

ORDINANCE NO. 04-5310

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING A SECTION TO BE NUMBERED 27-1400; ESTABLISHING A ZONING OVERLAY DISTRICT TO EXTEND 500 FEET FROM THE CENTER LINE OF SHILOH ROAD FROM KING AVENUE NORTH TO RIMROCK ROAD REGULATING DEVELOPMENT STANDARDS, LANDSCAPING STANDARDS, BUILDING DESIGN STANDARD AND OTHER SITE DEVELOPMENT STANDARDS, AND SIGN STANDARDS FOR COMMERCIAL, INDUSTRIAL AND MULTIFAMILY DEVELOPMENTS.

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

Section 1. That the Billings, Montana City Code be amended by adding Section 27-1400 through 1426.

SEC. 27-1400. SHILOH CORRIDOR OVERLAY DISTRICT

Sec. 27 - 1401. Purpose.

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

Sec. 27-1402. District Boundaries.

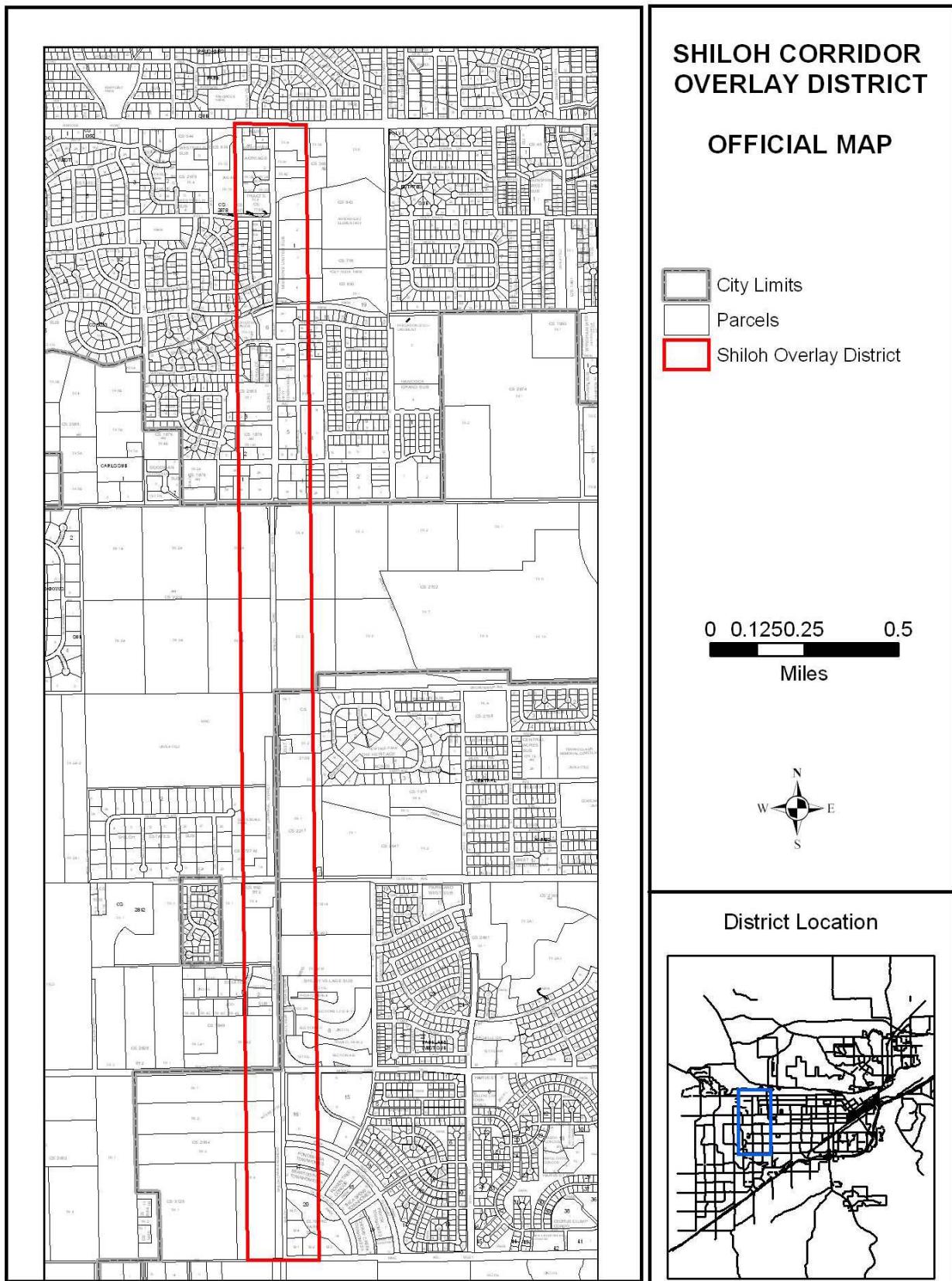
The boundaries of the Shiloh Corridor Overlay District shall be that displayed on the map at the end of Section 27-1403. In no case shall the boundaries of the district exceed a depth of 500feet from the centerline of the right-of-way of Shiloh Road from King Avenue north to Rimrock Road. If only a portion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

Sec. 27-1403. Review Criteria.

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

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

2. **Absolute Criteria.** A developer must meet all absolute criteria to obtain Planning and Community Services Department approval. The absolute criteria are defined in Sections 27-1406 through 27-1408. Absolute criteria also include all other applicable codes, ordinances, and statutes, including, but not necessarily limited to, minimum engineering and building standards, public service and utility requirements, and environmental regulations.
3. **Relative Criteria.** Relative criteria are the “points” of the review process. Each development must obtain a specified minimum number of points based on the relative criteria identified in Section 27-1409. The development plans are evaluated against the relative criteria and scored on a point chart.



Sec. 27-1404. Application and Approval Process.

1. **Approval Required.** If the development is within the City limits, a building permit must be applied for from the City Building Division. Planning Department approval is required prior to construction. If the development is outside the City limits, a Zoning Compliance Permit must be applied for from the Planning and Community Services Department. Planning Department approval is to ensure compliance with the Zoning Regulations. This does not in anyway imply approval by any other city or county department.
2. **Content of Application.** Each application for development located in the Shiloh Corridor Overlay District shall include the following:
 - a. The name and address of the property owner and applicant, if different;
 - b. The legal and general description of the tracts or lots upon which review is sought;
 - c. A statement of proposed use;
 - d. A complete site development plan drawn to scale of no less than 1" = 40' indicating:
 - i. Plans for landscape development, including irrigation, drainage, grading, and planting detail showing species, size and spacing of trees and shrubs and percent of living and non-living material;
 - ii. 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;
 - iii. Dimension, location and description of all other existing and proposed site improvements including fences, walls, walkways, patios, decks, and barriers;
 - iv. A clear delineation of all areas to be paved or surfaced, including a description of surfacing materials to be used;
 - v. Location and description of all off-site improvements and right-of-way dedication; and,
 - vi. Location and type of lighting, including a scaled or dimensioned elevation of each type of lighting fixture, and the maximum illumination measured in foot-candles at the property line.
 - vii. Information describing how sound suppression will be accomplished when property is adjacent to residential use.
 - e. Building plans drawn to a scale of no less than 1/16" = 1'-0" for all structures, including architectural plans for proposed buildings complete with exterior finishes and including floor plans and elevations.
 - f. A signage plan describing specifications and location of all signage. A separate application and approval shall be required for all signs;
 - g. A timetable for the proposed construction project; and

- h. A complete form showing compliance with the relative criteria and points assigned (see Section 27-1424);
 - i. Any other information pertinent to the particular project which, in the opinion of the Zoning Coordinator, is determined to be necessary for the review of the project.

Within fifteen (15) working days following the submittal of a complete application, the Zoning Coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that review exceeds 15 days, the applicant may seek immediate approval from the Planning Director. If an application is determined to be incomplete, the applicant shall be notified within 5 days of the submittal. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this Section.

SEC. 27-1405. DEFINITIONS.

Terms not specifically defined in this chapter shall have the same meanings as defined in BMCC Section 27-201. The standard dictionary meaning shall be applied to terms not otherwise defined.

SEC. 27-1406. ABSOLUTE CRITERIA.

1. Development Standards

- a. **Shiloh Road Frontage Setbacks.** The minimum frontage setback from the property line along Shiloh Road for all developments excluding residential single family or duplex shall be twenty (20) feet. The clear vision triangle will be maintained as required in Section 27-615. Side and rear building setbacks shall be the same as the underlying zoning district. All arterial setbacks as outlined in BMCC Section 27-602 must also be maintained.
- b. **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.
- c. **Sidewalks.** All sidewalks along internal platted streets shall be boulevard walks. The boulevard shall be at least five feet wide and landscaped. The landscaping shall contain ground cover such as sod, shrubs, flower beds or living plant material. River rock, bark chips, flagstones or similar non-living material may be used as mulch or decorative landscape features to supplement the living plant material. No more than twenty-five (25) percent of the landscaped area shall contain non-living material. There shall be at least one canopy tree per every forty (40) linear feet.

2. Landscaping Standards.

- a. **Shiloh Road Frontage Setback Landscaping Required.** All developments are required to landscape the frontage setback adjacent to and along the length of Shiloh Road, excluding driveways. Frontage setbacks shall be landscaped with a minimum of eight (8) canopy or evergreen trees and fifteen (15) shrubs per one hundred (100) feet of frontage.
- b. **Right-of-Way Frontage other than Shiloh Road Landscaping Required.** All developments are required to landscape the frontage setback adjacent to and along the length of all rights-of-way other than Shiloh Road, excluding driveways. Right-of-way frontage setbacks shall be landscaped with a minimum of four (4) canopy or evergreen trees and eight (8) shrubs per one hundred (100) feet of frontage.
- c. **Off-Street Parking Lot Landscaping.**
 - i. A minimum of twenty (20) square feet of internal landscaping shall be provided for each parking space.
 - ii. Two (2) canopy and/or evergreen trees and (5) shrubs shall be required for every eight (8) parking spaces.
 - iii. The shortest dimension of any parking lot landscaped area shall not be less than five (5) feet.
 - iv. Internal parking lot landscaping shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum unbroken distance in any direction shall be limited to one hundred (100) feet. See Section 27-1106 for additional requirements.
- d. **Commercial Uses Abutting Residential and Public Uses.** All commercial or industrial uses shall be separated from abutting, including across an alley, residential single family, duplex and public uses by a fifteen (15) foot wide bufferyard. The bufferyard shall be landscaped with a minimum of six (6) canopy or evergreen trees and twelve (12) shrubs per one hundred (100) linear feet. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

A solid fence or wall that is architecturally similar in color and design shall be required on the property line. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited. All fences shall be maintained by the commercial property owner.

- e. **Non-living Material Allowed.** River rock, bark chips, flagstones or similar material may be used as mulch or decorative landscape features to supplement the living plant material. Bufferyards may include boulevard sidewalks. No more than 25 percent of the landscaped area shall contain non-living material.
- f. **Landscape Maintenance Required.** All landscaped areas shall be irrigated, maintained and kept free of weeds, debris and litter. Dead or dying material shall be replaced within one (1) year.

- g. **Protection of Landscaped Areas.** Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved barriers.
- h. Automobile and recreation vehicle sales are exempt from the tree requirements as long as the required trees are replaced with shrubs and/or other landscape features, including but not limited to water features, landscape rock, public art, etc.
- i. **Plant Standards:**
 - i. **Canopy tree:** A species of tree that normally bears crown foliage no lower than six (6) feet above ground level upon maturity. Minimum size of canopy trees shall be at least two (2) inches in caliper at the time of installation. Caliper shall be defined by the American Nurseryman Standard Definition.
 - ii. **Evergreen:** A tree or shrub of a species that normally retains leaves / needles throughout the year. Minimum size of evergreen trees shall be five (5) feet in height at the time of installation.
 - iii. **Shrubs:** The minimum size of a shrub shall be at least five (5) gallons.
 - iv. **Recommended Tree Types.** It is recommended that the developer work with the City Parks Department, county extension agent, a local greenhouse operator, landscape architect or other professional designer to determine the species of trees that are most suitable for each situation. The use of native, drought tolerant plant materials is strongly encouraged. Evergreen trees are discouraged for internal parking areas if they limit sight lines. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site. A list of recommended plant material shall be available at the Planning Department.
 - v. **Fractions in the Calculations of Number of Trees and Shrubs.** In the calculation of trees and shrubs for bufferyards or parking landscaping, fractions of less than five tenths (.5) shall be rounded down to the nearest whole number; fractions of more than five tenths (.5) shall be rounded up to the nearest whole number.

SEC. 27-1407. BUILDING DESIGN STANDARDS.

1. **Materials:** All buildings shall be completed on all sides with an acceptable finishing material. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
2. **Roofs:** Roofs exposed to view shall be finished with a durable material that is architecturally coordinated in color and design with the building material. Recommended materials include: standing seam, dimensional asphalt shingles, shakes or shingles. Other types or styles of roofing materials that are consistent with this chapter may be approved by the Zoning Coordinator or his/her designee. Pitched roofs are encouraged wherever possible.

3. **Mechanical Equipment:** Mechanical equipment, placed at ground level or on a roof, shall be screened. The screening shall be at least the height of the mechanical equipment. Sound suppression/abatement shall be provided when mechanical equipment is installed on property that is adjacent to residential uses or zoning districts.
4. **Elevations and Facades:** Buildings shall incorporate one or more of the following: recesses, off sets, angular forms, or other architectural features such as bell towers or clock towers to provide a visually interesting shape. The break in facade shall be a minimum of twelve (12) feet in length and with a minimum protrusion or recess of four (4) feet. Buildings shall incorporate a break in the architectural façade at least every sixty (60) feet. It is encouraged that each offset area contain landscaping or other similar amenities that will complement the offset area.

SEC. 27-1408. ADDITIONAL PROVISIONS.

1. **Storage of Merchandise:** Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six (6) feet in height that is architecturally coordinated in color and design with the building. However, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale. Outside promotional displays are allowed during business hours only. Bufferyards or required landscaping shall not be used for the displaying of merchandise. Chain link and other types of wire fencing are prohibited.
2. **Area Lighting:**
 - a. All outdoor pole lighting shall be fully shielded (no light emitted by the fixture is projected above the horizontal plan of the fixture) and mounted at heights no greater than twenty (20) feet above grade.

All outdoor lighting, except street lights, shall be located and aimed or shielded so as to minimize stray light trespassing across property boundaries.

- 3. **Canopy, Marquee and “Wall Pack” Lighting:** Canopy, marquee and “wall pack” lighting shall be fully shielded. No internally illuminated fascia shall be allowed.
- 4. **Storage of Junk:** No person shall store junk, partially or completely dismantled vehicles, or salvaged materials outside a building. In the case of repair shops, such material must be enclosed within a building or an area having a sight-obsuring fence at least six (6) feet in height. Chain link or other type of wire fencing is prohibited.
- 5. **Waste Storage Area:** All solid waste storage shall be located within an area enclosed with a solid, masonry wall that is architecturally coordinated in color and design with the building. The following materials are acceptable: brick, fluted block, colored textured block, glass, stucco, architectural metal panels with covered fasteners, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone, wood, and integrally colored or exposed aggregate concrete. Exposed-seam metal buildings shall be prohibited unless covered with an acceptable finishing material. Solid waste enclosures are encouraged to be landscaped.

SEC. 27-1409. DEVELOPMENT FEATURES REQUIRED TO EARN POINTS (RELATIVE CRITERIA).

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

- a. Twenty (20) points if the lot size is greater than 25,000 square feet; or
- b. Fifteen (15) points if the lot size is less than 25,000 square feet.

1. Site Development:

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

2. Access:

- a. A transit or school bus stop.
- b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the Subdivision Regulations.
- c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each 50 feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).
- d. Provision for internal access between lots.
- e. Shared driveway

3. Lighting:

- a. Demonstrate lighting does not spill over to adjacent residential properties.
- b. Establish an overall outdoor lighting budget for the property that does not exceed 50,000 initial lamp lumens per net acre for all fully shielded and unshielded light sources.

- c. Continuity of lighting fixture design with adjacent properties.
- d. Incorporate outdoor light fixtures at heights less than twenty (20) feet.

4. *Parking:*

- a. A joint use parking agreement.
- b. Parking provided does not exceed one hundred (100) percent of required spaces.
- c. Landscaping internally integrated in parking areas and/or sales area.
- d. Parking lots placed at the rear and/or side of the building, none in front.

5. *Scale:*

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

6. *Landscaping:*

- a. Buildings have foundation planting.
- b. Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) percent each.
- c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.
- d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.
- e. Terraced or bermed site design.
- f. Stormwater retention areas include significant landscaping.
- g. Bufferyards larger than required by at least ten (10) percent.
- h. Continuity of landscaping features at interface with adjacent property.
- i. Canopy trees placed in the boulevard along internal streets at one tree per 25 feet of street frontage.

- j. Installation of a curvilinear boulevard walk.
- k. Incorporates existing trees in landscape design.

7. Architectural Design:

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

Facade relief elements

- Two (2) or more colors
- Natural earth toned colors
- Substantial fenestration using windows, doors, or other openings
- Two (2) or more materials that break up the mass of the structure
- Articulation of the parapet walls
- Change in wall plane
- Change in roof plane
- Extended roof overhangs
- Significant variation in building masses and/or forms

8. Signage:

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

- e. Comprehensive sign plan.

9. **Mixed Use:**

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

- Office
- Retail
- Personal services such as dry cleaner, laundromats, beauty salons
- Residential
- Hotel/motel
- Medical
- Entertainment
- Restaurant

SEC. 27-1410. SIGNAGE STANDARDS - PURPOSE, INTENT, AND SCOPE

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

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lots; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

1. **Permits Required.** Any on-premise sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered in accordance with this chapter and pursuant to a sign permit issued by the Planning and Community Services Department. A sign permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate sign permit. The owner of a sign shall produce a permit upon request. Within fifteen (15) working days following the submittal of a complete sign permit application, the Zoning Coordinator or his/her designee shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. In the event that review exceeds 15 days, the applicant may seek immediate approval from the Planning Director. If an application is determined to be incomplete, the applicant shall be notified within 5 days of the submittal. Should the application be denied, the applicant shall be notified in writing specifying all areas of noncompliance with this Section.
2. **Permit Applications.** All permit applications for signs shall include a site plan that provides the following information:
 - a. The location of the affected lot, building and sign;

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

SECTION 27-1411. DEFINITIONS

The definitions used in this chapter may be found below and in Section 27-703 of the City of Billings Sign Regulations or Article X, Section of the Yellowstone County Sign Regulations.

1. **Bulletin Board:** A sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.
2. **Electronically Changeable Message Sign:** A computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed. This definition does not include video boards.
3. **Flashing Sign:** An electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.
4. **Individual Business:** One business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.
5. **Monument Sign:** A sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.
6. **Multiple Businesses:** Multiple businesses include businesses that may be located in a single building or in multiple buildings on a single site.
7. **Support Structure(s):** Posts or columns and their anchors and bolts that structurally support the sign attached to it.
8. **Three-Sided Sign:** A sign with three (3) faces.
9. **Two-Sided Sign:** A sign with two (2) faces.

SECTION 27-1412. EXEMPT SIGNS.

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

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

SECTION 27-1413. PROHIBITED SIGNS.

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

1. Sign which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices
2. Signs that create a safety hazard for pedestrian or vehicular traffic
3. Flashing signs
4. Portable signs
5. Portable reader boards
6. Portable electric signs
7. Banner signs
8. Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.

9. Roof signs
10. Video boards
11. Billboards
12. Painted signs on buildings, including those attached on or to the surface of windows

SECTION 27-1414. SIGNS PERMITTED IN ALL ZONES IN CONNECTION WITH SPECIFIC USES.

The following signs may be permitted in any zone, subject to the limitations as provided herein.

1. **Bulletin boards:** Bulletin boards may be permitted on the premises 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, shall use low-intensity lighting.
 - d. A thirty-two (32) square foot, double-faced sign, no higher than fourteen feet above grade, is authorized for a public or private school on property not less than three acres in size.
2. **Temporary Residential Subdivision or Area Name Signs:** A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract, condominium, or apartment complex shall be permitted, subject to the following conditions:
 - a. The freestanding sign shall be located on the premises being sold or leased.
 - b. The sign shall not exceed forty (40) square feet in area on a face and may be double-faced.
 - c. The sign shall remain only as long as property remains unsold or unleased for the first time with the tract, but not to exceed one 1 year. The Planning Division may extend the one year time period upon written request by the owners/developers of the project.
 - d. The sign shall be non-illuminated.
 - e. The top of the sign shall be no higher than ten (10) feet above grade of the lot or parcel on which the sign is located.
3. **Permanent Residential Subdivision or Area Name Signs:** Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only are permitted, subject to the following conditions:
 - a. The sign shall consist of decorative building material with illuminated, indirectly lighted or non-illuminated name plates or letters, and be located in a maintained landscaped area; and

- b. The wall and or sign shall not exceed six (6) feet above grade of the lot or parcel.
4. **Contractor, Architect, Surveyor, or Engineer Signs:** One on-premises sign identifying the project, developers, building contractor and/or subcontractors, architect, surveyor and engineer engaged in the construction is permitted on a property during the period of construction, provided that:

 - a. The sign is located on the parcel on which the construction is located.
 - b. The sign shall not exceed forty (40) square feet in area; and
 - c. The top of the sign shall not exceed ten (10) feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of twelve months without approval from the Planning Department. The Planning Department may extend the one (1) year time period upon written request of the owners/developers of the project.
5. **Real Estate Sign:**

 - a. Residential and Agricultural use or property: One temporary on-premise sign per frontage road, advertising the sale, lease or rental of the building, property or premises, is permitted on the property. Such sign shall be unlighted, no more than five (5) square feet and no higher than five (5) feet above grade. A thirty-two (32) square foot sign is allowed on agricultural property of twenty (20) acres or more, with or without a dwelling on site.
 - b. Commercial and Industrial use or property: One temporary on-premise sign advertising the sale, lease or rental of the building, property or premises is permitted on the property. Such sign shall be unlighted, no more than thirty-two (32) square feet and no higher than ten (10) feet above grade.
 - c. Open house and directional sign: For (a) and (b) above, an open house or directional sign shall be allowed on each street access street to the property. Signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspections, shall be unlighted, and shall be no more than five (5) square feet and no higher than three (3) feet above grade.
6. **Electronically Changeable Message Sign:** Electronically changeable message signs shall be permitted in Community Commercial, Highway Commercial, Controlled Industrial, Heavy Industrial, Entryway General Commercial, and Entryway Light Industrial zones in accordance with the standards of Sections 27-1417 through 27-1423 and their definitions.

SECTION 27-1415. SIGN STANDARDS IN AGRICULTURAL (A-O) AND RESIDENTIAL (A-S, R-150, R-96, R80 R-70R R-70, R-60R, R-60, R-50, RMF, RMF-R, RMH) ZONES

1. Permitted Signs by Zone: Sign structures are permitted in the agricultural and residential zones in accordance with the following uses and standards:

- a. 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.
- b. 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.

2. Permitted Signs by Use

- a. The standards in Tables 1 and 2 apply to the following uses:
 - i. 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.
 - ii. 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.
- b. **Wall signs:** On-premises wall signs are permitted, not to exceed the maximum number and size as shown in Table 1. Wall signs shall be unlighted or have low-intensity lighting, and shall be placed flat against the outside wall of the main building.

Use per Paragraph 2(a)	Maximum Number of Signs	Maximum Sign Area
Residential/Semi-Public	1	20 square feet
Schools/Public Use	1	32 square feet

Table 1 – Wall Signs – Agricultural and Residential Zones

- c. **Freestanding signs:** On-Premises freestanding signs are permitted, not to exceed the maximum number, size and height as shown in Table 2. On-premises freestanding signs shall be unlighted or have low-intensity lighting.

Use per Paragraph 2(a)	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Height
Residential/Semi-Public	1	16 square feet	6 feet
Schools/Public Use	1	32 square feet*	15 feet

*Maximum sign area may be increased to 48 square feet for monument signs seven feet or less in height.

Table 2 – Freestanding Signs – Agricultural and Residential Zones**3. Multiple Arterials**

In the event the use or group of uses is adjacent to more than one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

SECTION 27-1416. SIGN STANDARDS FOR BUSINESS AND INDUSTRIAL (RP, NC, CC, HC, CI, HI, ELC, EGU, EMU, ELI).

1. Permitted signs by zone: Sign structures are permitted in commercial and industrial zones in accordance with the following uses and standards.
 - a. **Wall Signs – Individual and Multiple Businesses:** Wall signs are permitted on each wall of a building provided the wall sign does not exceed twenty (20) percent of the total area of the wall or a maximum of 250 square feet, whichever provides the smaller area. “False fronts” and mansard roofs shall not be included when calculating the total area of the wall.
 - b. **Freestanding Signs (pole or monument design) – Individual Businesses:** One on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as provided in Table 3.

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

Table 3 – Freestanding Signs – Commercial and Industrial Zones

- c. **Freestanding Signs (pole or monument design) – Multiple Businesses**
 - i. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area and height limits as provided in Table 4.
 - ii. Freestanding signage allowed for an individual business under Paragraph b. of this Section shall not be combined with signage allowed for multiple businesses under this Paragraph.
 - iii. The minimum separation between signs shall be 500 feet, measured from the center of the sign.

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

*One freestanding sign is permitted on parcels with less than 500' of lineal street frontage.

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

2. Incentive to Substitute Height Restricted Monument Signs for Freestanding Signs.

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

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

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

*Two freestanding signs are permitted on parcels with less than 500' of lineal street frontage

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

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

3. **Multiple Arterials**

In the event the use or group of uses is adjacent to more than one arterial, including through and corner lots, they will be allowed a freestanding sign exclusively oriented to the additional arterial. The above allowance shall be calculated independently, using only the additional arterial frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other.

SECTION 27-1417. MODIFICATION TO SIGN STANDARDS IN CC, HC, CI, HI, EGC, ELI ZONING DISTRICTS.

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

1. The development exceeds the following minimum square foot floor area requirements:
 - a. 250,000 square feet for a shopping center or hotel conference center
 - b. 250,000 square feet of commercial/industrial floor space for a mixed use development
 - c. 300,000 square feet for an industrial park
2. The applicant shall submit a sign plan that includes size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
3. The sign plan shall conform to the standards of Section 27-1416; except that a maximum of three of the allowed signs under Section 27-1416 may be allowed an increase of twenty (20) percent in sign height and area over the maximum allowed in the underlying zone.
4. The sign plan shall be consistent with the Yellowstone County - City of Billings 2003 Growth Policy, the West Billings Master Plan, and the purpose and intent of this section, as determined by the Zoning Coordinator.
5. The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed with the Planning Department and shall apply to present as well as future property owners. All signage shall be installed in conformance with the approved sign plan.
6. Modifications to the approved sign plan shall require reapplication and approval by the Zoning Coordinator.

SECTION 27-1418. SIGN LOCATION AND SETBACK.

1. All signs shall be located so that they:

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

SECTION 27-1419. SIGN AREA AND CALCULATION.

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

SECTION 27-1420. MAINTENANCE OF SIGNS.

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

SECTION 27-1421. NONCONFORMING SIGNS.

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

SECTION 27-1422. LANDSCAPING FOR FREESTANDING AND MONUMENT SIGNS

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

SECTION 27-1423. SIGN ILLUMINATION.

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

SECTION 27-1424. SHILOH CORRIDOR OVERLAY DISTRICT APPLICATION FORM.

SHILOH CORRIDOR OVERLAY ZONE PERMIT

Permit #_____

Application Information

Applicant Name: _____ Date: _____

Applicant Address: _____ Phone: _____

Property Owner Name (if different): _____

Property Owner Address: _____ Phone: _____

Property Information

Property Address: _____

Section, Township, Range: _____ Zoning District: _____

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

Subdivision/COS: _____ Block: _____ Lot: _____

Proposed Use: _____

FOR OFFICE USE ONLY

Date Received _____

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

Approved _____ Denied _____ Date: _____

Reviewed By: _____

4.	<p>PARKING</p> <p>a. Joint use parking agreement. RELATIVE CRITERIA</p> <p>b. Parking does not exceed 100% of required spaces</p> <p>c. Landscaping internally integrated in parking areas. Applicant must obtain points from eight (8) of nine (9) categories.</p> <p>d. • Parking lots placed at the rear and/or side of building – none in front. Applicant must obtain the following number of points:</p>	_____
		20 points if the lot size is greater than 25,000 square feet.
		15 points if the lot size is 25,000 square feet or less.
1.	<p>SITE DEVELOPMENT</p> <p>a. Frontage pavement less than 35' along Shiloh Road</p> <p>b. Public use space included</p>	_____
2.	<p>ACCESS</p> <p>a. MET transit or school bus stop</p> <p>b. Bikepath or pedestrian trail easement (above what subdivision requires)</p> <p>c. Bikepath or pedestrian trail construction (1 point for each 50 feet, 4 points max)</p> <p>d. Reciprocal access between lots</p> <p>e. Shared driveway approaches</p> <p>f. Internal sidewalks incorporating stone, brick patterned or colored concrete.</p> <p>g. Installation of a curvilinear boulevard walk.</p>	_____
3.	<p>LIGHTING</p> <p>a. Establish an overall outdoor lighting budget for the property that does not exceed 50,000 initial lamp lumens per net acre for all fully shielded and unshielded light sources.</p> <p>b. Continuity of lighting fixture design with adjacent properties.</p> <p>c. Incorporate outdoor light fixtures at heights less than twenty-five (25) feet.</p> <p>h.</p> <p>h.</p> <p>h.</p>	_____

5.	<p>SCALE</p> <ul style="list-style-type: none"> a. Mass and scale of structures does not exceed that of the surrounding development by more than 10 percent.. b. Height of structures does not exceed that of the surrounding development by more than 10 percent.. c. Building size does not exceed that of the surrounding development by more than 10 percent.. 	
6.	<p>LANDSCAPING</p> <ul style="list-style-type: none"> a. Buildings have foundation planting. b. Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) each. c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required. d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use. e. Terraced or bermed site design. f. Stormwater retention areas include significant landscaping. g. Bufferyards larger than required by at least ten (10) percent. h. Continuity of landscaping features at interface with adjacent property. i. Canopy trees placed in the boulevard along internal streets at one tree per 25 feet of street frontage. j. Incorporates existing trees in landscape design. 	
7.	<p>ARCHITECTURAL DESIGN</p> <ul style="list-style-type: none"> a. Building materials are natural, i.e. wood or stone. b. Pitched roof with a minimum 3:12 pitch. c. Exceeds the state energy code requirements by: <ul style="list-style-type: none"> • Twenty-five (25) percent = One (1) point • Fifty (50) percent = Two (2) points • More than seventy-five (75) percent = Three (3) points d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind. e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements; f. Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements; g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements; <p>Facade relief elements</p>	

	<ul style="list-style-type: none"> • Two (2) or more colors • Natural earth toned colors • Substantial fenestration using windows, doors, or other openings • Two (2) or more materials that break up the mass of the structure • Articulation of the parapet walls • Change in wall plane • Change in roof plane • Extended roof overhangs <p>h. Significant variation in building masses and/or forms</p>	
8.	<p>SIGNAGE</p> <ul style="list-style-type: none"> a. Signage is not internally illuminated. b. Monument signs used in lieu of pole signs. c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type. d. Maximum sign height does not exceed one-third (1/3) the maximum height of the building(s). e. Comprehensive sign plan. 	
9.	<p>MIXED USE</p> <p>One point will be given for each building that contains two (2) or more of the following uses:</p> <ul style="list-style-type: none"> • Office • Retail • Personal services • Residential • Hotel • Medical • Entertainment • Restaurant 	
	TOTAL POINTS	

SECTION 27-1425. REEXAMINATION OF REGULATIONS.

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

SECTION 27-1426. APPEAL PROCESS

An appeal may be made by any applicant aggrieved by a denial of a Shiloh Corridor Overlay Zone permit by the Planning and Community Services Department. The applicant shall first appeal to the Department Director, and if not satisfied with the Director's determination, may then file an appeal with City Council. The City Council shall hold a public hearing and make a determination whether to approve or deny the permit. Before either the Director or City Council makes a determination on the permit, the following criteria shall be considered:

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

Upon receiving written notice of denial of a permit from the Planning and Community Services Department, the aggrieved applicant has fourteen (14) days from the date on the notice to submit a written request for appeal to the Department Director. The Director shall meet with the applicant within five (5) days of receiving the request and issue a determination on the decision to deny the permit. If the Department Director upholds the decision to deny, the applicant may file, within fourteen (14) days from the date of the Director's determination, a request for appeal before the City Council. If an appeal is requested, the Planning and Community Service Director shall:

1. Submit a staff report to the City Council within thirty (30) days after receipt of the appeal scheduling a public hearing and describing the nature of the appeal. The memo shall include the request for the appeal and a copy of the notice stating reason(s) for the denial of the permit.
2. Place notice of the time, date and place of the public hearing in a newspaper of general circulation fifteen (15) days in advance of the date set for the public hearing.
3. Notify, by mail, the party requesting the appeal and all adjacent property owners of the time, date and place of the public hearing and nature of the appeal five (5) days in advance of the public hearing.

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

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

Section 2. REPEALER. All resolutions, ordinances and sections of the City Code in conflict herewith are hereby repealed.

Section 3. 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 4. 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 October 25, 2004.

PASSED, ADOPTED AND APPROVED on second reading December 13, 2004.

CITY OF BILLINGS:

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk