

## ORDINANCE NO. 09-5498

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY DELETING **Section 22-441 through 22-448**; AND REVISING **Section 27-604 (d) – Fences Walls and Hedges; Section 27-615 – Visibility at Intersections; and Section 27-618 – Illustrations**, ADOPT THE REVISIONS AS AN AMENDMENT TO THE BMCC AND THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

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

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

3. AMENDMENT. That the Billings, Montana City Code be amended by deleting Sections 22-441 through 22-448; and revising Section 27-604, Section 27-615 and Section 27-618 as follows:

Sec. 22--441. Vision obstruction.  
*Delete section in its entirety*

Sec. 22-442. Safety hazard.  
*Delete section in its entirety*

Sec. 22-443. Unlawful obstructions.  
*Delete section in its entirety*

Sec. 22-444. Notice of vision obstruction.  
*Delete section in its entirety*

Sec. 22-445. Notice contents.  
*Delete section in its entirety*

Sec. 22-446. Notice procedure.  
*Delete section in its entirety*

Sec. 22-447. Interest.

*Delete section in its entirety*

Sec. 22-448. Appeal to city council.

*Delete section in its entirety*

Section 27-604 – Fences, Walls and Hedges.

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

Section 27-615 – Visibility at Intersections.

(a) On corner lots at the intersection of all streets, except those intersections which are controlled by stop signs, yield signs or traffic signals, no fence, hedge, wall, shrub, structure or vision impediment over ~~thirty-six (36)~~ thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting street centerlines and a straight line joining such intersecting lines at points ~~one hundred and ten (110) feet distant from the point of intersection measured along the centerlines of the streets~~ measured back from the point where the centerlines or the extension of the centerlines intersect a distance as shown in Table 1 (See BMCC section 27-618, Figure 3 Figures 3a, 3b, and 3c).

**Table 1—Clear Vision Areas at Intersections**

<b><u>INTERSECTION TYPE</u></b>	<b><u>Clear Vision Area Required:</u></b>	<b><u>Reference Figure in Sec. 27- 618</u></b>
<u>Minor Street Stop</u>	<u>Entering a Local Street—10' x 55'(along property lines)</u>  <u>Entering Collector Street—10' x 75'(along property lines)</u>  <u>Entering Arterial Street—10' x 95' (along property lines)</u>	<u>Fig. 2a</u>
<u>All-Way Stop</u>	<u>20' x 20' along property lines</u>	<u>Fig. 2b</u>
<u>Yield</u>	<u>25' x 60' along property lines</u>	<u>Fig. 2c</u>
<u>Traffic Signal</u>	<u>Same as minor street stop looking toward approaching traffic in nearest travel lanes</u>  <u>Same as all-way stop looking opposite direction</u>	<u>Fig. 2d</u>
<b><u>--Open (uncontrolled)</u></b>		

<u>4-legged</u>	<u>110' x 110' along street centerline</u>	<u>Fig. 3a</u>
<u>2-legged (right angle curve with street centerline radius of 100 feet or less)</u>	<u>80' x 80' along street centerlines (extended)</u>	<u>Fig. 3b</u>
<u>"T" intersection</u>	<u>25' along stem x 60' along top of "T" measured along property lines (see Note 1)</u>	<u>Fig 3c</u>

Notes & Exceptions for Table 1:

1) Only applies to "permanent" T-intersections where there is no chance of the street extending through. Intersections where the property along the top of the "T" is not subdivided or is split into lots significantly larger than the majority of lots in the subdivision, or where there is a private street extending into the adjacent property opposite the stem of the "T" will be treated as a 4-legged intersection

2) In cases where there is a curve coming into the intersection or the street alignment near the intersection deviates by more than 5 degrees from tangent may be subject to increased (additional) restrictions based on technical review by the City Traffic Engineer.

3) Along arterial and collector streets where the "major" street curbline is more than 20 feet from the property line, the clear vision area may be reduced to that provided for a stop controlled local street intersection

4) For minor street stop (case 2a) entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.

5) Along private streets where there is no property line, controlled intersection areas shall be measured as though there is a property line 12 feet behind the curbline of the private street.

(b) On corner lots at intersections where one (1) or more approaches are controlled by either a stop sign, yield sign, or a traffic signal, no fence, hedge, wall, shrub, structure or vision impediment over ~~thirty-six (36)~~ thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting lines at points ~~twenty-five (25)~~ feet distant from the point of intersection as measured along the property lines as provided in Table 1 (See BMCC section 27-618, ~~Figure 2~~ Figures 2a, 2b, 2c, and 2d).

(c) On the street side of all lots where an alley or private driveway enters the street right-of-way, a ~~triangular~~ clear vision area zone shall be maintained. Such area zone

shall be measured ~~ten (10) feet into the lot from the edge of the sidewalk nearest the property line or where no sidewalk exists, from the edge of the property line, and twenty (20) feet parallel to the street measured from the edge of any alley, away from the alley, along the edge of the sidewalk nearest the property line or, where no sidewalk exists, along the property line.~~ as defined in Table 2. No fence, hedge, wall, shrub or structure over ~~thirty-six (36)~~ thirty (30) in height above an established top-of-curb grade shall be erected or maintained within the above defined this clear vision area triangle (See BMCC section 27-618, Figure 1a). If no sidewalk exists, ~~the point of reference for all measurements shall be determined by the city engineer or county public works director.~~ all measurements shall be made from and along the property line.

**Table 2—Clear Vision Area at Driveways and Alley Approaches**  
**Clear Vision Area Required**

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

**Notes for Table 2:**

- 1) For commercial driveways the point of reference for "centerline" shall be the actual marked centerline when there are two (2) or more exit lanes.
- 2) For driveways entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.

(d) Central Business District. On corner lots at intersections within the Central Business District no fence, hedge, wall, shrub, structure or vision impediment over thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting lines measured along the street

centerline and the back of curbline as provided in Table 3 (See BMCC section 27-618, ~~Figure 2~~ Figures 2e). In cases where the clear vision area at intersections extends 2 feet or less on to private property, the City Engineer is authorized to review and may waive the clear vision area.

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

**TABLE 3 CBD Clear Vision Areas at Intersections**

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

**TABLE 4 CBD Clear Vision Areas at alleys and driveways**

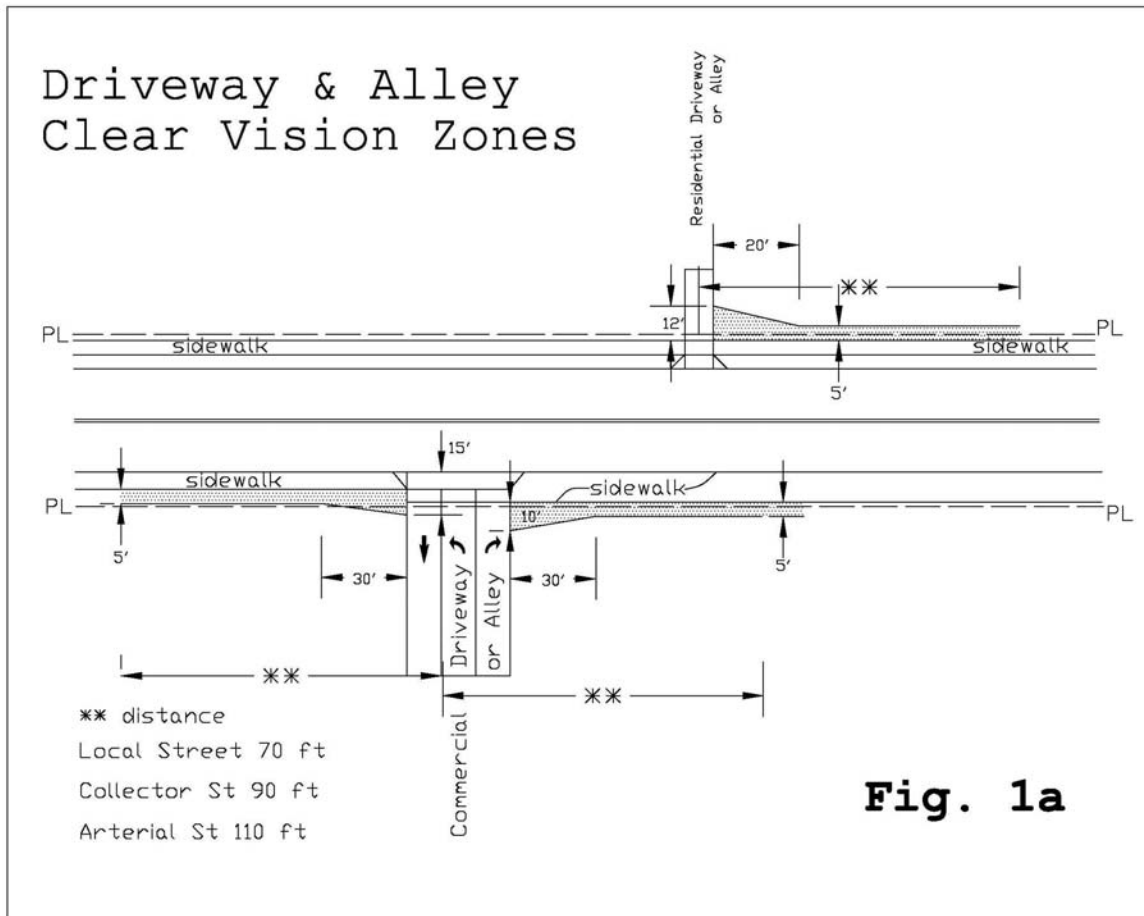
<b><u>Clear Vision area for:</u></b>	<b><u>Clear Vision Area Required: <i>The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.</i></u></b>	<b><u>Reference Figure in Sec. 27- 618</u></b>
<u>Vehicular traffic</u>	<p>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

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

Section 27-618 – Illustrations.

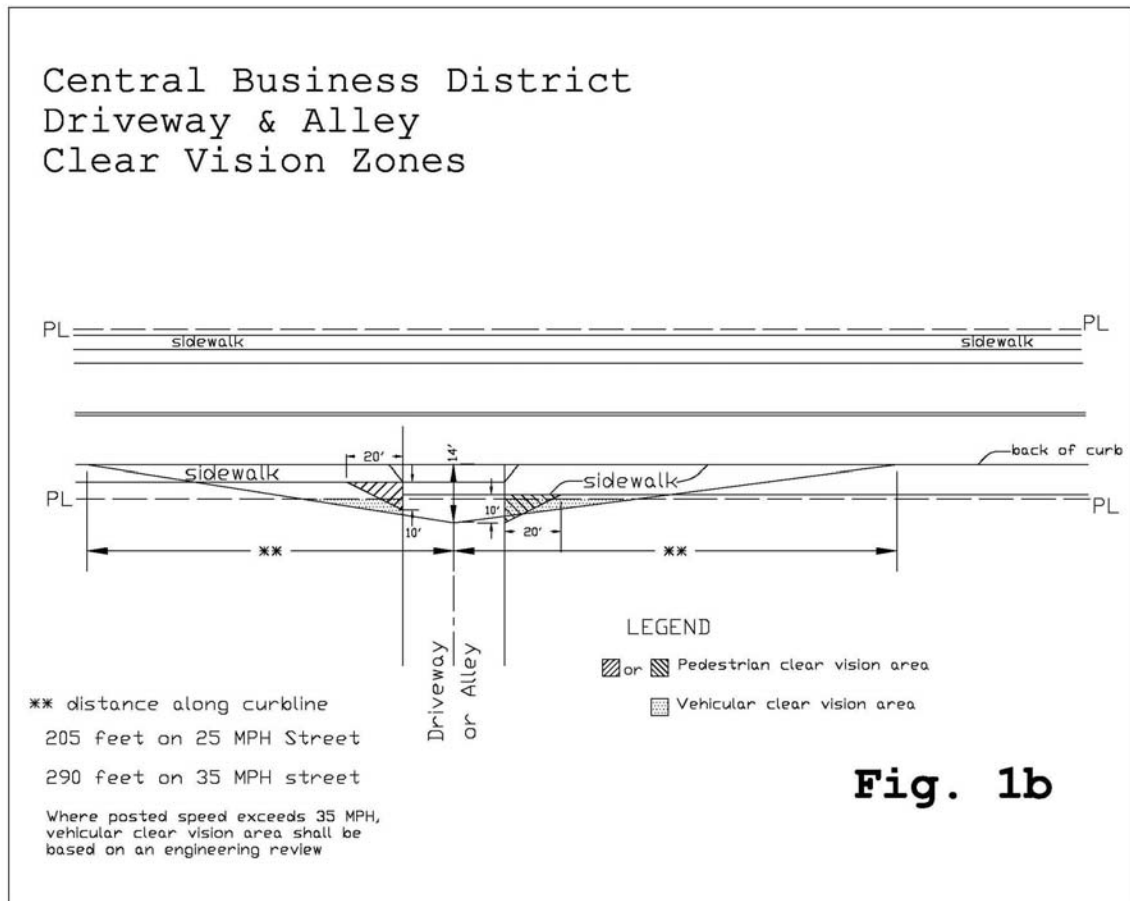
FIGURE 1a. VISIBILITY AT ALLEY AND DRIVE APPROACHES

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



### FIGURE 1b. VISIBILITY AT ALLEY AND DRIVE APPROACHES

At the intersection of any alley or any driveway in a commercial zone and a public street within the Central Business District, the illustrated clear vision triangle areas shall be maintained. The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.



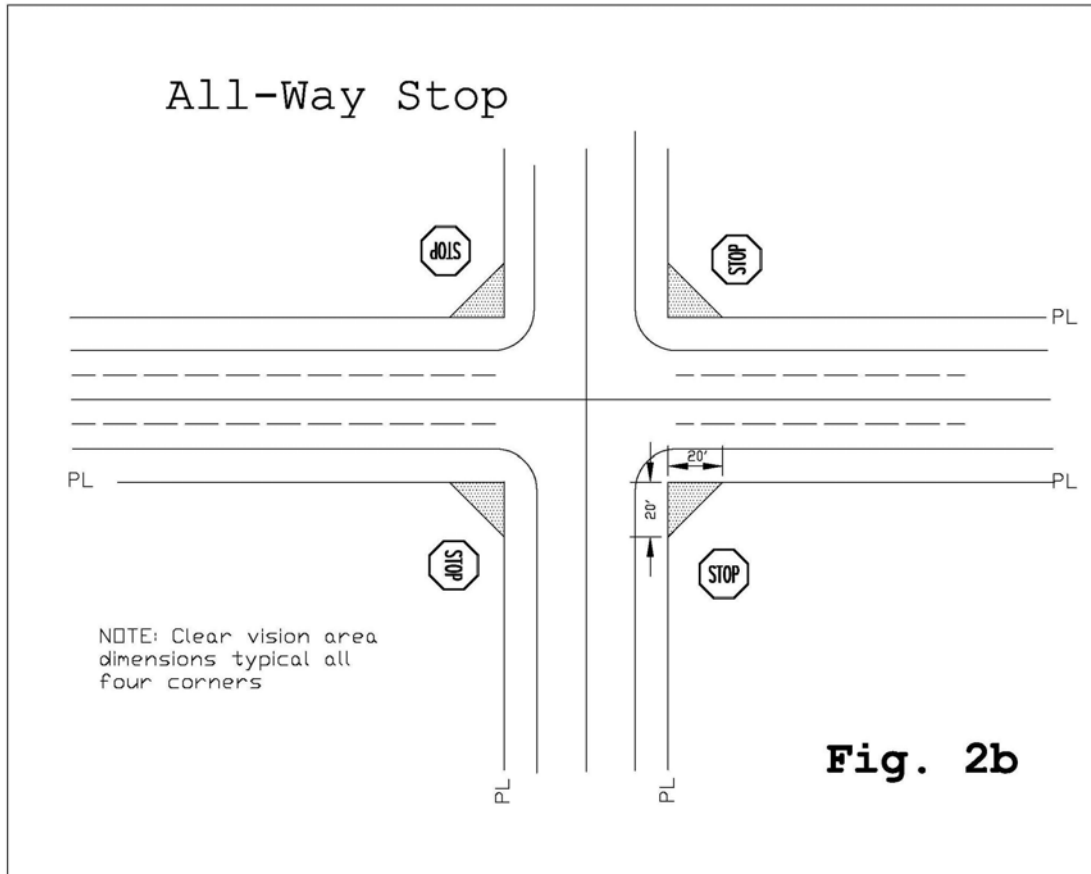


At any intersection where one (1) or more approaches is controlled by a stop sign or traffic signal, the illustrated clear vision triangle area shall be maintained.



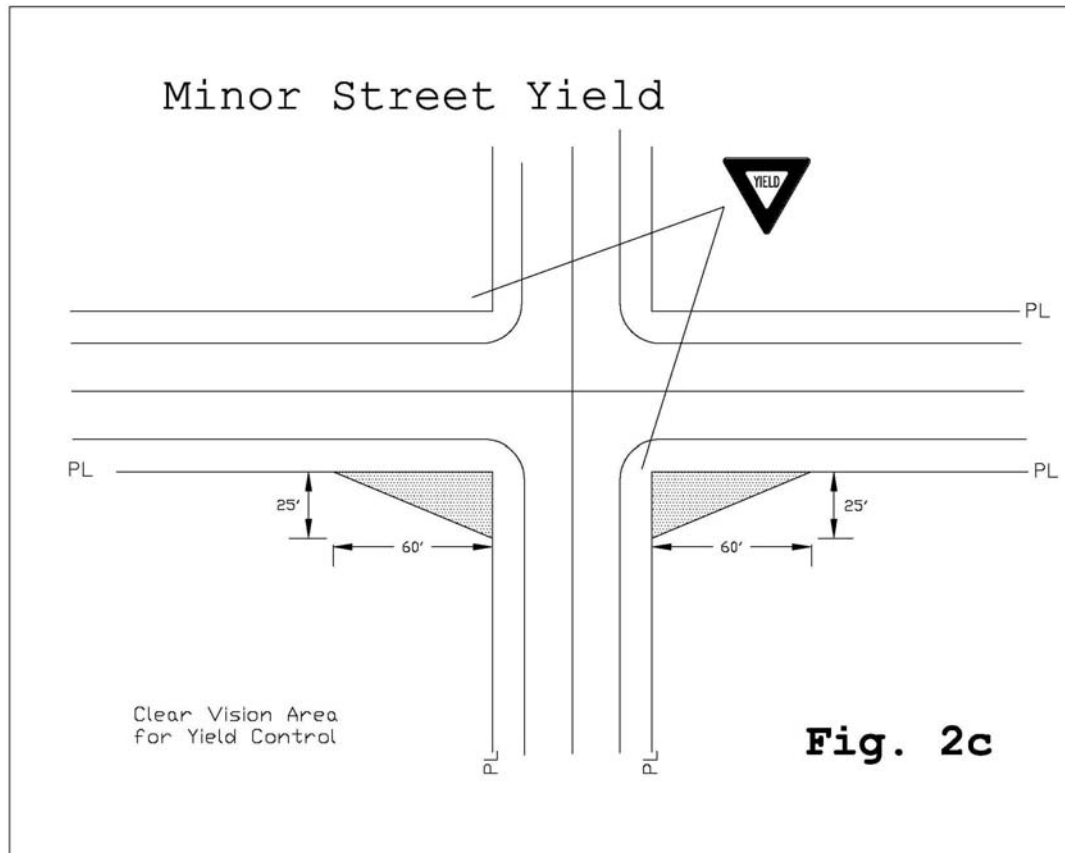
**FIGURE 2b. VISIBILITY AT INTERSECTIONS: ALL-WAY STOP CONTROL**

At any intersection where all approaches are controlled by stop signs the illustrated clear vision area shall be maintained.



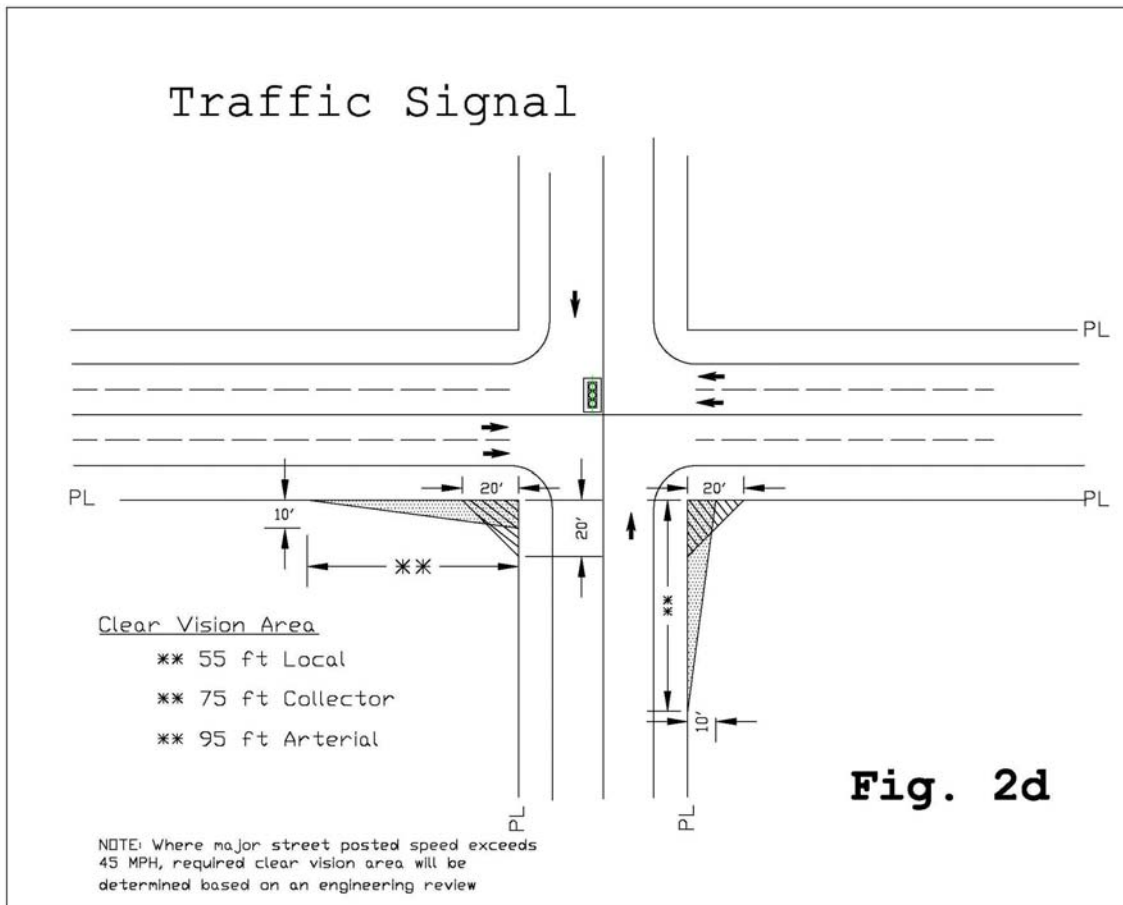
**FIGURE 2c. VISIBILITY AT INTERSECTIONS: YIELD CONTROL**

At any intersection where one (1) or more approaches is controlled by a yield sign the illustrated clear vision area shall be maintained.



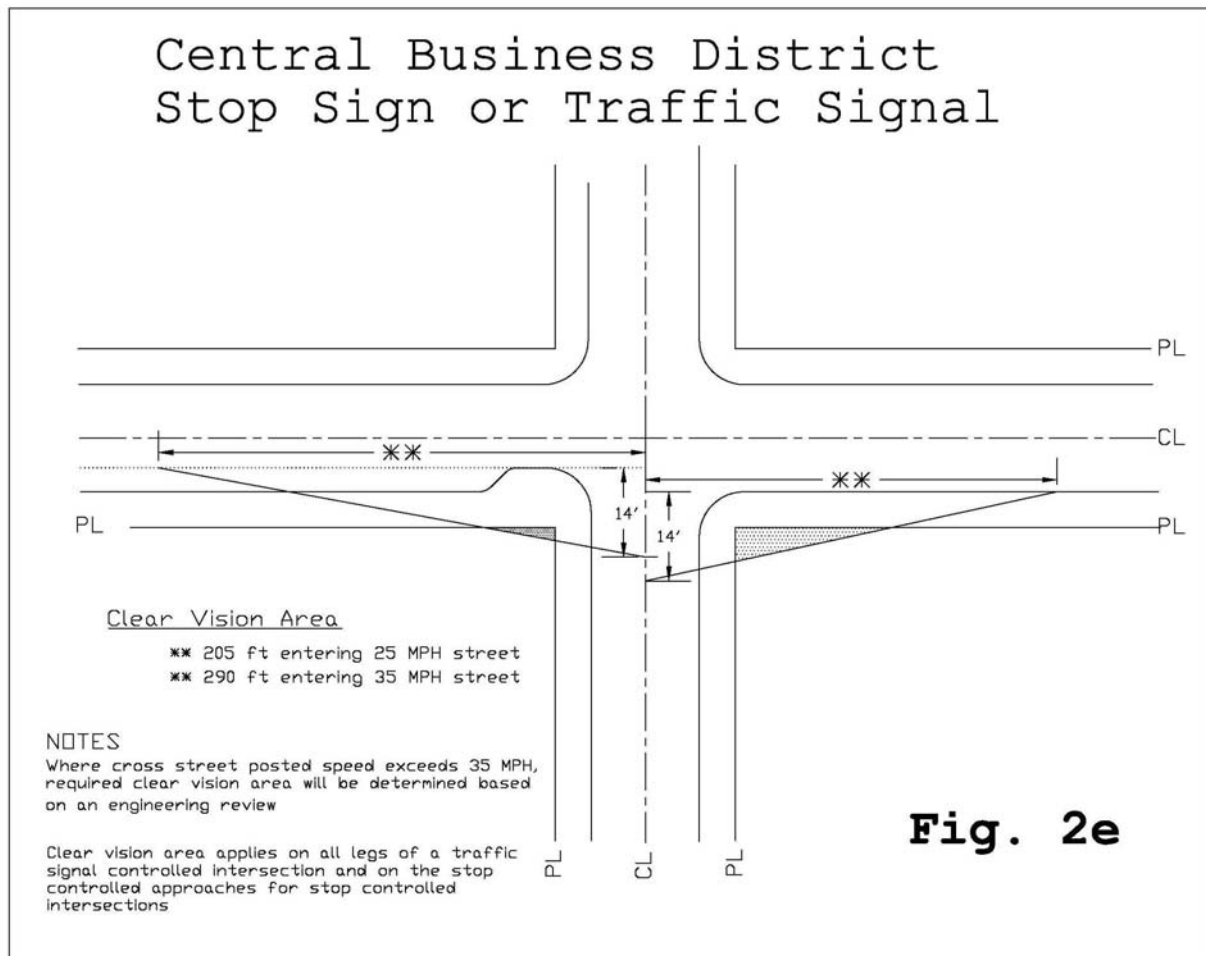
**FIGURE 2d. VISIBILITY AT INTERSECTIONS: TRAFFIC SIGNAL CONTROL**

At any intersection where traffic is controlled by traffic signals the illustrated clear vision area shall be maintained.



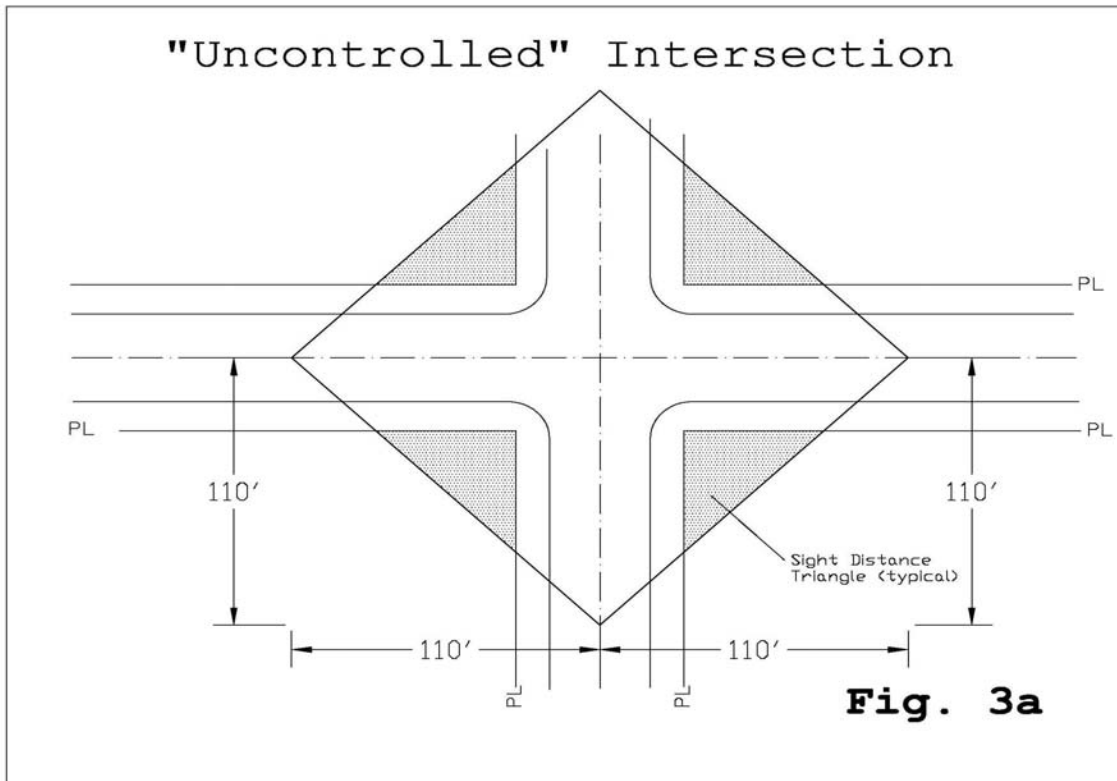
**FIGURE 2e. VISIBILITY AT STOP SIGN AND TRAFFIC SIGNAL CONTROLLED INTERSECTIONS IN THE CENTRAL BUSINESS DISTRICT**

At any intersection within the Central Business District where traffic is controlled by stop signs or traffic signals the illustrated clear vision area shall be maintained.



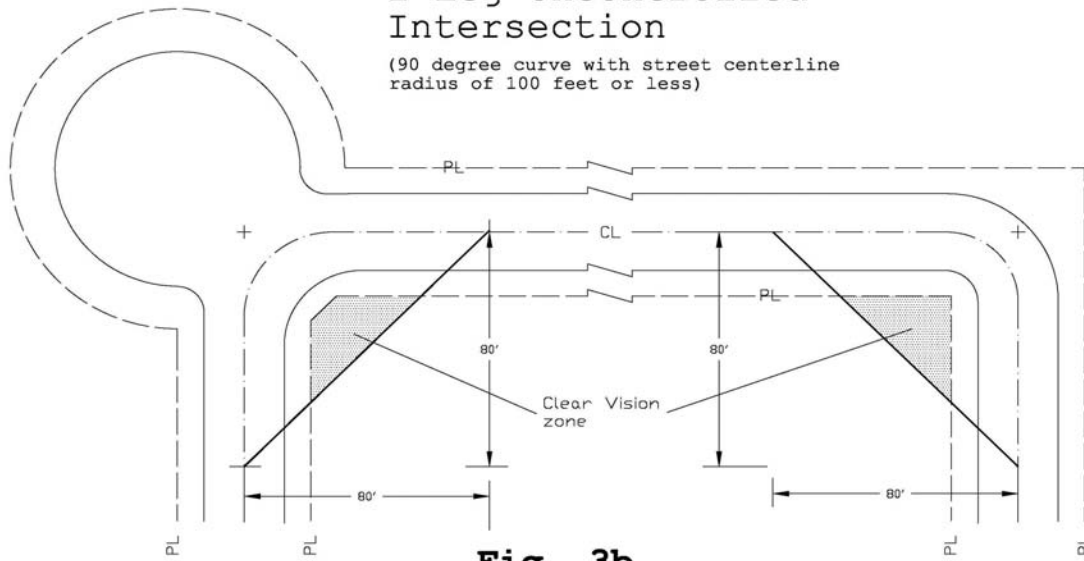
FIGURES 3a, 3b, and 3c. VISIBILITY AT INTERSECTIONS: UNCONTROLLED

At any intersection where none of the approaches is are controlled by either a stop sign, yield sign or traffic signal, the illustrated clear vision ~~triangle~~ areas shall be maintained.



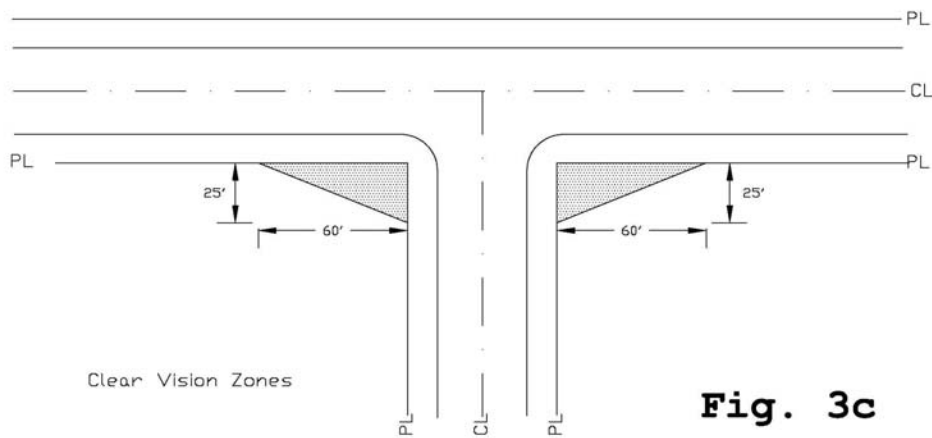
## 2-Leg Uncontrolled Intersection

(90 degree curve with street centerline radius of 100 feet or less)



**Fig. 3b**

## Permanent "T" Intersection



**Fig. 3c**

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 October 26, 2009.

PASSED, ADOPTED AND APPROVED on second reading November 9, 2009.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, City Clerk

ZC#853 – Text Amendment Clear Vision Areas