design.

(7) *Architectural design.*

- a. Building materials are natural, i.e. wood or stone.
- b. Pitched roof with a minimum 3:12 pitch.
- c. Exceeds the state energy code requirements by:
Twenty-five (25) percent = One (1) point
Fifty (50) percent = Two (2) points
More than seventy-five (75) percent = Three (3) points
- d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.
- e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;
- f. Each building of seventy-five (75) to one hundred fifty (150) feet in length contains five (5) facade relief elements;
- g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;

Facade relief elements

- 1. Two (2) or more colors.
- 2. Natural earth toned colors.
- 3. Substantial fenestration using windows, doors, or other openings.
- 4. Two (2) or more materials that break up the mass of the structure.

5. Articulation of the parapet walls.
6. Change in wall plane.
7. Change in roof plane.
8. Extended roof overhangs.
9. Significant variation in building masses and/or forms.

(8) *Signage.*

- a. Signage is not internally illuminated.
- b. Monument signs used in lieu of pole signs.
- c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.
- d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).
- e. Comprehensive sign plan (See also section [27-1444 27-1517](#)).

(9) *Mixed use.* One point will be given for each subdivision or building that contains two (2) or more of the following uses:

- a. Office.
- b. Retail.
- c. Personal services such as dry cleaner, laundromats, beauty salons.
- d. Residential.
- e. Hotel/motel.
- f. Medical.
- g. Entertainment.
- h. Restaurant.

Sec. 27-1437. - Signage standards—Purpose, intent, and scope.

The purpose and intent of this section is to promote commerce, traffic safety, and community identity while improving the visual environment of residential, commercial, and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site

monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

(1) *Permits required.* Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the planning and community services department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit 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.

(2) *Permit applications.* All permit applications for signs shall include a site plan that provides the following information:

- a. The location of the affected lot, building and sign;
- b. The scale of the site plan;
- c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
- d. All existing signs on the site including their size and height; and
- e. The legal description of the parcel.

Sec. 27-1438. - Definitions.

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

Bulletin board means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

Electronically changeable message sign means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed, such as a programmable display system. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed.

Flashing sign means an electrical sign or portion thereof which changes light intensity in a brief,

brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

Incidental sign means signs allowed under temporary use groups I and II, such as garage sale signs and banners.

Individual business means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

Monument sign means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

Multiple businesses means multiple businesses include businesses that may be located in a single building or in multiple buildings on a single site.

Support structure(s) means posts or columns and their anchors and bolts that structurally support the sign attached to it.

Three-sided sign means a sign with three (3) faces.

Two-sided sign means a sign with two (2) faces.

Sec. 27-1439. - Exempt signs.

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the International Building Code.

- (1) The changing of the advertising copy or message on a lawfully erected sign that is currently in compliance with this section, reader board or similar sign specifically designed for replaceable copy.
- (2) Painting, repainting or normal maintenance, unless a structural or electrical change is made.
- (3) Temporary banners and temporary signs as permitted herein.
- (4) Real estate sign as permitted herein.
- (5) Incidental signs.
- (6) Political signs.
- (7) Bench signs on city or county rights-of-way, provided approval has been granted for the location by the appropriate city or county agency.

Sec. 27-1440. - Prohibited signs.

The following signs are prohibited in all zones unless otherwise specifically permitted.

- (1) Sign which by shape, wording or location resemble or conflict with traffic control

signs or devices.

- (2) Signs that create a safety hazard for pedestrian or vehicular traffic.
- (3) Signs with special or auxiliary flashing lights which are not a part of the sign's message.
- (4) Portable signs.
- (5) Portable reader boards.
- (6) Portable electric signs.
- (7) Banner signs.
- (8) Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
- (9) Roof signs.
- (10) Billboards.
- (11) Painted signs on buildings, including those attached on or to the surface of windows.

Sec. 27-1441. - 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, ~~Bbulletin~~ 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.~~

(2) *Temporary residential subdivision or area name signs.* A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:

a. The freestanding sign shall be located on the premises being sold or leased.

b. The sign shall not exceed forty (40) square feet in area on a face and may be

double-faced.

c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one (1) year. The planning division may extend the one-year time period upon written request by the owners/developers of the project.

d. The sign shall be non-illuminated.

e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.

(3) *Permanent residential subdivision or area name signs.* Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:

a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and

b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.

(4) *Contractor, architect, surveyor, or engineer signs.* One (1) on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:

a. The sign is located on the parcel on which the construction is located.

b. The sign shall not exceed forty (40) square feet in area; and

c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve (12) months without approval from the planning department. The planning department may extend the one-year time period upon written request of the owners/developers of the project.

(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.

b. *Commercial and industrial use or property.* One (1) temporary on-premise sign 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 thirty-two (32) square feet and no higher than ten (10) feet above grade.

c. *Open house and directional sign.* For a. and b. above, an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.

(6) *Electronically changeable message sign.* Electronically changeable message signs shall be permitted in community commercial, highway commercial, controlled industrial, heavy industrial, entryway general commercial, and entryway light industrial zones in accordance with the standards of sections 27-1443 27-1417 through 27-1446 27-1423 and their definitions.

Sec. 27-1442. - 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 property or building used for public or private assembly 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 non-illuminated 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.

a. 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.

b. School/public uses include a school (kindergarten through university), hospital, police station, fire station, post office, or public golf course, incinerator, sold waste recycling transfer site, or landfills.

(2) Wall signs. On-premises wall signs are permitted, not to exceed 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 (b)(1)	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) Freestanding signs. On-premises freestanding signs are permitted, not to exceed 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 (b)(1)	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 (1) 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 (1) arterial be transferred to the other.

Sec. 27-1443. - Sign standards for business-commercial and industrial (RP, NC, CC, HC, CI, HI, ELG, EGC, EMU, ELI) zones.

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

(1) *Wall signs—Individual and multiple businesses.* Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of two hundred fifty (250) square feet, whichever provides the smaller area. Mansard roofs shall not be included when calculating the total area of the wall.

(2) *Freestanding signs (pole or monument design)—Individual businesses.* One (1) on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in table 3.

(3) The maximum height of the on-premise sign may be increase to forty (40) feet above grade measured at the centerline of Shiloh Road or Zoo Drive, whichever is adjacent and

the area may be increased to two hundred (200) square feet, provided the parcel is contiguous with Interstate 90 or Zoo Drive.

Zoning District	Maximum Area ≤ 100' Street Frontage	Maximum Area ≥ 100' Street Frontage	Maximum Sign Height
RP	50 square feet	50 square feet	15 feet
NC	50 square feet	50 square feet	15 feet
CC	80 square feet	140 square feet	20 feet
HC	80 square feet	140 square feet	20 feet
CI	80 square feet	140 square feet	20 feet
HI	50 square feet	50 square feet	15 feet
ELC	80 square feet	120 square feet	20 feet
EGU	80 square feet	140 square feet	20 feet
EMU	50 square feet	50 square feet	15 feet
ELI	80 square feet	140 square feet	20 feet

Table 3—Freestanding Signs—Commercial and Industrial Zones

(4) *Freestanding signs (pole or monument design)—Multiple businesses.*

- a. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in table 4.
- b. Freestanding signage allowed for an individual business under subsection (a)(2) of this section shall not be combined with signage allowed for multiple businesses under this paragraph.
- c. The minimum separation between signs shall be five hundred (500) feet, measured from the center of the sign.

Zoning District	Maximum Number of Signs	Maximum Area	Maximum Sign Height
RP	1	75 square feet	15 feet
NC	1	75 square feet	15 feet
CC	1 per 500 feet of street frontage*	175 square feet	20 feet
HC	1 per 500 feet of street frontage*	175 square feet	20 feet
CI	1 per 500 feet of street frontage*	175 square feet	20 feet
HI	1 per 500 feet of street frontage*	75 square feet	15 feet
ELC	1 per 500 feet of street frontage*	150 square feet	15 feet

EGU	1 per 500 feet of street frontage*	175 square feet	20 feet
EMU	1	75 square feet	15 feet
ELI	1 per 500 feet of street frontage*	175 square feet	20 feet

*One (1) freestanding sign is permitted on parcels with less than five hundred (500) feet of lineal street frontage.

Table 4—Standards for on-premises signs for multiple businesses

(b) *Incentive to substitute height restricted monument signs for freestanding signs.*

(1) Monument signs, not to exceed seven (7) feet in height, may substitute for individual and multiple business signs under paragraphs (a)(2) and (3) with maximum sign number(s) and area(s) as provided in tables 5 and 6. There is no minimum separation requirement between signs.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	1	50 square feet
NC	1	50 square feet
CC	2	90 square feet
HC	2	90 square feet
CI	2	90 square feet
HI	2	90 square feet
ELC	2	80 square feet
EGC	2	90 square feet
EMU	2	50 square feet
ELI	2	90 square feet

Table 5—Standards for on-premises monument signs for individual businesses

*Two (2) freestanding signs are permitted on parcels with more than five hundred (500) feet of lineal street frontage.

Zoning District	Maximum Number of Signs	Maximum Area/Each Sign
RP	2	50 square feet
NC	2	50 square feet
CC	2 per 500 feet of street frontage*	90 square feet
HC	2 per 500 feet of street frontage*	90 square feet
CI	2 per 500 feet of street	90 square feet

	frontage*	
HI	2 per 500 feet of street frontage*	90 square feet
ELC	2 per 500 feet of street frontage*	80 square feet
EGC	2 per 500 feet of street frontage*	90 square feet
EMU	2 per 500 feet of street frontage*	50 square feet
ELI	2 per 500 feet of street frontage*	90 square feet

Table 6—Standards for on-premises monument signs for multiple businesses

(c) *Multiple arterials.* In the event the use or group of uses is adjacent to more than one (1) 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.

(Ord. No. 05-5314, § 1, 1-24-05)

Sec. 27-1444. - Comprehensive sign plan.

For shopping centers, industrial parks, mixed use developments, and hotel conference centers; the zoning coordinator may approve a comprehensive sign plan that deviates from the provisions set forth in section 27-1443 27-1416 above, provided the following standards and conditions are met:

- (1) The development exceeds the following minimum square foot floor area requirements:
 - a. Two hundred fifty thousand (250,000) square feet for a shopping center or hotel conference center.
 - b. Two hundred fifty thousand (250,000) square feet of commercial/industrial floor space for a mixed use development.
 - c. Three hundred thousand (300,000) square feet for an industrial park.
- (2) The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
- (3) The sign plan shall conform to the standards of section 27-1443 27-1416; except that a maximum of three (3) of the allowed signs under section 27-1443 27-1416 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.

(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.

(5) The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the planning and community services department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.

(6) Modifications to the approved sign plan shall require reapplication and approval by the zoning coordinator.

Sec. 27-1445. - Sign location and setback.

(a) All signs shall be located so that they:

- (1) Do not interfere with vehicular or pedestrian accessibility or sight distance;
- (2) Conform to the provisions of section 27-615, the clear vision triangles and visibility at intersections; and
- (3) No sign may encroach upon, or overhang, adjacent property or public right-of-way.

(b) All signs shall be located and set back as follows:

- (1) Any portion of a freestanding sign shall be located a minimum of ten (10) feet back from any property line abutting a public right-of-way.
- (2) The support structure of a monument sign shall be located a minimum of five (5) feet back from any property line abutting a public right-of-way.

Sec. 27-1446. - Sign area and calculation.

(a) The sign area of a wall sign made up of letters, words or symbols shall be measured from the outside edge of the frame. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn from high point to high point around the entire copy or grouping of such letters, words or symbols. Those portions that are an integral part of the sign display shall be considered in the determination of square footage allowed. An obvious border designed as an integral part of a sign shall be calculated in the total square footage allowed. All measurements for sign height shall be from the grade to the topmost part of the sign.

(b) Logos or identification symbols shall be considered signs and shall conform to all provisions of this section.

(c) The sign area of a freestanding sign shall be measured from the outside edge of the frame. The sign area of a freestanding sign consisting of more than one (1) sign shall be computed by adding together the total area(s) of all signs. Any portion of the sign not necessary for structural support of the sign or any structural support greater than two (2) feet in width shall be considered in the determination of the square footage of the sign. A fifty (50) percent increase in monument

sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

(d) The sign area for multiple-sided signs shall be calculated as follows:

(1) The total sign area for a two-sided sign shall be calculated using one (1) face, but the second face may not exceed the area of the first face.

(2) The total sign area for a three-sided sign shall be calculated using one (1) face, but the second and third face total area may not exceed the area of the first face.

Sec. 27-1447. - Maintenance of signs.

(a) Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.

(b) Any damaged sign base shall be repaired within sixty (60) days.

(c) Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

Sec. 27-1448. - Nonconforming signs.

Nonconforming signs are those that were permanently installed and legally erected prior to the adoption of this Code. Nonconforming signs shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. If a sign is nonconforming and the copy is changed in any way or the sign is structurally altered, the sign shall be brought into conformance with these regulations.

Sec. 27-1449. - Landscaping for freestanding and monument signs.

All freestanding and monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

Sec. 27-1450. - Sign illumination.

Externally illuminated signs shall have lighting confined to the sign with the light source positioned and shielded to eliminate spill over impacts to the surrounding area(s) in such a manner that it conforms to the site lighting standards. See subsection 27-1435(b). The light source for internally illuminated signs must be entirely enclosed within the sign. Internally illuminated signs shall be constructed with an opaque background and translucent letters and symbols. (Opaque means that the material must not transmit light from an internal illumination source.)

Sec. 27-1451. - South Shiloh corridor overlay district application form.

SHILOH CORRIDOR OVERLAY ZONE PERMIT

Permit # _____

Application Information

Applicant Name: _____ Date: _____

Applicant Address: _____ Phone: _____

Property Owner Name (if different): _____

Property Owner Address: _____ Phone: _____

Property Information

Property Address: _____

Section, Township, Range: _____ Zoning District: _____

Lot size: _____ sq. ft. Lot area covered by structure(s): _____ sq. ft. _____ %

Subdivision/COS: _____ Block: _____ Lot: _____

Proposed Use: _____

FOR OFFICE USE ONLY

Date Received _____ / _____ / _____

Number of relative criteria categories met: _____ Total number of points scored: _____

Approved _____ Denied _____ Date: _____

Reviewed By: _____

RELATIVE CRITERIA

		<ul style="list-style-type: none"> •Applicant must obtain points from eight (8) of nine (9) categories. •Applicant must obtain the following number of points: 20 points if the lot size is greater than 25,000 square feet. 15 points if the lot size is less than 25,000 square feet. 	
1.	SITE DEVELOPMENT:		
	a.	Frontage pavement less than 35' along Shiloh Road	—
	b.	Public use space included	—
2.	ACCESS		
	a.	MET transit or school bus stop	—
	b.	Bikepath or pedestrian trail easement (above what subdivision requires)	—
	c.	Bikepath or pedestrian trail construction (1 point for each 50 feet, 4 points max)	—
	d.	Reciprocal access between lots	—
	e.	Shared driveway approaches	—
	f.	Internal sidewalks incorporating stone, brick patterned or colored concrete.	—
	g.	Installation of a curvilinear boulevard walk.	—
3.	LIGHTING		
	a.	Establish an overall outdoor lighting budget for the property that does not exceed 50,000 initial lamp lumens per net acre for all fully shielded and unshielded light sources.	—
	b.	Continuity of lighting fixture design with adjacent properties.	—
	c.	Incorporate outdoor light fixtures at heights less than twenty-five (25) feet.	—
4.	PARKING		
	a.	Joint use parking agreement.	—
	b.	Parking does not exceed 100% of required spaces.	—
	c.	Landscaping internally integrated in parking areas.	—
	d.	Parking lots placed at the rear and/or side of building—none in front.	—
5.	SCALE		
	a.	Mass and scale of structures does not exceed that of the surrounding development by more than 10 percent.	—
	b.	Height of structures does not exceed that of the surrounding development by more than 10 percent.	—
	c.	Building size does not exceed that of the surrounding development by more than 10 percent.	—
6.	LANDSCAPING		
	a.	Buildings have foundation planting.	—
	b.	Landscaping exceeds minimum number of trees and shrubs that are required by ten percent (10%) each.	—
	c.	Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.	—
	d.	Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.	—
	e.	Terraced or bermed site design.	—

	f.	Stormwater retention areas include significant landscaping.	—
	g.	Bufferyards larger than required by at least ten (10) percent.	—
	h.	Continuity of landscaping features at interface with adjacent property.	—
	i.	Canopy trees placed in the boulevard along internal streets at one tree per 25 feet of street frontage.	—
	j.	Incorporates existing trees in landscape design.	—
7.	ARCHITECTURAL DESIGN		
	a.	Building materials are natural, i.e. wood or stone.	—
	b.	Pitched roof with a minimum 3:12 pitch.	—
	c.	Exceeds the state energy code requirements by:	—
		•Twenty-five (25) percent = One (1) point	
		•Fifty (50) percent = Two (2) points	
		•More than seventy-five (75) percent = Three (3) points	
	d.	The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.	—
	e.	Each building up to seventy-five (75) feet in length contains four (4) facade relief elements.	—
	f.	Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements.	—
	g.	Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements.	—
		Facade relief elements	
		•Two (2) or more colors	
		•Natural earth toned colors	
		•Substantial fenestration using windows, doors, or other openings	
		•Two (2) or more materials that break up the mass of the structure	
		•Articulation of the parapet walls	
		•Change in wall plane	
		•Change in roof plane	
		•Extended roof overhangs	
	h.	• Significant variation in building masses and/or forms	
8.	SIGNAGE		
	a.	Signage is not internally illuminated.	—
	b.	Monument signs used in lieu of pole signs.	—
	c.	Area of signage is at least twenty (20) percent less than total area allowable for each sign type.	—
	d.	Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s).	—
	e.	Comprehensive sign plan.	—

9.	MIXED USE	
	One point will be given for each building that contains two (2) or more of the following uses:	—
	•Office	
	•Retail	
	•Personal services	
	•Residential	
	•Hotel	
	•Medical	
	•Entertainment	
	•Restaurant	
	TOTAL POINTS	—

Sec. 27-1452. - Reexamination of regulations.

After one (1) year of the effective date of this article, and periodically afterwards, these regulation shall be reviewed for their effectiveness and the practicality of implementation and enforcement.

Sec. 27-1453. - Appeal process.

An appeal may be made by any applicant aggrieved by a denial of a Shiloh corridor overlay zone permit by the planning and community services department. The applicant shall first appeal to the department director, and if not satisfied with the director's determination, may then file an appeal with city council. The city council shall hold a public hearing and make a determination whether to approve or deny the appeal. Before either the director or city council makes a determination on the appeal, the following criteria shall be considered:

- (1) That the official erred in the interpretation or application of this chapter;
- (2) That approving the permit will not confer on the applicant any special privilege that is denied by this chapter to other land in the same district;
- (3) That no substantial detriment to the public good is created;
- (4) That the intent and purpose of this chapter is not impaired.

Upon receiving written notice of denial of a permit from the planning and community services department, the aggrieved applicant has fourteen (14) days from the date on the notice to submit a written request for appeal to the department director. The director shall meet with the applicant within five (5) days of receiving the request and issue a determination on the decision to deny the permit. If the department director upholds the decision to deny, the applicant may file, within fourteen (14) days from the date of the director's determination, a request for appeal before the city council. If an appeal is requested, the planning and community service director shall:

- (5) Submit a staff report to the city council within thirty (30) days after receipt of the appeal scheduling a public hearing and describing the nature of the appeal. The memo shall include the request for the appeal and a copy of the notice stating reason(s) for the denial of

the permit.

(6) Place notice of the time, date and place of the public hearing in a newspaper of general circulation fifteen (15) days in advance of the date set for the public hearing.

(7) Notify, by mail, the party requesting the appeal and all adjacent property owners of the time, date and place of the public hearing and nature of the appeal five (5) days in advance of the public hearing.

Upon reversing a decision to deny an appeal, the council may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the appeal is granted, shall be deemed a violation of this chapter.

Under no circumstances shall the council issue a decision that would allow a use not permitted under the terms of this chapter in the district involved. Approval of a permit shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

Sec. 25-301. - Definitions.

[For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein:]

Developed parcel means any parcel of land that has been used or is being used for commercial or residential use with a principal structure covering over five (5) percent of the parcel.

Nuisance weeds means:

- (1) All weeds, grasses, noxious weeds, and untended vegetation growing in excess of twelve (12) inches in height located on any premises in the city;
- (2) Any other untended vegetation creating a potential fire hazard, visual or physical obstruction for pedestrians or vehicles, potential for the spread of said vegetation, or unsightly condition.

Owner means the title owner(s), representative(s) of any title owner, occupant(s), contract purchaser, or any other person or representative of any entity which holds a legal or equitable interest in any parcel.

Ownership means ownership of land which shall be deemed to exist from the center line of any abutting alley, to and including the curb and gutter area of any abutting street of such lot or tract of land.

Parcel includes both developed and undeveloped parcels.

Undeveloped parcel means any parcel of land zoned for but not currently being used for commercial or residential use.

Weeds cut or removed means reducing the height of the nuisance weeds to four (4) inches or less. weeds that can normally be cut by the use of a push or ridden mower.

Sec. 25-302. - Duty to remove nuisance weeds.

The existence of nuisance weeds in violation of this section constitutes a public nuisance.

- (1) *Developed parcel.* It shall be the duty of every owner of a developed parcel to cut, destroy or remove, or cause to be cut, destroyed or removed, all nuisance weeds in excess of twelve (12) inches in height growing thereon and upon one-half (½) of any road, street or alley abutting this property to a height of four (4) inches or less.
- (2) *Undeveloped parcel.* It shall be the duty of every owner of an undeveloped parcel to cut, destroy or remove, or cause to be cut, destroyed or removed, all nuisance weeds in excess of twelve (12) inches in height growing thereon and upon one-half (½) of any road, street or alley abutting this property to a height of four (4) inches or less on property located within one hundred fifty (150) feet of any developed parcel, road, or park.
- (3) *Traffic hazards.* All nuisance weeds on any parcel shall also comply with and be subject to all requirements imposed under sections 22-441, 22-443 and 27-615, concerning

visibility at intersections, alleys and drive approaches.

(4) *City property.* The city administrator shall designate responsibility for cutting or removal of nuisance weeds on city properties to the appropriate city department(s).

Sec. 25-303. - Notice to destroy.

The city clerk or designee shall give notice to cut or remove ~~destroy~~ nuisance weeds within the city limits by publishing notice to the public at least once each week for two (2) consecutive weeks in a newspaper of wide circulation within the city. The last publication shall not be less than seven (7) days prior to April 30th. Such notice shall at a minimum advise the public as follows:

(1) That all owners of real property are responsible for cutting or removing ~~destroying~~ all nuisance weeds in prohibited areas ~~by extermination, removal or cutting~~ not later than April 30th of each year and to keep the areas free of nuisance weeds through September 30th of that year.

(2) Failure to cut or remove the nuisance weeds may cause the city to cut or remove the weeds and charge the cost thereof against the real property together with an administrative cost equal to twenty-five (25) percent of the cutting/ removal cost and a penalty of twenty-five dollars (\$25.00) for the first time the city provides the cutting/removal, fifty dollars (\$50.00) for the second cutting/removal and seventy-five dollars (\$75.00) for the third and any subsequent times the city provides cutting/removal per calendar year.

Sec. 25-304. - Failure to comply.

Upon first failure, neglect or refusal to maintain the prohibited areas free from nuisance weeds during the prescribed period, the city shall give notice to the non-complying owner, agent or occupant thereof. Such notice shall provide at a minimum:

(1) That the non-complying owner, or agent thereof, shall be allowed ten (10) days from the date of notice of noncompliance to exterminate cut or remove nuisance weeds;

(2) That upon failure to comply the city may by its own work forces or by contract cause the weeds to be exterminated, removed or cut or removed and the cost thereof shall be assessed against the non-complying real property together with an additional administrative fee as set forth in subsection 25-303(2);

(3) If the owner, of any parcel continues to allow nuisance weeds to grow in violation of this article after the city has already exterminated, removed, or cut or removed nuisance weeds at that same parcel during the preceding twelve (12) six (6) months, the city may at its sole discretion exterminate, remove or cut or remove the weeds again as needed without any additional notice to the owner. Charges as in subsection 25-303(2), including penalty, will be assessed for each time the city cuts or removes the nuisance weeds;

(4) That the assessed amount together with costs and penalties shall constitute a lien on the non-complying real property and will be taxed as a special assessment against the real property.

Sec. 25-305. - Notice.

Notice of a violation under this article shall be made by either:

- (1) Posting a copy of the notice on the parcel;
- (2) Mailing a copy of the notice by first class U.S. Mail to the owner of the property at the last known address shown on the tax rolls of Yellowstone County; or
- (3) Personal service upon the owner.

Notice shall be deemed given and complete the day the notice is posted, mailed, or personally served.

Sec. 25-306. - Failure to comply municipal infraction.

A violation of the provisions of this article shall be a municipal infraction. Persons found to have committed a violation of this article shall be subject to civil penalties as specified in section 18-1304.

Sec. 25-307. - Assessment.

(a) Annually the city shall prepare a list of all lots, tracts and parcels of real property within the city from which and adjacent to which nuisance weeds were **cut or removed or exterminated** by the city and for which such charges and penalties have not yet been paid, the list shall include as a minimum the following:

- (1) Name as shown by the tax rolls, common address if known;
- (2) Tax code of the property;
- (3) Legal description of the lot, tract or parcel;
- (4) Cost of the weed **cutting/removal** for that property;
- (5) Administrative costs;
- (6) Penalty assessed.

(b) The assessment list shall be incorporated into a special assessment resolution in proper form which resolution shall be presented to the city council. From and after passage of the resolution, the assessments stated therein, together with administrative costs and penalty shall constitute a special tax, as provided in MCA 7-22-4101 and a lien on the real property shown on the assessment list. A copy of the resolution after passage shall be certified to the official collecting the city taxes and assessments.

Sec. 25-308. - Appeals.

(a) In the event an owner disagrees with a notice of violation, or due to extreme hardship is incapable of complying with the provisions of this article, the owner may appeal a violation notice to the director of planning within seven (7) days of receiving the violation notice. Such

appeal must be in writing and must set forth the specific reasons why the violation notice is not well taken, or why the owner is unable to comply with the provisions of this chapter. The director of planning shall review the appeal and make a determination as to the validity of the owner's basis for objecting to the action demanded, and shall promptly notify the owner of the decision reached. For good cause shown, or in cases of extreme hardship, the director of planning may make a determination that the provisions of this article are inapplicable to a certain parcel. Decisions of the director of planning are final, and subject only to judicial review.

(b) An owner may file a written appeal of any costs, fees and penalties imposed under this article to the director of planning within seven (7) days of being billed. Such appeal must be in writing and must set forth the specific reasons as to the owner's objections to the costs, fees, and penalties imposed. The director of planning shall review the appeal and make a determination as to the validity of the owner's basis for objecting the costs, fees, and penalties imposed, and shall promptly notify the owner of the decision reached. For good cause shown, or in cases of extreme hardship, the director of planning may modify or waive costs, fees and penalties imposed under this article. Decisions of the director of planning are final, and subject only to judicial review.

Sec. 25-309. - Time calculations.

All time periods referenced in this article shall be calculated as actual calendar days, including weekends and holidays.

Legislative Changes

SEC. 27-201. DEFINITIONS.

CONDOMINIUM: Ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit in such building or of an individual detached unit. Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.

TOWNHOME OR TOWNHOUSE: A building or structure that has two (2) or more one (1) family dwelling units erected as a single building, each being separated from the adjoining unit or units by an approved fire wall or walls along individual property lines and providing for fee simple ownership of land and dwelling unit.

Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

MULTI-UNIT DEVELOPMENTS:

- Condominium, Townhome, Townhouse or Commercial development projects that include common, private facilities shared by buildings or lots.
- Residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

Sec. 27-622. New Condominiums, Townhome, Townhouse and Multi-Unit Developments.

New Condominiums, Townhouse, Townhome and Multi-Unit Developments are allowed in all zoning districts if they meet all applicable zoning district requirements, and supplementary general provisions, site development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622 and 27-623 of the Billings Municipal Code. Projects subject to these regulations include condominium, townhome, townhouse or commercial development projects that include common, private facilities shared by buildings or lots, and residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

Prior to filing a condominium, townhome or townhouse Declaration of Unit Ownership with the County Clerk and Recorder, or applying for building permits for the multi-unit development, the owner(s) shall submit to the Planning Division:

- (1) A City approved master site plan showing the dimensions of the lot(s) containing the condominium, townhouse, townhome units or multiple commercial units and the location and dimensions of all buildings containing the units.
- (2) A copy of the Declaration of Unit Ownership if creating a condominium, townhouse or townhome.

Only after determining that the condominium, townhome, townhouse or multi-unit development project has a City approved master site plan, as required in Section 1 above, that complies with the applicable zoning district requirements, and supplementary general provisions, site

development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622, and 27-623 of the Billings Municipal Code will the Planning Division issue a condominium, townhome or townhouse Certificate of Compliance or approve a building permit.

For condominiums, townhomes or townhouses, the Certificate of Compliance will be filed with the County Clerk and Recorder prior to recording the Declaration of Unit Ownership. The Certificate shall state:

- (1) The legal description of the property.
- (2) The condominium, townhomes or townhouse units are exempt from 76-3-203, MCA because they comply with zoning, or in the case of new development, comply with zoning based on the City approved master site plan.
- (3) Any changes to the City approved Master Site Plan must be reviewed by the City through the Planning Division.

SEC. 27-1501. CITY ZONING COMMISSION CREATED.

There is hereby created a City of Billings zoning commission to consist of five (5) members residing on property, any part of which lies within the limits of the City of Billings. The members are to be appointed by the mayor, subject to confirmation by the city council, for a term of four (4) years and the terms of the members shall be staggered so that a minimum number of terms shall expire in any one (1) year.

The members of said city zoning commission are required to attend all city zoning commission meetings advertised publicly, except in the case of an excused absence. The presence of three (3) members shall constitute a quorum.

The duties and powers of the city zoning commission shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and to hold public meetings and make recommendations to the city council on all requests to amend, supplement, change, modify or repeal the regulations, restrictions and boundaries in the zoning districts. The city council shall not hold its public hearing or take any action until it has received a final report from such commission.

(Ord. No. 97-5048, § 13, 12-22-97; Ord. No. 99-5081, § 1, 2-8-99)

SEC. 27-1502. AMENDMENTS TO CHAPTER.

(a) *General.* This chapter, including the official zoning map, may be amended only by the city council but no amendment shall be finally approved by the city council unless it has been submitted to the city zoning commission for review and recommendation. Proposals to amend this chapter, including the official zoning map, may be initiated by the city council or by the board of planning. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the city zoning commission. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon. Before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last

tax record of the property subject to the amendment. The notification shall include what the proposed amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made no less than fifteen (15) days nor more than thirty (30) days in advance of the date of public hearing.

(b) *Applications for map amendments.* Unless initiated by the city council or board of planning, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve (12) months. Each application to amend the official map shall be filed with the zoning coordinator, and each application shall be submitted under the following conditions:

- (1) The applicant or his/her authorized agent shall submit the following pre-application information to the planning department to begin the zone change process:
 - a. Legal description of the subject parcel(s), along with a map showing the dimensions, acreage and location of the parcel(s);
 - b. The names and addresses of the owner(s) and contract purchasers, if any, of the subject property and their agent(s), if any, along with the recorded property owner's signature;
 - c. A zone change plan which shall consist of the following:
 - i. A written description of the proposed zone change including the area in square footage or acres to be included in the zone change.
 - ii. If there are multiple zone changes proposed, the location and area of each specific new zoning district.
- (2) The planning department shall provide a list of surrounding property owners within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s) to the applicant or his/her agent based on the submitted information.
- (3) The applicant or his/her agent shall conduct a pre-application neighborhood meeting to explain the proposed new zoning and receive comment from the surrounding property owners. The applicant or his/her agent shall notify in writing the persons on the surrounding property owner list as provided in subsection (2) and the planning department of the date, time and location of the pre-application neighborhood meeting. The pre-application neighborhood meeting shall be conducted within 2 radius miles of the subject parcel. The written notification shall be mailed at least seven (7) calendar days prior to the scheduled meeting. The written notification shall include all the materials noted in subsection 27-1502 (b) 1. The pre-application neighborhood meeting shall be conducted at least seven (7) calendar days prior to the submittal of the proposed zone change to the planning department. The applicant shall obtain a roster of the names of the persons that attend the pre-application neighborhood meeting and make a record of the minutes of the meeting.

- (4) Once the pre-application neighborhood meeting has been conducted the applicant or his/her agent may submit a zone change application and it shall include but not be limited to the following information:
 - a. A legal description of the tract(s) proposed to be rezoned;
 - b. A map showing the dimensions, acreage and location of the tract(s) being changed;
 - c. The names and addresses of the owner(s) of the land and their agents, if any, along with the recorded property owner's signature;
 - d. A certified list of the names, addresses and legal descriptions of the owners of property within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s);
 - e. Gummed mailing labels with the names and mailing addresses typed or printed neatly of all of the property owners indicated on the certified list; and
 - f. Payment of all applicable fees.
 - g. A signed statement affirming the pre-application neighborhood meeting was conducted in conformance with the requirements of Section 27-1502(b) 3, and the zone change application is based on material presented at the meeting. The signed statement shall include a copy of the meeting notice, any written materials provided to the surrounding property owners, a brief synopsis of the meeting results, a roster of the persons attending the meeting and audio or written minutes of the meeting.
- (5) An application for amendment to the official map shall be submitted at least twenty (20) days prior to the date of the public hearing before the city zoning commission.
- (6) An application for a zone change may be withdrawn or amended as follows:
 - a. No application may be amended after the legal advertising, as required by below subsection (c) herein has been published.
 - b. An application may be withdrawn at any time prior to the publication of the legal advertisement for the public hearing before the city zoning commission without respect to the twelve (12) month waiting period. After legal notice for the city zoning commission has been published, the request for withdrawal shall be submitted to the planning department office at least twenty-four (24) hours prior to the public hearing. The city zoning commission may allow withdrawal of the application, after advertisement of the zoning commission public hearing has been published, by a majority vote of the members present, without prejudice with respect to the twelve (12) month waiting period after the application has first been submitted. 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 city council public hearing has been published.

- c. An applicant may withdraw an application for any particular property only once within the twelve (12) month period commencing with the submittal of the original application.
- d. After withdrawal of an application, no new application for the same property shall be made until four (4) months after the date of withdrawal of the original application.

(c) *Planning department study and responsibility.* The zoning coordinator, upon receiving an application for rezoning of an area or a particular piece of property shall do the following:

- (1) Consult with other departments of the city and/or county to fully evaluate the impact of any zoning change upon public facilities and services including but not limited to schools, drainage, traffic and related facilities;
- (2) Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the growth policy comprehensive plan;
- (3) In the case of a protest petition filed in the matter of any application for rezoning, determine the validity of such petition;
- (4) Advertise- Publish notice of the application in a newspaper of general circulation at least fifteen (15) days in advance of the date of the city zoning commission public hearing. The notice shall contain: the classification sought, the location of the property, and the date, time and place of the city zoning commission public hearing;
- (5) Notify, by mail, the applicant and/or his/her authorized agent at least five (5) days prior to the date of the city zoning commission public hearing of the date, time and place of such hearing;
- (6) Notify, by mail, all property owners within three hundred (300) feet of the exterior boundaries of the property subject to the rezoning at least fifteen (15) days in advance of the time, date, place of the city zoning commission public hearing and the existing and proposed classification. The zoning coordinator may notify property owners within a radius of more than three hundred (300) feet if he/she determines that the proposed rezoning of the property would likely have a substantial impact on the surrounding land uses;
- (7) Place notice of the city zoning commission public hearing on the property subject to rezoning at least fifteen (15) days in advance of the date of public hearing; and
- (8) Report his/her findings and conclusions in writing to the city zoning commission, which report shall be a matter of public record.

(d) *City zoning commission action.* The city zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application has been legally advertised. Each application shall be presented to the city zoning commission by the zoning coordinator, together with his/her findings and conclusions on the matter. The city zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A report of the commission's recommendation decision and the zoning coordinator's findings and conclusions shall be submitted to the city council. The city zoning commission shall make a recommendation to the city council to:

- (1) Deny the application; or
- (2) Grant the application.

The city zoning commission shall submit its recommendations in writing along with a statement indicating its reasons for the recommendation to granting, denying, or allow recommending withdrawal of the amendment within fifteen (15) days following the public hearing. In no case shall the city zoning commission make a recommendation that an amendment be granted for an amendment that was not legally advertised.

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In making its recommendation to the city council for an amendment to the official map or text of this chapter, the city zoning commission shall consider, among other things, the following:

- (1) Whether the new zoning ~~was~~ is designed in accordance with the growth policy comprehensive plan;
- (2) Whether the new zoning ~~was~~ is designed to ~~lessen congestion in the streets~~ secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will ~~secure safety from fire, panic and other dangers~~ facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will ~~prevent the overcrowding of land~~ effect motorized and nonmotorized transportation;
- (7) Whether the new zoning will ~~avoid undue concentration of population~~ promote compatible urban growth;
- (8) ~~Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, fire, police and other public requirements;~~
- (9) ~~Whether the new zoning gives reasonable consideration to the character of the district;~~
- (10) (8) Whether the new zoning ~~gives reasonable~~ considers ~~attention to~~ the character of the district and the peculiar suitability of the property for particular uses;
- (11) (9) Whether the new zoning ~~was adopted with a view to~~ will conserve ~~ing~~ the value of buildings; and
- (12) (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

~~The city zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he/she has a direct or indirect interest.~~

(e) *City council public hearing.* Before taking action on an application for an amendment to the official map, and after presentation of the city zoning commission report, the city council shall hold a public hearing on the application.

As provided in Montana Code Annotated, Section 76-2-305(2) (1999), in the event of a protest petition against such zone change signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, one hundred fifty (150) feet from a lot included in a proposed change, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision, each unit owner is entitled to have the percentage of the unit owner's

undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the planning department office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the city council.

The recommendation of the city zoning commission and notice of the city council's upcoming public hearing on the first reading of the resolution/ordinance shall be published in an official paper or a newspaper of general circulation in the city. Fifteen (15) days after publication of such notice, a public hearing shall be held at the next regular meeting of the city council. An additional public hearing shall be held at second reading of the resolution/ordinance as required by section 2-223 of the Billings, Montana City Code.

(f) *City council action.* Before taking any action on an application for an amendment to the official map, or amendment to the text of this resolution/ordinance, the city council shall first consider the findings and recommendations of the city zoning commission. In no case shall the city council approve an amendment for a classification other than the one advertised. The city council shall:

- (1) Approve the application;
- (2) Deny the application;
- (3) Allow withdrawal of the application; or
- (4) Delay the application for a period not to exceed thirty (30) days.

When such proposed amendment has been denied by the city council neither it nor one involving the same tract shall be submitted for adoption within one (1) year after such denial.

SEC. 27-1507. COUNTY ZONING COMMISSION CREATED.

There is hereby created a Yellowstone County zoning commission to consist of five (5) members residing on property, any part of which lies within the Unincorporated Jurisdictional Area of this chapter but outside the limits of the City of Billings. The members are to be appointed by the board of county commissioners for a term of two (2) years and the terms of the members shall be staggered so that a minimum number of terms shall expire in any one (1) year. At the first regular meeting of the county zoning commission, the commission shall select a chairman and adopt written procedures for the conduct of its responsibilities as established in this section.

The members of said county zoning commission are required to attend all county zoning commission meetings advertised publicly, except in the case of an excused absence. The presence of three (3) members shall constitute a quorum.

The duties and powers of the county zoning commission shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and to hold public meetings and make recommendations to the board of county commissioners on all requests to amend, supplement, change, modify or repeal the regulations, restrictions and boundaries in the zoning districts. The board of county commissioners shall not take any action until it has received a final report from such commission.

(Ord. No. 97-5048, § 13, 12-22-97)

SEC. 27-1508. AMENDMENTS TO CHAPTER.

(a) *General.* The regulations, restrictions and boundaries set forth in this chapter may, from time to time, be amended, supplemented, changed or repealed by the board of county commissioners provided, however, that no action on any application for amendment, change or repeal may be taken until the application has first been processed and advertised in accordance with the provisions of this chapter.

(b) *Application for map amendments.* Unless initiated by the board of planning or board of county commissioners, all applications for an amendment to the official map, or to the text of this chapter must be submitted in person by the property owner, the contract purchaser or the authorized agent of the property owner. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the county zoning commission. An application for an amendment affecting the same property shall not be submitted more than once every twelve (12) months.

Each application to amend the official map or text shall be filed with the zoning coordinator, and each application shall be submitted under the following conditions:

- (1) The applicant or his/her authorized agent shall submit the following information to the planning department to begin the zone change process:
 - a. Legal description of the subject parcel(s), along with a map showing the dimensions, acreage and location of the parcel(s);

- b. The names and addresses of the owner(s) of the subject property and contract purchasers, if any, and their agent(s), if any, along with the recorded property owner's signature;
 - c. A zone change plan which shall consist of the following:
 - i. A written description of the proposed zone change including the area in square footage or acres to be included in the zone change.
 - ii. If there are multiple zone changes proposed, the location and area of each specific new zoning district.
- (2) The planning department shall provide a list of surrounding property owners within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s) to the applicant or his/her agent based on the submitted information.
- (3) The applicant or his/her agent shall conduct a pre-application neighborhood meeting to explain the proposed new zoning and receive comment from the surrounding property owners. The applicant or his/her agent shall notify in writing the persons on the surrounding property owner list as provided in subsection (2) and the planning department of the date, time and location of the pre-application neighborhood meeting. The written notification shall be mailed at least seven (7) calendar days prior to the scheduled meeting. The written notification shall include all the materials noted in subsection 27-1508 (b) 1. The pre-application neighborhood meeting shall be conducted at least seven (7) calendar days prior to the submittal of the proposed zone change to the planning department. The applicant shall obtain a roster of the names of the persons that attend the pre-application neighborhood meeting and make a record of the minutes of the meeting.
- (4) Once the pre-application neighborhood meeting has been conducted the applicant or his/her agent may submit a zone change application and it shall include, but not be limited to, the following information:
- a. A legal description of the tract(s) proposed to be rezoned;
 - b. A map showing the dimensions, acreage, and location of the tract(s) and adjacent land uses;
 - c. The present and proposed classification for the tract(s);
 - d. A certified list of the names, addresses and legal descriptions of the owners of property within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s);
 - e. Gummed mailing labels with the names and mailing addresses typed or printed neatly of all of the property owners indicated on the certified list;
 - f. The names and addresses of the owner(s) of the land and their agents, if any, along with the recorded property owner's signature; and
 - g. Payment of all applicable fees.

- h. A signed statement affirming the pre-application neighborhood meeting was conducted in conformance with the requirements of Section 27-1508 (b) 3, and the zone change application is based on material presented at the meeting. The signed statement shall include a copy of the meeting notice, any written materials provided to the surrounding property owners, a brief synopsis of the meeting results, a roster of the persons attending the meeting and audio or written minutes of the meeting.
- (5) Any application for an amendment to the official map must be submitted together with all applicable fees, to the zoning coordinator twenty (20) days prior to the date of the public hearing before the Yellowstone County zoning commission.
- (6) An application may be withdrawn at any time prior to the publication of the legal advertisement for the public hearing before the county zoning commission without respect to the twelve (12) month waiting period. After legal notice for the county zoning commission public hearing has been published, the request for withdrawal shall be submitted to the planning department office at least twenty-four (24) hours prior to the public hearing. The county zoning commission may allow withdrawal of the application, after advertisement of the zoning commission public hearing has been published, by a majority vote of the members present, without prejudice with respect to the twelve (12) month waiting period after the application has first been submitted. However, no application shall be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.
- (7) An applicant requesting a zone change may request a thirty (30) day delay on the hearing of his/her application before the county zoning commission. The request for the delay and reasons must be submitted in writing to the planning office or chairman of the county zoning commission twenty-four (24) hours in advance of the public hearing. Approval of a delay shall require a majority vote of the members present, without requiring county commission approval of the delay. Only one such delay shall be allowed on any application.
- (c) *Planning department action.* The zoning coordinator, upon receiving an application for rezoning an area or a particular piece of property, shall do the following:
- (1) Consult with other departments of the city and/or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- (2) Study each application with reference to its appropriateness and effect on existing and proposed land uses, and its correspondence with the growth policy comprehensive plan;
- (3) ~~Advertise~~ Publish notice of the application in a newspaper of general circulation at least fifteen (15) days in advance of the date of the county zoning commission public hearing. The notice shall contain: the classification sought, the location of the property, and the date, time and place of the county zoning commission public hearing and that the proposed zone change information is on file for public inspection at the office of county clerk and recorder;

- (4) Notify, by mail, the applicant and/or his/her authorized agent at least five (5) days prior to the date of the county zoning commission public hearing of the date, time and place of such hearing;
- (5) Notify, by mail, all property owners within three hundred (300) feet of the exterior boundaries of the property subject to the rezoning of the date, time and place of the county zoning commission public hearing and the existing and proposed classification at least fifteen (15) days in advance of that date. The zoning coordinator may notify property owners within a radius of more than three hundred (300) feet if he/she determines that the proposed rezoning of the property would likely have a substantial impact on the surrounding land uses;
- (6) Place notice of the county zoning commission public hearing and Board of County Commissioners public hearing on the property subject to rezoning and in four (4) other public places at least forty-five (45) fifteen (15) days in advance of the date of the Board of County Commissioners public hearing; and
- (7) Report his/her findings and conclusions in writing to the county zoning commission, which report shall be a matter of public record.

(d) *County zoning commission action.* The county zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing for which the application has been legally advertised. Each application shall be presented to the county zoning commission by the zoning coordinator or his/her designee, together with his/her findings and conclusions on the matter. The county zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A report of the commission's recommendation ~~decision~~ and the zoning coordinator's findings and conclusions shall be submitted to the board of county commissioners.

The county zoning commission shall make a recommendation to the board of county commissioners to:

- (1) Approve the application; or
- (2) Deny the application.

The county zoning commission shall submit its recommendations in writing along with a statement indicating its reasons for the recommendation to granting, denying, or allowing withdrawal of the amendment within fifteen (15) days following the public hearing. In no case shall the county zoning commission make a recommendation that an amendment be granted for an amendment that was not legally advertised.

In making its recommendation to the board of county commissioners for an amendment to the official map or text of this chapter, the county zoning commission shall consider, among other things, the following:

- (1) Whether the new zoning was is designed in accordance with the growth policy comprehensive plan;
- (2) Whether the new zoning was is designed to lessen congestion in the streets secure from fire and other dangers;

- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will ~~secure safety from fire, panic and other dangers~~ facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will ~~prevent the overcrowding of land~~ effect motorized and nonmotorized transportation;
- (7) Whether the new zoning will ~~avoid undue concentration of population~~ be compatible with urban growth in the vicinity of cities or towns;
- (8) ~~Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, fire, police and other public requirements;~~
- (9) ~~Whether the new zoning gives reasonable consideration to the character of the district;~~
- (10) (8) ~~Whether the new zoning gives reasonable consideration to the character of the district and the peculiar suitability of the property for particular uses;~~
- (11) (9) ~~Whether the new zoning was adopted with a view to~~ will conserve ing the value of buildings; and
- (12) (10) Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County; and
- (11) Whether the new zoning will, as nearly as possible, be compatible with the zoning of nearby cities and towns.

(e) *Board of county commissioners action.* Notice of the board of county commissioners public hearing shall be ~~placed~~ published once a week for two weeks in a newspaper of general circulation. The notice shall contain the time, date and place of the board of county commissioners public hearing, the boundaries of the proposed district, the general character of the proposed zoning district or regulations and that the proposed zoning regulations or district boundary change are on file for public inspection at the office of the county clerk and recorder. Before taking any action on an application for an amendment to the official map, or amendment to the text of this chapter the board of county commissioners shall first consider the findings and recommendations of the county zoning commission. In no case shall the board approve an amendment for a classification other than the one advertised. The board shall:

- (1) Approve the application;
- (2) Deny the application;
- (3) Allow withdrawal of the application; or
- (4) Delay action on the application for a period not to exceed thirty (30) days.

SEC. 27-1603. ZONING ENFORCEMENT OFFICER.

It shall be the duty of the Zoning Coordinator or his/her designee to be the Enforcement Officer for the Zoning Regulations. He/she is hereby given the authority to enforce the provisions of this Resolution/Ordinance for the City of Billings and the unincorporated Jurisdictional Area of Yellowstone County.

SEC. 27-1604. PENALTIES FOR VIOLATION.

(a) A violation of this act or any Resolution/Ordinance adopted pursuant thereto, other than offenses specifically declared to be municipal infractions, is hereby declared to be a misdemeanor and shall be punishable by a fine not exceeding five hundred (\$500) dollars or imprisonment in the County Jail not exceeding six (6) months, or both, and in addition shall pay all costs and expenses involved. Each day such violation continues shall be considered to be a separate offense.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act, or of any Resolution/Ordinance made under authority conferred hereby, the proper authorities of the City or County may institute any appropriate action or proceedings, in addition to other remedies, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such premises. Outside the Billings city limits and for the purposes of enforcing this section, the county shall attempt to obtain voluntary compliance at least 30 days before filing a complaint for a violation of this part that is subject to the penalties under section (a) above.

Neighborhood Manners
Discretionary Changes

SEC. 27-604. FENCES, WALLS AND HEDGES.

(a) Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured. "Fence" for the purposes of this section means any fence, wall or hedge. No fence shall be erected or maintained in a public right-of-way.

(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.

(c) Setbacks required. Fences, walls or hedges of up to ~~three (3)~~ four (4) feet may be erected or maintained in the required front yard setback as defined in sections 27-308 or 27-309. Fences, walls or hedges between a height of ~~three (3)~~ four (4) and six (6) feet may be erected or maintained anywhere outside of the front yard setback, except as described in subsection (d) below. (see figure 6, section 27-618). Any fence, wall or hedge in excess of six (6) feet shall meet all of the yard setback requirements for structures as defined in sections 27-308 or 27-309. None of the above setback requirements shall apply to lands located in the agricultural-open space (A-1), central business district (CBD), controlled industrial (CI), or heavy industrial (HI) zones.

(d) Setbacks for clear vision zones. No fence, wall or hedge greater than ~~three (3) feet~~ thirty (30) inches in height may be erected or maintained in any zoning district within a clear vision zone pursuant to Section 27-615 and as illustrated in figures 1, 2, and 3 of section 27-618.

(e) Material permitted-residential and commercial zones. All fences in residential, agricultural and commercial zoning districts shall be constructed from materials which are commonly used for fencing and shall not be constructed from railroad ties, wood pallets, tires, rubble or salvaged material. Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work. Materials not listed are subject to special review.

(f) Material permitted--Industrial zones. All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, wood pallets, rubble, or salvaged material. Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels. Materials not listed are subject to special review.

(g) Material exception--Barbed wire or electric fence. In the Billings City Limits, no barbed wire or electrical fencing shall be permitted in any residential zoning district. Barbed wire and electrically charged fencing is allowed in the A-1 and A-S districts within Yellowstone County. When electrically charged fences are used in an A-1 or A-S district, such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed one hundred fifty (150) feet, where such fences are adjacent to public rights-of-way.

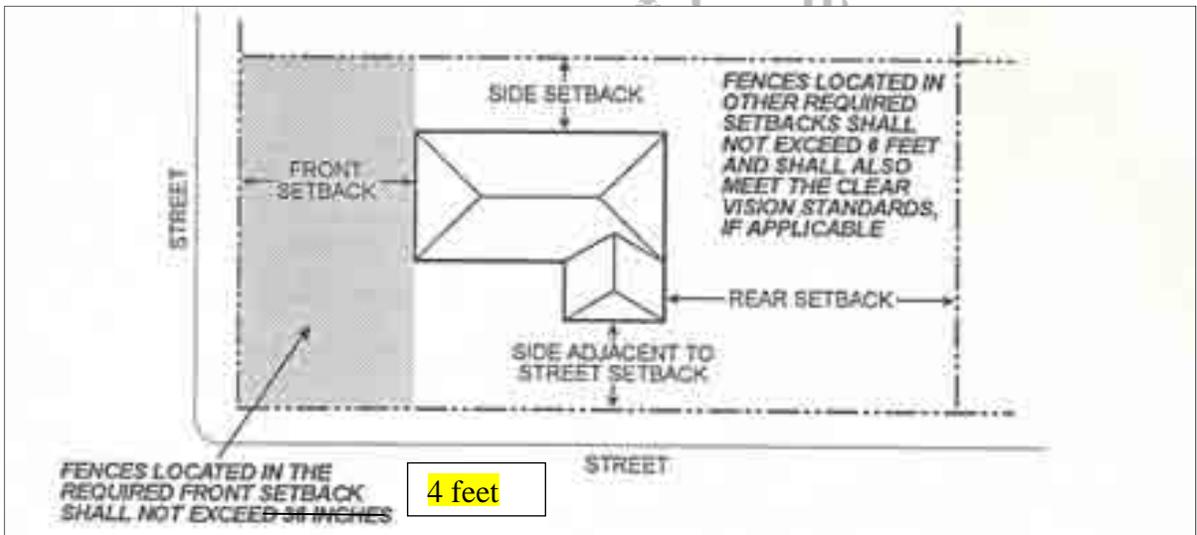
In the Billings City Limits, no electrical fencing shall be permitted in any commercial or industrial zoning district. Electrically charged fencing is allowed in commercial or industrial districts within Yellowstone County provided that such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed one hundred and fifty (150) feet, where such fences are adjacent to public rights-of-way. Barbed wire fencing is allowed in commercial or industrial zoning districts both within the city limits and Yellowstone County when such material is located not less than eight (8) feet above grade.

(h) Permit required. Any fence between a height of ~~three (3)~~ **four (4)** feet and six (6) feet shall require a permit from the planning department. Any retaining wall exceeding a height of four (4) feet or any fence exceeding a height of six (6) feet shall require a permit from the building department.

(i) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1304.

SEC. 27-618. ILLUSTRATIONS.

FIGURE 6. FENCE



SEC. 27-601. PARKING AND STORAGE RESTRICTIONS.

- (a) **Residential.** The following standards for off-street parking and storage shall apply in all residential zoning districts and on property that is developed for residential use.
1. Open storage and off-street parking of licensed and operable motor vehicles is an allowed accessory use as defined in Section 27-201.
 2. Open storage and off-street parking of inoperable motor vehicles for more than five (5) consecutive days is a prohibited use.
 3. Within the Billings city limits open storage and off-street parking of licensed and operable motor vehicles in any front or side yard shall be on a surface prepared with asphalt or concrete. Open storage and off-street parking of licensed and operable motor vehicles in any rear yard may be on any type of surface. (See also BMCC Sections 6-1203, 24-401 and 27-1201)
 4. Open storage and off-street parking of one (1) licensed and operable motor vehicle used for commercial or business purposes is an allowed accessory use provided it does not exceed twelve thousand (12,000) pounds in G.V.W. (gross vehicle weight). Outside the Billings city limits on property zoned Agriculture Open Space or Agriculture Suburban this motor vehicle weight limitation shall not apply.
 5. Display of merchandise other than for a garage sale or a use allowed by permit under the Temporary Use section of this code (Section 27-614) is prohibited.
 6. Open storage and off-street parking of licensed and operable recreational vehicles including but not limited to snowmobiles, boats, and campers, all-terrain vehicles, off-road motorcycles, and sport/utility trailers is an allowed accessory use in any rear yard. Open storage and off-street parking of licensed and operable recreational vehicles is an allowed accessory use in a front or side yard only if there is no access to a rear yard. Within the Billings city limits open storage and off-street parking of licensed and operable recreational vehicles in a front or side yard shall be on a surface prepared with asphalt or concrete. Open storage of licensed and operable recreational vehicles in a rear yard may be on any type of surface. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide at least a five (5) foot separation between such recreational vehicle and any door, window or other opening of a dwelling or accessory building that provides ventilation or access to the structure. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide setbacks to property lines at a minimum of three (3) feet to a side or rear property line and eight (8) feet from the back of a sidewalk. If no sidewalk exists, all measurements shall be made from the front and side adjacent to street property lines. equal to or greater than accessory building zoning code setback requirements.
 7. The use of any recreational vehicle for living or sleeping purposes for more than five (5) consecutive days is prohibited when parked off-street or stored in any residential zoning district or in an area developed for residential use.

8. Open storage for more than five (5) consecutive days of junk, salvage and trash is prohibited.

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SEC. 27-615. VISIBILITY AT INTERSECTIONS.

- (a) On corner lots at the intersection of all streets, except those intersections which are controlled by stop signs, yield signs or traffic signals, no fence, hedge, wall, shrub, structure or vision impediment over thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting street centerlines and a straight line joining such intersecting lines at points measured back from the point where the centerlines or the extension of the centerlines intersect a distance as shown in Table 1 (See BMCC Section 27-618, Figures 3a, 3b, and 3c).

Table 1—Clear Vision Areas at Intersections

INTERSECTION TYPE	Clear Vision Area Required:	Reference Figure in Sec. 27- 618
Minor Street Stop	Entering a Local Street—10' x 55' (along property lines) Entering Collector Street—10' x 75' (along property lines) Entering Arterial Street—10' x 95' (along property lines)	Fig. 2a
All-Way Stop	20' x 20' along property lines	Fig. 2b
Yield	25' x 60' along property lines	Fig. 2c
Traffic Signal	Same as minor street stop looking toward approaching traffic in nearest travel lanes Same as all-way stop looking opposite direction	Fig. 2d
--Open (uncontrolled)		
4-legged	110' x 110' along street centerline	Fig. 3a
2-legged (right angle curve with street centerline radius of 100 feet or less)	80' x 80' along street centerlines (extended)	Fig. 3b
"T" intersection	25' along stem x 60' along top of "T" measured along property lines (see Note 1)	Fig 3c

Notes & Exceptions for Table 1:

- 1) Only applies to "permanent" T-intersections where there is no chance of the street extending through. Intersections where the property along the top of the "T" is not subdivided or is split into lots significantly larger than the majority of lots in the subdivision, or where there is a private street extending into the adjacent property opposite the stem of the "T" will be treated as a 4-legged intersection
- 2) In cases where the there is a curve coming into the intersection or the street alignment near the intersection deviates by more than 5 degrees from tangent may be subject to increased (additional) restrictions based on technical review by the City Traffic Engineer.

- 3) Along arterial and collector streets where the “major” street curbline is more than 20 feet from the property line, the clear vision area may be reduced to that provided for a stop controlled local street intersection
 - 4) For minor street stop (case 2a) entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.
 - 5) Along private streets where there is no property line, controlled intersection areas shall be measured as though there is a property line 12 feet behind the curbline of the private street.
- (b) On corner lots at intersections where one (1) or more approaches are controlled by a stop sign, yield sign, or a traffic signal, no fence, hedge, wall, shrub, structure or vision impediment over thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting lines measured along the property lines as provided in Table 1 (See BMCC Section 27-618, Figures 2a, 2b, 2c, and 2d).
 - (c) On the street side of all lots where an alley or private driveway enters the street right-of-way, a triangular clear vision area shall be maintained. Such area shall be measured as defined in Table 2. No fence, hedge, wall, shrub or structure over thirty (30) inches in height above an established top-of-curb grade shall be erected or maintained within the above defined this clear vision area (See BMCC Section 27-618, Figure 1a). If no sidewalk exists, all measurements shall be made from and along the property line.

Table 2—Clear Vision Area at Driveways and Alley Approaches

Approach Type	Clear Vision Area Required
--Commercial drives and all alleys (commercial includes 3-plex and larger)	15' from back curb or 10' from back walk, whichever is greater, measured into the property along the edge of the driveway, then continuing to a point 5' behind walk and 30' from the edge of the driveway, then continuing along a line 5' from and parallel to the back of walk to a point located — 70' from centerline drive along local streets — 90' from centerline drive along collector streets — 110' from centerline drive along arterial streets (See Note 1)
--Residential (Single Family or duplex)	12' from back of walk into property measured along the edge of the drive, to a point 5' behind sidewalk & 20 feet from edge of drive, thence continuing along a line 5' behind and parallel to the back of walk to a point — 70' from centerline drive on local streets — 90' from centerline drive on collector streets — 110' from centerline drive on arterial streets

Notes for Table 2:

- 1) For commercial driveways the point of reference for “centerline” shall be the actual marked centerline when there are two (2) or more exit lanes.

- 2) For driveways entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.
- (d) Central Business District. On corner lots at intersections within the Central Business District no fence, hedge, wall, shrub, structure or vision impediment over thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting lines measured along the street centerline and the back of curblines as provided in Table 3 (See BMCC section 27-618, Figures 2e). In cases where the clear vision area at intersections extends 2 feet or less on to private property, the City Engineer is authorized to review and may waive the clear vision area.

On the street side of all lots within the Central Business district where an alley or driveway enters the street right-of-way, a vehicular and pedestrian clear vision area shall be maintained. Such areas shall be as defined in Table 4. No fence, hedge, wall, or shrub over thirty (30) in height above an established top-of-curb grade shall be erected or maintained within these clear vision areas (See BMCC section 27-618, Figure 1b). The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.

TABLE 3 CBD Clear Vision Areas at Intersections

INTERSECTION TYPE	Clear Vision Area Required:	Reference Figure in Sec. 27- 618
Stop Sign or Traffic Signal	<p>Entering 25 MPH Street—Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 205 feet along the curblines or the extension of the curb on the cross street</p> <p>Entering 35 MPH Street— Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 290 feet along the curblines or the extension of the curb on the cross street</p> <p><i>Entering street with speed limit above 35 mph—the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer</i></p>	Fig. 2e
Yield	<i>The required clear vision area will be based on a site specific engineering review subject to approval by the City Traffic Engineer</i>	none
Open (uncontrolled)	<i>The required clear vision area will be based on a site specific engineering review subject to approval by the City Traffic Engineer</i>	none

TABLE 4 CBD Clear Vision Areas at alleys and driveways

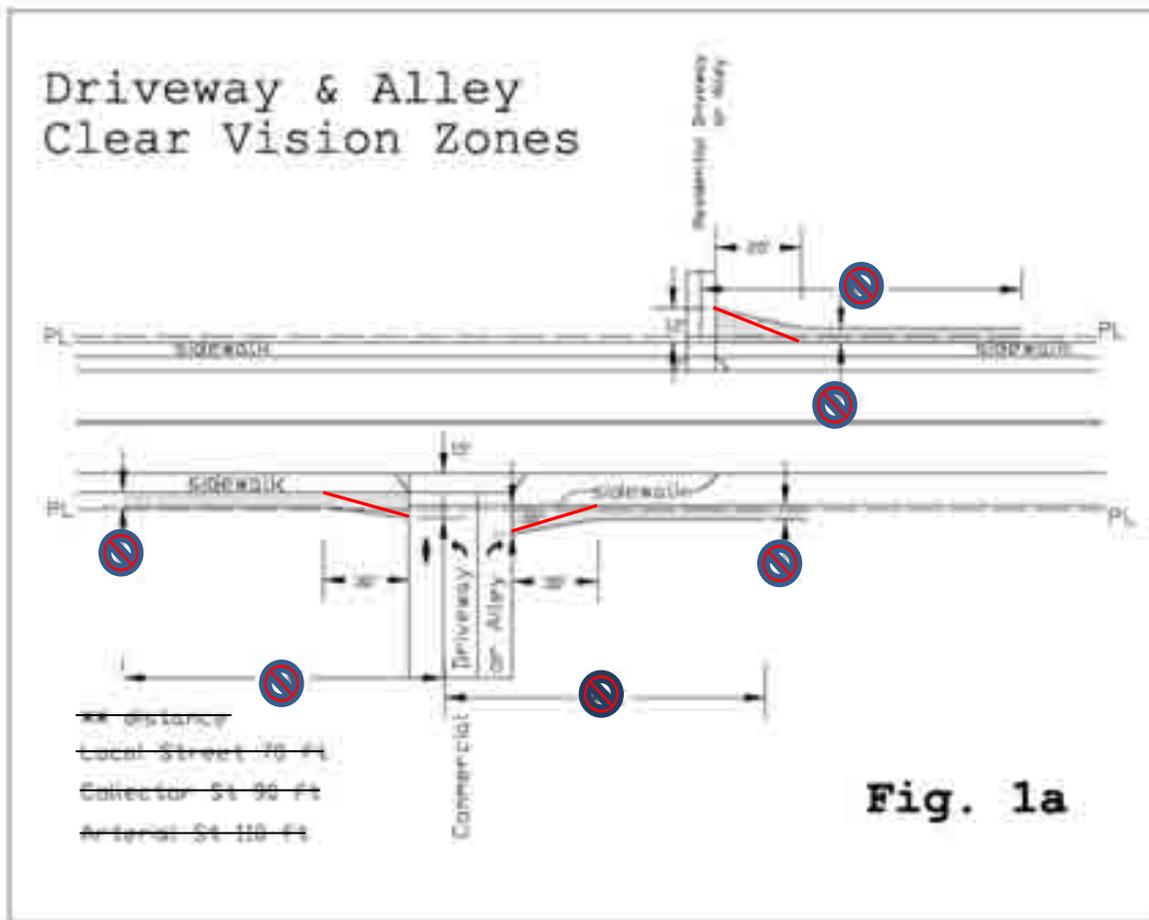
Clear Vision area for:	Clear Vision Area Required: <i>The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.</i>	Reference Figure in Sec. 27- 618
Vehicular traffic	<p>Entering 25 MPH Street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 205 feet along the curbline or the extension of the curbline on the cross street</p> <p>Entering 35 MPH Street— Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 290 feet along the curbline or the extension of the curbline on the cross street</p> <p><i>Entering street with speed limit above 35 mph—the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer</i></p>	Fig. 1b
Pedestrian Traffic	The clear vision area is defined by a triangle 10 feet along edge of alley or driveway and 20 feet along back of sidewalk	Fig 1b

- (e) Approved advertising signs, and public use controls and systems may be permitted in any of the above defined clear vision areas. In addition, trees with a maximum trunk diameter of one (1) foot measured four (4) feet above the ground line, and trimmed of all branches between the ground line and eight (8) feet in height, may be permitted in the above defined clear vision areas.

SEC. 27-618. ILLUSTRATIONS.

FIGURE 1a. VISIBILITY AT ALLEY AND DRIVE APPROACHES

At the intersection of any alley or any driveway and a public street outside of the Central Business District, the illustrated clear vision area shall be maintained.



ARTICLE 27-600. SUPPLEMENTARY GENERAL PROVISIONS

SEC. 27-612. SUPPLEMENTAL COMMERCIAL DEVELOPMENT STANDARDS.

Certain commercial uses shall be specifically restricted as follows:

(a) Eating and Drinking Places. The use of any premises or the construction or alteration of any new or existing building or structure where alcoholic beverages are served for on-premise consumption as a primary or accessory use shall only be allowed in commercial or industrial zoning districts as regulated by Section 27-306. No building, structure or premises shall be used for the on-premise consumption of alcoholic beverages unless:

- (1) A distance of six hundred (600) feet between property lines, measured in a straight line, is maintained from any building that is predominantly used as a church or school or from a public park that contains a children's playground or playfield.
 - a. Properties or establishments which are located in the Central Business District zoning district are exempt from subsection 1.
 - b. Properties may be granted a waiver from the 600 foot separation required in subsection 1. if the governing body finds that a physical barrier exists between the proposed use and the use requiring the 600 foot separation. These barriers include, but are not limited to, the following:
 1. An arterial street with no existing or proposed signalized pedestrian crossing;
 2. A building or buildings that entirely obstruct the view between the separated uses; and/or
 3. No direct physical access exists between the separated uses. The person applying for the Special Review must provide the governing body with proof that the proposed property or establishment meets one of the above described physical barriers or that other types of physical barriers exist that warrant the waiving of the 600-foot separation.

Exemptions to above subsection A. for establishments previously granted a Special Review are located in BMCC Section 27-613.

(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).
- (2) All other drive-in establishments, including those which are located across a public street from residentially-zoned property, shall meet the following criteria:

ARTICLE 27-600. SUPPLEMENTARY GENERAL PROVISIONS

- a. A traffic accessibility study shall be completed and approved by the City Engineer or County Public Works Director; and
- b. The use shall comply with all other sections of this code.

(c) **Gambling Operation.** Any gambling operation as defined in Article 7-1100 of the Billings, Montana City Code, other than for nonprofit organizations, shall be allowed only in those zones specified in BMCC Section 27-306, and shall meet all of the rules, regulations and requirements of this resolution/ordinance pertaining to bars, taverns and lounges, except that this provision shall not apply to bingo.

(d) **Neighborhood Convenience Store. (County Only)** Any person desiring to construct or remodel an existing structure for use as a Neighborhood Convenience Store in a residential zoning district shall apply for special review approval as shown in Section 27-305 of this chapter. In RMF-R and RMF districts a special review approval is not required to establish a Neighborhood Convenience Store. In addition to conditions that maybe imposed as part of a special review approval the following standards shall apply to every Neighborhood Convenience Store in a residential zoning district:

- (1) Limited to 3,000 square feet or less of gross floor area not including any outdoor seating area.
- (2) Located no closer than 1,500 feet from another Neighborhood Convenience Store.
- (3) Comply with the underlying zoning district setbacks, building height and lot area per dwelling unit if dwelling units are included as part of the store development.
- (4) Lot coverage may be up to 55% regardless of the underlying zoning district.
- (5) Shall include one off-street parking space per 500 square feet of gross floor area of retail space, one of which will be a handicapped accessible space.
- (6) If a dwelling unit is included in a store development, one additional off-street parking space shall be provided per dwelling unit.
- (7) The off-street parking requirements in subsections d(5) and d(6) supersedes and replace the off-street parking standards in Section 6-1203 and Sections 27-1202 through 27-1211 of the BMCC. Design and construction standards for curb cuts, driveways, size of off-street parking spaces, storm water control and paving standards shall otherwise apply.
- (8) No such store shall take delivery of goods before 8:00 am or after 8:00 pm.
- (9) At least two trash receptacles shall be provided per store that are accessible to the public on the store property. These trash receptacles will be emptied daily near the time of close of business.
- (10) Lighting on the building, in the parking lot or other yard area shall have full cut-off shields.
- (11) No light fixture shall exceed 15 feet in height from grade to the top of the fixture.
- (12) Signage shall be limited to one non-illuminated wall sign of 24 square feet or less per retail business.
- (13) No store shall have an outdoor announcement or music system.

ARTICLE 27-600. SUPPLEMENTARY GENERAL PROVISIONS

e. Commercial and Industrial Uses. All Commercial and Industrial Uses, as listed within Section 27-306, that are 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 shall be setback a minimum of 30 feet from a property line that adjoins a residential zone and a minimum of 15 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. This may require loading to be done through a building entrance or along a building front.

(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 15 feet of a property line that parallels a residential zone.

(8) No outdoor waste storage shall be within 30 feet of a property line that adjoins a residential zone or within 15 feet of a property line that parallels a residential zone. All 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 with these standards.