

ORDINANCE NO. 12-5581

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR the East Billings Urban Renewal District (EBURD) a 400+/- acre area as described below from Controlled Industrial, Heavy Industrial, Highway Commercial, Neighborhood Commercial, Community Commercial and Residential 6,000 to **Railspur Village (EBURD RSV)** on North Park Sub Block 1 - Lots 1-4 & 79-80; Billings 1st Add Block 275 - Lots 1-4 & 18-24; Billings 1st Add Block 274 - Lots 1-12 & 23-24; Billings 1st Add Block 273 - All Lots; Billings Original Town (BOT) Block 260 - All Lots & Abandoned Alley; BOT Block 261 - Lots 2 - 12 and Vacated N 19th St & East 1/2 Vacated Alley; BOT Block 262 - Lots 11-23 and West 1/2 Vacated Alley; BOT Block 263 - All Lots & Vacated N 21st between Blocks 262 & 263; MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - West 900 feet; BOT Block 14 - All Lots and Vacated Alley and East 1/2 Vacated N 22nd; BOT Block 37 Lots 17A & 18A; C/S 1513; BOT Block 38 - All Lots & Vacated Alley; BOT Block 64 - All Lots; MRL Property in S33, T01 N, R26 E Between 2nd Ave N and 3rd Ave N & N 20th & N 22nd; BOT Block 65 - Lots 13-24; BOT Block 66 - Lots 1-12; BOT Block 67 - Lots 13-24; BOT Block 83 - Lots 13-24; BOT Block 84 - Lots 1-12; BOT Block 85 Lots 13-24; BOT Block 86 - All Lots; MRL Property in S33, T01 N, R26 E Between 1st Ave N and 2nd Ave N & N 20th & N 22nd; MRL Property in S33, T01 N, R26E Between 1st Ave N and Montana Ave & N 20th & N 22nd; BOT Block 115 - Lots 13-24; BOT Block 117 - Lots 19-24; and BOT Block 118 - Lots 13-18.

Railspur Village Main Street (EBURD RSVMS) on MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 17th and N 22nd; BOT Block 115 - Lots 1-12; S33, T01 N, R26 E, MRL LEASE #501,406; Abandoned Portion of N 21st Between Blocks 115 & 116 South of MRL Land; BOT Block 116 - All Lots; S33, T01 N, R26 E, MRL LEASE # 501,252; S33, T01 N, R26 E, MRL LEASE #500256; BOT Block 117 - Lots 1 – 18; BOT Block 118 - Lots 1-12;; BOT Block 84 - Lots 13-24; BOT Block 85 - Lots 1-12; BOT Block 65 - Lots 1-12; BOT Block 66 - Lots 13-24; BOT Block 36 - Lots 13-24; BOT Block 37 - Lots 1-12; BOT Block 15 - All Lots, Vacated Alley and Vacated N 21st St; BOT Block 16 - All Lots & Vacated Alley; MRL Property S33, T01 N, R26 E Between N 18th and N 20th West 150 feet; BOT Block 261 - Lots 13-23 & West 1/2 of Vacated Alley; BOT Block 262 - Lots 2-10 & East 1/2 of Vacated Alley; and MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - East 150feet.

Central Works (EBURD CW) on C/S 2124 Tr 2; Billings 1st Add Block 354; C/S 141 Lots 1 & 2; North Park Sub Block 5 Lots 1-3; North Park Sub Block 4 - Lots 1-8 & 23 – 32; North Park Sub Block 3 - Lots 1-4 & 44-47; North Park Sub Block 2 - Lots 1-6 & 61-66; Billings 1st Add Block 255, Lots 13-23 & West 1/2 of Vacated Alleys; C/S 326 and vacated N 14th

Street; Billings 1st Add Block 256 & Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - West 530 feet; S33, T01 N, R26 E, MRL LEASE #233364 - West 250 feet; S33, T01 N, R26 E, MRL LEASE #229442; BOT Block 17 - All Lots; MRL Property S33, T01 N, R26 E Between N 18th and N 20th except West 150 feet; S33, T01 N, R26 E, MRL LEASE #501,277; BOT Block 18 - All Lots; BOT Block 19 - All Lots; BOT Block 20 - All Lots; BOT Block 21 - All Lots; MRL Land North of Blocks 18-20 to the City Limits; Vacated N 14th Street; BOT Block 22 - Lots 13A - 24; BOT Block 30 - Lots 13-24; BOT Block 31 - All Lots; BOT Block 32 - All Lots; BOT Block 33 - All Lots; BOT Block 34 - All Lots; BOT Block 35 - All Lots; BOT Block 36 - Lots 1-12; BOT Block 67 - Lots 1-12; BOT Block 68 - All Lots; BOT Block 69 - All Lots; BOT Block 70 - All Lots; BOT Block 71 - All Lots; BOT Block 72 - Lots 13-24; BOT Block 78 - Lots 13-24; BOT Block 79 - All Lots; BOT Block 80 - All Lots; BOT Block 81 - All Lots; BOT Block 119 - Lots 1-12; BOT Block 82 - All Lots; BOT Block 83 - Lots 1-12; BOT Block 118 - Lots 19-24; BOT Block 119 - Lots 1A-2A & 19-24; BOT Block 120 - All Lots; BOT Block 121 - All Lots; and MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 15th and N 18th.

13th Street Main Street (EBURD 13th) on Billings 1st Add Block 352, Lots 13 - 23 & West 1/2 of Vacated Alleys; Billings 1st Add Block 255, Lots 2-12 & East 1/2 of Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - East 150 feet; S33, T01 N, R26 E, MRL LEASE #233364 - East 150 feet; BOT Block 22 - Lots 1-12; BOT Block 30 - Lots 1-12; BOT Block 72 - Lots 1-12A1; BOT Block 78 - Lots 1-12; BOT Block 77 - Lots 13-24; BOT Block 73 - Lots 13-24; BOT Block 29 - Lots 13-24; BOT Block 23 - Lots 14-24; S33, T01 N, R26 E, MRL LEASE #501230 West 150 feet; and West 150 feet of MRL Property between N 13th and N 12th.

Industrial Sanctuary (EBURD IS) on C/S 1680; Billings 1st Add Block 353 - All Lots & Vacated Alleys; Billings 1st Add Block 352 - Lots 2-12 & East 1/2 of Abandoned Alley; Abandoned N 12th Street; S33, T01 N, R26 E, MRL LEASE #501230 East ½; East 900 feet of MRL Property between N 13th and N 12th; Billings Original Town (BOT) Block 23, Lots 1-11; BOT Block 24 - All Lots; BOT Block 25 - All Lots; BOT Block 27 - All Lots; LOTS 1-6 & 8-12 BLK 10 INDUSTRIAL SUB 2ND FILING; LOTS 7-11 BLK 10 INDUSTRIAL SUB 4TH FIL; BOT Block 28 - All Lots and Vacated Alley; BOT Block 29 - Lots 1-12; BOT Block 73 - Lots 1-12; BOT Block 74 - All Lots; LOTS 1-9 BLK 8 INDUSTRIAL SUBD 2ND AMEND; BOT Block 77 Lots 1-12; UNPLT FRAC ADJ 1ST & 12TH BLK 77; Industrial Sub 2nd Filing, Block 7 - All Lots; Industrial Sub 1st Filing, Block 3 - All Lots; Industrial Sub 1st Filing, Block 4 - All Lots; Industrial Sub 5th Filing, Block 4- All Lots; C/S 384; BOT Block 76 - All Lots; C/S 229; C/S 1758; S34, T01 N, R26 E, 73'X 140'N OF 1ST AV IN SWSWNW4; Exchange Sub, Block 1, Lots 1,2,4, and Lot 5 (portion within City Limits); BOT, Block 122 - All Lots & Vacated Alley; BOT, Block 123 - All Lots & Vacated Alley; S33,

T01 N, R26 E, MRL LEASE #500099; and Vacated N 14th Between 1st Ave N & Montana Ave.

And add a **new Section 27-1800** to the Unified Zoning Regulations titled East Billings Urban Revitalization District (EBURD) code.

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. 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 ten (10) criteria required by state law.

2. DESCRIPTION That a 400+/- acre area as described below is currently zoned Heavy Industrial, Highway Commercial, Neighborhood Commercial, Community Commercial and Residential 6,000 and is shown on the official zoning maps within these zones: North Park Sub Block 1 - Lots 1-4 & 79-80; Billings 1st Add Block 275 - Lots 1-4 & 18-24; Billings 1st Add Block 274 - Lots 1-12 & 23-24; Billings 1st Add Block 273 - All Lots; Billings Original Town (BOT) Block 260 - All Lots & Abandoned Alley; BOT Block 261 - Lots 2 - 12 and Vacated N 19th St & East 1/2 Vacated Alley; BOT Block 262 - Lots 11-23 and West 1/2 Vacated Alley; BOT Block 263 - All Lots & Vacated N 21st between Blocks 262 & 263; MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - West 900 feet; BOT Block 14 - All Lots and Vacated Alley and East 1/2 Vacated N 22nd; BOT Block 37 Lots 17A & 18A; C/S 1513; BOT Block 38 - All Lots & Vacated Alley; BOT Block 64 - All Lots; MRL Property in S33, T01 N, R26 E Between 2nd Ave N and 3rd Ave N & N 20th & N 22nd; BOT Block 65 - Lots 13-24; BOT Block 66 - Lots 1-12; BOT Block 67 - Lots 13-24; BOT Block 83 - Lots 13-24; BOT Block 84 - Lots 1-12; BOT Block 85 Lots 13-24; BOT Block 86 - All Lots; MRL Property in S33, T01 N, R26 E Between 1st Ave N and 2nd Ave N & N 20th & N 22nd; MRL Property in S33, T01 N, R26E Between 1st Ave N and Montana Ave & N 20th & N 22nd; BOT Block 115 - Lots 13-24; BOT Block 117 - Lots 19-24; and BOT Block 118 - Lots 13-18. C/S 2124 Tr 2; Billings 1st Add Block 354; C/S 141 Lots 1 & 2; North Park Sub Block 5 Lots 1-3; North Park Sub Block 4 - Lots 1-8 & 23 – 32; North Park Sub Block 3 - Lots 1-4 & 44-47; North Park Sub Block 2 - Lots 1-6 & 61-66; Billings 1st Add Block 255, Lots 13-23 & West 1/2 of Vacated Alleys; C/S 326 and vacated N 14th Street; Billings 1st Add Block 256 & Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - West 530 feet; S33, T01 N, R26 E, MRL LEASE #233364 - West 250 feet; S33, T01 N, R26 E, MRL LEASE #229442; BOT Block 17 - All Lots; MRL Property S33, T01 N, R26 E Between N 18th and N 20th except West 150 feet; S33, T01 N, R26 E, MRL LEASE #501,277; BOT Block 18 - All Lots; BOT Block 19 - All Lots; BOT Block 20 - All Lots; BOT Block 21 - All Lots; MRL Land North of Blocks 18-20 to the City Limits; Vacated N 14th Street; BOT Block 22 - Lots 13A – 24; BOT Block 30 - Lots 13-24; BOT Block 31 - All Lots; BOT Block 32 - All Lots; BOT Block 33 - All Lots; BOT Block 34 - All Lots; BOT Block 35 - All Lots; BOT Block 36 - Lots 1-12; BOT Block 67 - Lots 1-12; BOT Block 68 -

All Lots; BOT Block 69 - All Lots; BOT Block 70 - All Lots; BOT Block 71 - All Lots; BOT Block 72 - Lots 13-24; BOT Block 78 - Lots 13-24; BOT Block 79 - All Lots; BOT Block 80 - All Lots; BOT Block 81 - All Lots; BOT Block 119 - Lots 1-12; BOT Block 82 - All Lots; BOT Block 83 - Lots 1-12; BOT Block 118 - Lots 19-24; BOT Block 119 - Lots 1A-2A & 19-24; BOT Block 120 - All Lots; BOT Block 121 - All Lots; and MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 15th and N 18th; Billings 1st Add Block 352, Lots 13 - 23 & West 1/2 of Vacated Alleys; Billings 1st Add Block 255, Lots 2-12 & East 1/2 of Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - East 150 feet; S33, T01 N, R26 E, MRL LEASE #233364 - East 150 feet; BOT Block 22 - Lots 1-12; BOT Block 30 - Lots 1-12; BOT Block 72 - Lots 1-12A1; BOT Block 78 - Lots 1-12; BOT Block 77 - Lots 13-24; BOT Block 73 - Lots 13-24; BOT Block 29 - Lots 13-24; BOT Block 23 - Lots 14-24; S33, T01 N, R26 E, MRL LEASE #501230 West 150 feet; and West 150 feet of MRL Property between N 13th and N 12th; C/S 1680; Billings 1st Add Block 353 - All Lots & Vacated Alleys; Billings 1st Add Block 352 - Lots 2-12 & East 1/2 of Abandoned Alley; Abandoned N 12th Street; S33, T01 N, R26 E, MRL LEASE #501230 East ½; East 900 feet of MRL Property between N 13th and N 12th; Billings Original Town (BOT) Block 23, Lots 1-11; BOT Block 24 - All Lots; BOT Block 25 - All Lots; BOT Block 27 - All Lots; LOTS 1-6 & 8-12 BLK 10 INDUSTRIAL SUB 2ND FILING; LOTS 7-11 BLK 10 INDUSTRIAL SUB 4TH FIL; BOT Block 28 - All Lots and Vacated Alley; BOT Block 29 - Lots 1-12; BOT Block 73 - Lots 1-12; BOT Block 74 - All Lots; LOTS 1-9 BLK 8 INDUSTRIAL SUBD 2ND AMEND; BOT Block 77 Lots 1-12; UNPLT FRAC ADJ 1ST & 12TH BLK 77; Industrial Sub 2nd Filing, Block 7 - All Lots; Industrial Sub 1st Filing, Block 3 - All Lots; Industrial Sub 1st Filing, Block 4 - All Lots; Industrial Sub 5th Filing, Block 4- All Lots; C/S 384; BOT Block 76 - All Lots; C/S 229; C/S 1758; S34, T01 N, R26 E, 73'X 140'N OF 1ST AV IN SWSWW4; Exchange Sub, Block 1, Lots 1,2,4, and Lot 5 (portion within City Limits); BOT, Block 122 - All Lots & Vacated Alley; BOT, Block 123 - All Lots & Vacated Alley; S33, T01 N, R26 E, MRL LEASE #500099; and Vacated N 14th Between 1st Ave N & Montana Ave.

3. **ZONE AMENDMENT**. The official zoning map is hereby amended and the zoning for the **above described parcels** is hereby changed from Heavy Industrial, Highway Commercial, Neighborhood Commercial, Community Commercial and Residential 6,000 to **Railspur Village (EBURD RSV), Railspur Village Main Street (EBURD RSVMS), Central Works (EBURD CW), 13th Street Main Street (EBURD 13th), Industrial Sanctuary (EBURD IS)** as shown in Exhibit A attached hereto and a new section is added to Chapter 27 BMCC (**27-1800 et seq**) titled East Billings Urban Revitalization District (EBURD) code as shown in Exhibit B attached hereto and all land described shall be subject to these new regulations as set out in the Billings Montana City Code.

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

5. **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 August 27, 2012.

PASSED, ADOPTED AND APPROVED on second reading September 10, 2012.



CITY OF BILLINGS:

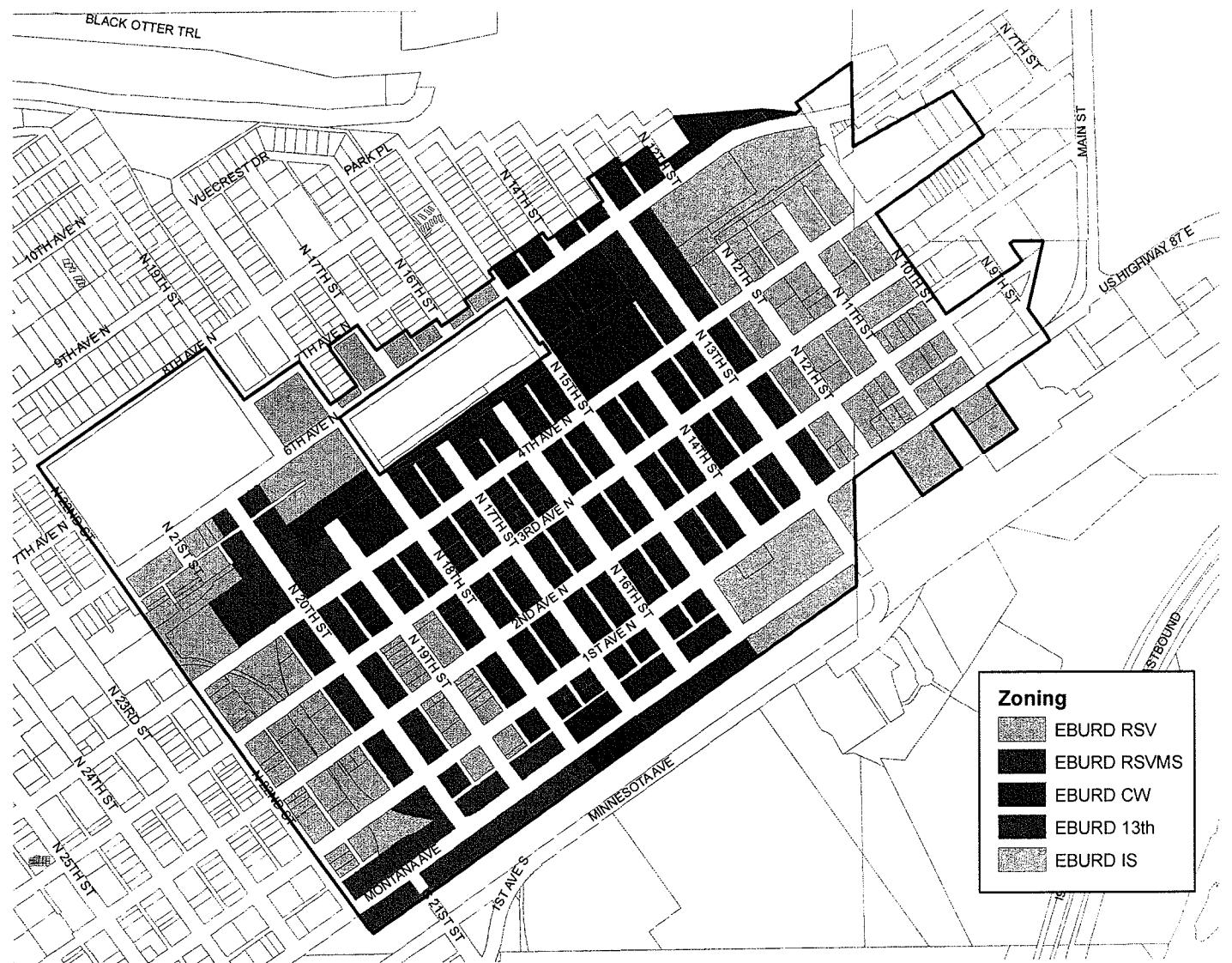
BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk

Zone Change #901 – EBURD Code and Map

THE EAST BILLINGS URBAN RENEWAL DISTRICT (EBURD) CODE



EBURD STEERING COMMITTEE MEMBERS:

Project Manager:

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Director, Planning and Community Services
Department
City of Billings

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Billings Industrial Revitalization District (BIRD), Inc.

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City of Billings

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TIF Coordinator, City of Billings

Debi Meling, PE
City Engineer
City of Billings

Marshall Knick
Pacific Steel
BIRD Board Member

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LEED AP

Project Manager: Rick Leuthold, PE, CDP, LEED AP

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Article 27-1800. East Billings Urban Revitalization District Code

Sec. 27-1801. Purpose.

The purpose of the East Billings Urban Revitalization District (EBURD) zoning districts and requirements is to provide standards for development as called for in the East Billings Urban Revitalization District Master Plan, adopted by the City of Billings in July 2009. The zoning districts are intended to allow existing uses to continue while integrating new mixed use and residential development appropriately through the use of form-based regulations.

This code will be reviewed and modified as needed on an annual basis by the Billings Industrial Revitalization District, Inc and the City of Billings,

Sec. 27-1802. EBURD Zoning Districts.

The areas and boundaries of the districts listed below are hereby established to scale as shown on the map entitled Billings Urban Zoning Jurisdiction, available at the City offices.

- (a) EBURD RSV: Rail Spur Village District. The Rail Spur Village District is intended to create a walkable neighborhood focused on residential uses with associated green spaces and commercial businesses with the appropriate form.
- (b) EBURD RSVMS: Rail Spur Village Main Streets District. The Rail Spur Village Main Streets include the extension of the Montana Avenue into the EBURD as well as the North 20th Street corridor from Montana Avenue to 6th Avenue North. This district is intended to create continuous, walkable, shopping & dining corridors with upper floor residential and office uses.
- (c) EBURD CW: Central Works District. The Central Works District is intended to allow a flexible mix of uses, including commercial and light industrial uses.
- (d) EBURD 13th: North 13th Street Main Street District. The North 13th Street Main Street is intended to provide a walkable, shopping & dining corridor with upper floor office and residential adjacent to the Central Works and Industrial Sanctuary districts, while allowing

appropriate craftsman industrial and commercial businesses.

- (e) EBURD IS: Industrial Sanctuary District. The Industrial Sanctuary district is intended to allow a wide mix of industrial businesses within the area with limited form requirements.

Sec. 27-1803. Application & Approval Process.

- (a) Zoning Approval Required. This Section applies to all EBURD zoning districts defined in BMCC Sec. 27-1802. Any new development, and any remodel which meets the change in associated use test set forth in BMCC Sec. 27-1804 (c) (2) or (3) requires Planning Division approval as part of the City's Building Permit process.
- (b) Content of Application. Each application for development located in any of the EBURD districts 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. 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;
 - b. Dimension, location, and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
 - c. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size, and spacing of trees, shrubs, and percent of living and non-living material;
 - d. A clear delineation of all area to be paved or surfaced, including a description of surfacing materials to be used;
 - e. Location and description of all off-site improvements and rights-of-way dedication;

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- 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 lot line;
- g. Building elevations 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.
- h. A signage plan indicating the location of all sign bands. This is to be submitted for informational purposes and to verify that the facade will accommodate the sign area allowed in Sec. 27-1816. A separate application and approval is required for all signs;
- i. A timetable for the proposed construction project;
- j. Documentation illustrating compliance with sustainable development practices achieved per BMCC Sec. 27-1807.
- k. 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.

(c) **Review Timeline for Application.** 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 administrative relief 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 need corrections, the applicant shall be notified in writing specifying all areas of noncompliance with this Article.

Sec. 27-1804 Nonconformances.
Refer to BMCC Sec. 27-400 for Nonconforming uses of Land and Nonconforming Structures and uses of Structures in all EBURD districts with the following additions:

- (a) **Street Facade Revisions.** When a renovation of the front facade occurs with no added building square footage, the Street Facade Requirements (refer to BMCC Sec. 27-1809(a) through (f)) shall be met when the existing building front or corner facade is located within the build-to zone and the renovation includes any one of the following:
 - (1) Installation of additional doors or a change in location of a door.
 - (2) Expansion or change in location of thirty (30) percent of windows by total area on any street façade.
 - (3) Replacement of thirty (30) percent or more of facade materials on any street facing facade with a different facade material.
- (b) **Roof Revisions.** When the existing building front or corner facade is located within the build-to zone and a renovation of the shape or style of the roof occurs with no added building square footage, the Roof Type Requirements (refer to BMCC Sec. 27-1810) for the frontage type permitted in the district shall be met.
- (c) **Nonconforming Site Characteristics.** Site characteristics, including impervious site coverage, curb cut quantity and location, parking, signage, landscaping, and other non-structural but physical characteristics of a site, may continue based on the following conditions:
 - (1) **Ten (10) Percent Exception.** A site characteristic is not considered nonconforming if the size of the nonconformance is ten (10) percent or less of any requirement in Article 27-1800.
 - (2) **Change in Associated Use.** The right to continue shall be terminated if the associated use changes or the number of dwelling units, gross floor area, or capacity increases by fifty (50) percent or more.
 - a. Single or individual business signs within a multiple business center are exempt from this standard. A new tenant is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign does not increase the lot's nonconformance.
 - (3) **Change in Associated Structure.** The right to continue shall be terminated if the associated structure is altered to increase its gross floor area by fifty (50) percent or more.

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(4) Abandonment. The right to continue shall be terminated if the associated use or structure, conforming or not, is abandoned for a period of twelve (12) consecutive months.

Sec. 27-1805 Definitions

Refer to BMCC Sec. 27-200 for general definitions. For the purposes of Article 27-1800, the following terms shall have the following meanings:

Build-to Zone. An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 27-1805-1 Build-to Zone vs. Setback Line.

Courtyard. An outdoor area enclosed by a building on at least two (2) sides and is open to the sky.

Eave. The edge of a pitched or flat roof; it typically overhangs beyond the side of a building.

Entrance Type. The permitted treatment types of the ground story facade of a Frontage Type. Refer to BMCC Sec. 27-1809 for more information and a list of permitted Entrance Types.

Expression Line. An architectural feature consisting of a decorative, three (3) dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically utilized to delineate the top or bottom of floors or stories of a building.

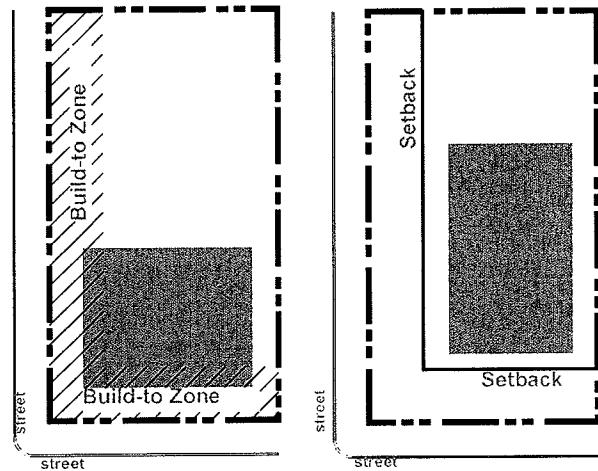


Figure 27-1805-1. Build-to-Zone vs. Setback Line

Facade. The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front lot line.

Frontage Type. A structure defined by the combination of configuration, form, and function. Refer to BMCC Sec. 27-1808 through 27-1810 for more information and the list of permitted Frontage Types.

Impervious Site Coverage. The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

Landscape Area. Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.

Lot Frontage. The horizontal distance between the side lot lines, measured at the front lot lines.

Lot Line, Corner. A boundary of a lot that is approximately perpendicular to the front lot line and is directly adjacent to a public right-of-way, other than an alley or railroad.

Lot Line, Front. The boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured, with the following exceptions.

1. Corner and through lots that abut a primary street (refer to Figure 27-1817(e)-3 Primary Streets Map) shall have the front lot line on that primary street.
2. Corner and through lots that abut two primary streets or do not abut a primary street shall utilize the orientation of the two directly adjacent lots, or shall have the front lot line determined by the Zoning Coordinator.

Occupied Space. Interior building space occupied by the building users. It does not include storage areas, utility space, or parking.

Pedestrianway. A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

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Pervious Surface. Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

Primary Street. A street designated on the Zoning Map that receives priority over other streets in terms of setting front lot lines and locating building entrances. Refer to BMCC Sec. 27-1817(e)3.

Public Improvement. Any structure incident to servicing or furnishing public facilities for a subdivision or development, such as grading, street surfacing, curbs and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, and utilities.

Roof Type. The detail at the top of a building that finishes a facade, including a pitch roof with various permitted slopes and a parapet. Refer to BMCC Sec. 27-1810 for more information and a list of the permitted Roof Types.

Scale. The relative size of a building, street, sign, or other element of the built environment.

Semi-Pervious Surface. Also referred to as semi-pervious material. A material that allows for at least forty (40) percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

Setback. The horizontal distance from a lot line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this article. Refer to Figure 27-1805-1 Build-to Zone vs. Setback Line.

Solar Reflectance Index (SRI). A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

Stormwater Best Management Practices/Techniques. Conservation practices or systems of practices and management measures that control soil loss; reduce water quality degradation caused by nutrients, Animal waste, toxins, and sediment; and minimize

adverse impacts to surface water and groundwater flow, circulation patterns, and to chemical, physical, and biological characteristics of wetlands by natural means, including replicating natural systems.

Story, Ground. Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

Story, Half. A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, Upper. Also referred to as upper floor. The floors located above the ground story of a building.

Street Face. The facade of a building that faces a public right-of-way.

Street Type. The permitted and regulated types of streets in this article. Refer to 27-1817 Street Type Standards for more information and a list of the permitted Street Types.

Streetwall. The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.

Visible Basement. A half story partially below grade and partially exposed above with required transparency on the street facade.

Yard, Corner Side. A yard extending from the corner side building facade along a corner side lot line between the front yard and rear lot line.

Yard, Side. A yard extending from the side building facade along a side lot line between the front yard and rear lot line.

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Sec. 27-1806 Uses.

This section outlines the uses of land regulated in this article.

- (a) General Provisions. The following general provisions apply to the uses outlined in this section.
 - (1) A lot may contain more than one (1) use.
 - (2) Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
 - (3) Uses are either permitted by-right in a district, permitted by-right with specific development or design parameters, or require Special Review (refer to BMCC Sec. 27-1503) in order to be developed.
 - (4) Each use shall be located within a permitted Frontage Type (Refer to BMCC Sec. 27-1808 through 1810), unless otherwise specified.
 - (5) Each use may have both indoor and outdoor facilities, unless otherwise specified.
- (b) Organization. The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.
 - (1) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a zoning district, the Zoning Coordinator may interpret the use as permitted.
 - a. The unlisted use will be subject to any development standards applicable to the similar permitted use.
 - b. If the unlisted use is similar in nature and impact to a use requiring Special Review per BMCC Sec. 27-1503, the Zoning Coordinator may interpret the use as also requiring Special Review.
 - (2) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zoning district that is either permitted or requires Special Review, the use is not permitted and may only be approved through an amendment of this article.
- (c) Use Table. Table 27-1806-1: Uses by District outlines the permitted uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted.

- (1) Permitted ("●"). These uses are permitted by-right in the districts in which they are listed.
- (2) Permitted in Upper Stories Only ("◐"). These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least thirty (30) feet from the front facade.
- (3) Permitted with Development Standards ("◑"). These uses are permitted by-right in the districts in which they are listed, provided that they are developed utilizing the listed development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a district where it otherwise might not have been appropriate.
- (4) Requires a Special Review ("○"). These uses require Special Review by the City Zoning Commission (refer to BMCC Sec. 27-1503) in order to occur in the districts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the Special Review.
- (5) Uses that are not permitted are indicated by a blank space.

- (d) Residential and Lodging Uses. A category of uses that include several residence types.
 - (1) Residential. One (1) or more dwelling units located within the principal structure of a lot, in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit or have individual entrances from the outside.
 - (4) Lodging & Residential Care. A facility offering temporary or permanent lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Lodging & residential care includes such uses as hotels, bed and breakfast inns, independent and assisted living facilities, nursing homes, residential care homes, and transitional treatment facilities. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as restaurants and meeting

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| Uses | EBURD Districts | | | | Uses | EBURD Districts | | | | |
|--|-------------------------------|-------------------|---------------|-------------------------|------|-------------------------------|-------------------|---------------|-------------------------|----------------------|
| | Rail Spur Village Main Street | Rail Spur Village | Central Works | 13th Street Main Street | | Rail Spur Village Main Street | Rail Spur Village | Central Works | 13th Street Main Street | Industrial Sanctuary |
| KEY | | | | | | | | | | |
| ● Permitted | | | | | | | | | | |
| ○ Permitted in Upper Stories Only | | | | | | | | | | |
| ◐ Permitted with Development Standards | | | | | | | | | | |
| ○ Requires a Special Review | | | | | | | | | | |
| Residential & Lodging | | | | | | | | | | |
| Residential | ● | ● | ● | ● | | | | | | |
| Lodging & Residential Care | ● | ● | ● | ● | | | | | | |
| Civic | | | | | | | | | | |
| Assembly | ● | ● | ● | ● | ● | | | | | |
| Hospital | ● | ● | ● | ● | ● | | | | | |
| Library/Museum | ● | ● | ● | ● | ● | | | | | |
| Police and Fire | ● | ● | ● | ● | ● | | | | | |
| Post Office | ● | ● | ● | ● | ● | | | | | |
| School | ● | ● | ● | ● | ● | | | | | |
| Retail & Wholesale | | | | | | | | | | |
| General Retail | ● | ● | ● | ● | | | | | | |
| Commercial Equipment & | | | | | | | | | | |
| Outdoor Sales Lot | ● | | ● | ● | ● | | | | | |
| Service | | | | | | | | | | |
| General Service | ● | ● | ● | ● | ● | | | | | |
| Large Scale Entertainment | | | ● | ● | ● | | | | | |
| Vehicle Service | ● | ○ | ● | ● | ● | | | | | |
| Office | | | | | | | | | | |
| Office | ● | ● | ● | ● | ● | | | | | |
| Industrial | | | | | | | | | | |
| Craftsman Industrial | ○ | ● | ● | ● | ● | | | | | |
| General Manufacturing | | | ● | ● | ● | | | | | |
| Warehousing & Distribution | ● | | ● | ● | ● | | | | | |
| Heavy Manufacturing | | | | | ● | | | | | |
| Transportation Facilities | | | ● | | ● | | | | | |
| Sexually Oriented Business | | | ○ | ○ | ○ | | | | | |
| Infrastructure | | | | | | | | | | |
| Parking Lot | ○ | ○ | ○ | ○ | ○ | | | | | |
| Utility & Infrastructure | ○ | | ● | ○ | ● | | | | | |
| Wireless Transmission Facility | ○ | ○ | ○ | ○ | ○ | | | | | |
| Open Space | ● | ● | ● | ● | ● | | | | | |

Table 27-1806-1. Use Table by District.

rooms. Rooms shall be accessed from the interior of the building.

(e) Civic Uses. A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, hospitals, and cemeteries.

(1) Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, house of worship, and private clubs and lodges. Residential uses accessory to and on the same lot as an assembly use, such as a convent, parish house, or caretaker's home, are also permitted.

(2) Hospital. A licensed institution providing medical care and health services to the community. These services may be located in one (1) building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, pharmacies, and gift shop.

(3) Library/Museum. A structure open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.

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(4) Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. Police and fire facilities have the following additional allowances:

- Garage doors are permitted on the front facade.
- Exempt from maximum driveway widths (refer to BMCC Sec. 6-1208(h)).

| General Retail | General Service |
|--|--|
| Antique & Secondhand Appliance & Electronic Sales & Service | Animal Boarding (interior only) |
| Apparel & Accessory Store | Arcade |
| Art & Education Supplies | Bank or other Financial Service |
| Automotive Supply Shop (no service) | Barber Shop, Beauty Salon, & Spa |
| Bakery | Billiard Hall |
| Bicycle Sales & Repair | Bowling Alley |
| Book, Magazine, & Newspaper | Catering |
| Camera & Photo Supply | Check Cashing |
| China & Glassware Shop | Day Care |
| Cigars, Cigarette, & Related | Dry Cleaning & Laundry |
| Computer Software Sales & Leasing | Eating & Drinking Establishments |
| Convenience Store | Emergency Care Clinic |
| Department Store | Fitness, Dance Studio, & Gym |
| Drug Store/Pharmacy | Framing |
| Fabric & Craft Store | Funeral Home |
| Florist | Home Furniture & Equipment Repair |
| Furniture, Home Furnishings & Accessories | Indoor domestic animal daycare |
| Gift, Novelty, & Souvenir Shop | Locksmith |
| Grocery Store | Mailing Services |
| Gun Shop | Pet Grooming |
| Hardware Store | Photocopying & Printing |
| Hobby | Photography Studio & Supplies (on-site processing permitted) |
| Jewelry Sales & Repair | Repair of Small Goods & Electronics |
| Luggage & Leather Goods | Shoe Repair |
| Motorcycle & Motor Scooter Sales | Shooting & Archery Ranges (indoor only) |
| Music Store | Tailor & Seamstress |
| Musical Instrument Repair & Sales | Tanning Salon |
| Office Supply | Tattoo/Piercing Parlor |
| Optical Goods | Theater |
| Paint & Wallpaper | Training Center |
| Party Supply | Travel Agency & Tour Operator |
| Pawn Shop | Video Rental |
| Pet & Pet Supply | |
| Specialty Food Market (Butcher, Candy, Fish Market, Produce, etc.) | |
| Sporting Goods Sales & Rental | |
| Stationery & Paper Store | |
| Toy Shop | |
| Video/Game Sales & Rental | |
| Wine & Liquor Shop | |

- Post Office. A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Refer to Warehousing & Distribution (BMCC Sec. 27-1806(o)) for large-scale postal sorting and distribution centers.
- School. An education facility with classrooms and offices, that may also include associated facilities such as ball fields, ball courts, gymnasium, theater, and food service.
- General Retail. A use involving the sale of goods or merchandise to the general public for personal or household consumption. A use in this category occupies a space of less than 20,000 square feet. Retail includes such uses as those found in Table 27-1806-2.
- Commercial Equipment and Supply. A use involving the large scale sale of goods marketed primarily to commercial or industrial businesses, but may also be available to the general public. This use may include bulk sales and frequent commercial vehicle and consumer traffic. This use is primarily located indoors. Commercial Equipment and Supply includes such uses as:
 - Building Materials, Hardware, and Garden Supply
 - Heating, Air Conditioning and Plumbing Supplies, Sales, and Service
 - Cabinet Supply (display only)
 - Machine Sales and Rental
 - Agriculture Equipment and Supply
 - Electrical Supplies
 - Merchandise Vending Machine Operators
 - Medical Supply Store & Sales
 - Exterminating & Disinfecting Service
- Outdoor Sales Lot. A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the districts where an outdoor sales lot is permitted with development standards ("O"), the following applies:

Table 27-1806-2. Typical General Retail & General Service Uses.

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(1) Loose material must be stored in compliance with the standards in BMCC Sec. 27-601(b). **Parking and Storage Restrictions.**

(2) Limited to lots fronting on Boulevard Street Types (1st Avenue N, 4th Avenue N, and 6th Avenue N).

(i) **General Service.** A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments. A use in this category occupies a space no greater than 20,000 square feet and includes such uses as those found in Table 27-1806-2.

(j) **Large Scale Entertainment.** A service use offering entertainment within the community and the region, housed in a large scale facility greater than 20,000 square feet. Large scale entertainment includes such uses as a concert hall, movie theater, casino, or events facility (a facility regularly available for rental by an individual, group, or business for banquets, meetings, conferences, seminars, or lectures). This use may also include support facilities such as eating and drinking establishments. This use may also include outdoor entertainment and recreation opportunities such as batting cages, go-cart tracks, miniature golf, aquatic facilities, and skating rinks.

(k) **Vehicle Service.** A business involving the servicing of vehicles and/or the distribution of fuel to residents of the community and region. A convenience store may also be included as a secondary use, as well as the sale of propane and kerosene. Vehicle service includes such uses as automotive filling stations, vehicle repair, car wash facilities, and tire sales and mounting. In the districts where vehicle service is permitted with development standards ("O"), the following apply:

- (1) **Use Limitation.** Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are only permitted in the Industrial Sanctuary district.
- (2) **Service Bays.** Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the Frontage Type.
- (3) **Outdoor Storage.** Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
 - a. The vehicles are not stored for more than two (2) days.
 - b. The storage area is located in the rear yard screened from view of the front lot line.
 - c. The storage area is screened using the Side & Rear yard buffer outlined in BMCC Sec. 27-1815(j), regardless of the adjacent land uses.

(4) **Outdoor Activities.**

- a. All repairs or washing activities must occur inside a structure.
- b. Vacuuming activities may occur in open air, but must be located in the side or rear yards, screened from the front lot line.
- c. Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours under the canopy and adjacent to the principal structure.

Office Uses

Architecture, Engineering, Planning, & Design
Building Contractor (office only)
Business Consulting
Charitable Institutions
Computer Programming & Support
Detective & Security Services
Educational Services (tutor & testing)
Employment Agency
Financial & Insurance
Government Offices
Professional Membership Organizations
Legal Services
Management Services
Physical Therapy/Physical Rehabilitation
Medical & Dental with Laboratory
PR & Advertising
Property Development
Radio & TV Studio
Real Estate
Recording & Sound Studio
Research & Development
Research Agency
Surveying
Veterinarian

Table 27-1806-3. Typical Office Uses.

(l) **Office Uses.** A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 27-1806-3.

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(m) Craftsman Industrial. A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet. Craftsman industrial includes such uses as those found in Table 27-1806-4. This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited. The maximum overall gross floor area is limited to 45,000 square feet, unless otherwise noted. In the districts where a craftsman industrial use is permitted with development standards ("C"), the following apply:

- (1) 20,000 square feet is the maximum permitted overall gross floor area.
- (2) A minimum twenty (20) percent of gross floor area shall be dedicated to a showroom located at the front of the space.
- (3) Outdoor activities and storage of goods are not permitted.

(n) General Manufacturing. A manufacturing use involving the assembly, production, and distribution of goods resulting in limited negative external effects. This use may involve the production of goods from raw materials or the assembly of finished products that can

| Craftsman Industrial | General Manufacturing | Warehousing & Distribution | Heavy Manufacturing |
|--|---|---|--|
| Apparel & Finished Fabric Products | Aircraft & Railroad Equipment & Parts | Air Freight | Acid |
| Bakery & Confections | Alcoholic Beverages | Contractor Equipment & Warehouse—Landscape & Construction | Asbestos |
| Beverages, including Beer, Wine, Liquor, Soft Drinks, Coffee | Apparel, Finished Products from Fabric | Exterminator & Disinfection Services | Asphalt |
| Botanical Products | Boat Building & Repairing | Fuel Distribution | Battery Manufacturing & Rebuilding |
| Brooms & Brushes | Cotton Wadding | Mail & Parcel Sorting & Distribution | Biological Product |
| Canning & Preserving Food | Distilled Water | Mail Order House & Warehousing | Boiler Works |
| Commercial Scale Copying & Printing | Electrical Machinery & Equipment | Motor Freight Transportation | Celluloid Manufacturing & Treatment |
| Construction Special Trade Contractors | Electronic Equipment & Component | Newspaper Distribution Facilities | Chemicals |
| Cut Stone & Cast Stone | Excelsior & Fiber | Packing & Crating | Cement, Concrete, Gypsum, Asbestos |
| Dairy Products | Fur Dressing & Dying | RV Storage Yard | Dry Cleaning & Dyeing |
| Electronics Assembly | Internal Combustion Motors | Recycling Center (Collection & Sort) | Foundries |
| Engraving | Linoleum | Tow or Impound Lot | Industrial Launderers |
| Electrical Fixtures | Lumber Milling | Truck Terminal or Parking Facilities | Laundry Soap, Chips & Powder |
| Fabricated Metal Products | Machinery & Tools | Warehousing & Storage (Refrigeration or General) | Meat & Fish Processing & Packaging |
| Film Making | Mobile/Manufactured Homes Manufacturing | Water Distribution | Motor Vehicle Assembly |
| Furniture & Fixtures | Motor Testing | Personal & Household Storage | Ordnance & Accessories |
| Glass | Motor Vehicle Parts & Equipment | | Paints, Enamels, Lacquers, & Varnishes & Allied Products |
| Household Textiles | Motorcycles, Bicycles, & Parts | | Paper & Allied Products |
| Ice | Office & Artist's Materials | | Petroleum & Related Products |
| Jewelry, Watches, Clocks, & Silverware | Perfume, Cosmetics, Soap, & Other Toiletry Items | | Pharmaceuticals |
| Leather Products | Plumbing & Heating Products | | Rock Crushing |
| Meat & Fish Products, no Processing | Poultry Dressing | | Rubber & Plastics |
| Musical Instruments & Parts | Research & Development with laboratory & testing | | Seeding & Grain Milling |
| Pasta | Rolling, Drawing, Extruding Metal | | Smelting |
| Pottery, Ceramics, & Related Products | Scientific Instruments, including Photographic, Medical & Dental, Surveying, Measuring, and Optical Equipment | | Stone & Concrete |
| Printing, Publishing & Allied Industries | Structural Clay Products | | Sugar |
| Shoes & Boots | Tobacco | | Tannery |
| Signs & Advertising | Vehicle Staging & Storage (Ambulance, Bus, Limousine, Livery, Taxi, etc.) | | Tar Distillation |
| Small Goods Manufacturing | | | Vegetable, Animal, & Marine Oils & Fats |
| Smithing | | | Wax Products Production |
| Taxidermy | | | Wool Scouring & Pulling |
| Textile, Fabric, Cloth | | | |
| Toys & Athletic Goods | | | |
| Upholstery | | | |
| Woodworking | | | |

Table 27-1806-4. Typical Industrial Uses.

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result in some noise and other non-noxious by-products. Associated facilities may also be included such as offices, limited warehousing, limited service bays, and maintenance facilities. Fuel pumps and outdoor storage of goods are defined by the permitted accessory uses. General manufacturing uses include all craftsman industrial uses and such uses as those found in Table 27-1806-4, without the size limitation.

(o) **Warehousing and Distribution.** A general industrial use involving substantial commercial vehicle access and large-scale indoor or outdoor storage and packing of goods typically between production and the market. Warehousing and Distribution includes such uses as those found in Table 27-1806-4. In the districts where warehousing and distribution is permitted with development standards ("O"), the following apply:

- (1) **Truck Access.** Truck access is permitted only off a Boulevard Street Type (refer to BMCC Sec. 27-1817 Street Types).
- (2) **Loading Bays.** Loading bays if permitted by Frontage Type, shall be located directly off a Boulevard Street Type.

(p) **Heavy Manufacturing.** An industrial use with the potential for significant negative external effects and involving the production of goods from raw materials, often resulting in noise, odor and/or noxious by-products, and involving frequent commercial vehicle access and outdoor storage of materials or products. Heavy industrial includes such uses as those found in Table 27-1806-4. In the districts where a heavy manufacturing use is permitted with development standards ("O"), the following apply:

- (1) **Noise, odor, and other noxious by-products** shall not be measurable on adjacent properties.
- (2) **Waste products** shall be disposed of off-site, without entering the sanitary sewer system.

(q) **Transportation Facilities.** A business involving the transport of passengers that may include a station with offices, food and beverage service and platforms for arrivals and departures. Short and long term parking facilities, maintenance facilities and vehicle storage are not permitted.

Transportation facilities include such uses as bus or rail terminals.

(r) **Sexually Oriented Business.** A business use that includes the uses defined in BMCC Sec. 27-611 of the Unified Zoning Regulations of the City of Billings. In the districts where a sexually oriented business requires Special Review (BMCC Sec. 27-1503) ("O"), the use shall comply with all requirements set forth in BMCC Sec. 27-611 of the Unified Zoning Regulations of the City of Billings.

(s) **Parking Lot.** A lot that does not contain a permitted building or Open Space Type and is solely used for the parking of vehicles. In the districts where a parking lot is permitted with development standards ("O"), the following apply:

- (1) **Adjacent Parking Lots.** Two (2) parking lots cannot be located directly adjacent to one another.
- (2) **Single Family.** Parking lot cannot be associated with a single family use.
- (3) **Distance.** Parking lot must be within 1,000 feet of the associated use unless:
 - a. At least seventy-five (75) percent of the spaces are dedicated for public use.
 - b. An approved parking agreement is in place (refer to BMCC Sec. 6-1203 (h) and (i) Joint Use).
 - c. Lot is utilized for commercial vehicles (refer to BMCC Sec. 27-1806(s)(6)) in which case an associated use is not required.
- (4) **Pedestrian Access.** Must be connected to associated use by a dedicated, public pedestrian pathway.
- (5) **Commercial Vehicles.** Parking lots for commercial vehicles are only permitted in the Central Works and Industrial Sanctuary districts and are exempt from BMCC Sec. 27-1806(s)(1) through (5).

(t) **Utility and Infrastructure.** A lot that is primarily utilized for the City's infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems. In the districts where utilities and

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infrastructure require Special Review ("○"), refer to BMCC Sec. 27-1503 for requirements.

- (u) Wireless Communication Facility. A use of land that includes unmanned buildings, cabinets, structures, and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission, radio transmission, or wireless transmission. In the districts where wireless communication facilities require Special Review (BMCC Sec. 27-1503) ("○"), refer to BMCC Sec. 27-620 for requirements.
- (v) Open Space. A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Open space uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair. In the districts where open space is permitted with development standards ("●"), the following apply:
 - (1) Parking. Parking lots are not permitted in open space in any EBURD district.
 - (2) Size. All open space in an EBURD district is limited to no greater than 90,000 square feet.
 - (3) Treatment. Open space in an EBURD district may include both landscape and hardscape.
 - (4) Stormwater Accommodations. Open space that incorporates stormwater management on a site or district scale is encouraged.
 - a. Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
 - b. Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.
 - (5) Active Facilities. Designated ball fields are not permitted. Ball courts and playgrounds are permitted in the Rail Spur Village district only.
 - (6) This use may involve small scale food and beverage service, no more than 200 square feet in space, located in a kiosk, with no service access.
 - (7) Buildings located directly adjacent to an open space use shall treat facades facing this use with street facade requirements.

(w) Accessory Uses. Accessory uses are regulated by BMCC Sec. 27-600 with the following exceptions:

- (1) Outdoor Storage of Goods. Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the districts where outdoor storage of goods is permitted with development standards ("●"), the following development standards apply:
 - a. Within the Central Works and 13th Street Main Street Districts:
 - i. Outdoor storage areas shall be located in the rear or side yard of the lot.
 - ii. Loose materials shall not be stacked higher than six (6) feet.
 - iii. Loose materials shall at a minimum be stored in a three (3) sided shelter and shall be covered.
 - iv. Materials shall be set back a minimum of five (5) feet from any lot line.
 - v. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer, refer to BMCC Section 27-1815(j) Side and Rear Buffer.
 - (2) Employee/Caretaker Units. In the districts where employee/caretaker units are permitted with development standards ("●"), the following development standards apply:
 - a. Up to two (2) residential units per 10,000 square feet of gross building floor area.
 - b. Units shall be provided to employees, security personnel, or caretakers, as a benefit to the business only.

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Sec. 27-1807 Sustainable Development Measures.

The following sustainable development measures process shall be addressed by all developments in the EBURD districts defined by BMCC Sec. 27-1802.

- (a) Review and Approval. Documentation on which measures and total number of points the applicant will achieve shall be indicated on the building permit application submitted to the City for review and approval.
- (b) Requirements. The applicant shall achieve no less than five (5) total points from any combination of the following sustainable development measures. No partial points will be accepted.
- (c) Documentation. The applicant shall submit documentation supporting that the development will achieve the measure.
- (d) Certified Green Buildings Measure (3 points). Certify a new construction building or building undergoing major renovations through a green building rating system requiring review by an independent, third-party certifying body and approved by the Zoning Coordinator.
 - (1) Value. This measure earns the applicant 3 points.
 - (2) Documentation. Required documentation includes registration of the project with the system, payment of all applicable fees for the rating system, and a draft scorecard showing the achieved credits or points.
- (e) Building Energy Efficiency Measure (2 points).
 - (1) New Construction Buildings. Newly constructed buildings must demonstrate an average 10% improvement over the energy code currently in effect in the City.
 - (2) Major Renovation. Building must demonstrate an average 5% improvement over ANSI/ASHRAE/IESNA Standard 90.1-2007.
 - (3) Value. This measure earns the applicant 2 points.
 - (4) Documentation. Required documentation includes an energy model demonstrating

that the building(s) will achieve the proposed improvements.

- (f) Building Water Efficiency Measure (2 points). Indoor water use in new buildings and major renovations must be an average 20% less than in baseline buildings. Utilize the baseline water usage for fixtures per the Energy Policy Act of 1992 and subsequent rulings by the United States Department of Energy or a similar method approved by the Zoning Coordinator.
 - (1) Value. This measure earns the applicant 2 points.
 - (2) Documentation. Required documentation includes cut sheets for all water fixtures.
- (g) Water-Efficient Landscaping Measure (2 point). Reduce potable water used for landscape by utilizing all xeriscape plant materials and providing no permanent irrigation system or using only captured rainwater with an irrigation system.
 - (1) Value. This measure earns the applicant 2 points.
 - (2) Documentation. Required documentation includes a landscape and irrigation plan, illustrating the system.
- (h) Renewable Energy Sources Measure (2 points). Incorporate renewable energy generation on-site with production capacity of at least 5% of the building's annual electric and thermal energy, established through an accepted building energy performance simulation tool.
 - (1) The following renewable energy generation sources are applicable:
 - a. Solar thermal or photovoltaics
 - b. Wind
 - c. Geothermal
 - (2) Value. This measure earns the applicant 2 points.
 - (3) Documentation. Required documentation includes specifications and construction details for the installation of the system.
- (i) Green Roof Measure (2 points). Install a vegetated roof for at least 50% of building roof area.
 - (1) Value. This measure earns the applicant 2 points.

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- (2) Documentation. Required documentation includes roof construction plans with drainage and planting details.
- (j) Heat Island Reduction Measure (2 point).
 - (1) Use any combination of the following strategies for 35% of all on-site, non-roof hardscape areas, including sidewalks, plazas, courtyards, parking lots, parking structures, and driveways.
 - a. Tree Canopy Cover. Coverage of the surface at shade tree maturity in 15 years.
 - b. Solar reflective paving & roofing with a SRI (solar reflectance index) of at least 29.
 - (3) Value. This measure earns the applicant 2 point.
 - (2) Documentation. Required documentation includes plans and specifications for installation of the strategy.
- (k) Pervious Pavement Measure (2 points). Install an open grid or pervious pavement system that is at least 40% pervious on 80% of all hardscape surface areas, including sidewalks, plazas, courtyards, parking lots, and driveways.
 - (1) Value. This measure earns the applicant 2 points.
 - (2) Documentation. Required documentation includes plans and specifications for installation of the strategy.
- (l) Enhanced Bicycle Amenities Measure (1 point).
 - (1) Inclusion of two of the following:
 - a. Lockable enclosed bicycle storage. Provide one (1) secure, enclosed bicycle storage space for 10% of planned employee occupancy.
 - b. Employee shower facilities. Provide at least one (1) shower facility and one (1) per 150 employees.
 - c. Increased bicycle parking spaces. Provide bicycle racks at a rate of one (1) per 5000 square feet of gross building area, with no fewer than four (4) bicycle spaces per building.
 - (2) Value. This measure earns the applicant 1 point.
 - (3) Documentation. Required documentation includes site and/or building plans locating the measures included.

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Sec. 27-1808 Introduction to Frontage Type Requirements

The Frontage Types detailed in BMCC Sec. 27-1813 outline the required building forms for new construction and renovated structures within the EBURD.

(a) Applicability. The Frontage Type standards shall be applied to all new construction and exterior renovation of existing structures. Refer to BMCC Sec. 27-1804 Nonconformances for more information on the continuation of nonconforming structures.

(b) General Requirements. All Frontage Types must meet the following requirements.

(1) Zoning Districts. Each Frontage Type shall be constructed only within its designated districts (Refer to Table 27-1808-1 Permitted Frontage Types by Districts). Permitted Frontage Types in each zoning district defines which Frontage Types are permitted in which zoning districts. Refer to BMCC Sec. 27-1802 EBURD zoning districts for more information.

(2) Uses. Each Frontage Type can house a variety of uses depending on the district in which it is located. Refer to BMCC Sec. 27-1806 EBURD uses for general uses permitted per district. Some Frontage Types have additional limitations on permitted uses.

(3) No Other Frontage Types. All buildings constructed must meet the requirements of one of the Frontage Types permitted within the zoning district of the lot.

(4) Permanent Structures. All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

(5) Accessory Structures.

- Attached accessory structures are considered part of the principal structure.
- Detached accessory structures are permitted per each Frontage Type and shall comply with all setbacks except the following:
 - Detached accessory structures are not permitted in the front yard.

- ii. Detached accessory structures shall be located behind the principal structure in the corner side yard.
- iii. Detached accessory structures shall not exceed the height of the principal structure and in no case shall be taller than two and a half (2.5) stories.

| Frontage Types | EBURD Districts | | | | |
|-------------------------|-------------------------------|-------------------|---------------|-------------------|----------------------|
| | Rail Spur Village Main Street | Rail Spur Village | Central Works | North 13th Street | Industrial Sanctuary |
| Yard Frontage | ● | | | | |
| General Stoop | ● | ● | ● | | ● |
| Storefront | ● | ● | ● | ● | ● |
| Limited Bay | ● | ● | ● | ● | ● |
| Commerce | | ○ | | | ● |
| Open Frontage | | | | | ● |
| Civic Frontage | ● | ● | ● | ● | ● |
| Commercial Outdoor Site | ○ | ● | ● | ● | ● |

● = Permitted Boulevard ○ = Permitted Only on Boulevard Street Type

Table 27-1808-1. Permitted Frontage Types by District

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Sec. 27-1809 Entrance Types

Entrance Type standards apply to the ground story and visible basement of front facades of all Frontage Types as defined in this Section. Refer to BMCC Sec. 27-1813 Frontage Types.

(a) General Provisions. The following provisions apply to all Entrance Types.

(1) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Frontage Type standard (refer to BMCC Sec. 27-1813(a) through (h)).

(2) Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one (1) of the permitted Entrance Types, unless otherwise stated.

(3) Measuring Transparency. Refer to Sec. 27-1811(d)(1) for information on measuring building transparency.

(4) Visible Basements. Visible basements, permitted by Entrance Type, are optional. The visible basement shall be a maximum of one-half (1/2) the height of the tallest story.

(b) **Storefront Entrance Type.** (Refer to Figure 27-1809(b)-1). The Storefront Entrance Type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.

(1) Transparency. Minimum transparency is required per Frontage Type.

- (2) Elevation. Storefront elevation shall be between zero (0) and one (1) foot above sidewalk.
- (3) Visible Basement. A visible basement is not permitted.
- (4) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- (5) Entrance. All entries shall be recessed from the front facade closest to the street.
 - a. Recess shall be a minimum of three (3) feet and a maximum of eight (8) feet deep, measured from the portion of the front facade closest to the street.
 - b. When the recess falls behind the front build-to zone, the recess shall be no wider than eight (8) feet.

Arcade Entrance Type. (Refer to Figure 27-1809(c)-1). An Arcade Entrance Type is a covered pedestrian walkway within the recess of a ground story.

- (1) Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight (8) and a maximum of fifteen (15) feet.
- (2) Recessed or Interior Facade. Storefront Entrance Type is required on the recessed ground story facade.
- (3) Column Spacing. Columns shall be spaced between ten (10) feet and twelve (12) feet on center.
- (4) Column Width. Columns shall be a minimum of 1'-8" and a maximum 2'-4" in width.

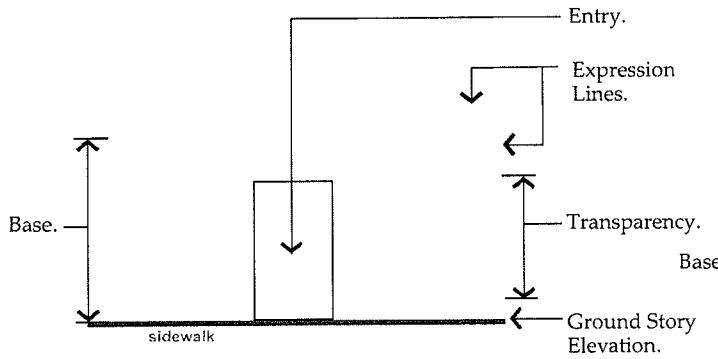


Figure 27-1809(b)-1. Storefront Entrance Type.

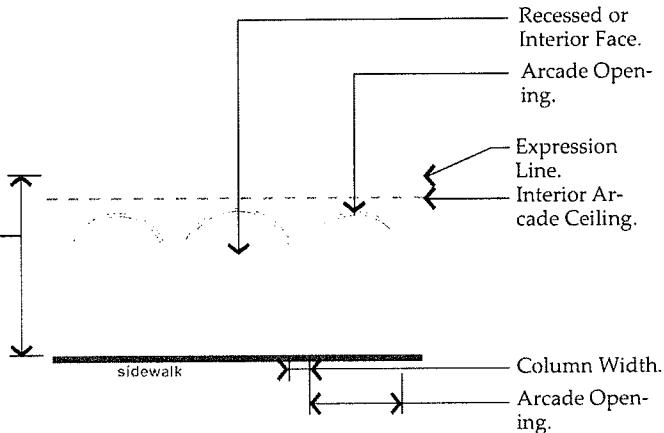


Figure 27-1809(c)-1. Arcade Entrance Type.

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- (5) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
- (6) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- (7) Visible Basement. A visible basement is not permitted.

(d) **Stoop Entrance Type.** (Refer to Figure 27-1809(d)-1). A stoop is an unroofed, open platform.

- (1) Transparency. Minimum transparency is required per Frontage Type.
- (2) Stoop Size. Stoops shall be a minimum of three (3) feet deep and six (6) feet wide.
- (3) Elevation. Stoop elevation shall be located a maximum of 2'-6" above the sidewalk without visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
- (4) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
- (5) Entrance. All entries shall be located off a stoop.

(e) **Porch Entrance Type.** (Refer to Figure 27-1809(e)-1). A porch is a raised, roofed platform that may or may not be enclosed on all sides.

- (1) Transparency.
 - a. Minimum transparency per Frontage Type is required.
 - b. If enclosed, a minimum of forty (40) percent of the enclosed porch shall be comprised of highly transparent, low reflectance windows.
- (2) Porch Size. The porch shall be a minimum of (5) feet deep and (8) feet wide.
- (3) Elevation. Porch elevation shall be located a maximum of 2'-6" above the sidewalk without a visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
- (4) Visible Basement. A visible basement is permitted.
- (5) Height. Porch may be two (2) stories to provide a balcony on the second floor.
- (6) Entrance. All entries shall be located off a porch.

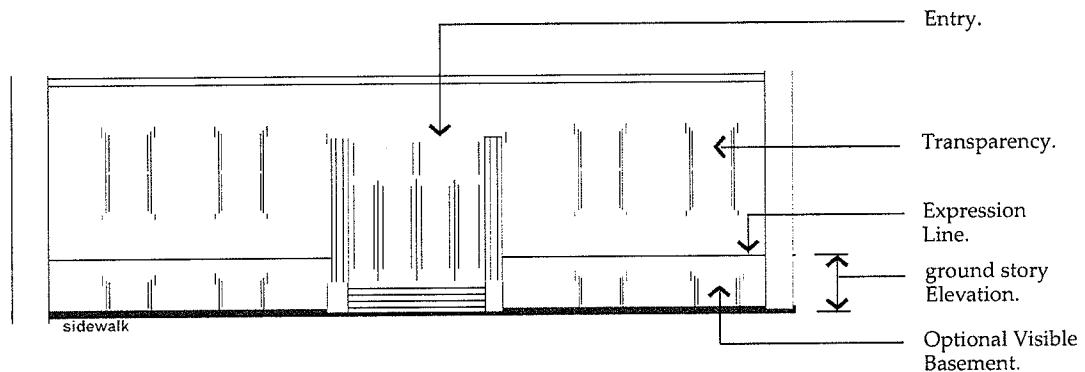


Figure 27-1809(d)-1. Stoop Entrance Type.

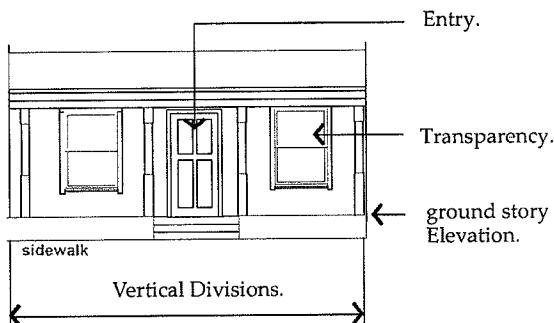


Figure 27-1809(e)-1. Porch Cap

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Sec. 27-1810 Roof Types

Roof Type standards apply to roof and top of all Frontage Types as required in this Section.

(a) General Provisions. The following provisions apply to all Roof Types.

- (1) Intent. To guide the design of the cap of all buildings.
- (2) Applicability. All buildings shall meet the requirements of one of the Roof Types permitted for the Frontage Type.
- (3) Measuring Height. Refer to BMCC Sec.27-1811(b) for information on measuring building height.
- (4) Other Roof Types. Other building caps not listed as a specific type may be requested with the following requirements:
 - a. The height shall not exceed any of the Roof Types permitted for the Frontage Type.
 - b. The cap would not be disruptive to the surrounding area.
 - c. The design of the cap shall be reviewed by the Zoning Coordinator.

(b) **Parapet Roof Type.** (Refer to Figure 27-1810(b)-1). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.

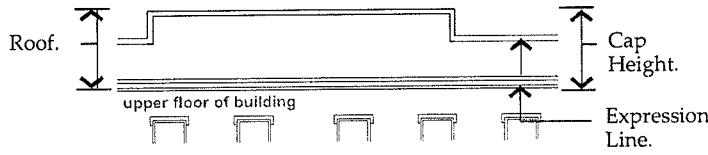
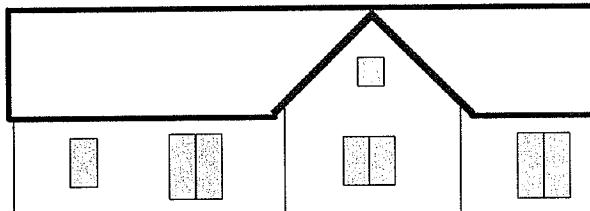


Figure 27-1810(b)-1. Parapet Roof Type.



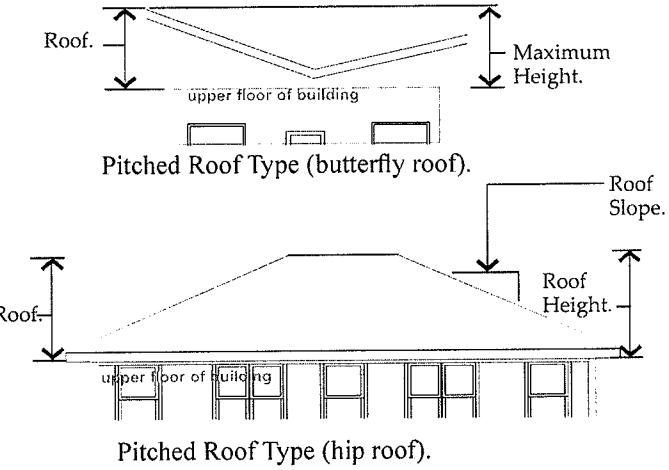
Parallel Ridge Line with gable

Figure 27-1810(c)-2. Parallel Ridge Line.

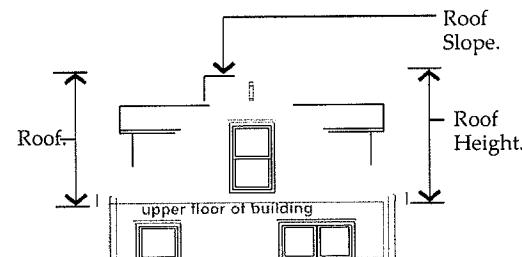
- (1) **Parapet Height.** Height is measured from the top of the upper story to the top of the parapet.
 - a. Minimum height is two (2) feet with a maximum height of six (6) feet.
 - b. Cap shall be high enough to screen the roof and any roof appurtenances from view of the street(s).
- (2) **Horizontal Expression Lines.** An expression line shall define the cap from the upper stories of the building and shall also define the top of the cap.
- (3) **Occupied Space.** Occupied space shall not be incorporated behind this Roof Type.

(c) **Pitched Roof Type.** (Refer to Figure 27-1810(c)-1). This Roof Type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

- (1) **Pitch Measure.** The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.
 - a. Slopes less than 4:12 are permitted to occur on second story or higher roofs. (Refer to Figure 27-1810(c)-1).
- (2) **Configurations.**



Pitched Roof Type (hip roof).



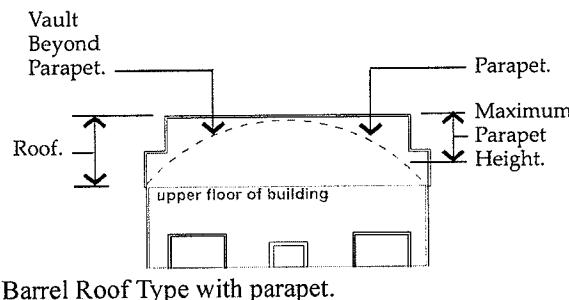
Pitched Roof Type (gable roof).

Figure 27-1810(c)-1 Pitched Roof Type.

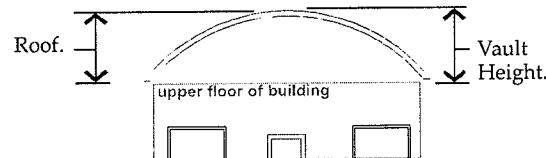
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- a. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
- b. Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight (8) feet, inclusive of overhang.
- c. Gambrel and mansard roofs are permitted on non-residential Frontage Types (refer to BMCC Sec.27-1813(a) through (h) for Frontage Types). When the ridge runs parallel to the street, one (1) dormer per fifteen (15) feet of street face is required.
- (3) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every one hundred (100) feet of roof when the ridge line runs parallel to the front lot line. (Refer to Figure 27-1810(c)-3).
- (4) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Frontage Type.
- (5) Occupied Space. Occupied space may be incorporated behind this Roof Type.

(d) **Barrel Roof Type.** (Refer to Figure 27-1810(d)-1). This Roof Type has a barrel vaulted roof.



Barrel Roof Type with parapet.



Barrel Roof Type without parapet.

Figure 27-1810(d)-1. Barrel Roof Type.

- (1) Configuration. The barrel vault of the roof shall run perpendicular to the front facade. Eaves may or may not be utilized.
- (2) Vault Height. The vault height shall not exceed half the vault width.
- (3) Parapet. When a parapet wall screens the vault from the street, the parapet shall not extend more than six (6) feet above the barrel vault roof.
- (5) Occupied Space. Occupied space may be incorporated behind this Roof Type.

(e) **Flat Roof Type.** (Refer to Figure 27-1810(e)-1). This Roof Type has a flat roof with overhanging Eaves.

- (1) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
- (2) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen (14) inches.
- (3) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight (8) inches thick.
- (4) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - a. No more than one-half (1/2) of the front facade can consist of an interrupting vertical wall.
 - b. Vertical walls shall extend no more than four (4) feet above the top of the eave.
- (5) Occupied Space. Occupied space shall not be incorporated behind this Roof Type.

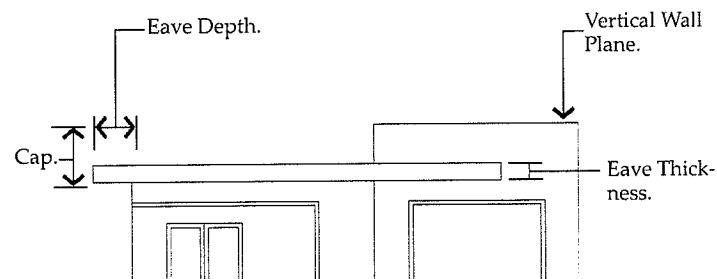


Figure 27-1810(e)-1. Flat Roof Roof Type.

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(f) **Towers.** (Refer to Figure 27-1810(f)-1). A tower is a rectilinear or cylindrical, vertical element, that must be used with other Roof Types.

- (1) **Quantity.** All Building Types, with the exception of the Civic Building, are limited to one (1) tower per building.
- (2) **Tower Height.** Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one (1) upper floor of the building to which the tower is applied.
- (3) **Tower Width.** Maximum width along all facades is one-third (1/3) the width of the front facade or thirty (30) feet, whichever is less.
- (4) **Horizontal Expression Lines.** An expression line shall define the tower from the upper stories, except on single family or attached house residential Frontage Types (refer to BMCC Sec.27-1813(a) through (h) for Frontage Types).
- (5) **Occupied Space.** Towers may be occupied by the same uses allowed in upper stories of the Frontage Type to which it is applied.
- (6) **Application.** May be combined with all other Roof Types.
- (7) **Tower Cap.** The tower may be capped by the parapet, pitched, low pitched, or flat roof Roof Types, or the spire may cap the tower.

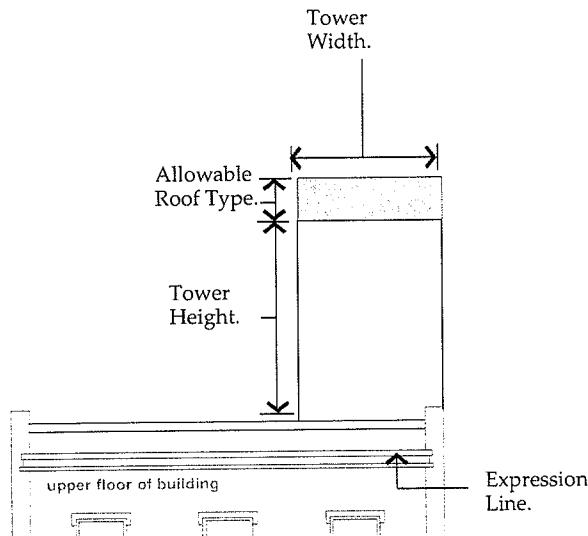


Figure 27-1810(f)-1. Tower.

(g) **Spire.** (Refer to Figure 27-1810(g)-1). A spire is a long, tapering design element that can be attached to a tower or other Roof Type.

- (1) **Permitted Location.** Spires are permitted only on civic buildings.
- (2) **Spire Height.** Spire height is not limited.
- (3) **Spire Width.** Maximum width, measured at the spire base is one-sixth (1/6) the width of the front facade or fifteen (15) feet, whichever is less. A wider spire base, proportionate in height, is subject to the approval of the Zoning Coordinator.
- (4) **Occupied Space.** Occupied space is not permitted within the spire.
- (5) **Application.** May be combined with any other roof type.

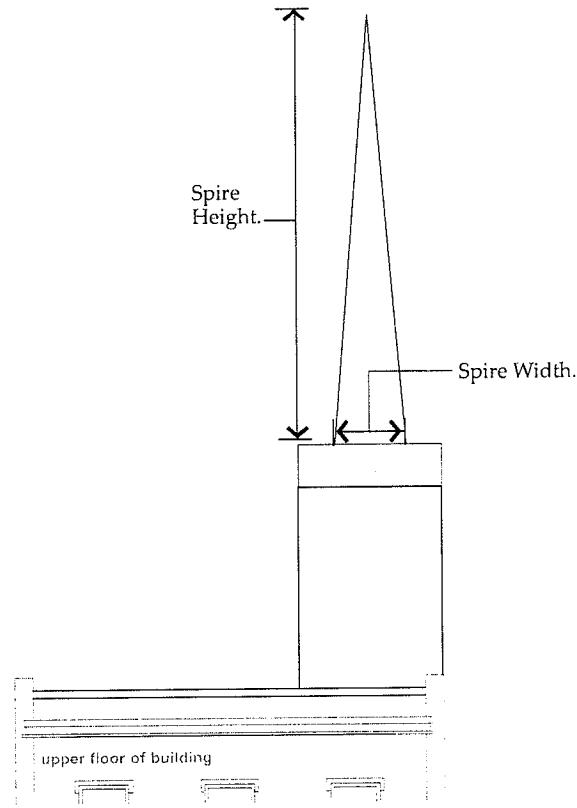


Figure 27-1810(g)-1. Spire.