

Article 27-400 Commercial and Mixed-Use Districts

SECTION 27-401 DISTRICTS ESTABLISHED

The commercial and mixed-use zoning districts are established in Table 27-400-1.

TABLE 27-400-1. COMMERCIAL & MIXED-USE DISTRICTS

Symbol	Neighborhood District Name
C3	Commercial 3
CX	Heavy Commercial
The following districts are available in the county with municipal water and sewer or county water and sewer or in a Planned Neighborhood Development (PND), per Article 27-800:	
CMU1	Corridor Mixed-Use 1
CMU2	Corridor Mixed-Use 2
The following districts are available in the county with municipal water and sewer or county water and sewer or in a Planned Neighborhood Development (PND), per Article 27-800:	
NMU	Neighborhood Mixed-Use
NO	Neighborhood Office-Residential

SECTION 27-402 DISTRICT DESCRIPTIONS

Commercial and mixed-use districts are primarily intended to allow a mix of uses within appropriately scaled buildings to maintain and promote the desired physical character of commercial crossroads, nodes, and corridors within the county.

A. C3: GENERAL COMMERCIAL

The C3 district is intended for a wide mix of commercial uses directed to the consumer and located along transportation corridors. Basic setback and height parameters apply.

B. CX: HEAVY COMMERCIAL

The CX district is intended for heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. Basic setback and height parameters apply.

C. CMU1: CORRIDOR MIXED-USE

The CMU1 district in the county is intended for use only where City of Billings' public services, including but not limited to water and sewer services or a County water and sewer district is available. This district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.

D. CMU2: CORRIDOR MIXED-USE AND COMMERCIAL CENTERS

The CMU1 district in the county is intended for use only where City of Billings public services, including but not limited to water and sewer services water and sewer or a County water and sewer district is available is available. This district is similar in intent to CMU1, supporting commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.

E. NMU NEIGHBORHOOD MIXED-USE (PERMITTED ONLY WITH A PND)

The NMU district in the county is intended for use only with a planned neighborhood development process (PND) per Article 27-800. This district is intended to accommodate a mix of uses, primarily located along neighborhood corridors that are highly walkable and accessible to pedestrians. Includes ground story uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. Upper stories accommodate residential and/or office uses.

F. NO: NEIGHBORHOOD OFFICE (PERMITTED ONLY WITH A PND)

The NO district in the county is intended for use only with a planned neighborhood development process (PND) per Article 27-800. This district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.

SECTION 27-403 REGULATIONS APPLICABLE TO ALL COMMERCIAL AND MIXED-USE DISTRICTS

All buildings must comply with the general regulations of this section and the specific regulations per each district, unless otherwise expressly stated in this ordinance.

A. ALLOWED USES

Allowed uses are provided in Article 27-1000.

B. EXISTING BUILDINGS

Existing buildings are not required to meet these regulations except as defined in Article 27-1500.

C. SITE ACCESS

All lots shall have one lot line located fully on a public or approved private street- right-of-way.

D. PERMANENT STRUCTURES

All buildings constructed in any commercial and mixed-use district must be of permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this code.

E. ACCESSORY STRUCTURE REGULATIONS

Accessory structures are subject to Article 27-1000., unless otherwise defined in these district regulations.

F. EXCEPTIONS AND EXEMPTIONS

The following exceptions and exemptions may apply to the district site and structure regulations. Use specific standards in Article 1000 are still applicable.

1. Administrative Relief. Article 27-1600 defines administrative relief applicable to the site and structure regulations. Additional administrative relief may be noted throughout this article.
2. Outdoor Recreation Uses. Outdoor parks and recreation and outdoor participant sports and recreation uses are exempt from compliance with district site and structure regulations, except that:
 - (a) If a building is incorporated, the building shall meet the regulations of either an accessory kiosk per 27-1000 or an allowed building type.
 - (b) Side and rear setbacks for any applicable district must be met.
3. Utility Structures. The following structures are not required to comply with site and structure regulations applicable to a specific district.
 - (a) Wireless communications facilities and uses 27-1000.
 - (b) Public and private utility stations, substations, and associated utility station facilities.
4. Civic and Institutional Uses. Civic and institutional uses allowed in the district are required to meet the district site and structure regulations, except the following applies:
 - (a) The minimum dimension of any build-to zone shall be treated as a minimum setback.
 - (b) Minimum heights are not required. Heights above the maximum allowed may be approved through an Administrative Relief, based upon similar civic structures on similar lots in the surrounding neighborhood. See Article 27-1600 for administrative relief procedure.
 - (c) Window, front door, and roof regulations are not required.

G. YARD TREATMENT

All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. Paved vehicular areas are limited to specific locations per the applicable district site and structure regulations. Driveways may cross through yards as follows:

1. Where permitted as access to the lot, driveways may cross perpendicularly through the front or street side yards, except as otherwise expressly stated.
2. In all commercial and mixed-use districts, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.
3. Side Yard Parking Lots. Some districts permit side yard parking lots. Side yard parking lots must not encroach on the front yard and must not encroach upon the minimum side setback, except as otherwise expressly stated.
4. Rear Yards. Paved vehicular areas (parking lots, loading areas, drives) are typically required to be located in the rear yard; however, minimum rear yard setbacks also apply to parking lots, unless otherwise stated.

H. FRONT AND SIDE STREET FRONTAGES

Per the district regulations, certain site and structure regulations apply to building facades and edges along front and side streets. For example, windows and a principal entrance may be required, or

parking locations, driveways, and garage entrances may be restricted along these street frontages. Front lot lines must be provided as follows:

1. Establishment. All parcels must have a front lot line established by one of the following methods.
 - (a) For lots with only one lot line abutting a street, that lot line shall be the front lot line.
 - (b) For lots on corners, front lot lines are established by the director, based upon an approved Planned Neighborhood District (PND), the street classification, or the orientation of adjacent and abutting buildings.
 - (c) For CMU1 and CMU2 districts, when a new street is established perpendicular to a front street listed above, the director may approve the use of the new street for the front lot line, provided the new perpendicular street is at least 300 feet in length, connects to another street at both ends or is planned to in the future, provides a second way out of the development, and is treated with streetscape, sidewalks, and on-street parking.
 - (d) Multiple Front Streets. If multiple front streets abut a lot, the front lot line may be designated by the director, considering the following:
 - (1) The configuration of other parcels along the street, including fronts of buildings and locations of vehicular access, are more consistent with street-side lot line requirements; and
 - (2) No plans for front street designation in the future exist for the proposed street-side frontage.
2. Open Space Frontage. Where a lot or parcel contains or abuts open space designated as a P1 district, the frontage of a building abutting the open space must comply with front lot line requirements, unless otherwise determined by the director.
3. Main Parking Lots. Where a main parking lot is internal to a site, the facades fronting the main parking lot must be treated as front facades.
4. Through Lots. Where a lot extends between two front streets essentially parallel to each other, both frontages shall be treated as front lot lines.
 - (a) Where a commercial and mixed-use district double frontage or through lot is deeper than 120 feet and shares a front street with an N district, a residential or office use shall front the N district or a design exception may be approved for a landscape buffer in lieu of building frontage. Landscape buffers are required per Article 27-1200.
 - (b) The rear of any building shall be fully screened or not visible from both front streets.
5. Corners. At corners of buildings on streets, front lot line façade treatments, including, but not limited to, ground-story transparency must be continued around the corner along the side street for a minimum of 30 feet.

I. TRASH, RECYCLING, REFUSE LOCATIONS

Unless otherwise defined by the site and structure regulations, all trash, recycling, and other refuse areas must be located and treated as follows:

1. Trash, recycling, and other refuse areas must be located in the rear yard of the lot or in an alley with approval, screened from the front street by the building, where practicable.
2. When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.

3. Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors must be opaque, screening a minimum of 80% of the opening.
4. See Article 27-1200 for required screening of trash, recycling, and other refuse areas.

J. FRONT ENTRANCES

The following applies only when required by the site and structure regulations for the district. Front building entrances shall be emphasized, adding interest to the building façade, through one or more of the following design features:

1. Roof or Canopy. The entrance is covered by a roof or canopy differentiating it from the overall building roof type.
2. Porch. The entrance is through a porch.
3. Sidelights and Transom. Sidelights and/or transom windows are included abutting the entrance door.
4. Recessed or Projecting Bay. The entrance is located in a separate bay of the building that is either recessed or projected from the front façade.
5. Other Design. Other designs adding emphasis and drawing attention to the entrance on the facade may be approved with a design exception per Article 27-1600.

SECTION 27-404 C3 AND CX DISTRICT

The following site and structure regulations apply to any lot in the C3 and CX districts. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-2, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(1). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-2. SITE & STRUCTURE REGULATIONS

A. BUILDING SITING		C3 and CX	REFERENCES
1	Maximum Building Coverage (%)	50	
2	Front Setback (feet)	20 minimum	
3	Street-Side Setback (feet)	10 minimum	
4	Side Setback (feet)	0; 10 minimum if abutting N district	
5	Rear Setback (feet)	10 minimum ; 0 if abutting an alley	
B. PARKING SITING			
6	Surface or Accessory Parking Yard Location	Side or Rear	
7	Loading Location	Rear, Interior Side	
8	Permitted Driveway Access Location	2 per 120 feet of street frontage	
C. HEIGHT			
	Overall: Maximum Height (feet)	60	

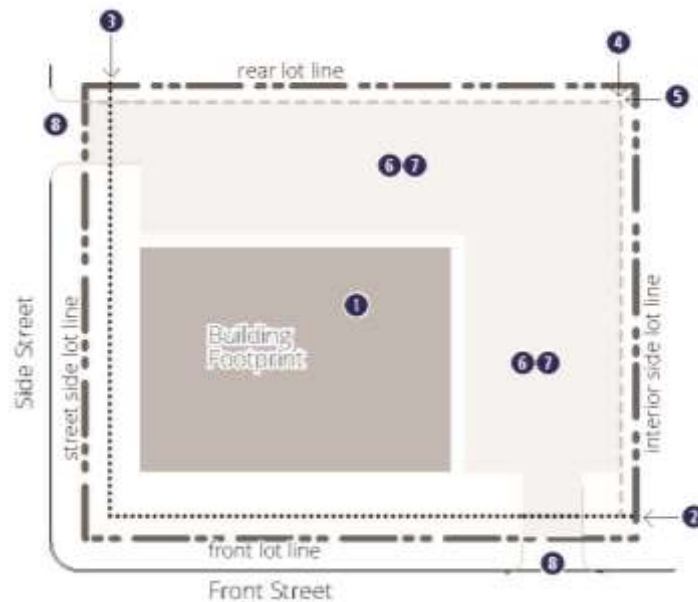


Figure 27-400(1). C3 and CX district diagrammatic plans and elevations.

D. Supplemental Regulations

1. [Reserved].

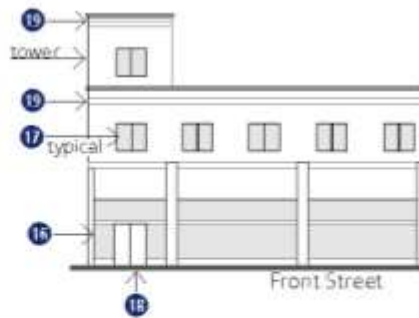
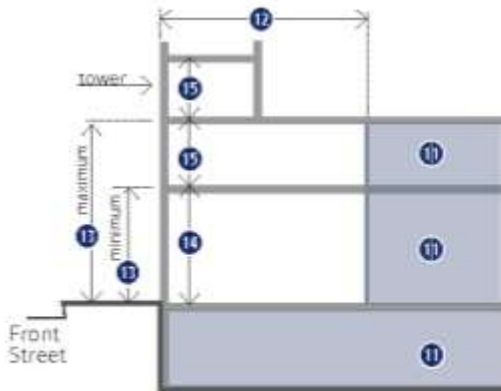
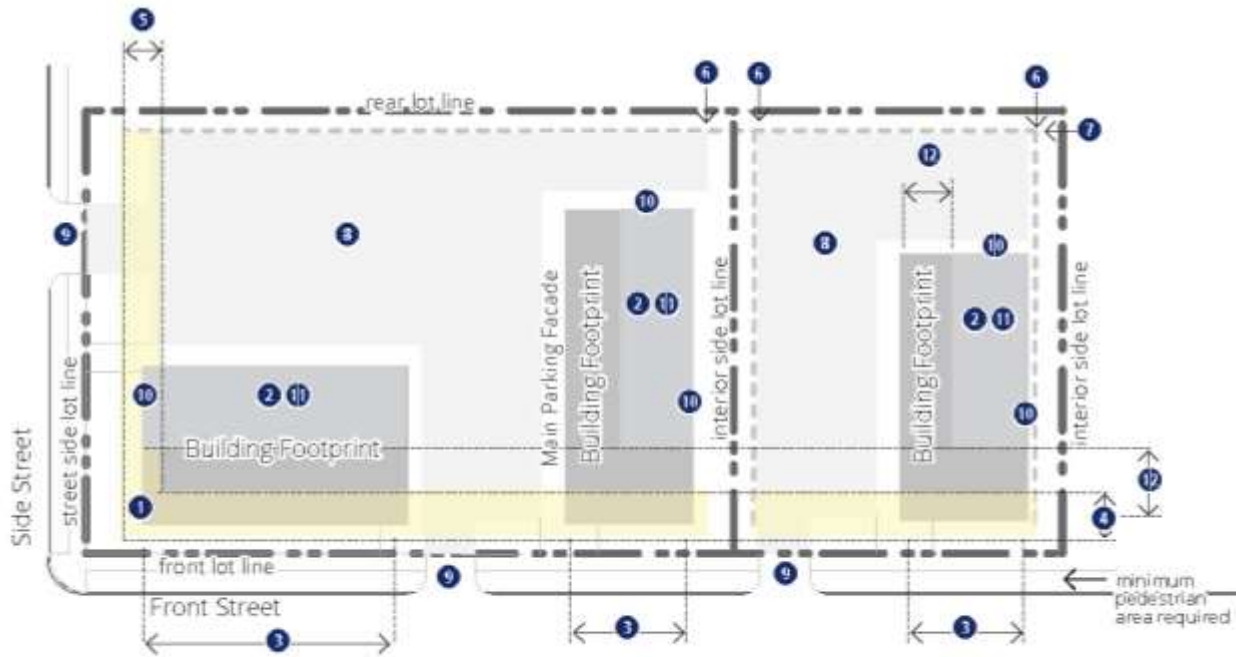
SECTION 27-405 CMU DISTRICTS

Use of the CMU district in the county requires county water and sewer or a planned neighborhood development application (PND) per Article 27-800.

The following site and structure regulations apply to any lot in the CMU districts. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-3, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(2). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-3. SITE & STRUCTURE REGULATIONS

A. BUILDING SITING		CMU1	CMU2	REFERENCES
1	Build to Corner	required		
2	Maximum Building Coverage (%)	65	50	
3	Minimum Front Lot Line Coverage (%)	65	50	See 27-406.E for allowed courtyards.
4	Front Build-to Zone (feet)	5 to 20	10 to 20	See 27-403.H for location of front and street-side frontages.
5	Street-Side Build-to Zone (feet)	5 to 20	5 to 20	See 27-406.E for minimum pedestrian area
6	Side Setback (feet)	5 minimum; 10, if abutting N, NX, or RMH district		
7	Rear Setback (feet)	10 minimum; 25 if abutting N, NX, or RMH district		
B. PARKING SITING				
8	Surface or Accessory Parking Yard Location	Rear, internal, side		See 27-1800 for explanation of yards.
9	Permitted Driveway Access Location	See 27-1305 for driveway access locations.		
10	Permitted Garage Entry Facade Location	Rear, side, or street-side facade		
11	Parking Location within Building	Allowed fully in any basement and behind required occupied building space of all other stories		See Occupied Building Space regulation below in __ See 27-1800 for definition of basement.
12	Occupied Building Space along Front Facade, Minimum Depth (feet)	20 all full-story floors; not required in any basement or half story		See 27-1800 for definition of Occupied Building Space.
C. HEIGHT				
13	Overall Stories: Maximum Height (stories)	4; step-backs required within 50 feet of N, NX, or RMH district		See 27-406.E for stepped-back stories.
14	Ground-Story: Minimum Height (feet)	12		See 27-406.E for allowable increased ground story height. Stories are measured floor to floor.
	Maximum Height (feet)	18		
15	Upper Stories: Minimum Height (feet)	9		
	Maximum Height (feet)	12		
D. WINDOWS, DOORS, ROOF				
16	Window & Door Coverage: Ground-Story Front Facades (%)	65 minimum between 2 and 8 feet above sidewalk		Blank wall limitations apply to front facades per 27-1800 27-403.H requires front facade windows to turn corners.
17	Window Coverage: All Stories Front Facades (%)	15 minimum per story		
18	Number of Front Façade Entrances	Principal entrances 1 per every 60 feet of facade		See 27-403.J for Front Entrance regulations.
19	Permitted Roof Types	Parapet, pitched, flat; tower permitted		See 27-1800 for definition of roof types and exception for other roof types.



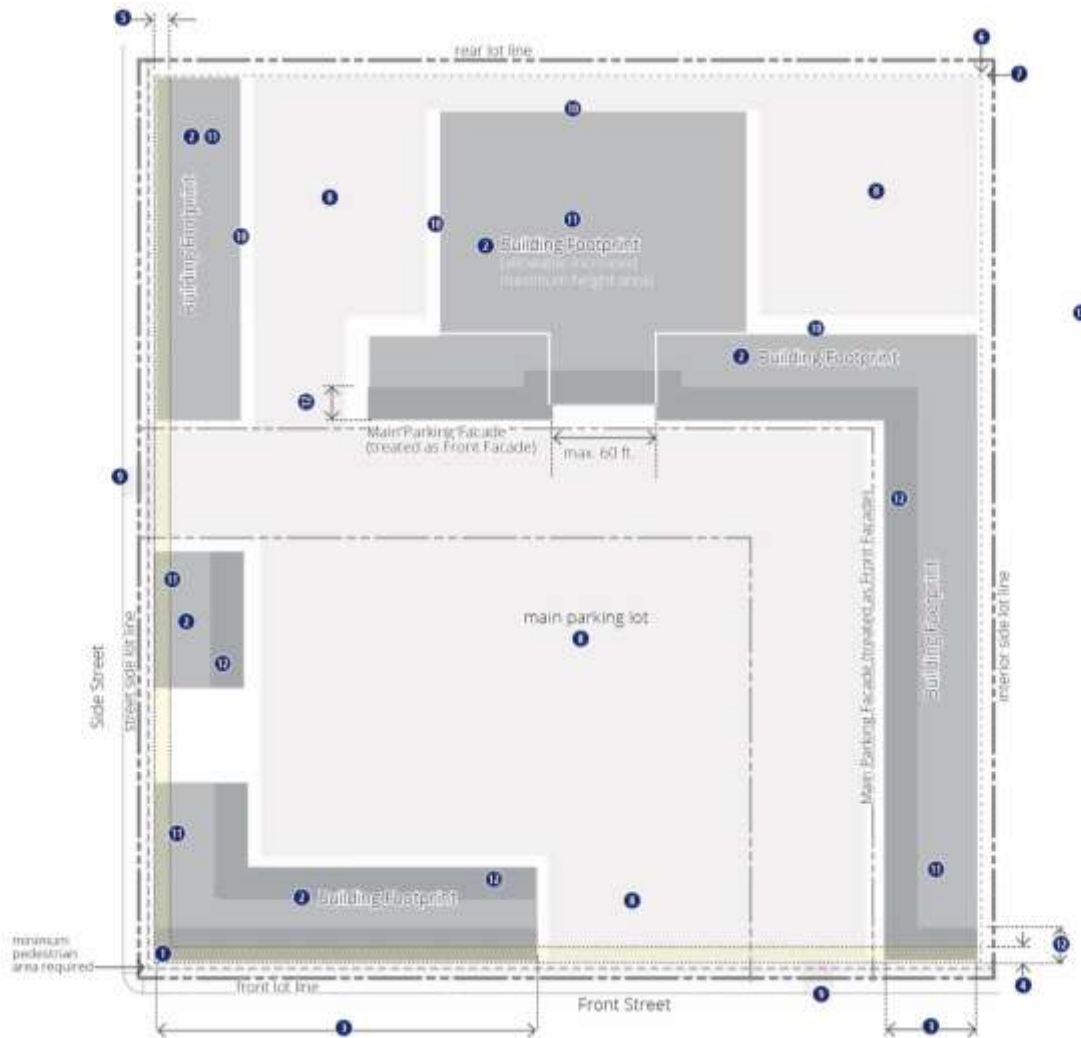


Figure 27-400(2). CMU district diagrammatic plans and elevations.

E. Supplemental Regulations

1. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary building frontage.
2. Minimum Pedestrian Frontage. When any front or corner property line is within 8 feet or less of the back of curb, the build-to zone shall be measured from 8 feet off the back of curb to allow adequate pedestrian area.
3. Height Step-backs at N, NX, RMH Districts. Where N, NX, or RMH zoning districts abut the parcel or are located across an alley from the parcel, any story over the second story or over 35 feet above grade shall be set back from the rear property line a minimum of 50 feet. Where the ground story is setback more than 10 feet from the rear lot line, the frontage landscape buffer is required per Article 27-1200. Refer to Figure 27-400(3).
4. Increased Ground Story Height. Maximum ground story height in CMU2 only may be increased up to 28 feet with a maximum horizontal length along any primary or main parking frontage of 60 feet. The 60-foot increment of increased height may occur once for every 140 feet of building frontage. Lower scaled commercial spaces may front the large-format space to achieve the maximum frontage and number of entrances required along the frontage.

5. Through Lots. Refer to 27-403.H.6.
6. Pedestrian Pathway. In CMU2, direct, continuous separate pedestrian pathways are required connecting the sidewalk along the primary frontage to each shop door on the main parking lot frontage and dividing parking lots into segments no longer than 300 feet in length. The pathway shall include the following:
 - (a) Streetscape is required along the pedestrian pathway per Article 27-1200. Pavement shall be small unit pavers, concrete scored in less than 4-foot increments, or other similar material approved by the community development director.
 - (b) Perpendicular crossings of parking drives are permitted, but the pavement shall match the pathway.
 - (c) Parallel paths to parking shall be located in a raised median or island.

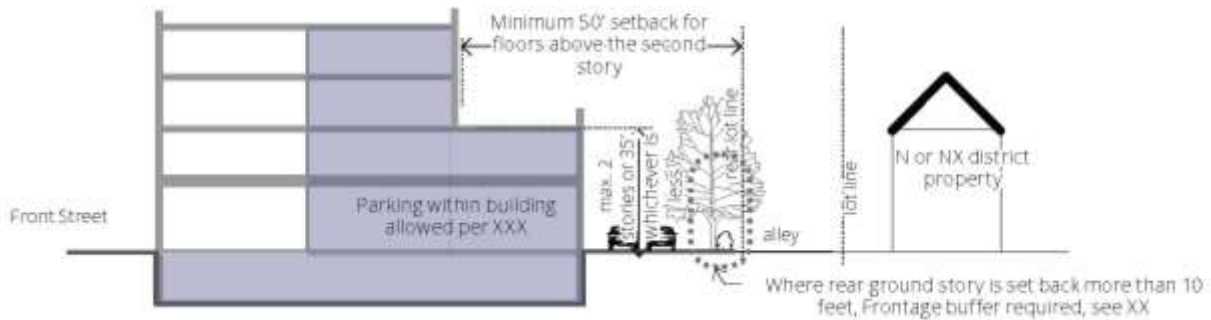


Figure 27-400(3). Height Step-Backs at N, NX, and RMH Districts.

SECTION 27-406 NMU DISTRICT

Use of the NMU district in the county requires county water and sewer or a planned neighborhood development application (PND) per Article 27-800.

The following site and structure regulations apply to any lot in the NMU district. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-4, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(4). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-4. SITE & STRUCTURE REGULATIONS

A. BUILDING SITING		NMU	REFERENCES
1	Build to Corner	required	
2	Maximum Building Coverage	75	
3	Front Street Building Width (feet)	None	On corners in residential neighborhoods, the side street may have the front lot line.
4	Minimum Front Lot Line Coverage (%)	90	See 27-407.E for allowed courtyards. On corners in residential neighborhoods, the side street may have the front lot line.
5	Front Build-to Zone (feet)	5 to 20	See 27-403.H for location of front and street-side frontages.
6	Street-Side Build-to Zone (feet)	5 to 20	See 27-407.E for minimum pedestrian area and expanded build-to zone with front yard parking.
7	Minimum Side Setback (feet)	5	
8	Minimum Rear Setback (feet)	5	See 27-407.E for through lots.
B. PARKING SITING			
9	Surface or Accessory Parking Yard Location & Configurations	Rear, limited side yard, limited front yard	See 27-1802.B for explanation of allowed parking configurations.
10	Permitted Driveway Access Location Permitted Garage Entry Facade Location	See 27-1305 for driveway access locations. Rear, side, or street-side facade	
11	Parking Location within Building	Allowed fully in any basement and behind required occupied building space of all other stories	See Occupied Building Space regulation below in _____. See 27-1800 for definition of basement.
12	Occupied Building Space along Front Facade, Minimum Depth (feet)	20 all full-story floors; not required in any basement or half story	See 27-1800 for definition of Occupied Building Space.
C. HEIGHT			
13	Overall Stories: Maximum Height (stories)	2	
14	Ground-Story: Minimum Height (feet) Maximum Height (feet)	10 16	
15	Upper Stories: Minimum Height (feet) Maximum Height (feet)	9 11	Stories are measured floor to floor.

D. WINDOWS, DOORS, ROOF			
16	Window & Door Coverage: Ground-Story Front Facades (%)	45 minimum between 2 and 8 feet above sidewalk	Blank wall limitations apply to front facades per 27-1800
17	Window & Door Coverage: All Stories Front Facades (%)	15 minimum per story	27-403.H requires front facade windows to turn corners.
18	Number of Front Façade Entrances	Principal entrances 1 per every 60 feet of façade	See 27-403.J for Front Entrance regulations.
19	Permitted Roof Types	Parapet, pitched, flat; tower permitted	See 27-1800 for definition of roof types and exception for other allowed roof types.

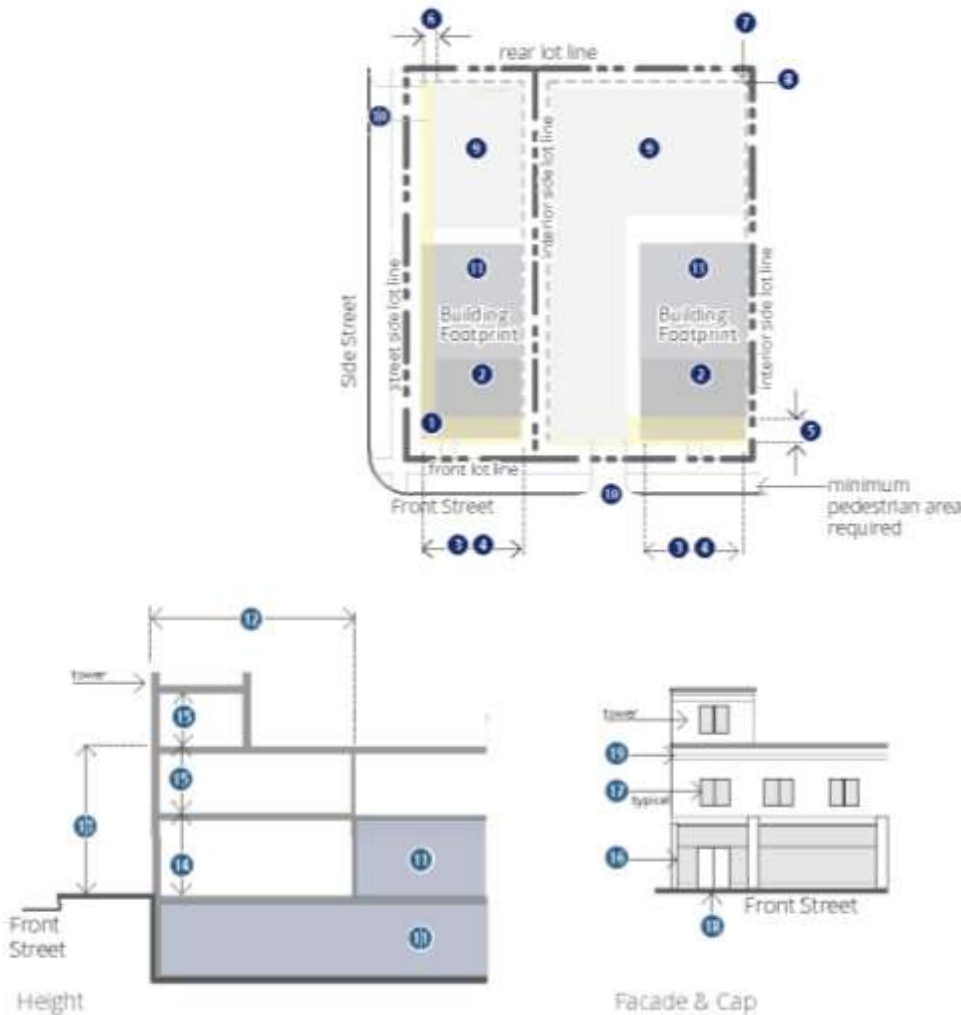


Figure 27-400(4). NMU district diagrammatic plans and elevations.

1. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary building frontage.
2. Minimum Pedestrian Frontage. When any front or corner property line is within 8 feet or less of the back of curb, the build-to zone shall be measured from 8 feet off the back of curb to allow adequate pedestrian area.

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3. Front Yard Parking Expanded Build-to Zone. Where limited front yard parking is used, the build-to zone may be expanded to between 5 and 45 feet. Refer to 27-1802.B for explanation of limited front yard parking configuration.
4. Through Lots. Refer to 27-403.H.6.

SECTION 27-407 NO DISTRICT

Use of the NMU district in the county requires county water and sewer or a planned neighborhood development application (PND) per Article 27-800.

The following site and structure regulations apply to any lot in the NO district. Refer to 27-403 for general regulations applicable to all districts and Table 27-400-5, below, for regulations specific to this district, keyed to illustrations in Figure 27-400(5). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-400-5. SITE & STRUCTURE REGULATIONS

A. BUILDING SITING			REFERENCES
1	Build to Corner	required	
2	Maximum Building Coverage	75	
3	Front Street Building Width (feet)	None; 120 maximum in residential neighborhoods with N or NX district zoning adjacent or abutting	On corners in residential neighborhoods, the side street may have the front lot line.
4	Front Setback (feet)	10	See 27-403.H for location of front and street-side frontages.
5	Street-Side Setback (feet)	8	See 27-407.E for minimum pedestrian area
6	Minimum Side Setback (feet)	8	
7	Minimum Rear Setback (feet)	5 for parking and 20 for building; 0 if abutting an alley	See 27-408.E for through lots.
B. PARKING SITING			
8	Surface or Accessory Parking Yard Location	Rear, limited side yard, limited front yard	See 27-1802.B for explanation of allowed parking configurations
9	Permitted Driveway Access Location	See 27-1305 for driveway access locations.	
	Permitted Garage Entry Facade Location	Rear or street-side facade	
10	Parking Location within Building	Allowed fully in any basement and behind required occupied building space of all other stories	See Occupied Building Space regulation below in 1).
11	Occupied Building Space along Front Facade, Minimum Depth (feet)	20 all full-story floors; not required in any basement or half story	See 27-1800 for definition of Occupied Building Space.
C. HEIGHT			
12	Overall Stories: Maximum Height (stories)	2.5	
13	All Stories: Minimum Height (feet)	9	Stories are measured floor to floor.
	Maximum Height (feet)	12	
D. WINDOWS, DOORS, ROOFS			
14	Window Coverage: All Stories Front Facades (%)	15 per story	Blank wall limitations apply to front facades per 27-1800.
15	Number of Front Façade Entrances	One principal entrance per every 120 feet of front façade	See 27-403.K for Front Entrance regulations.
16	Permitted Roof Types	Parapet, pitched; tower permitted	See 27-1800 for definition of roof types and exception for other allowed roof types.

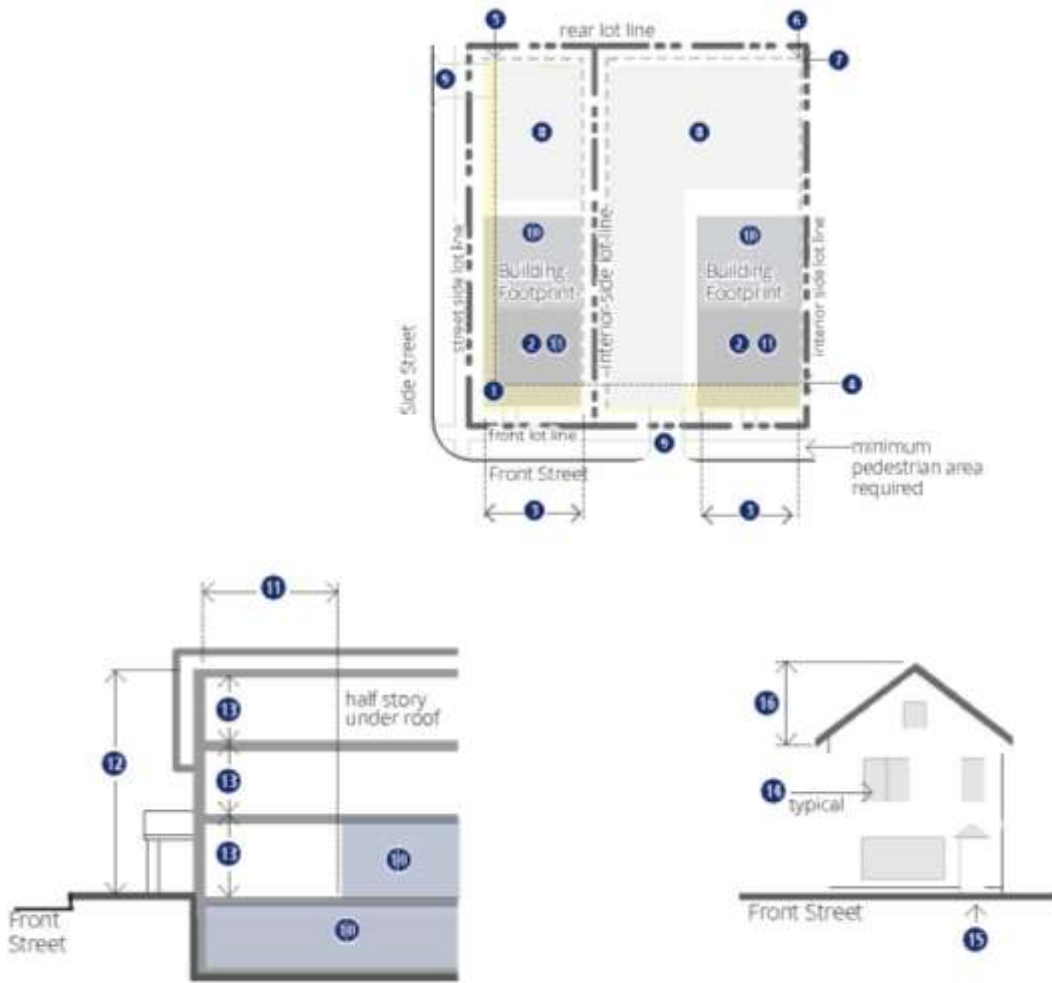


Figure 27-400(5). NO district diagrammatic plans and elevations.

E. Supplemental Regulations

1. Minimum Pedestrian Frontage. When any front or corner property line is within 8 feet or less of the back of curb, the build-to zone shall be measured from 8 feet off the back of curb to allow adequate pedestrian area.
2. Through Lots. Refer to 27-403.H.6.