

ORDINANCE 25-_____

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE REGULATIONS IN SECTIONS 27-300, 27-400, 27-500, 27-600, 27-800, 27-900, 27-1000, 27-1700, and 27-1800, BE AMENDED TO CORRECT ERRORS, CROSS REFERENCES, OMISSIONS AND TO AMEND AND PROVIDE CLARIFICATION OF THE REGULATIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed corrections and clarifications to the zoning regulations that pertain to all the real property within the City of Billings. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. Section 27-300 - Neighborhood Districts, Section 27-400 – Commercial and Mixed-Use Districts, Section 27-500 – Public Districts, Section 27-600 – Industrial Districts, Section 27-800 – Planned Neighborhood Developments, Section 27-900 – EBURD Districts, Sections 27-1000 – Uses and Use Standards, 27-1700 – Violations, Enforcement and Remedies, and Section 27-1800 – Definitions and Measurements, have been found to contain errors and concordance issues unrelated to the substance of the zoning regulations. Correction of these errors and concordance issues through an ordinance will make the regulations clearer and provide for accurate administration of the code.

Section 3. ZONE REGULATION CORRECTIONS AND AMENDMENTS

a. Section 27-302.E is amended as follows:

Sec. 27-302. - District descriptions.

Neighborhood districts are primarily intended to allow a mix of residential uses within appropriately scaled buildings to maintain and promote the desired physical character of neighborhoods within the city.

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E. NX2: Mixed residential 2. The NX2 district is intended for small- and mid-scale multiple-family homes with ~~three (3)~~ **two (2)** to eight (8) units, in small neighborhood

nodes. The buildings are oriented to the streets in walkable blocks with doors and windows on front facades and parking/garages located behind the buildings.

b. Section 27-303.F is amended as follows:

Sec. 27-303. - Regulations applicable to all neighborhood districts.

All buildings must comply with the general regulations and the specific regulations per each district, unless otherwise expressly stated in this zoning code. See article 27-1500, Nonconformities, for existing buildings that do not fully conform to the district regulations.

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F. Exceptions and exemptions. The following exceptions and exemptions may apply to the district site and structure regulations. Use specific standards in article 27-1000 are still applicable.

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4. Maximum height exceptions.

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in neighborhood districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1627) for increases greater than allowed by administrative relief.

c. Section 27-309.C.(2 & 3) is amended as follows:

Sec. 27-309. - RMH districts.

The following site and structure regulations apply to any lot in the RMH district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.8, below, for regulations specific to this district. See article 27-1800 for definitions and information on how to measure the following regulations:

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C. Supplemental regulations.

1. Open space. One of the following open space types must be provided for every three (3) acres of RMH district:

(a) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage.

(b) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage.

(c) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

2. **Manufactured home, Type 1.** A manufactured home that was certified on or after January 1, 1990, and that satisfies each of the following additional criteria:

(a) The pitch of the home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run (3:12), and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(b) The exterior siding consists of wood, hardboard, aluminum or vinyl siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction; and

(c) A continuous, permanent perimeter foundation is installed under the home.

3. **Manufactured home, Type 2.** A manufactured home that does not satisfy the criteria necessary to qualify the house as a Type 1 manufactured home.

4. **2. Site-built structure.** A site-built structure complying with the state building code may be setback a minimum of five (5) feet from the side lot line.

d. Section 27-403.F is amended as follows:

Sec. 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 chapter.

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F. Exceptions and exemptions. The following exceptions and exemptions may apply to the district site and structure regulations. Use specific standards in article 27-1000 are still applicable.

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5. Maximum height exceptions.

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in commercial and mixed-use districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1627) for increases greater than allowed through administrative relief.

e. Section 27-504.B.2 is amended as follows:

Sec. 27-504. - P2: Public, civic, and institutional; P3: Civic campus, P3: Medical campus; and P3: Educational campus.

The following site and structure regulations apply to any lot in a P2 or P3 district:

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B. Site dimensional standards. Development along exterior lot lines that face, are adjacent to, or within one hundred fifty (150) feet of different zone districts (i.e., not P2

or P3) shall comply with the following exterior dimensional standards, as further described below the table:

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2. Maximum height exceptions. The height limitations in Table 27-500.1 may be exceeded as follows:

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Structures Buildings permitted in P2 or P3 districts may exceed the height limitations of the district if the minimum depth of the front, side and rear yard setbacks are increased two (2) feet for every one foot by which the ~~structure~~ building exceeds the height limitation of the district. This allowed height shall not exceed two (2) times the allowed height in the zoning district in which it is located except by approved variance.

f. Section 27-602 is amended as follows:

Sec. 27-602. - Regulations applicable to all industrial districts.

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

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I. Maximum height exceptions. The height limitations in Table 27-600.1 may be exceeded as follows:

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in I1 or I2 districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1627) for increases greater than allowed through administrative relief.

g. Section 27-804 is amended as follows:

Sec. 27-804. - Blocks.

Each development shall contribute to an interconnected system of streets and blocks as required by the city subdivision regulations, ~~in addition to the following requirements.~~

Streets shall be located to result in the following block regulations.

A. Maximum block face length.

1. For CMU districts, the maximum block face length between street intersections shall be no more than six hundred sixty (660) feet in length.

2. For all districts other than CMU, maximum block face length shall be no more than eight hundred (800) feet.

B. Maximum block perimeter. The maximum perimeter of any block shall be two thousand two hundred (2,200) feet.

C. Connectivity.

1. Streets shall connect and continue existing or planned streets from adjoining areas.
2. Block faces at the maximum length above require pedestrian access at mid-block points to ensure walkability. Pedestrian access or walkways may be incorporated as a dedicated alley or as an easement between lots.

h. Section 27-905 – Table 27-900-13 is amended as follows:

F. Side and rear buffer requirements (Refer to Figure 27-905(3)).

Table 27-900-13. Side and Rear Buffer.

A. Intent & Applicability		
Intent	To minimize the impact that one building may have on a neighboring district and to provide a transition between districts	
General	Applies to all directly adjoining properties as outlined in Table 905-B,¹ 27-900-14¹	
B. Required Landscape Screen		
Size	5' landscape screen in addition to any other buffer landscaping	1
Location	Directly adjacent to the Rear or Side Lot line per Table 27-905.A Fig. 27-905.3	
Hedge	Continuous double row of shrubs required between shade trees	2
Hedge Composition	Double row of individual shrubs with a minimum width of 24", spaced no more than 36" on center; Mature height in one year of 24"	
Hedge Frequency	Minimum of 15 shrubs per 100' of Lot line is required	
Shade Trees	At least 1 medium or large shade tree per every 40' within the buffer	3
Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer	
Existing Vegetation	May be credited toward buffer area	
C. Required Fence		
Permitted Materials	Steel or painted, matte finish PVC for semi-opaque; Wood or masonry for opaque. Chain link not permitted.	4
Minimum Height	6'	
Maximum Height	8'	
Colors	If steel: black, gray, or dark green	
Opacity	Option 1: Semi-Opaque 20%—60% opacity, hedge required; Option 2: Opaque fence, no hedge required	
Notes:		
¹ Zoning coordinator may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and similarity between uses.		

i. Section 27-1000 is amended as follows:

Sec. 27-1002. - Uses by district.

A. Use table. Table 27-1000.1, Permitted Primary Uses, identifies the permitted primary uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted:

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Section 27-1002.C – Uses by District – Table 27-1000.1 is amended as follows:

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD				Public			Additional Standards				
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2		P3Civ	P3 Ed	P3 Med	
Use Table																												
Manufactured Home																												
Type 1 (Jan 1, 1990, or newer) Manufactured Homes built on or after June 15, 1976 (HUD code)							P																					27-1003, RMH: 27-310 309
Type 2 (all other)							P																					

Eating and Drinking Establishment																												
No Alcohol																												
Restaurant								P	P	P	P	P	P	P		P	P	P	P	P	P				P	P	P	27-1005.N
with drive-thru								SR	P	P	SR			P	P		P	P	P	P	P				P	P	P	27-1005.N 27-1009.1008.J
Beer and Wine License, On- Premises Consumption																												
Bar or Tavern									SR PR	SR PR	P	P	SR PR	P		P	P	P	P	P	P							27-1005.G
Craft Alcohol									P	P	P	P	P	P		P	P	P	P	P	P				P	P	P	27-1005.K
Restaurant								P	P	P	P	P	P	P		P	P	P	P	P	P				P	P	P	27-1005.N
All-Beverage License, On- Premises Consumption																												
Bar or Tavern									SR PR	SR PR	P	P	SR PR	P		P	P	P	P	P	P							27-1005.G
Craft Alcohol									P	P	P	P	P	P		P	P	P	P	P	P				P	P	P	27-1005.K
Restaurant								P	P	P	P	P	P	P		P	P	P	P	P	P				P	P	P	27-1005.N
Financial Services																												
Financial Institution								P	P	P	P	P	P	P		P	P	P	P	P	P				P	P	P	27-1005.F
with drive-thru								P	P	P	P	P	P	P			P	P	P	P	P							27-1005.F & 27-1008.J
Alternative Financial Services									P	P	P	P	P	P		P	P	P	P	P	P							27-1005.F

Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards	
Vehicle Sales and Service, Personal																												
Car Wash										SR	P			P	P	P			P	P	P							27-1005.Q
Vehicle Sales and Rental										SR	P	P	SR	P	P	P		P	P	P	P							
Outdoor Sales Lot											PR	SR	SR	P	P	P		PR	P	P	P							27-1005.M 27-1008.P
Vehicle Maintenance and Repair, Minor (5,000 SF or less)										P	P	P	SR	P	P	P		P	P	P	P							
Vehicle Maintenance and Repair, Major (>5,000 SF)											SR			P	P	P			P	P	P							
Vehicle Service Station										PR	PR	PR	PR	P	P	P		PR	PR	PR	PR				P	P	P	27-1005.Q
with Convenience Store									SR	PR	PR	PR	PR	P	P	P		PR	PR	PR	PR			P	P	P	27-1005.Q	

j. Section 27-1003.D is amended as follows:

Sec. 27-1003. - Standards for residential uses.

D. Manufactured homes.

1. Type 1 or Type 2 mManufactured homes shall not be used for any commercial use.
2. Type 1 and Type 2 mManufactured homes may be used as an on-premises office in connection with a manufactured home sales area.

k. Section 27-1005.C Amusement and recreation is amended as follows:

Sec. 27-1005.C.2. P1 District.

(a) Amusement and recreation facilities located in P1 districts may be in either public or private ownership and may charge appropriate fees.

(b) P1 district uses are limited to any combination of the following:

- (1) Golf courses and driving ranges.
- (2) Sports fields or courts (indoor or outdoor)
- (3) Aquatic facilities (indoor or outdoor)
- (4) Ice Arenas (indoor or outdoor)
- (5) Playgrounds and trails
- (6) Picnic shelters and gazebos
- (7) Community centers
- (8) Gardens and orchards
- (9) Nature preserves and conservation land

l. Section 27-1006.D is amended as follows:

Sec. 27-1006. - Standards for industrial, wholesale, and storage uses.

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D. Outdoor storage.

1. All outside storage areas, whether permitted as a principal or accessory use, shall comply with the following standards. Outdoor storage does not include outdoor display and sales, which are addressed in section 27-1008.

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(d) Screening. Screening of all outdoor storage areas from right-of-way and adjacent properties shall be provided according to section **27-12076**, Utility and service area screening.

2. Shipping containers permanent off-chassis and on-site.

(a) Permanent use, defined as placement for more than one year, is restricted to the following zoning districts: CX, I1, I2 and EBURD or as allowed below.

(b) Use.

- (1) Permanent shipping containers shall be used for storage purposes only.
- (2) Permanent shipping containers shall not be permitted as a principal building.
- (3) Permanent shipping containers shall not be permitted to be rented or leased to a use not located on the same lot.
- (4) These prohibitions do not exclude the use of shipping containers that may be converted to a building code compliant structure for a use allowed within any zone district. The converted shipping container must meet all zone district building and siting requirements.

m. Section 27-1007.C is amended as follows:

Sec. 27-1007.C.2. (c) Pre-existing WCFs.

(1) Any WCF for which a permit has been properly issued prior to the adoption of this zoning code (February 25, 2021) and for which no changes will be made shall not be required to meet the requirements of this section.

(2) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of subsection 27-1007.C.54, General requirements.

n. Section 27-1704.G is amended as follows:

Sec. 27-1704. - Penalties for violation.

The effective enforcement of adopted standards is necessary to accomplish their intended purpose. The city has a variety of options for the enforcement of this zoning code. The zoning coordinator may select the option which in their opinion is most suitable to the circumstance and violation. More than one enforcement option may be used to attain compliance with the standards of this zoning code when deemed appropriate. The remedies and enforcement powers established in this zoning code are cumulative, and the city may exercise them in any order and combination.

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G. Criminal penalties (current).

1. Violation of the provisions of this zoning code or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or special review uses or any of the required conditions imposed by the review authority, **is may be a** misdemeanor.

2. Each day such violation continues shall be considered to be a separate offense.

o. Section 27-1802.C is amended as follows:

Sec. 27-1802. - Measurements and associated terms.

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C. Building height measurements and terms.

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2. Overall building height. Refer to Figure 27-1800-5, Measuring Building Height in Stories and Stories with Floor-to-Floor Height.

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(c) Roof types. Roof heights are measured per subsection 27-~~1803.E~~ **1802.E** and are additional to the allowable stories and floor-to-floor heights.

p. Section 27-1803 is amended as follows:

M. Terms

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Manufactured home: (See MCA 15-1-101(m)) A home built on a non-removable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufactured Home Construction and Safety Standards (HUD Code). A manufactured home does not include a mobile home or house-trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. **Manufactured homes are classified as Type 1, homes that were certified on or after January 1, 1990; and Type 2, homes that were certified prior to January 1, 1990.**

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. 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.

PASSED by the City Council on first reading this ____ day of March 2025.

PASSED, ADOPTED and APPROVED on second reading this ____day of April 2025

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 1060 - Zoning Code Housekeeping Amendments 2025