

ORDINANCE NO. 12-5563

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1429; 27-1430; 27-1431; 27-1433; 27-1436; 27-1438; 27-1441; 27-1442; 27-1443; 27-1444; 27-1451 – SOUTH SHILOH CORRIDOR OVERLAY DISTRICT - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-1429 through 27-1451 as follows:

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.

(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.

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:

(8) A complete form showing compliance with the relative criteria and points assigned (see section ~~27-1451~~ ~~27-1424~~);

Sec. 27-1433. - Absolute criteria.

(a) *Development standards.*

(2) *Other regulations.* All other city and county codes shall apply, including but not limited to the following: building, zoning, site development, parking and drainage regulations that are not directly addressed in this chapter. Where requirements are addressed in both this section and other codes, those in this section apply.

Sec. 27-1436. - 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.

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

(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~~).

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.~~

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 27-1442 below, Bulletin boards may be permitted on the premises property used for public or private assembly of public, charitable or religious institutions, subject to the following:

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

(5) *Real estate sign.*

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

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

(b) *Permitted signs by use.*

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

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

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

Use per Paragraph (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.

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:

(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.

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

RELATIVE CRITERIA

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

7.	ARCHITECTURAL DESIGN		
	h.	<ul style="list-style-type: none"> • Significant variation in building masses and/or forms 	

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

Section 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

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

PASSED by the City Council on first reading March 26, 2012.

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



CITY OF BILLINGS:

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

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk

ZC #890 – Text – South Shiloh Corridor