



Planning & Community Services Department
"Serving Billings, Broadview and Yellowstone County"
510 North Broadway, 4th Floor
Billings, Montana 59101
Phone: (406) 657-8246
Fax: (406) 657-8327



July 15, 2010

W. Scott Green
 Patten, Peterman, Bekkedahl & Green
 Suite 300, The Fratt Building
 2817 2nd Avenue North
 Billings, MT 59101

RE: [REDACTED] – keeping poultry

Dear Mr. Green,

I have received your correspondence in regards to the above noted Code Enforcement case # [REDACTED] for property owned by [REDACTED]. The notice sent to your clients alleges violation of City Code Section 27-607 – Livestock and Fowl. The property in question [REDACTED] is zoned Controlled Industrial and the prohibition on keeping livestock and fowl within the city limits is governed by 1) Definitions under Section 27-201; 2) Commercial and Industrial Uses under Section 27-306; and 3) Livestock and Fowl under Section 27-607.

While I agree with your proposition that reading only Section 27-201 (definition of Livestock & Fowl) and Section 27-607 (Livestock and Fowl) may give the impression that keeping fowl (as defined) might be an allowable use within the city limits, Section 27-305 (Residential Uses) and Section 27-306 (Commercial and Industrial Uses) enumerate allowable uses and must be read together with the definitions and supplementary regulations in 27-600. The definition in Section 27-201 is as follows:

LIVESTOCK & FOWL: *Livestock shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. Fowl shall include chickens, geese, ducks, turkeys and other poultry.*

Supplementary Section 27-607 states the following:

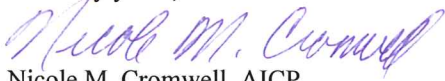
Livestock, as defined in BMCC Section 27-201, shall not be maintained in any zoning district located within the limits of the City of Billings (see also BMCC Sections 4-501 through 4-505).

Section 27-305 states that Livestock and Fowl are allowed outside the city limits in the A-1, A-S, R-150, R-96, R-70 and RMH zoning districts if certain area requirements are met. (Attachment A). Section 27-306 states that Agricultural Production – Livestock and Animal Specialties is allowed in Controlled Industrial zones as an office use only (Attachment B). Uses within commercial and industrial zoning districts are classified using the 1987 Standard Industrial Classification codes (See Section 27-307).

Your client may not keep any chickens or other fowl on the property at [REDACTED] zoned Controlled Industrial. Your client may not keep any chickens or fowl on property within the city limits regardless of the zoning district. This is a use restriction of property and no variance or special review can permit a use not otherwise allowed by the zoning regulations.

If you have further questions please send an email to cromwelln@ci.billings.mt.us.

Sincerely yours,


 Nicole M. Cromwell, AICP
 Zoning Coordinator, Planner II