



PLANNING DIVISION
2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101
PHONE: (406) 247-8676
EMAIL: PLNONLINE@BILLINGSMT.GOV

Liquor Licenses Special Review Process

SPECIAL REVIEW – LIQUOR LICENSE

Use this guide to understand the special review (SR) application process for new or expanded liquor licenses with on-premise service. Off-premise liquor licenses do not require special review.

WHAT IS A SPECIAL REVIEW AND WHEN IS IT REQUIRED?

- A special review (SR) allows a use that wouldn't typically be an allowed use in an area, but could be compatible with existing uses.
- SR uses are specified in the Use Table in the City's Zoning Code. On-premise service of alcohol or establishing an outdoor patio where alcohol may be served may require an SR application.
- There are several types of alcohol service that do **NOT** require SR applications:
 - Microbreweries, micro-distillers, wineries, cideries, etc.
 - A cabaret license (beer & wine without gambling) location that is **not** within 600 feet of a church, school, or public park with a playground or playing field – OR – is within the Central Business District (CBD) zone.
- Please contact the Planning Division if you are not certain if your location requires a special review.

SPECIAL REQUIREMENTS FOR LIQUOR LICENSES

- All liquor licenses for on-premise service (except microbreweries, micro-distillers, winery, cidery, etc.) must meet a 600-foot separation distance – measured property line to property line – from a church, school or public park with a playground or playing field.
- Locations that cannot meet this separation distance, may ask the City Council to grant a waiver. Circumstances for granting a waiver are listed in BMCC 27-612. Granting a waiver is discretionary.
- Applications must specify the type of liquor license and whether gambling is proposed or allowed by the license.
- Outdoor patio service areas must be shown on the site plan.

WHAT IS THE SPECIAL REVIEW PROCESS?

- Before starting the SR process for a liquor license, an informal review of the proposed location by city staff is encouraged. This informal review will help the owner and agent learn about potential issues with the proposed location and understand whether a waiver of the separation distance is required.
- Application packets, and checklists are available on the Planning Webpage. Paper copies can be available upon request to the Planning Division.
- A SR is a multi-step process of review and approval.
- The process steps are on the chart on Page 2.

STEPS

Application Submittal

- A SR application should be completed. On-line submittal of applications are encouraged.
- The applicant schedules an application review meeting with staff.
- The application materials include drawings, such as the site plan and building floor plan, which describe the existing and proposed improvements (structures, parking, landscaping, sign location) and a written narrative explaining the proposed use.
- It is often beneficial to engage a design professional to help complete an SR application for a liquor license.
- It is the applicant's responsibility to show the proposed location meets the SR criteria.

Staff Review

- Staff is assigned and begins review of the application immediately after a completed application is received.
- Staff will make determinations and findings of fact on whether the proposal is consistent with the criteria for special review.
- Staff may propose conditions of approval for liquor license locations including conditions related to site design, screening, landscaping and signage.

Public Notice

- A notice of public hearing will be sent to property owners within 600 feet of the site, posted at the project site, and published in the newspaper. The notice will inform the

public of the date, time and place of the Zoning Commission (advisory board) and City Council hearings.

- The public hearings allow the surrounding owners and the public to participate in the discussion and decisions regarding the liquor license special review.

Staff Report

- The assigned planner will prepare and submit a report on the SR to the City Zoning Commission.
- The planner's report is a public document and will be sent to the applicant & agent, and published with the agenda for the public hearing.

City Zoning Commission – Hearing

- The Zoning Commission will conduct a public hearing and receive the planner's report, testimony from the applicant & agent as well as public comment.
- The Zoning Commission also receives written comments submitted by the public through the Planning staff or at the public hearing.
- All testimony, documents, reports, pictures and graphics are part of the public record for the application.
- The Zoning Commission will close the hearing and make a recommendation to the City Council to either approve, approve with conditions or deny an application.
- The applicant has the opportunity to request withdrawal of the application.

City Council – Hearing

- The planner will summarize the Zoning Commission hearing and recommendation and transmit this report to the City Council.
- The City Council is the final decision authority for special reviews for liquor licenses.
- The City Council will conduct a public hearing and receive the Zoning Commission report, testimony from the agent & applicant and from the public.
- The City Council may approve, conditionally approve, deny or postpone the application to a future date.
- The applicant has the opportunity to request withdrawal of the application before the public hearing is closed.

Decision

- The decision of the City Council is written and becomes a public record that runs with the land and can be enforced as all other zoning regulations are enforced.
- The applicant and agent are responsible for following the conditions of approval (if any).

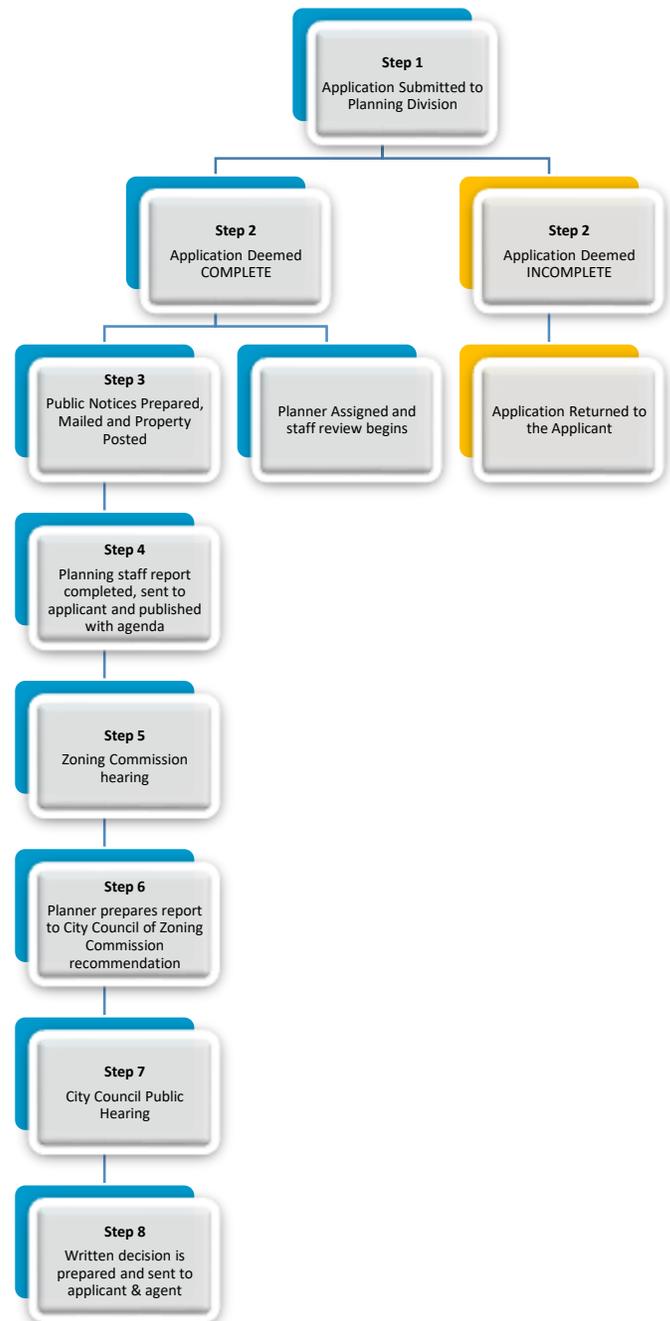
Reconsideration and Appeal

- The City Council may, on a properly made motion, reconsider the SR decision at the same meeting or the next scheduled regular meeting of the Council. If

reconsideration is approved, a future date and time for reconsidering the decision will be set.

- Any applicant, agent, or effected party may appeal the special review decision of the City Council to a court of jurisdiction. MCA 27-2-209(5) allows an appeal up to six months from the date of decision.

Special Review Process



[City Code OnLine](#)

[Submit Application On line](#)