INTERIM PLANNING COMMISSION

CITY OF BILLINGS, MONTANA

AGENDA
Special Meeting
April 29, 2026 TIME: 5:30 p.m.
City Council Chambers, 5th Floor
316 N 26th St, Billings MT

NOTICE TO THE PUBLIC

Citizens are invited to:

- Review the Agenda Packet on the City's website at: https://ci.billings.mt.us/117/Agendas-Minutes

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to the Board via email before 12:00 pm on the meeting date. All emails received prior to this time will be entered into the record for the public hearing. Comments may be submitted by:

- Mail: Planning Division PO Box 1178, Billings MT 59103
- Email: plnonline@billingsmt.gov
- NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Brenda Berns, Planning Clerk at bernsb@billingsmt.gov or call 406-247-8610.

1. **CALL TO ORDER - Interim Planning Commission President:** Welcome and Introduction of Commission Members and Staff.

2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.

3. **APPROVE MEETING MINUTES**

   a. Minutes of March 25, 2026

   b. Minutes of April 8, 2026

   c. Minutes of April 21, 2026

4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Interim Planning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
   4a) Comments on items not on agenda and requests to add items to future agendas
   4b) Comments on items on the non-public hearing agenda items

5. **DISCLOSURE OF CONFLICT OF INTEREST**

6. **DISCLOSURE OF EX PARTE COMMUNICATION**

7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).

8. **NEW BUSINESS**

   a. Billings 2045 Operational Plan, Future Land Use Map, Zoning Amendments, Subdivision Amendments Recommendation to City Council

9. **FUTURE AGENDA ITEMS**

10. **ADJOURNMENT**

Date:	04/29/2026
Title:	
Presented by:	
Department:	Planning & Community Services
Presentation:	

RECOMMENDATION

Minutes of March 25, 2026

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of March 25, 2026

INTERIM PLANNING COMMISSION

Thursday, March 25, 2026 at 4:30pm

Commission Members	Position	01/15/2026	02/05/2026	03/05/2026	03/25/2026	04/08/2026	05/07/2026	06/04/2026	07/02/2026	08/06/2026	09/03/2026	10/01/2026	11/05/2026	12/03/2026	04/02/2026
Dennie Stephenson	Chair	1	1	1	1										
Kimberly Welzenbach	Vice Chair	1	V	1	1										
Daniel Brooks	Commission Member	1	1	1	1										
Roger Gravgaard	Commission Member	1	V	A	V										
David Nordel	Commission Member	V	V	V	V										
Amber Parish	Commission Member	1	1	1	A										
Josh Sayer	Commission Member	1	1	1	1										
John Staley	Commission Member	1	1	1	A										
Jim Ronquillo	Commission Member	A	A	1	1										
Wyeth Friday	PCSD Director	1	1	A	V										
Anna Vickers	Planning Div Manager	1	1	1	1										

Please note: “A” stands for excused absence, “1” stands for present, “V” stands for Zoom participation, “C” stands for cancelled

Call the Meeting to Order:
Chairman Stephenson called the meeting to order at 4:30 p.m.

Introduction of Planning Board Members and Planning Department Staff
Chairman Stephenson called for introductions of the members of the Interim Planning Commission and Planning staff.

Attending Staff: Wyeth Friday, Planning & Community Services Director; Anna Vickers, Planning Division Manager; Brenda Berns, Planning Clerk

Others in Attendance: Allison Mouch, Orion Planning & Design; Nicole Cromwell

2. Approval of Agenda

Motion
Motion by Commissioner Ronquillo to approve the agenda as written, second by Commissioner Welzenbach. Motion carried unanimously.

3. Approval of Minutes of March 5, 2026

Motion
Motion by Commissioner Welzenbach to approve the meeting minutes of March 5, 2026, second by Commissioner Ronquillo. Motion carried unanimously.

4. **Public Comment – Non-agenda items:** No public comment was received.

5. Disclosure of Outside (Ex-Parte) Communication: No disclosures were reported.

6. Disclosure of Conflicts of Interest: No conflicts of interest were reported.

7. Old Business

a. Public Hearing. Recap of City Council Special Session – Anna Vickers
Anna Vickers provided an overview of recent City Council special sessions and upcoming meetings related to meeting statutory deadlines. Discussion focused on the Interim Planning Commission's role in providing recommendations to City Council, particularly regarding zoning updates and allowances for duplexes.

Commissioners discussed the importance of maintaining independent recommendations while considering City Council input.

Public Comment:
Nicole Cromwell expressed concerns regarding zoning changes, emphasizing the need for both flexibility and predictability in zoning regulations and discouraging overly homogeneous zoning districts.

8**. New Business:**

a. Public Hearing. Review of the Future Land Use Categories – Anna Vickers

Anna Vickers presented an overview of proposed future land use categories, noting that these designations are intended to guide long-term planning and will not replace existing zoning.

Discussion included:

- Explanation of various land use categories (e.g., Urban Residential, Mixed Use, Urban Node, Commercial, Industrial, Open Space, Public Institution)
- Clarification of density standards and compatibility considerations
- Relationship between future land use designations and existing zoning regulations

Public Comment:
Nicole Cromwell supported the use of future land use categories as a planning tool to provide guidance and improve predictability in long-term development.

Wyeth Friday highlighted several key items for ongoing tracking and discussion:

- Amnesty Period for FLUM Corrections:
  A question was raised regarding the potential for an "amnesty period" to address FLUM errors or corrections. This concept was mentioned during public comment. Staff will follow up with City Legal to better understand the scope, limitations, and appropriate process for making such adjustments, as well as to prepare for anticipated public inquiries.
- Clarification of FLUM and Land Use Changes:
  Continued discussion is needed to clearly communicate how the FLUM influences future land use. It was emphasized that the FLUM does not immediately change existing zoning, but rather guides future zoning decisions. Ongoing efforts will be necessary to reinforce this distinction for public understanding.

- Housing Capacity and 2045 Growth Projections:
  Discussion is needed regarding how the FLUM supports projected housing needs through 2045 (approximately 16,200 units). This includes evaluating how both the FLUM and existing zones contribute to housing capacity. Further analysis will be conducted to assess and clearly demonstrate this relationship.

b. Public Hearing. Overview of the Future Land Use Map – Orion Planning and Design

Allison Mouch, Orion Planning and Design, presented the draft Future Land Use Map and outlined public outreach efforts, including the project website and public comment process available through April 19.

Discussion included:

- Use of the online map for public and Commission review
- Relationship between current zoning and future land use designations
- Administrative review processes for zoning changes under updated regulations
- Timeline constraints related to state requirements and implementation deadlines

Commissioners discussed the need for clarity, data to support decision-making, and opportunities for continued review and refinement.

Public Comment:

Nicole Cromwell emphasized the importance of clear communication to the public regarding zoning and land use changes to reduce confusion and build trust.

9. Other Business:

Anna Vickers provided information on upcoming Community Planning Week events scheduled for April 6–9 and encouraged participation.

Wyeth Friday advised the commission that Ms. Vickers will be talking to the Billings Gazette next week. Strategy for KTVQ, KHLR, Facebook Boosts, Email Blasts, Radio were mentioned.

Adjournment: 6:04 pm

Brenda J Berns, Planning Clerk

Date:	04/29/2026
Title:	
Presented by:	
Department:	Planning & Community Services
Presentation:	

RECOMMENDATION

Minutes of April 8, 2026

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of Aprl 8, 2026

INTERIM PLANNING COMMISSION

Wednesday, April 8, 2026 at 12:00pm

Commission Members	Position	01/15/2026	02/05/2026	03/05/2026	03/25/2026	04/08/2026	04/21/2026	04/29/2026	05/07/2026	06/04/2026	07/02/2026	08/06/2026	09/03/2026	10/01/2026	11/05/2026	12/03/2026	
Dennie Stephenson	Chair	1	1	1	1	1											
Kimberly Welzenbach	Vice Chair	1	V	1	1	1											
Daniel Brooks	Commission Member	1	1	1	1	1											
Roger Gravgaard	Commission Member	1	V	A	V	A											
David Nordel	Commission Member	V	V	V	V	V											
Amber Parish	Commission Member	1	1	1	A	A											
Josh Sayer	Commission Member	1	1	1	1	A											
John Staley	Commission Member	1	1	1	A	1											
Jim Ronquillo	Commission Member	A	A	1	1	1											
Wyeth Friday	PCSD Director	1	1	A	V	1											
Anna Vickers	Planning Div Manager	1	1	1	1	1											

Please note: “A” stands for excused absence, “1” stands for present, “V” stands for Zoom participation, “C” stands for cancelled

Call the Meeting to Order:
Chairman Stephenson called the meeting to order at 12:02 p.m.

Introduction of Planning Board Members and Planning Department Staff
Chairman Stephenson called for introductions of the members of the Interim Planning Commission and Planning staff.

Attending Staff: Anna Vickers, Planning Division Manager; Tate Johnson, Neighborhood Planner; Brenda Berns, Planning Clerk

Others in Attendance: Allison Mouch, Orion Planning & Design

Members of the Public: Tony Duncan, 4110 Iron Horse Tr, Billings MT

Approval of Agenda

Motion
Motion by board member Ronquillo to approve the agenda as written, second by board member Welzenbach. Motion passed unanimously.

Approval of Minutes: Minutes of March 25, 2026 tabled to a future meeting.

Public Comment: There were no public comments.

Disclosure of Outside (Ex-Parte) Communication: No disclosures were reported.

Disclosure of Conflicts of Interest: No conflicts of interest were reported.

Old Business: There was no old business reported.

New Business

a. Presentation. Community Planning Week Open House – Allison Mouch, Orion Planning and Design

Allison Mouch reviewed the Billings 2045 outreach efforts to date and introduced the new interactive mapping tool.

Ms. Mouch presented the Billings 2045 Operating Draft Plan components, highlighting the goal of creating an approachable, user-friendly plan. The team evaluated past development patterns and incorporated public feedback to inform the mapping application, addressing key topics such as community building, economic constraints, and housing needs. She noted that Billings is projected to need approximately 26,200 housing units to support population growth by 2045 and is currently operating at an estimated deficit of 10,000 units.

Board Discussion

Board members asked about housing projections, methodology, timing, and implementation of the draft plan. Staff indicated a projected need of approximately 36,200 housing units, based on community input, including nearly 1,100 survey responses and additional outreach.

Questions regarding City Council review and potential revisions were discussed. Staff noted the timeline allows for additional meetings and ongoing refinement, with amendments anticipated through the summer.

Discussion acknowledged time constraints and that some components may continue to evolve. Staff confirmed a comprehensive draft will be presented, with updates expected as feedback continues.

Implementation questions were addressed, with staff outlining the current process, including public input, Planning Commission review, public hearings, and City Council action. Upcoming changes to state requirements may allow certain compliant applications to be reviewed administratively.

Staff emphasized the importance of continued public engagement.

Additional public meetings are planned as part of ongoing community outreach.

Public Hearing

Tony Duncan 4110 Iron Horse Trail, Billings MT

Mr. Duncan expressed concerns about potential future infrastructure impacts to private property and the ability of existing roadways to accommodate growth. Additional discussion highlighted concerns about the level of public participation to date.

Staff and board members noted that opportunities for public comment remain open and encouraged continued engagement. Members of the public were directed to the project website to submit feedback, with comments being accepted through the plan adoption process. Staff also noted efforts to increase public awareness through various outreach methods, including social media.

Other Business: There was no other business reported**.**

Adjournment: 12:33 pm

Brenda J Berns, Planning Clerk

Date:	04/29/2026
Title:	
Presented by:	
Department:	Planning & Community Services
Presentation:	

RECOMMENDATION

Minutes of April 21, 2026

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Minutes of April 21, 2026

INTERIM PLANNING COMMISSION

Wednesday, April 21, 2026 at 12:00pm

Commission Members	Position	01/15/2026	02/05/2026	03/05/2026	03/25/2026	04/08/2026	04/21/2026	04/29/2026	05/07/2026	06/04/2026	07/02/2026	08/06/2026	09/03/2026	10/01/2026	11/05/2026	12/03/2026	
Dennie Stephenson	Chair	1	1	1	1	1	1										
Kimberly Welzenbach	Vice Chair	1	V	1	1	1	1										
Daniel Brooks	Commission Member	1	1	1	1	1	A										
Roger Gravgaard	Commission Member	1	V	A	V	A	1										
David Nordel	Commission Member	V	V	V	V	V	A										
Amber Parish	Commission Member	1	1	1	A	A	A										
Josh Sayer	Commission Member	1	1	1	1	A	1										
John Staley	Commission Member	1	1	1	A	1	1										
Jim Ronquillo	Commission Member	A	A	1	1	1	A										
Wyeth Friday	PCSD Director	1	1	A	V	1	1										
Anna Vickers	Planning Div Manager	1	1	1	1	1	1										

Please note: “A” stands for excused absence, “1” stands for present, “V” stands for Zoom participation, “C” stands for cancelled

Call the Meeting to Order:
Vice Chair Welzenbach called the meeting to order at 12:07 p.m.

Introduction of Planning Board Members and Planning Department Staff
Vice Chair Welzenbach welcomed Mayor Nelson and City Council members. Introductions were made of the Interim Planning Commission members and Planning Division staff.

Attending Council Members: Mayor Nelson, Council members Nicholson, Pitman, Neese, Kennedy, Aguirre, Boyett, O'Donnell.

Attending Staff: Wyeth Friday, PCSD Director, Anna Vickers, Planning Division Manager; Brenda Berns, Planning Clerk

Members of the Public: Jeff Ketelsen**,** Resident Ward 5

Approval of Agenda:
Motion
Motion made by Board member Sayer to approve the agenda as written. Second by Board member John Staley. Motion passed unanimously.

Approval of Minutes: Delayed to a future meeting date.

Public Comment:
Jeff Ketelsen, Ward 5

Mr. Jeff Ketelsen, a resident of Ward 5, addressed the Commission regarding the Meadowlark Trailer Park area. He expressed concern about the proposed change in land use designation, stating he did not understand the rationale for moving the property to a different classification. Ketelsen noted that the issue had previously been brought before City Council multiple times and referenced prior opposition from both the Police and Fire Departments. He stated that the property is located a significant distance from existing city limits and that annexation or rezoning could result in increased demand for emergency services, creating a negative economic impact for the City. He further stated that it appeared the proposal may be intended to facilitate a water line installation contract, though he acknowledged uncertainty regarding that claim, and expressed concern about the perception of such actions. Mr. Ketelsen requested reconsideration of the proposed classification change and referenced that the proposal had previously been denied, suggesting it should not be returned for consideration within a one-year timeframe in accordance with City regulations.

Disclosure of Outside (Ex-Parte) Communication: No disclosures were reported.

Disclosure of Conflicts of Interest: No conflicts of interest were reported

New Business

a. A Recommendation of Adoptions of The Billings2045 Land Use Plan and Future Land Use Map.

Wyeth Friday, PCSD Director, opened the discussion and outlined the following topics:

- Housing Incentives Recap
- FLUM Categories and Council Proposed Changes
- Other Topics IPC and CC Wish to Discuss
- Next Two Weeks of Action – IPC April 29 and City Council May 11

Mr. Friday stated the Commission held a detailed discussion on the ongoing comprehensive planning process, focusing on development regulations, mapping updates, and the need to align local requirements with state law. Staff clarified that certain regulatory requirements are mandated and must be incorporated, even as the City works to improve clarity and usability for the public and stakeholders.

Discussion included the draft future land use map and related planning tools. Staff explained that the finalized plan will include interactive and accessible mapping layers to help the public better understand development patterns and proposed changes. Commissioners and City Council members asked questions about how specific areas, subdivisions, and development locations are identified and evaluated within the plan.

Public engagement efforts were reviewed, with staff noting that extensive outreach was conducted, including surveys and multiple marketing approaches. Despite these efforts, participation levels were lower than anticipated. Commissioners and City Council members acknowledged that public involvement often increases when development proposals directly impact nearby properties, and that broader planning efforts may not generate the same level of immediate response. Existing feedback from residents, as well as ongoing community concerns—such as building placement, transitions between land uses, and neighborhood compatibility—were discussed as important considerations moving forward.

Staff reported that public comments on the draft map are still being collected, with deadlines approaching prior to upcoming meetings. It was noted that additional feedback will be reviewed and shared with the Commission and incorporated where feasible. The timeline for adoption was discussed, including upcoming IPC meetings, with an emphasis on the need to adopt an operational plan within required deadlines while recognizing that amendments and refinements will continue after adoption.

Overall, the Commission expressed support for advancing the plan in its current form to meet statutory requirements, while continuing to refine policies, improve public communication, and address development-related concerns over time. The meeting concluded with appreciation for staff efforts and collaboration, followed by a motion to adjourn.

Other Business: There was no other business reported**.**

Adjournment: 1:13 pm

Brenda J Berns, Planning Clerk

Interim Planning Commission 8. a.

Meeting Date: 04/29/2026

TITLE: Billings 2045 Operational Plan, Zoning Amendments, Subdivision Amendments Recommendation to City Council

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Presentation: Yes

Legal Review: Yes

Project Number: NA

RECOMMENDATION

Staff recommends the Interim Planning Commission review the Billings2045 Operational Land Use Plan, the Future Land Use Map, proposed amendments to the City Zoning regulations and proposed amendments to the City Subdivision regulations, and make a recommendation to the City Council to adopt all of these elements of Billings2045.

EXECUTIVE SUMMARY

In 2023, the Montana State Legislature passed Senate Bill 382, the Montana Land Use Planning Act (MLUPA), codified in Title 76, Chapter 25 of the Montana Code Annotated. The intent of the Act is to provide a comprehensive land use planning system that promotes the health, safety, and welfare of the people of Montana. The Act outlines that a municipality with a population at or exceeding 5,000 located within a county with a population at or exceeding 70,000 in the most recent decennial census shall comply with the provisions. The Montana Land Use Planning Act mandates that municipalities develop and implement a Land Use Plan and Future Land Use Map (Billings 2045) to guide future development, as well as amend local zoning and subdivision regulations to meet the new processes required in MLUPA. Billings 2045 serves as a comprehensive plan that addresses land use, economic development, housing, public services, and natural resources.

The Interim Planning Commission per MLUPA is the body that facilitates the local development process for Billings2045 and makes recommendations to the City Council on adoption of the Billings2045 components: Operational Land Use Plan, Future Land Use Map, proposed amendments to the City Zoning regulations and proposed amendments to the City Subdivision regulations. The IPC is scheduled to make recommendations to the City Council at this meeting. The City Council is scheduled to consider the IPC recommendations and take action on May 11, 2026.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

In 2023, the Montana State Legislature passed Senate Bill 382, the Montana Land Use Planning Act (MLUPA), codified in Title 76, Chapter 25 of the Montana Code Annotated. The intent of the Act is to provide a comprehensive land use planning system that promotes the health, safety, and welfare of the people of Montana. The Act outlines that a municipality with a population at or exceeding 5,000 located within a county with a population at or exceeding 70,000 in the most recent decennial census shall comply with the provisions. The Montana Land Use Planning Act mandates that municipalities develop and implement a Land Use Plan and Future Land Use Map (Billings 2045) to guide future development. Billings 2045 will serve as a comprehensive plan that addresses land use, economic development, housing, public services, and natural resources.

The Interim Planning Commission per MLUPA is the body that facilitates the local development process for Billings2045 and makes recommendations to the City Council on adoption of the Billings2045 components: Operational Land Use Plan, Future Land Use Map, proposed amendments to the City Zoning regulations and proposed amendments to the City Subdivision regulations. The IPC has met 13 times since May 2025 in its roll as community sounding board and subject matter experts as the Billings2045 process has advanced to the point of final draft documents for adoption. In addition to the IPC meetings and discussions, the City in coordination with the consultant team for this effort, hosted two "Community Planning Weeks", one in November 2025 and one in April 2026 to provide direct outreach and engagement with community members and stakeholders. Further outreach efforts have included public notices, radio and television ads and stories, billboards, distribution of Billings2045 information to businesses across Billings, direct speaking engagements with service organizations, an interactive web presence at Billings2045.com, including a community survey that garnered more than 1,100 responses. City Planning Division staff also scheduled special work sessions, presented at multiple City Council Business meetings, including a joint IPC and City Council meeting, and held small group Council discussions, to provide forums for discussion, education, and to seek direction from the City Council during the process.

Staff expects the Billings2045 Operational Plan will need amendments in the short term in specific areas to fine tune the planning documents and map, but the Montana Legislature has required adoption of the MLUPA components by May 17, 2026, and so the components before the IPC at this meeting are set up to be advanced on IPC recommendation to the City

Council at its May 11 meeting to result in a planned first reading of the plan documents prior to May 17.

FISCAL EFFECTS

There are no specific fiscal impacts associated with this item at this time. The Billings2045 effort has been funded by local funds and minimal grants over the past 3 fiscal years. There is some expectation of future savings in some efficiency with the administrative processes that MLUPA requires of local government for land development processes. However, that will be evaluated after the Billings2045 is in place per MLUPA and time has passed to experience the processes.

STAKEHOLDERS

Billings residents, business owners, builders, developers and organizations are all stakeholders in this monumental effort to develop a new comprehensive plan for the future of Billings. The Operational Land Use Plan, Future Land Use Map, proposed amendments to the City Zoning regulations and proposed amendments to the City Subdivision regulations are all part of this effort to encourage housing choices by ensuring there is capacity and flexibility in residential development, accommodating commercial and industrial development, ensuring the transportation system is maintained and expanded to meet community needs, protecting parks and open space, addressing natural hazards in the community.

ALTERNATIVES

The IPC may:
-Recommend City Council adopt the Billings2045 components: Operational Land Use Plan, Future Land Use Map, proposed amendments to the City Zoning regulations and proposed amendments to the City Subdivision regulation; or
-Recommend City Council adopt with modifications the Billings2045 components: Operational Land Use Plan, Future Land Use Map, proposed amendments to the City Zoning regulations and proposed amendments to the City Subdivision regulation; or
-Recommend City Council not adopt the Billings2045 components: Operational Land Use Plan, Future Land Use Map, proposed amendments to the City Zoning regulations and proposed amendments to the City Subdivision regulations.
-Delay action on making a recommendation.
Not recommending City Council adopt the Billings2045 components, or delaying action on making a recommendation, may result in the City not meeting the May 17 deadline imposed by the Montana Legislature to enact MLUPA.

Attachments

Operating Land Use Plan
Future Land Use Map
Land Use Categories Page 1
Land Use Categories Page 2
Subdivision Regulations
Zoning Ordinance

BILLINGS
2045

“It’s a great city that's changing in many ways, it just needs a couple more pushes…”

“Stop trying to be another city and focus on our strengths… create a city that’s not only a great place to live [and] work but a destination.”

“…this is a great community that deserves to have an even greater place to call home.”

Community Survey responses when asked: “What else would you like us to know about living and working in Billings?”

BILLINGS 2045

In compliance with the Montana Land Use Planning Act (MLUPA) Billings 2045 must be adopted prior to the state-mandated deadline. This plan is being released for public review prior to its full completion.

This document is intended to function as an "operating" plan to ensure the City maintains its ability to administer zoning and development regulations as required by state law. If a plan is not adopted by the statutory deadline, the City may be unable to enforce certain land use regulations.

While this draft includes key components that must be adopted to meet state requirements, other sections will be refined through future amendments. The City anticipates bringing forward updates to the plan following adoption to incorporate additional analysis, policy direction, and community input.

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The Planning Process

INTRODUCTION TO BILLINGS 2045

SETTING THE STAGE FOR BILLINGS' FUTURE

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Building Community

ENVIRONMENT

HOUSING

From Present to Future

PLACETYPES & THE FUTURE LAND USE MAP

From Plan to Reality

THE IMPORTANCE OF IMPLEMENTATION

IMPLEMENTATION MATRIX

BILLINGS 2045

1 THE PLANNING PROCESS

INTRODUCTION TO BILLINGS

WHY WE PLAN

Comprehensive plans have long served as essential tools to guide communities through growth, change, and long-term investment. Billings 2045 is designed to help shape the future of Billings' economy, land use, neighborhoods, transportation systems, and community amenities over the next twenty years. This plan provides a strategic foundation for the City to prepare for both near-term needs and long-range opportunities—grounding future policy decisions in reliable data, shared community values, and clearly defined priorities. Billings 2045 reflects extensive public participation and collaboration, informed by the voices of residents, local organizations, business leaders, and community stakeholders, as well as the dedicated work of City staff and Interim Planning Commission members. The outcome is a community-driven roadmap that pairs long-term vision with practical, action-oriented steps to help Billings thrive.

The Billings 2045 planning effort began in 2025 to create a unified vision and updated strategy for Montana's largest city as it continues to evolve. As Billings grows and changes, the City faces important questions about where and how development should occur, how to ensure growth can be supported over time, and how to coordinate land use decisions with the infrastructure, services, and facilities residents rely on every day. The plan explores how Billings can strengthen connections between neighborhoods, improve safety and access for all travel modes, and support a range of housing choices that meet the needs of residents across incomes, ages, and household types. It also considers how reinvestment and access to services can be strengthened citywide, while protecting the natural features and open spaces that contribute to Billings' livability. Ultimately, Billings 2045 is intended to guide thoughtful growth that supports long-term community wellbeing, reflects local priorities, and reinforces the distinct character and identity of Billings, from its established neighborhoods to its downtown core.

USERS' GUIDE

The Billings 2045 Land Use Plan is designed to be a comprehensive, compelling, and accessible resource for all community members. It establishes a long-range vision for the city's future, ensuring that as Billings grows, it does so in a manner that is both strategic, and reflective of the community values expressed through this process. The plan is organized into several chapters designed to build upon one another, starting with a broad vision and moving toward more specific implementation strategies.

The Billings 2045 Land Use Plan is organized into seven interconnected sections that build upon one another. The plan moves from understanding the context of the planning process to analyzing the community's existing conditions, and finally to presenting a vision and implementation strategy for the future. The table below outlines the content and purpose of each section.

SECTION	TITLE	PURPOSE
I	THE PLANNING PROCESS	Establishes the foundation for the plan, explaining why planning is critical for Billings' future, how the plan complies with state law, and how community engagement shaped its development.
II	BUILDING COMMUNITY	Provides a detailed analysis of the city's core components, including its natural environment, population and demographic trends, economic drivers, and housing conditions.
III	SERVING THE COMMUNITY	Examines the public services and utilities that support the community, including emergency services, public works, schools, and parks and recreation amenities.
IV	CONNECTING THE COMMUNITY	Focuses on the city's transportation network, summarizing past planning efforts and highlighting the importance of multimodal connections between neighborhoods, parks, and schools.
V	COMMUNITY CHARACTER	Explores the physical fabric of Billings, reviewing historic development patterns, identifying the unique characteristics of its distinct neighborhoods, and describing existing land use patterns.
VI	FROM PRESENT TO FUTURE	Translates the plan's analysis and vision into a tangible guide for growth. This section introduces the "placetype" framework and presents the Future Land Use Map (FLUM) that will guide development for the next 20 years.
VII	FROM PLAN TO REALITY	Outlines the strategy for turning the plan's vision into action. It details the importance of implementation, provides a framework for tracking progress, and discusses the next steps in the planning process.

PHILOSPHY OF PLANNING

Modern U.S. planning emerged in the early 20th century as cities grew rapidly and needed better systems for public health, housing, transportation, and infrastructure. Over time, local governments gained authority to guide land use through zoning and comprehensive planning, supported by model enabling acts in the 1920s and reinforced by court decisions like Euclid v. Ambler (1926). In the late 20th century, environmental policy added stronger expectations for impact analysis and long-range thinking, particularly for actions involving federal lands or funding.

Planning in the Intermountain West

In the Intermountain West, land is at the core of history and culture and often publicly managed. A defining reality of the region is the enormous presence of federal land. In many Intermountain states, the federal government owns or manages a major share of land, more than half in the region overall. This has profound implications. Local communities are not planning only for their own private parcels; they are planning at the edge of vast public landscapes.

This shapes the planning philosophy of the West in several important ways:

- **Planning is shaped by boundaries, not just growth.** In much of the U.S., land use planning often assumes that development will "fill in" over time, spreading outward from cities. In the Intermountain West, growth tends to concentrate in valleys and river corridors, near existing towns and transportation routes, and near scenic amenities and recreation access. At the same time, much of the surrounding land may be federal forest, BLM land, or other public holdings. That means planning often focuses on managing the edges: where private growth meets public lands, wildlife habitat, agricultural land, and sensitive landscapes.
- **Planning is a negotiation between competing values.** Western planning is strongly influenced by the tradition of "multiple use" public land management, meaning that land is expected to support many different purposes at once: grazing, timber, mining, wildlife habitat, recreation, water supply, scenic preservation. Multiple-use history makes planning in the West less like a single vision and more like a structured negotiation among competing interests. Conflict is normal, and planning often becomes a process for balancing legitimate but opposing values.
- **Planning is tied to water and aridity.** The interior West is an arid landscape. In many places, water availability is the single most important constraint on growth. That reality shaped settlement patterns historically and continues to shape planning today. Federal reclamation policy in the early 1900s, especially irrigation works, made large areas habitable and productive, and it also established a long-standing expectation that growth and development must be connected to infrastructure systems that store and deliver water. In the West, planning has always been about the question: "Can this place actually support the level of growth we are allowing?"
- **Planning is deeply influenced by private property rights and local control.** Another defining feature of the Intermountain West is a cultural emphasis on individual ownership and rural independence. Therefore, planning often has to be justified in practical terms, considering infrastructure efficiency, public safety, protecting working lands, preventing costly sprawl, reducing conflict between neighbors. In short, planning in the West tends to be more grounded in practicality and impacts than in purely idealized design.

Montana Planning

Montana reflects all of these Intermountain West dynamics, but in a distinctly Montana way. A significant portion of Montana's land base is federally managed, which means communities are constantly interacting with decisions made by federal agencies. Federal land management affects recreation and tourism, timber and grazing economies, wildfire risk, access and infrastructure needs and environmental quality.

That context means Montana planning often includes an unusually strong coordination component, whether formally or informally, because so many outcomes depend on what happens beyond municipal boundaries.

Montana also has a uniquely influential constitutional context. The 1972 Montana Constitution recognizes both strong protection of private property rights, and an inalienable right to a "clean and healthful environment," along with a duty to protect that environment for present and future generations.

This creates a philosophical tension that is very visible in Montana planning history: Montana planning is often about balancing two values that both carry moral and legal weight, individual rights and long-term stewardship.

Finally, modern Montana land use planning was strongly shaped by the state's experience with rapid subdivision, particularly recreational and speculative subdivision in rural areas. The Montana Subdivision and Platting Act (1973) was enacted because Montanans were concerned about unregulated subdivision patterns, especially in areas without adequate services, infrastructure, or environmental protections.

That history matters because it helps explain why, in many Montana communities, subdivision review has sometimes functioned as the most visible land use "control," even where zoning was limited or politically contested.

"Planning must become a forward-looking preventive means of providing people with the tools to preserve the natural and social integrity of their communities and surrounding areas."

The Montana Subdivision Inventory Project, 1975

MONTANA LAND USE PLANNING ACT

In 2023, Montana introduced a new structure: the Montana Land Use Planning Act (MLUPA), now codified in Title 76, Chapter 25, MCA. This law reflects a broader shift in planning philosophy: instead of treating planning as mainly aspirational guidance, MLUPA pushes planning toward being an up-front, evidence-based system that directly supports implementation through zoning and land use regulations.

MLUPA requires Montana cities with a population over 5,000 that are located within counties having a total population of more than 70,000 to adopt land use plans that comply with the Act. The requirements of the land use plan include:

- **Existing conditions and population projections.** The land use plan must include inventories of existing conditions and must analyze how the jurisdiction will accommodate projected population over 20 years and expected impacts.
- **Housing**. The plan must identify and analyze existing and projected housing needs, quantify needed housing types, inventory potential sites, analyze constraints, and describe actions to accommodate needed housing types.
- **Local services and facilities (public safety, utilities, transportation).** The plan must determine existing and anticipated service levels and capacities and include inventories/maps plus identification of capital/service improvements for public safety and emergency services, utilities and the transportation network.
- **Economic development.** The plan must assess existing and potential enterprises, labor force trends, local assets and constraints, available sites, adequacy of supporting services and housing, and financial feasibility of supporting anticipated growth.
- **Natural resources, environment, and hazards.** The plan must include inventories and maps of natural resources, describe resource characteristics and trends, inventory the natural environment, and describe natural hazards.
- **Land use + future land use map.** A land use plan must include a future land use map and written description of the general distribution, location, and extent of land uses.
- **Implementation.** The plan must include implementation measures and schedules, especially around zoning adoption/amendment to achieve substantial compliance, capital improvements programming, facility expansion (costs and revenue sources), and monitoring/evaluation procedures.
- **Continuous public participation.** Public participation is not optional: the Act requires continuous participation with the adoption of a public participation plan.

WHY PLAN NOW?

As we undertake this planning effort, the City of Billings stands at a crossroads. Serving as a state and regional economic hub with great accessibility and a high quality of life, Billings is now faced with the challenge of managing the current and future growth that has led to it's success. While growth can be a sign of a community that is thriving, it also brings to the forefront core issues that require a proactive, strategic, and thoughtful response. The Billings 2045 Land Use Plan provides a vital framework to address and manage the City's future growth potential in the face of these core issues and opportunities. This plan, and the future land use map that accompanies it, are happening at the right place and time to effect a vision for Billings' future that is fiscally responsible, environmentally sound, and equitable for all.

A primary challenge facing Billings is a growing housing crisis. Between 2018 and 2023, the median home sale price in the city rose by over 50%. This rapid appreciation has far outpaced income growth, creating a significant affordability gap. The number of attainable homes has also decreased in the same period, with a current cumulative shortage of nearly 10,000 units as estimated by the Billings Association of REALTORS®, and demand for an additional 26,200 housing units by 2045 to address the growing population. If we continue as usual, based on the existing housing deficit and rate of permit approvals anticipated annually, it will take the City until 2040 to address the unmet need and account for additional growth. This lack of attainable housing directly impacts the city's economic competitiveness, as local employers struggle to recruit and retain a workforce that can afford to live in the community they serve.

Concurrent with the housing shortage are the challenges of managing physical growth. Much of the city's recent expansion has occurred on the West End, leading to concerns about urban sprawl, the loss of productive agricultural land, and the mounting cost of extending and maintaining infrastructure. This pattern of development strains municipal budgets and can lead to inefficiencies in the delivery of public services. The need to continue to revitalize and support the downtown core is a recurring theme in community discussions and a key focus of this planning effort.

THE FISCAL BENEFITS OF PROACTIVE PLANNING

Adopting the Billings 2045 Land Use Plan and Future Land Use Map is not merely an exercise in good governance; it is a fiscally prudent strategy. The alternative, reactive, ad-hoc decision-making, often leads to costly and inefficient development patterns. Well-planned communities can realize significant financial benefits, saving on upfront infrastructure costs for new construction, reducing ongoing service delivery costs, and generating more tax revenue per acre than conventional suburban development patterns.

Billings' own past planning efforts confirm these findings. The 2016 Growth Policy included a detailed scenario planning analysis that compared the fiscal impacts of different growth patterns. The study found that more compact, infill development was significantly more cost-effective than low-density, spread-out development. By strategically guiding future growth, the Billings 2045 Land Use Plan and Future Land Use Map can ensure that new development contributes positively to the city's long-term fiscal health, minimizing the tax burden on existing and future residents and businesses.

BUILDING ON A LEGACY OF PLANNING

This Land Use Plan is not being created in a vacuum. It builds upon a long history of planning in Billings and Yellowstone County, incorporating lessons learned and priorities that remain important while adapting to new and evolving challenges and legal frameworks. In the preparation of the Billings 2045 Land Use Plan and Future Land Use Map, the following plans and policy documents were reviewed for integration and key recommendations to carry forward as part of this planning effort:

PLAN	YEAR	KEY CONTRIBUTION
City of Billings/Yellowstone County Growth Policy	2003	Early collaborative effort to manage regional growth
Yellowstone County/City of Billings Growth Policy	2008	Updated regional framework for coordinated development
City of Billings Growth Policy	2016	Introduced scenario planning to evaluate fiscal impacts of growth patterns
Long Range Transportation Plan	2023	Guides transportation infrastructure investments
Bike & Trail Master Plan	2016	Provides framework for non-motorized transportation and recreation
South Billings Master Plan	Various	Guides development in the South Billings area
West Billings Neighborhood Plan	Ongoing	Creates vision for continued development of West Billings
Billings Heights Neighborhood Plan	Ongoing	Guides development in the Heights neighborhood

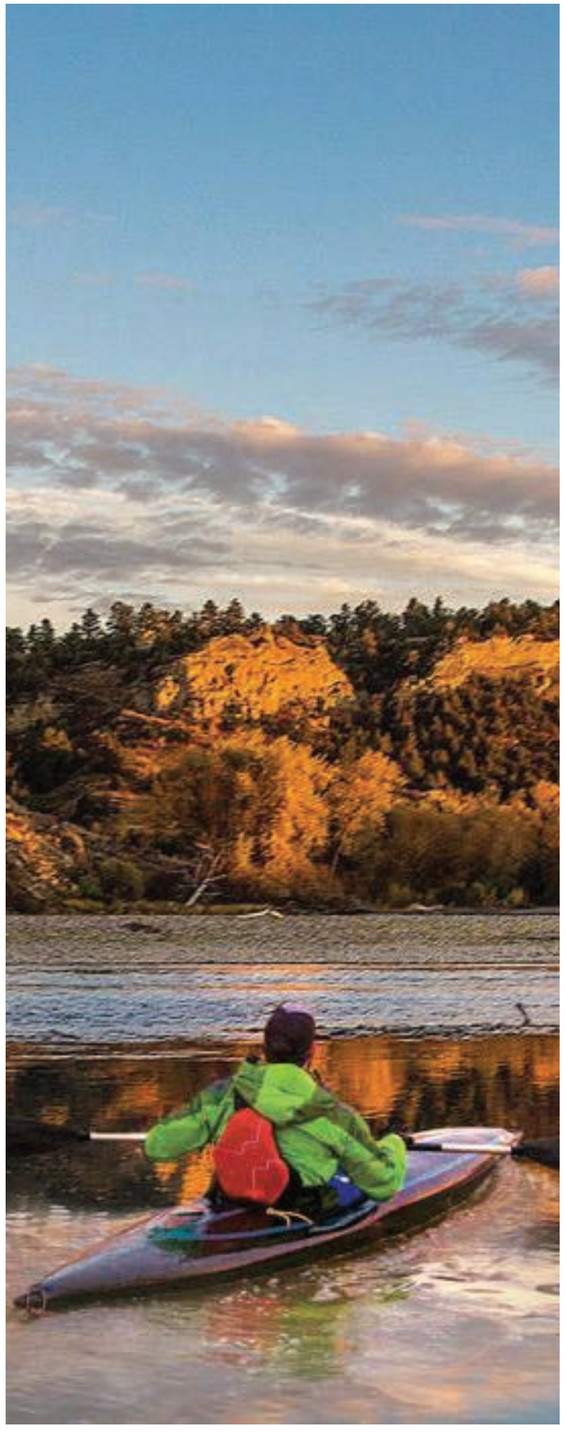
Additional plans and policies were reviewed for background and area-wide context in preparing the Billings 2045 Land Use Plan. These included:

- Broadview Community Profile (2004)
- Shepherd Community Action Plan (2004)
- Lockwood Growth Policy (2016)
- Minnesota Avenue Master Plan (2001; 2003 addendum)
- Billings Exposition Gateway Concept Plan (2013)
- Downtown Billings Framework Plan (1997)
- East Billings Urban Renewal District (EBURD) Master Plan (2009)
- South Billings Master Plan (2012)
- Infill Development Policy (2011)
- Founders Park Area Urban Renewal Analysis Report (2020)
- City of Billings Planning & Community Services Department (PCSD) Annual Report 2024
- North Park Neighborhood Plan (2008)
- Central-Terry Park Neighborhood Plan (August 1999)
- Urban Renewal Plan for the South Billings Boulevard Urban Renewal Area (SBBURD) (2008)
- The Highland Neighborhood Plan (2007)
- The Billings Heights Neighborhood Plan (2006)
- North Elevation Neighborhood Plan (1994)
- Northwest Shiloh Area Plan (2005)
- The South Side Neighborhood Plan (2008)

A complete summary of these policies can be found in Appendix A of this plan.

The Billings 2045 Land Use Plan and Future Land Use Map is more than just a document; it is a foundational tool for public and private decision-making. As required by the Montana Land Use Planning Act, this plan will serve as the primary policy guide for all land use and development-related matters within the city.

- For the City Council, Planning Commission, and other decision-makers, the plan provides a consistent, publicly-vetted framework for evaluating land use proposals, prioritizing capital investments, and coordinating with regional and state partners. It ensures that individual decisions align with the community's long-term vision. When a new subdivision or zone change is proposed, its alignment with the Future Land Use Map and the plan's goals will be a central requirement in the review process.
- For City staff, the plan serves as a day-to-day reference for aligning departmental programs, reviewing development applications, and making recommendations that are consistent with the plan's goals and the Future Land Use Map.
- For residents, property owners, and business owners, the plan offers a degree of predictability. It provides a clear indication of how the areas around their homes and businesses are expected to evolve over time, allowing them to make informed decisions about their own investments. It also outlines numerous opportunities for public participation in the ongoing planning process.
- For developers and the real estate community, the plan clarifies the city's priorities and expectations. By identifying areas suitable for growth and the types of development desired in different parts of the city, the plan helps to streamline the development review process and direct investment to where it will be most beneficial for the community.



"Managing growth is not about stopping it, but shaping it responsibly."

The Montana Subdivision Inventory Project, 1975

KEEPING THE PLAN RELEVANT: A LIVING DOCUMENT

A plan for the future must be able to adapt to changing circumstances. The Billings 2045 Land Use Plan and Future Land Use Map is intended to be a living document. The world will inevitably change over the next 20 years, and the plan must be flexible enough to respond to new challenges, emerging trends, and evolving community priorities.

To ensure its continued relevance, the plan will be subject to regular monitoring and periodic updates. The implementation chapter will establish a process for tracking progress toward the plan's goals and measuring key performance indicators. This will allow the city to assess what is working and what is not, and to make course corrections as needed.

Planning best practices as well as state law recommends a comprehensive review and update of the plan **every five years**, with an initial review two years after adoption. This regular cycle of review will provide a formal opportunity for the community to revisit the plan's vision and policies, ensuring that it remains a true and accurate reflection of Billings' aspirations for the future. By embracing this process of continuous improvement, we can ensure that the Billings 2045 Land Use Plan remains a powerful and effective tool for shaping a prosperous and livable city for generations to come.

SETTING THE STAGE FOR BILLINGS' FUTURE

A BRIEF HISTORY OF BILLINGS

From its inception as a railroad town to its current status as Montana's largest city and a regional economic hub, Billings has a history defined by steady growth and strategic adaptation, fueled by its central location in the state. The city's story is not just one of population growth, but of key economic and social turning points that have shaped its identity and continue to influence growth and development patterns today. Understanding the City's history is crucial to contextualizing the challenges and opportunities that lie ahead as we plan for 2045.

NATIVE SETTLEMENTS

The Yellowstone Valley has been inhabited for millennia, with evidence of human presence dating back to at least 2600 BC. Long before the arrival of the railroad and the founding of Billings, the Yellowstone Valley was home to Indigenous peoples whose deep connections to the land shaped the region for thousands of years. Tribes including the Crow (Apsáalooke), whose ancestral territory encompasses much of south-central Montana, as well as the Northern Cheyenne and others, used the valley as a vital corridor for seasonal migration, hunting, trade, and cultural practices. The Yellowstone River provided water, fertile land, and abundant wildlife, making it a central feature of Indigenous life. Sites such as the Pictograph Cave State Park offer enduring evidence of this long-standing presence, preserving rock art that reflects spiritual beliefs and daily experiences. These Native communities maintained complex social, economic, and ecological systems long before Euro-American settlement, and their enduring cultural ties to the region remain an essential part of Billings' broader historical narrative.

THE MAGIC CITY: A RAILROAD BEGINNING

The modern city of Billings that we know today was born from the westward expansion of the Northern Pacific Railroad. In 1882, the railroad laid out the townsite, naming it after its then-president, Frederick H. Billings. The arrival of the railroad was a significant event for the region, transforming the landscape and the economy almost overnight. The town of Billings grew so quickly—from just a handful of buildings to over 2,000 in a matter of months—that it earned the nickname the "Magic City." This explosive start established a pattern of growth that would characterize Billings for the next century and a half.

FROM AGRICULTURE AND ENERGY TO A DIVERSIFIED ECONOMY

The railroad provided a critical link to national markets, allowing Billings to become a center for agricultural trade in the state. The fertile Yellowstone Valley supported a thriving agricultural economy, with sugar beets becoming an important commodity. Livestock auctions and supportive agricultural business further solidified the city's role as a commerce hub in the heart of a vast agricultural region.

A second major economic boom arrived with the discovery of oil in Montana and Wyoming in the early 20th century. Billings was perfectly situated to become the region's energy capital, and a hub for transporting these goods and services far beyond Montana state lines. Refineries including Yale Oil (1929) and the Carter Oil Company (1947) were established, and the city became a hub for energy production, a role that was amplified during the OPEC oil embargo of the 1970s and the Bakken oil boom of the 2010s. Today, three of Montana's oil refineries are located in Yellowstone County, cementing the energy sector's importance to the local economy.

THE REGIONAL HUB EMERGES

Following World War II, Billings entered a new phase of development, transforming into the primary financial, medical, and cultural center for a vast trade area that now stretches over 125,000 square miles and serves more than half a million people in the intermountain west. he construction of Interstate 90 in the 1960s further enhanced the city's connectivity and its role as a retail and wholesale trade destination in Montana and beyond. The city's healthcare sector, anchored by Billings Clinic and St. Vincent Healthcare (now Intermountain Health), has grown into a major economic driver and the top employing industry in Yellowstone County.

The latter half of the 20th century saw significant urban development, including the construction of Montana's first high-rises in the downtown core and the expansion of the city's footprint with new residential neighborhoods and commercial centers. Despite national economic downturns in early 2000s, and considerable market and housing fluctuations as a result of the COVID 19 pandemic beginning in 2019, Billings has consistently demonstrated remarkable economic resilience among its peers in the Rocky Mountain west.

TIMELINE OF KEY TURNING POINTS

The following timeline highlights key milestones in Billings' history that have significantly impacted its growth, economic prosperity, and community development.

1882

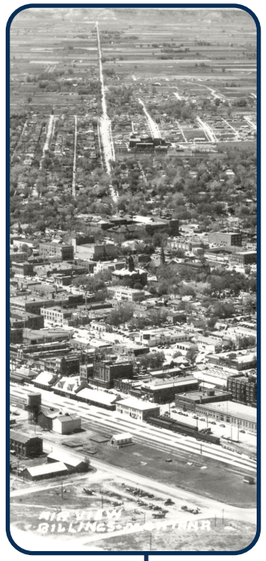
Founding of Billings by the Northern Pacific Railroad
Established the city as a transportation hub and catalyzed its initial, rapid growth.

1904

Sugar Beet Processing Plant Opens
Solidified the importance of agriculture as a foundational economic sector.

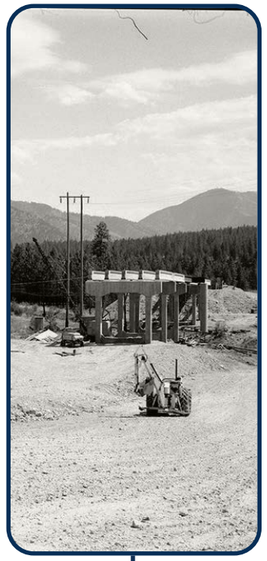
1920s

Discovery of Oil in Region
Initiated Billings' long-standing role as a major energy center.



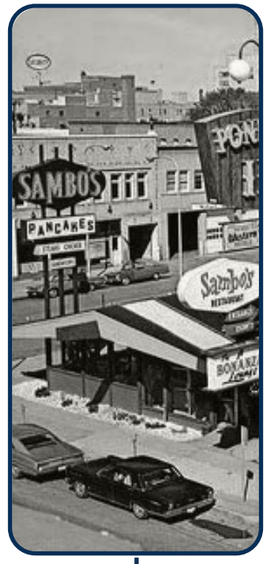
1940s

Post WWII Expansion
Marked the city's transformation into a regional hub for healthcare, finance, and culture.



1960s

Interstate 90 Construction
Improved transportation connectivity, reinforcing the city's status as a commercial center.



1970s

Energy Boom and Downtown Growth
Spurred by the OPEC oil embargo, this era saw major downtown development and the construction of the city's first high-rises.

1990s

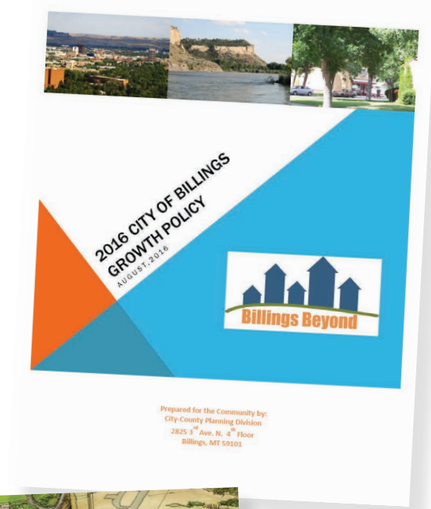
Economic Diversification
Growth of the service sector, healthcare, and retail balanced the city's traditional reliance on agriculture and energy.

2010s

Bakken Oil Boom
A new energy boom brought further economic prosperity and population growth, alongside challenges related to housing and infrastructure, especially as the City grew to the west.

THE ROLE OF PAST PLANS IN SHAPING BILLINGS' FUTURE

The Billings 2045 Land Use Plan is the latest step in a long and consistent history of community planning aimed at managing growth, enhancing quality of life, and ensuring economic prosperity. Over the years the City of Billings, often in partnership with Yellowstone County, has engaged in comprehensive planning to guide its development. These past efforts provide a rich foundation of community input, trends and data analysis, as well as policy direction that has been evaluated and, in some cases, carried forward in the creation of this plan and future land use map.



1.1 SELECTION OF PAST AND CURRENT PLANS

THE EVOLUTION OF GROWTH POLICIES

In Montana, the Growth Policy has long been the planning tool used to establishes a long-range vision and policy for a community. Billings has a robust history of utilizing this tool, with major updates creating a clear narrative of the community's evolving priorities.

- The 2003 and 2008 Growth Policies: These foundational documents, developed jointly by the City and Yellowstone County, established a comprehensive framework for managing growth during a period of significant expansion. The 2008 update was a response to the rapid changes occurring in the early 2000s, adding over 30 new goals and 200 new implementation strategies based on extensive public input. Key issues identified in these early plans included the need to manage urban sprawl, preserve neighborhood character, address a lack of affordable housing, and protect natural resources like the Yellowstone River and the Rimrocks. A new "Community Health" element was added in 2008, demonstrating a growing awareness of the link between the built environment and public well-being.
- The 2016 "Billings Beyond" Growth Policy: Nearly a decade later, the 2016 Growth Policy marked a significant shift, as it was the first comprehensive plan developed solely by the City of Billings. This plan focused intently on the fiscal realities of growth. Its vision statement emphasized managing growth by "encouraging development within and adjacent to the existing City limits" but giving preference " to areas where City infrastructure exists or can be extended within a fiscally constrained budget." This focus on cost-effective, orderly growth was a direct response to the increasing demand on public services and infrastructure resulting from unchecked development. The 2016 Growth Policy was guided by seven core community goals derived from public input: Essential Investment, Mobility & Access, Prosperity, Home Base, Place Makers, Strong Neighborhoods, and Community Fabric.

In addition to the City and City-County generated growth policies, a vast array of site-specific, regional, corridor, and master plans were developed for the region, all working toward creating a cohesive and supportive environment for continued growth and economic prosperity. The multitude of plans reviewed as part of this effort were listed in Chapter 1.1, with a more detailed analysis of each document included in this plan's appendices [Appendix A]. Through this analysis, and across these different planning eras and efforts, a consistent set of themes and community values began to emerge. These recurring priorities underscore their deep importance to the residents of Billings and form the bedrock upon which the 2045 plan is built. These themes are further evolved in Chapter 1.3.

Beyond the previous growth policies, Billings has undertaken numerous other master plans and studies that address specific facets of the community. The 2023 Long Range Transportation Plan (LRTP) outlines a 20-year vision for transportation infrastructure. The 2017 Comprehensive Parks and Recreation Master Plan provides a roadmap for the city's park system, and various Urban Renewal District plans guide the revitalization of key commercial and industrial areas. These topic specific plans are being incorporated by reference into Billings 2045, using their content to inform elements of this land use document. This comprehensive approach, where land use, transportation, recreation, and economic development are planned for together, ensures that all elements of the community are working toward a shared vision.

The Billings 2045 plan is the direct inheritor of this legacy. It will build upon the extensive data, public input, and policy successes of these previous efforts while addressing the new challenges and opportunities facing the city today and in the decades to come.

CORE THEME	EMPHASIS IN PAST PLANS
Fiscal Sustainability	The 2016 Growth Policy established fiscal analysis as a cornerstone of planning, demonstrating through scenario modeling that infill development yields the highest return on investment (14.1%) compared to sprawling growth patterns. The 2011 Infill Development Policy (Resolution 11-19128) formalized this priority, citing that downtown property tax values per acre are seven to eight times higher than commercial development in West Billings, making compact development fiscally essential for long-term city sustainability.
Infrastructure Capacity	Past plans consistently identified infrastructure deficits as critical barriers to sustainable growth. The 2008 Growth Policy emphasized contiguous development focused where infrastructure exists or can be efficiently extended, while the South Billings Master Plan (2012) and EBURD Master Plan (2009) prioritized stormwater management, street upgrades, and utility extensions as prerequisites for redevelopment. The Northwest Shiloh Area Plan (2005) used a Plan Area Suitability Map to direct growth based on existing infrastructure capacity, preventing haphazard sprawl.
Transportation Connectivity	The 2008 Growth Policy introduced Community Health as a planning element, emphasizing roadways that accommodate pedestrians and cyclists alongside vehicles. The EBURD Master Plan (2009) advocated for "Complete Streets" policies ensuring all modes of travel are accommodated, while neighborhood plans like North Park (2008) and Highland (2007) focused on traffic calming, safe routes to schools, and reducing institutional traffic impacts on residential areas. The City adopted its first Complete Streets Policy in 2011, and it is still in effect today.
Housing Diversity	The 2016 Growth Policy guidelines called for zoning that supports a mix of housing types to create "Strong Neighborhoods," while the Lockwood Growth Policy (2016) specifically recommended increasing residential densities from large-lot standards to 4-10 dwelling units per acre. The South Billings Master Plan (2012) prioritized affordable housing and preventing displacement, emphasizing the community's directive to "build this neighborhood with us, not without us."
Equitable Reinvestment	Urban renewal plans for South Billings (2008), East Billings (2009), and the ongoing Downtown North 27th Street Urban Renewal District used Tax Increment Financing to address blight and stimulate reinvestment in underperforming areas. The South Billings Master Plan (2012) integrated physical improvements with social and economic strategies, focusing on health, safety, and community empowerment. The 2016 Growth Policy's scenario analysis demonstrated that prioritizing development within existing city limits provides superior fiscal returns while supporting established neighborhoods.
Natural Resource Protection	The 2008 Growth Policy established goals to protect the Yellowstone River ecosystem, ensure sustainable water supply, and minimize wildfire risk. The Lockwood Growth Policy (2016) proposed a "resource conservation overlay zone" to protect natural areas along the Yellowstone River. The EBURD Master Plan (2009) pioneered "Green Streets" approaches integrating bioswales and rain gardens into streetscapes for innovative stormwater management, positioning environmental considerations as integral to infrastructure design.
Community Identity	The Downtown Billings Framework Plan (1997) established the foundational vision for downtown as the "heart and soul of the community," creating distinct districts and a unified "Kit of Parts" for cohesive streetscape identity. Neighborhood plans like Central-Terry Park (1999) and North Elevation (1994) emphasized preserving historic character through design guidelines and proactive zoning. The Billings Heights Plan (2006) sought to create a "premier community" with a stronger sense of place through branch libraries, community centers, and Main Street revitalization.

FROM CONTEXT TO ACTION: WHY EXISTING CONDITIONS MATTER

A comprehensive plan is fundamentally about shaping the future. However, to chart a course forward we must start with a firm understanding of the present context and conditions. The history of past planning efforts provides the narrative of the Billings' community's intentions over the years, but it is the rigorous analysis of existing conditions, the demographic, economic, and physical realities of Billings today, that provides the essential context for future recommendations to guide policy and action. This data-driven foundation ensures that the Billings 2045 Land Use Plan is not an abstract vision, but a realistic, responsive, and actionable framework for the next two decades.

Data on population, housing, and the economy are more than just statistics; they tell the story of a dynamic, growing city. They reveal the pressures on infrastructure, the demands on housing, and the opportunities for strategic investment. By understanding these trends, we can move from being reactive to proactive when thinking about future growth, connecting context to concrete action.

THE STORY IN THE DATA: CONNECTING CONDITIONS TO PLANNING IMPLICATIONS

The Plannin Implications table illustrates how specific data points about the current state of Billings directly translate into critical considerations for the future. These connections are the building blocks of the goals, policies, and implementation strategies that will be detailed in the subsequent sections and chapters of this plan.

By grounding our vision for the future in these present-day realities, the Billings 2045 Land Use Plan and Future Land Use Map can create a framework for decision-making that is both aspirational and achievable. The history and data presented in this chapter do not dictate the future, but they illuminate the path forward, ensuring that as Billings continues to grow, it does so in a way that is strategic, sustainable, and true to the values of the community.

TABLE 1.1 PLANNING IMPLICATIONS

EXISTING CONDITION (THE "WHAT")	PLANNING IMPLICATION (THE "SO WHAT?")
Population Growth: The city's population grew by 3.7% between 2020 and 2024, reaching an estimated 121,483 residents.	This steady growth necessitates planning for expanded infrastructure, public services, and a sufficient supply of diverse housing types to accommodate new residents while maintaining quality of life.
Housing Affordability Gap: The median household income in Billings is $74,400, while the estimated annual income required to qualify for a traditional mortgage on a median-priced home ($385,000) is approximately $100,000.	This significant gap highlights the critical need for strategies that promote housing affordability, including diversifying the housing stock, exploring innovative housing models, and addressing barriers to development.
Economic Engine: Healthcare is the largest employment sector, providing over 15,000 jobs. However, the highest-paying industries are Mining/Extraction and Utilities.	Planning must support the continued strength of the healthcare sector while also fostering diversification and growth in other high-wage industries to create a resilient and prosperous economy with opportunities for all residents.
Aging Population: Nearly 19% of the Billings population is 65 years or older, a figure that has been steadily increasing.	This demographic trend requires a focus on accessible housing, transportation options for non-drivers, healthcare services, and community amenities that support aging in place and enhance the quality of life for seniors.
Infrastructure Demands: The 2023 Long Range Transportation Plan identifies $934 million in transportation needs over the next 20 years, including major roadway, interchange, and trail projects.	Land use decisions must be closely coordinated with infrastructure capacity and planned investments. Promoting infill and development in areas with existing services, as prioritized in the 2016 Growth Policy, becomes a key strategy for managing fiscal resources effectively.

COMMUNITY ENGAGEMENT

Public engagement has been a foundational element of the Billings Land Use Plan process, ensuring the plan reflects local values, priorities, and lived experience while meeting the requirements of Montana's planning framework.

Engagement to date has included targeted stakeholder conversations, a citywide community survey, and Community Planning Week in November of 2025, which included workshops, open houses, mapping exercises, visual preference activities, and written input tools.

In addition to these consultant-led efforts, City staff also conducted engagement with a variety of community groups and participated in outreach at festivals and other public events to broaden participation and reach residents where they already gather. Collectively, this multi-layered engagement approach has provided both broad, citywide feedback and detailed, location-specific insight that directly informs plan recommendations.

Meaningful public engagement is essential to the planning process because it builds trust, improves decision-making, and strengthens implementation by ensuring policies are grounded in community needs rather than assumptions. This is especially important under the Montana Land Use Planning Act (MLUPA), which emphasizes transparency, accountability, and public participation as key components of effective local land use planning.

REACHING THE COMMUNITY

STAKEHOLDER CONVERSATIONS

Stakeholder conversations conducted on August 4 and 5, 2025 provided broad input on Billings' long-term growth, development patterns, and community priorities. Across all topic areas, stakeholders emphasized that future growth must be more intentional, coordinated, and aligned with long-term fiscal, environmental, and community capacity. Participants consistently highlighted that uncoordinated outward growth places increasing pressure on infrastructure, public services, housing affordability, and quality of life, while weakening the city's identity and fiscal sustainability.

A central theme across meetings was the interconnected nature of land use decisions. Infrastructure capacity, housing availability, transportation access, public safety, schools, parks, public health, and economic development were repeatedly described as inseparable. Stakeholders stressed that the growth policy should better align where and how development occurs with the City's ability to provide utilities, services, and facilities over time. Many participants emphasized the need for stronger coordination between the City, County, school districts, utilities, and regional partners to avoid fragmented growth patterns and inefficient investment.

The following summaries reflect the primary themes raised in each stakeholder meeting and illustrate how topic-specific concerns collectively inform Billings' long-term growth policy direction.

HOUSING & COMMUNITY DEVELOPMENT

Stakeholders highlighted an ongoing housing shortage affecting affordability, equity, and workforce stability. Participants emphasized the need for a broader range of housing options, incentives for infill and redevelopment, and stronger coordination between housing, transportation, and community services. Growth policy was viewed as a critical tool for reducing regulatory barriers and aligning public and private investment to expand housing opportunities.

COMMUNITY CHARACTER

Community character stakeholders emphasized that Billings' identity, historic resources, and cultural assets are essential to long-term livability and economic vitality. Participants expressed concern that suburban development patterns and sprawl erode neighborhood character and sense of place. Stakeholders emphasized the importance of downtown revitalization, arts and culture, historic preservation, and context-sensitive design, and stressed that growth policy should balance new development with protection of established neighborhoods and community identity.

ECONOMIC DEVELOPMENT

Economic development stakeholders focused on balancing growth with fiscal sustainability and long-term competitiveness. Participants emphasized the importance of downtown vitality, placemaking, and infill development, while expressing concern that continued outward expansion undermines infrastructure efficiency and economic returns. Workforce attraction, housing affordability, and stronger coordination between economic development and land use planning were recurring themes.

ENVIRONMENT

Environmental stakeholders stressed that growth must reflect environmental capacity and long-term sustainability. Key concerns included groundwater depletion, agricultural land loss, and the cumulative impacts of sprawl. Participants emphasized the need for growth policy to incorporate life-cycle cost considerations, protect natural resources, and better coordinate City and County planning efforts to avoid environmentally and fiscally unsustainable development patterns.

NEIGHBORHOOD TASK FORCE

Neighborhood representatives emphasized equity, neighborhood identity, and quality of life. Stakeholders raised concerns about infrastructure disparities, inconsistent code enforcement, and uneven access to services across the city. Participants stressed the importance of neighborhood-level engagement and the need for growth policy to support reinvestment in existing neighborhoods while strengthening coordination across city departments.

PUBLIC HEALTH & SERVICES

Public health stakeholders emphasized the connection between land use, housing, transportation, and health outcomes. Participants highlighted gaps in behavioral health services, supportive housing, and access to care, particularly for vulnerable populations. Growth policy was viewed as an opportunity to support neighborhood-based services, improve access, and strengthen coordination between health providers, nonprofits, and local governments

SCHOOLS

Education stakeholders emphasized that school facilities, funding, and enrollment pressures are closely tied to growth patterns. Participants highlighted overcrowding, aging facilities, and challenges with long-term planning and land acquisition. Growth policy was viewed as an important framework for improving coordination between school districts and local governments to ensure that educational infrastructure keeps pace with growth.

TRANSPORTATION & MOBILITY

Transportation stakeholders emphasized congestion, funding limitations, and gaps in transit, pedestrian, and bicycle infrastructure. Participants stressed the need to integrate land use and transportation planning, support multimodal options, and improve safety and accessibility across neighborhoods. Growth policy was seen as a key tool for promoting complete neighborhoods and reducing long-term transportation costs.

PARKS, TRAILS, & OPEN SPACE

Stakeholders emphasized the importance of designing parks, trails, and open space systems that are fiscally sustainable and function as essential infrastructure. Participants highlighted challenges related to maintenance burdens, fragmented open spaces, and jurisdictional responsibilities, while emphasizing opportunities to strengthen trail connectivity, river access, and conservation. Growth policy was seen as a tool to better align development with long-term parks and open space needs.

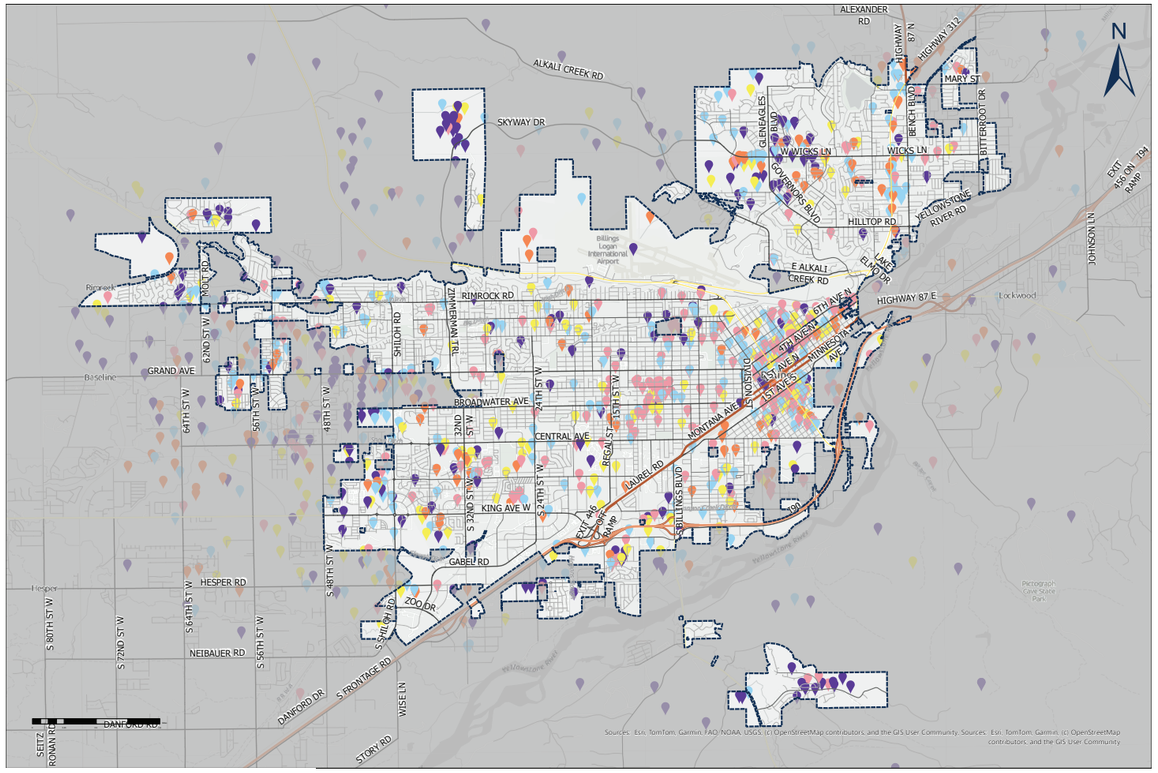
PUBLIC SAFETY

Public safety stakeholders emphasized that growth and annexation are outpacing police, fire, and emergency medical service capacity. Participants highlighted staffing challenges, rising service demands, and funding limitations. Stakeholders stressed that growth policy should better align development patterns with public safety capacity and support prevention-oriented approaches that address housing stability, behavioral health, and community trust.

UTILITIES & INFRASTRUCTURE

Stakeholders emphasized that existing water, sewer, stormwater, power, and roadway systems are under increasing strain from growth. Participants stressed that inconsistent standards, fragmented service areas, and funding limitations complicate long-term planning and directly affect housing affordability. There was strong consensus that growth policy should promote regional coordination, clearer infrastructure sequencing, and alignment between land use decisions and long-term infrastructure capacity.

1.2 SURVEY MAP



- Infill housing
- Single-family housing
- Multi-family housing
- Employment opportunities
- Neighborhood-scale commercial or retail

COMMUNITY SURVEY

The community survey was a key component of the Land Use Plan process, designed to gather broad public input on growth priorities, community values, and long-term planning considerations for Billings. The survey was open from September 4 through December 31, 2025, was advertised citywide and through the project website, and received a total of **1,169 responses.** The strong participation reflects a high level of community interest in how Billings grows and changes over time .

Across responses, residents consistently emphasized the importance of managing growth in a way that balances affordability, infrastructure capacity, and quality of life. Housing cost and housing choice emerged as central concerns, with respondents expressing a desire for a wider range of housing options that meet the needs of different households, income levels, and life stages. Many responses highlighted the need for thoughtful development patterns that support livability while avoiding unplanned or inefficient growth.

Transportation and connectivity were also recurring themes. Respondents prioritized safe and efficient movement throughout the city, including improved traffic circulation, walkability, biking infrastructure, and expanded public transit options. These themes reflect a desire for a more connected city where residents can access daily needs, employment, and recreation through multiple transportation choices.

Environmental quality, open space, and recreation were widely valued as defining assets of Billings. Access to trails, parks, and nearby natural areas was frequently cited as both a strength and a priority for future investment. At the same time, respondents expressed concern about protecting these resources as growth continues, emphasizing the need to align land use decisions with long-term environmental stewardship.

Finally, survey responses reflected strong interest in the overall quality of development, including city appearance, community character, public safety, and economic opportunity. Many respondents expressed support for reinvestment in existing areas, downtown vitality, and coordination with regional partners to ensure growth benefits the broader community. Together, these themes provide clear guidance for shaping land use policies that are inclusive, balanced, and responsive to community values.

Full survey results are provided in the appendix. Additional survey findings are referenced throughout the plan where they relate directly to specific plan topics.

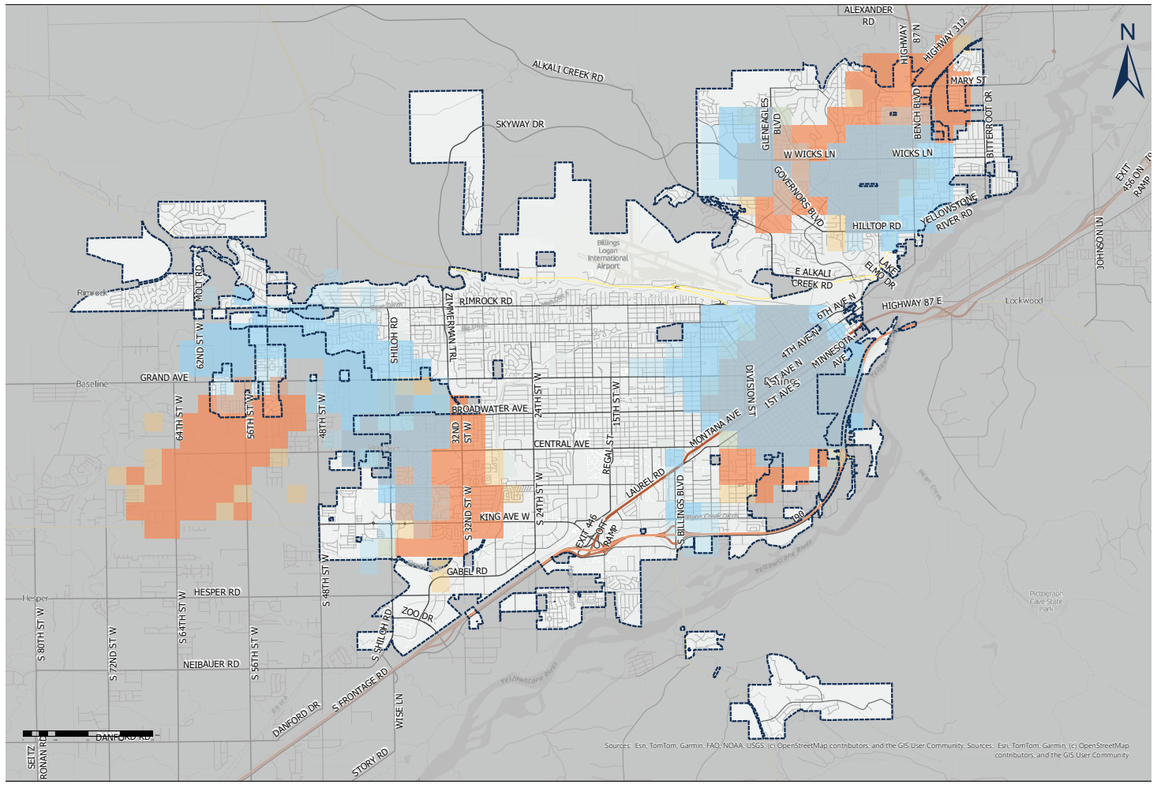
Survey Map

Accompanying the survey was a web-based mapping exercise for participants to contribute to. The exercise asked the community to consider where growth would best be located in the city, focusing on five distinct types of development:

- Infill housing
- Single-family housing
- Multi-family housing
- Employment opportunities
- Neighborhood-scale commercial or retail development

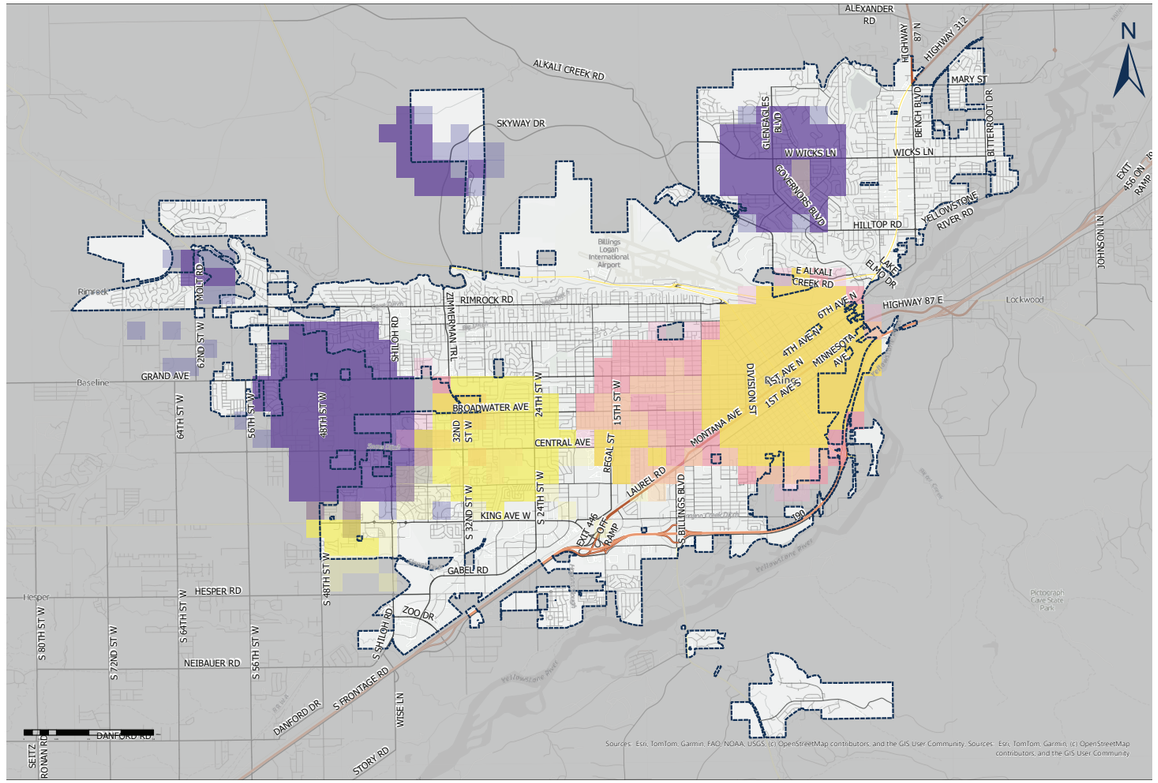
Through hot spot analysis, key locations for targeting growth emerged. The raw data is shown on the left, and composite hot spot analysis maps are located on the following page. Closer analysis of the mapping exercise is included throughout the plan.

1.3 COMMERCIAL HOTSPOT MAP



- Employment opportunities
- Neighborhood-scale commercial or retail

1.4 RESIDENTIAL HOTSPOT MAP



- Infill housing
- Single-family housing
- Multi-family housing

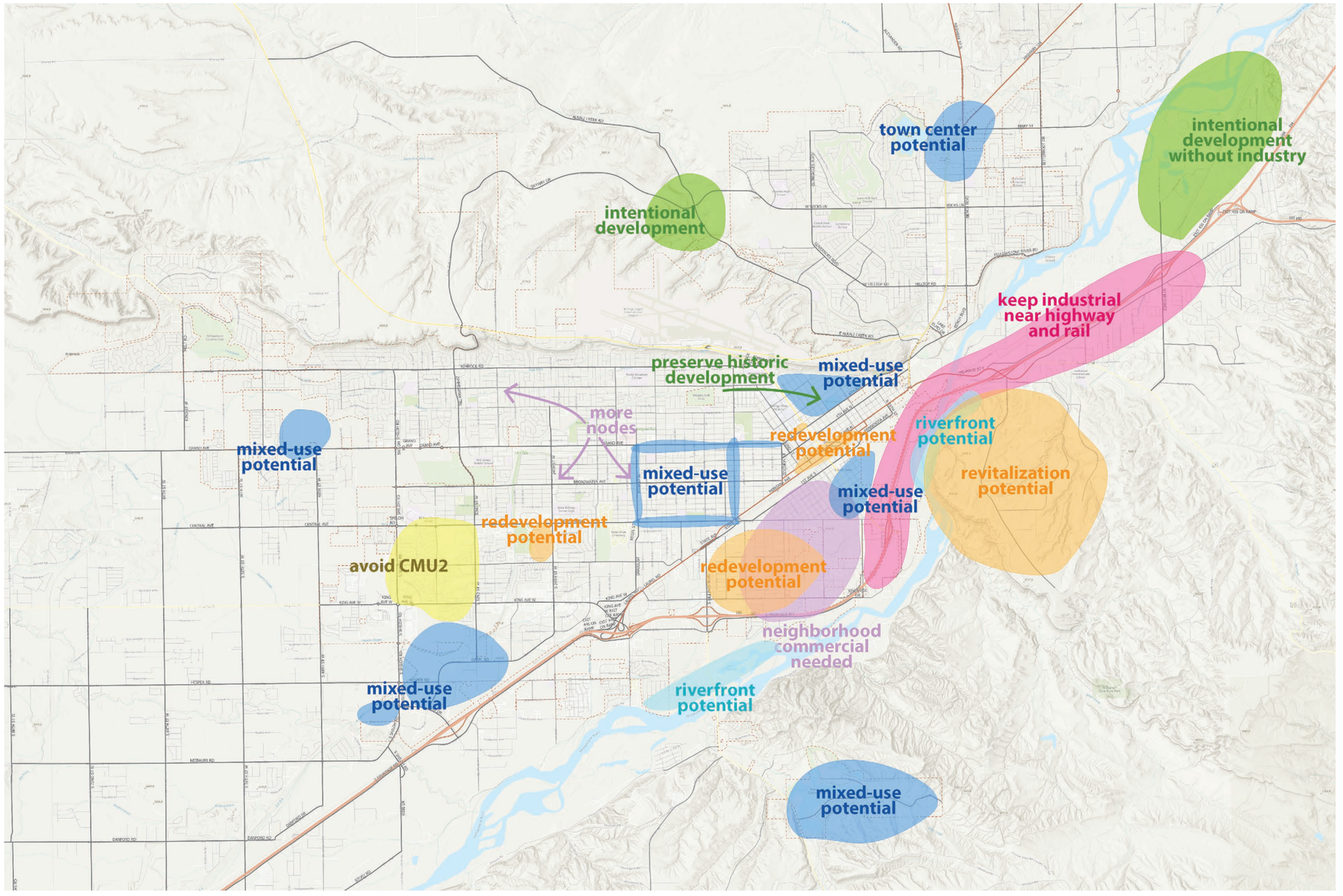
COMMUNITY PLANNING WEEK

Community Planning Week was held from November 17 through November 21, providing multiple opportunities for residents and stakeholders to engage directly in the Land Use Plan process. During the week, five community workshops and open house meetings were held at locations throughout the city, along with meetings with the Interim Planning Commission and the Southside Task Force. These events were designed to gather diverse input on Billings' future growth and development.

The community workshops and open houses allowed members of the public to interact with the consultant team and City staff on a wide range of topics, including residential development, connectivity and transportation, parks and recreation, environmental considerations, commercial and industrial development, existing land use patterns, and related planning issues. Each workshop began with a brief presentation that explained the meeting format, shared key input themes gathered to date, and outlined the overall timeline for the Land Use Plan process.

Interactive engagement tools were a central component of the workshops. Five large maps were displayed at each meeting, allowing participants to provide location-specific feedback directly on different geographic areas of the city. Two visual preference boards gave attendees the opportunity to vote on preferred development types and building styles. A large community canvas poster provided space for open-ended comments across multiple topics, and comment cards allowed participants to respond to prompts about Billings and its future.

Educational materials were also provided to support informed input, including information on missing middle housing and land use placetypes, which are discussed further in Chapter 6 of this plan. Input gathered during Community Planning Week has been organized by engagement method, with common themes identified across meetings. Map-based feedback has been synthesized into a series of summary maps that illustrate what was heard during the week and help inform future land use recommendations.



1.5 COMMERCIAL AND INDUSTRIAL SUMMARY MAP

Mapping

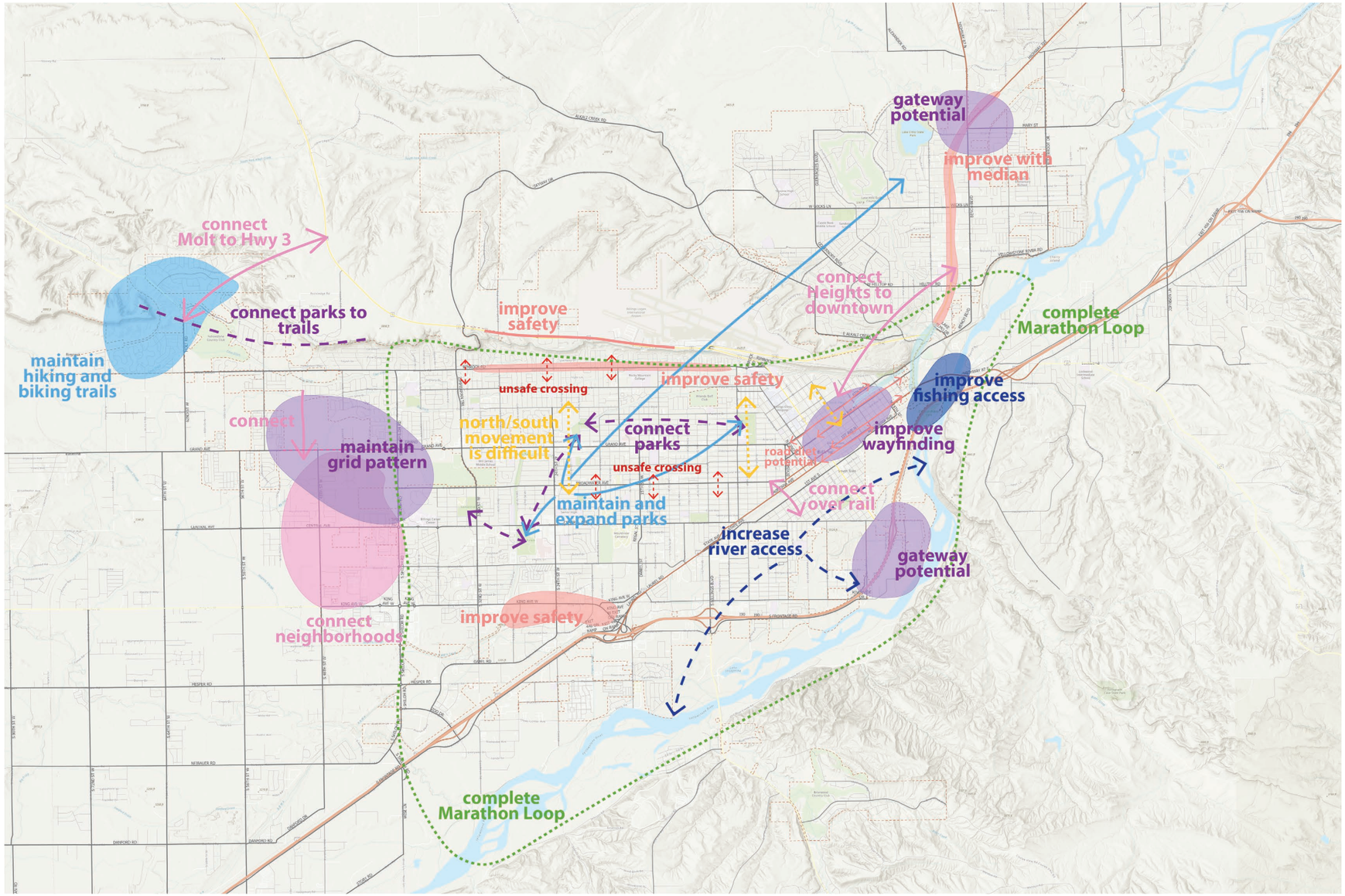
During Community Planning Week, participants provided location-specific feedback using interactive mapping exercises focused on four major topic areas. The maps summarize recurring patterns, opportunities, and concerns raised across multiple meetings and are intended to complement, not replace, the broader engagement takeaways. Together, they help illustrate how community priorities vary by location and inform future land use recommendations.

Commercial and Industrial

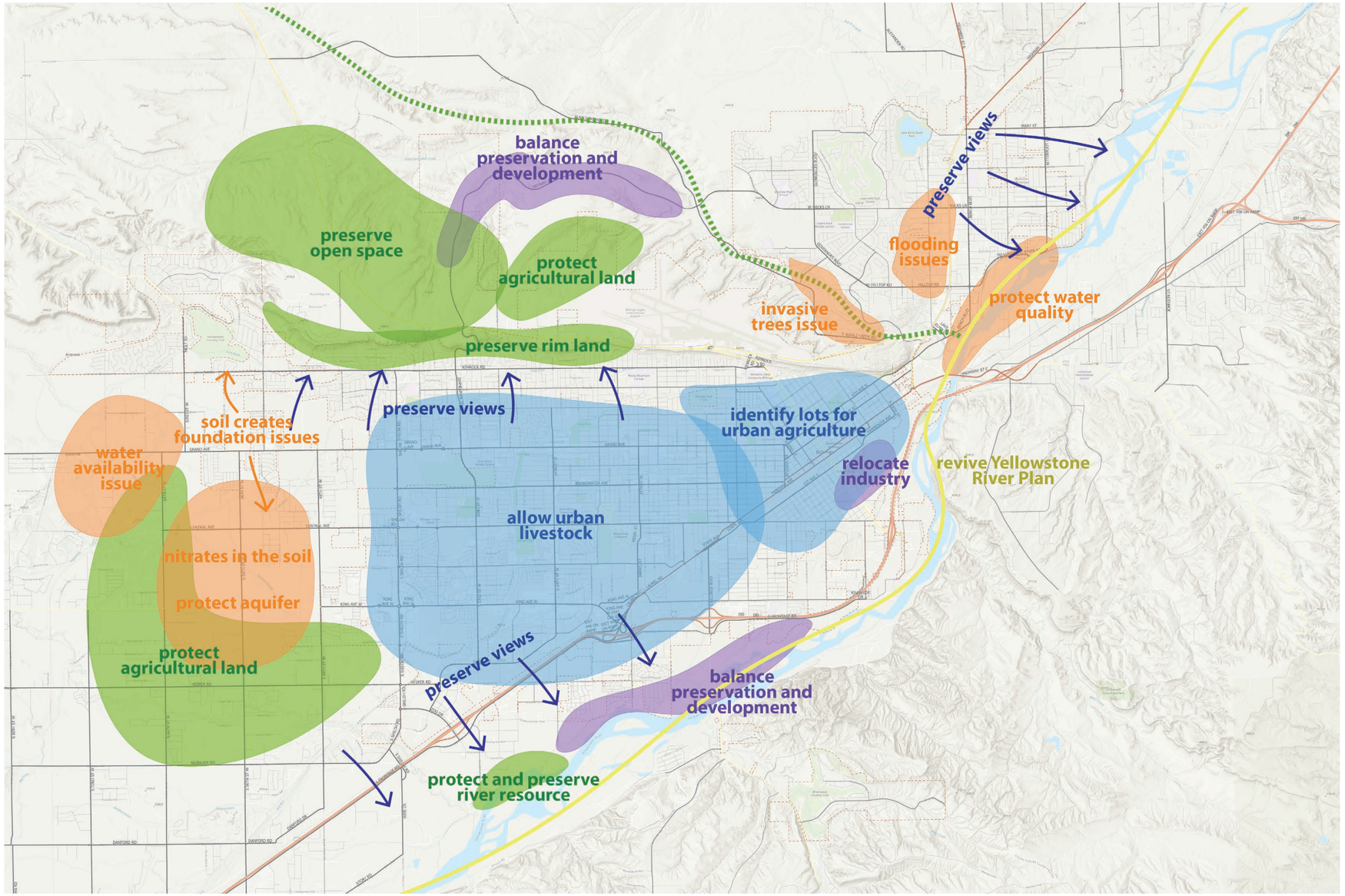
Input related to commercial and industrial areas emphasized the importance of intentional redevelopment, mixed-use potential, and strategic industrial location. Participants identified opportunities for reinvestment along key corridors and near existing infrastructure, while expressing concern about locating industrial uses near residential areas. There was strong support for focusing industrial development near highways and rail, encouraging mixed-use redevelopment in appropriate areas, and strengthening activity centers that support nearby neighborhoods.

Connectivity and Recreation

The connectivity and recreation map highlights community priorities related to mobility, safety, and access to parks and open space. Participants emphasized the need to improve walking and biking connections, address unsafe crossings, strengthen north-south connectivity, and better link neighborhoods to parks, trails, and the river. Completing regional trail loops, improving wayfinding, and expanding access to recreation areas were recurring themes, along with the need to integrate transportation improvements with land use decisions.



1.6 CONNECTIVITY AND RECREATION SUMMARY MAP



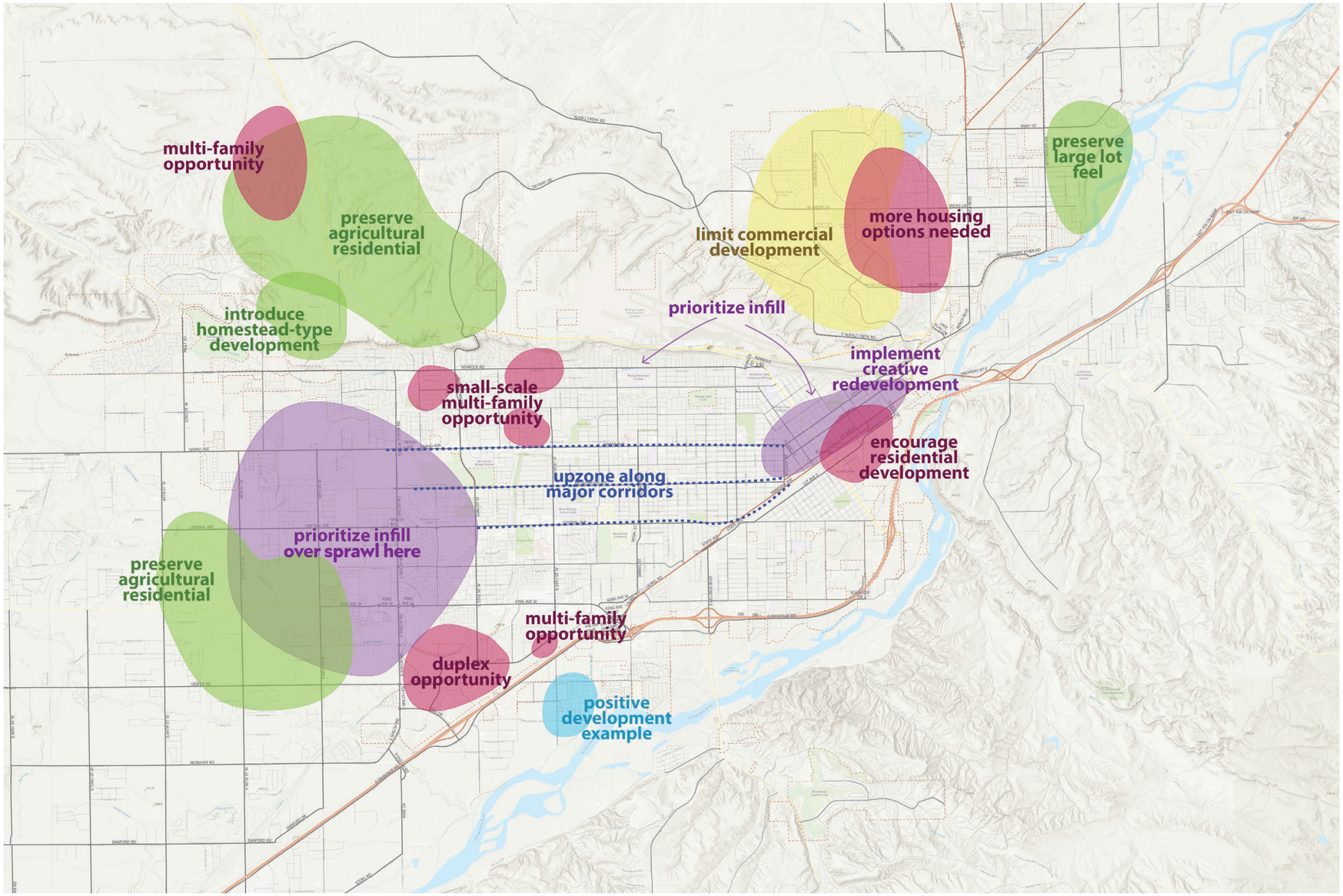
1.7 ENVIRONMENTAL SUMMARY MAP

Environmental

Environmental mapping input focused on protecting natural resources while balancing growth and development. Participants identified areas where agricultural land, open space, rim views, water quality, and river resources should be preserved. Concerns related to flooding, soil conditions, invasive species, and water availability were also noted. Overall, the input emphasized aligning future development with environmental capacity and long-term resource protection.

Residential

Residential mapping feedback highlighted a strong desire for housing choice and thoughtful neighborhood evolution. Participants identified areas where infill and redevelopment could support additional housing, including opportunities for small-scale multi-family and missing middle housing. At the same time, many emphasized preserving neighborhood character, large-lot patterns, and agricultural residential areas where appropriate. The input reflects a desire to balance new housing opportunities with context-sensitive design and neighborhood stability.



1.8 RESIDENTIAL SUMMARY MAP

Community Canvas

Input gathered from large Community Canvas posters at workshops and open houses captured community-wide perspectives on Billings' future growth and development. Participants consistently raised the need for a more coordinated and intentional approach to growth that aligns land use decisions with infrastructure capacity, public services, and long-term community priorities. The comments reflect a desire for clearer direction on how and where growth should occur to support livability, fiscal responsibility, and a strong sense of place.

Land use and transportation comments highlighted the importance of coordinating growth with infrastructure and mobility investments. Participants expressed interest in focusing higher-intensity development near transportation corridors, expanding transit service, and creating more walkable environments. There was strong support for diversified transportation options, including expanded bus service and long-term consideration of rail-based transit. At the same time, residents expressed concern about congestion on major corridors and emphasized the need for roadway design standards that can support growing subdivisions.

Community character, culture, and economic development themes focused on preserving and strengthening Billings' identity. Downtown and the Rims were consistently identified as defining features of the city, and participants expressed interest in reducing repetitive or siloed development patterns. Comments emphasized expanding arts, culture, and entertainment options, particularly activities for adults that are not centered on bars. There was also support for updating infill policies, encouraging reinvestment in existing areas, and limiting certain types of large-scale development that may not align with community values.

Housing comments reflected both urgency and diversity of opinion. Participants emphasized the need for housing abundance and affordability, while also calling for a wider range of housing types, including missing middle and mixed-use residential development. Some comments supported more compact and consolidated housing patterns to preserve natural areas, while others expressed preferences for specific housing forms. Overall, the input highlights a desire for intentional housing design that supports community interaction, shared spaces, and access to services.

Public services, parks, and schools were viewed as foundational to Billings' long-term success. Participants emphasized that growth should not outpace the City's ability to staff and maintain public services, infrastructure, and parks. There was strong support for equitable investment in recreation facilities, improved river access, and careful consideration of long-term maintenance costs. Education-related comments emphasized safe routes to school, stronger community support for schools, and the need to align school planning with broader housing and land use decisions. Collectively, the input underscores the importance of funding infrastructure and services proactively and planning growth at a pace the community can sustain.

1.9 EXAMPLE COMMUNITY CANVAS

Comment Cards

Comment cards left out during community open house and workshop meetings provided insight into residents' priorities for Billings' future. Overall, the comments reflect a desire for a more beautiful, equitable, and connected city that better reflects its natural setting and supports quality of life for all residents. While participants value Billings' small-town feel and access to nature, many noted that some corridors and neighborhoods lack greenery, thoughtful design, and attractive public spaces.

Several comments focused on concerns about uneven investment across the city, particularly in the Heights. Residents expressed frustration that the Heights contributes significantly to the local economy but has fewer services, amenities, and attractive development compared to other areas. There was a clear desire for more local shopping, entertainment, and community gathering spaces so residents can meet daily needs closer to home.

Mobility and access were recurring themes. Participants noted challenges navigating major streets on foot or by bike, limited transit access, and the difficulty of traveling across town efficiently. Improved public transportation, safer walking and biking infrastructure, and long-term planning for future transit options were viewed as essential to supporting growth and improving daily life.

Participants also emphasized the importance of downtown vitality, mixed-use development, and community character. Reducing vacant commercial spaces, investing in downtown and riverfront areas, expanding recreation opportunities, and supporting local businesses were seen as key to building community pride and retaining young people. Looking ahead, residents stressed that Billings will thrive if growth planning is inclusive, open to change, and focused on meeting the needs of those who live and work in the community.

1.10 COMMENT CARDS RECEIVED

VISUAL PREFERENCE BOARDS

Visual preference boards allowed participants to support or oppose development types in both commercial and residential categories. Visual preference board input was consolidated across meetings and is presented as follows:

COMMERCIAL DEVELOPMENT TYPE	YES!	NO!
Neighborhood shops	19	1
General business	5	11
Corridor commerce	4	10
Downtown core	15	0
Mixed-use areas	18	1
Light industrial	10	0
Heavy industrial	7	2

RESIDENTIAL DEVELOPMENT TYPE	YES!	NO!
Single-family detached housing	12	6
Accessory dwellings	7	3
Apartment or condominium communities	6	1
Cluster or conservation communities	6	5
Upper-floor housing	13	1
Townhomes or rowhouses	9	2
Manufactured home communities	5	6
Patio homes	5	2
Cottage court communities	8	1
Barndominiums	6	10
Senior housing or retirement communities	8	0
Small lot/home communities	7	1
Long-term stay RV communities	5	8
Missing middle housing infill development or communities	15	1

1.11 VISUAL PREFERENCE BOARD IN ACTION

CONVERSATIONS THROUGH THE PROCESS

Beyond the structured workshops and formal meetings led by the consultant team, Billings city staff orchestrated a comprehensive and grassroots engagement strategy to ensure a wide and diverse range of community members had the opportunity to contribute to the Billings 2045 Land Use Plan. This proactive, multi-pronged approach was designed to meet residents where they are, utilizing a blend of in-person events, broad media outreach, and digital platforms to gather feedback and raise awareness about the planning process.

A Multi-Faceted Outreach Strategy

City staff's efforts were characterized by a commitment to accessibility and broad visibility. The strategy encompassed a variety of methods to connect with a diverse cross-section of the Billings community, from families at local festivals to established community leaders and the public at large through a robust advertising campaign.

One of the core components of this strategy was a strong presence at popular community gatherings. Staff set up interactive "bean survey" booths at the Strawberry Festival in July 2025 and the Harvest Festival in October 2025, engaging over 400 residents in conversations about the city's future. This boots-on-the-ground approach extended to the distribution of flyers with QR codes linking to the community survey to nearly 200 businesses across the city, ensuring that information about the plan was visible in the places residents frequent daily.

To complement these in-person efforts, the city launched an extensive media and advertising campaign. This included:

- Broadcast Media: Numerous interviews and public service announcements were aired on local radio stations, including Yellowstone Public Radio and six stations under the Desert Broadcasting umbrella. Television interviews were conducted with Community 7 and KULR 8.
- Digital and Print Media: The city utilized press releases to 58 media contacts, secured coverage in the Billings Gazette, and maintained a significant online presence through boosted and organic posts on Facebook, Nextdoor, Instagram, and even Reddit. This digital push resulted in over 33,000 social media impressions.
- Public Advertising: A highly visible advertising campaign ran from late October through November 2025, featuring 13 billboards in strategic locations, static ads on three MET Transit buses, and informational displays on screens within City Hall.

Furthermore, staff actively engaged with established community groups and leaders. Presentations were made to six different neighborhood task forces,covering the Heights, West End, Pioneer Park, Rimrock, Midtown, and the Southside, as well as professional organizations such as the Billings Association of Realtors. These meetings provided a forum for deeper, more focused discussions with representatives who have a long-standing connection to their respective communities.

What We Heard

The feedback gathered through these diverse, staff-led initiatives provided a valuable snapshot of the community's priorities and concerns. The informal "bean surveys" at the Strawberry and Harvest Festivals, which collected responses from over 400 participants, revealed key insights into the public's vision for Billings.

At the Strawberry Festival, Public Safety and Affordable Housing emerged as the top two priorities for the city's future. When asked where new growth should be focused, the Heights was the most frequently cited area, followed by Downtown and Surrounding Neighborhoods.

These themes were echoed at the Harvest Festival, where Housing Cost was identified as the single biggest challenge facing Billings over the next 20 years. Other significant concerns included a lack of places to eat, shop, or find entertainment and the quality of schools. The table summarizes the top priorities (Strawberry Fest) and challenges (Harvest Fest) identified at the two festivals.

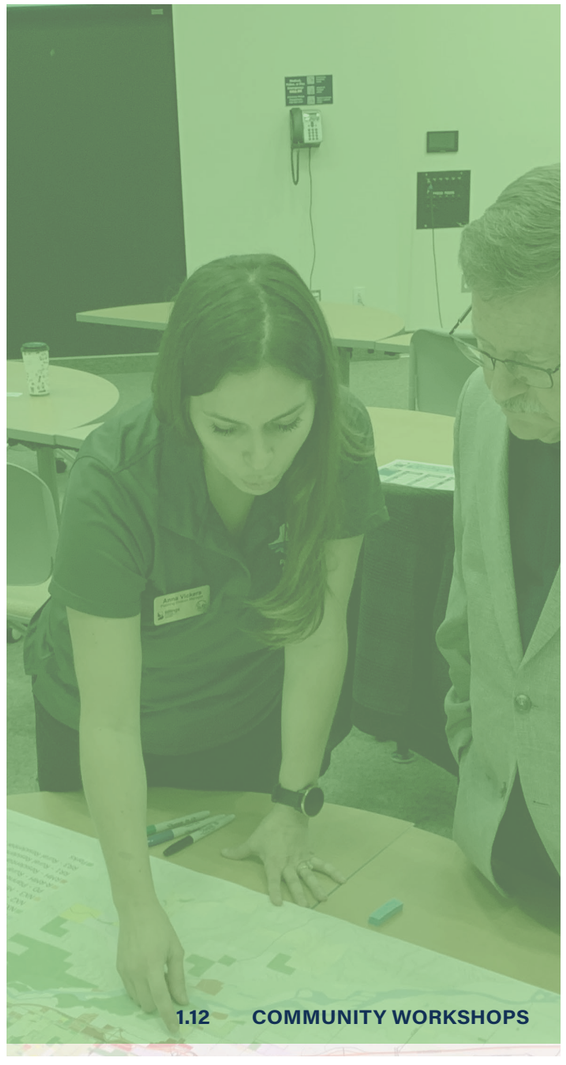
TOP PRIORITIES	%	BIGGEST CHALLENGES	%
Public Safety	38%	Housing Cost	26%
Affordable Housing	23%	Lack of Entertainment/ Shopping	12%
Environment	12%	School Quality	12%
Parks & Recreation	11%	Uncontrolled Growth	8%
Jobs & Economy	10%	Lack of Recreation Opportunities	8%

This continuous and varied dialogue, orchestrated by city staff, created a broad and inclusive platform for public participation. The insights gathered through these efforts have been instrumental in shaping the goals and strategies outlined in this plan, ensuring that it reflects the diverse voices and aspirations of the Billings community.

THE IMPACT OF INPUT

Public engagement shaped the foundation of this Land Use Plan. Through conversations, surveys, workshops, and mapping activities, residents and stakeholders shared how growth is affecting their daily lives and what they want Billings to become in the years ahead. While perspectives varied, a clear message emerged. The community is calling for growth that is thoughtful, coordinated, and aligned with the City's ability to support development with infrastructure, services, and housing, while also protecting the character, landscapes, and neighborhoods that define Billings.

Listening to the community is central to effective land use planning because growth decisions leave a lasting imprint on neighborhoods, public spaces, and public investment. Choices about the location and process of development shape transportation options, housing affordability, access to services, and long-term fiscal health. By grounding this plan in community input, the Land Use Plan reflects local values and lived experience alongside technical analysis. This approach helps ensure that future growth responds to community priorities while remaining realistic, equitable, and sustainable over time.



1.12 COMMUNITY WORKSHOPS

VISION STATEMENT AND PLAN THEMES

The Vision Statement and Plan Themes translate the engagement takeaways into a shared direction for the city's future. Across engagement activities, consistent priorities emerged, including aligning growth with infrastructure capacity, expanding housing choice, improving transportation and connectivity, protecting environmental resources, advancing equity, and strengthening community character. Together, the vision and themes articulate how Billings can grow in a way that supports quality of life, economic vitality, and long-term resilience.

Community input also included a strong place-based dimension that informs how these priorities apply across the city. Through mapping exercises and location-specific feedback, participants identified areas where growth is appropriate, where reinvestment should be encouraged, and where environmental features, infrastructure constraints, or neighborhood context warrant greater care. This input reinforces the importance of tailoring land use decisions to local conditions while remaining aligned with citywide goals.

This geographic input, combined with analysis of existing conditions and adopted policies, informs the Future Land Use Map presented later in this plan. Together, the Vision Statement, Plan Themes, and Future Land Use Map form an integrated framework that links community values with on-the-ground guidance, providing a clear and coherent path for managing growth that is intentional, fiscally responsible, and reflective of Billings' shared aspirations.

The vision statement and plan themes are as follows:

VISION STATEMENT & PLAN THEMES

MANAGE GROWTH BY SUPPORTING FISCAL SUSTAINABILITY, ALIGNING DEVELOPMENT WITH INFRASTRUCTURE, IMPROVING CONNECTIVITY, PROVIDING HOUSING OPPORTUNITY AND ADVANCING EQUITY, AND PROTECTING THE ENVIRONMENT AND REINFORCING COMMUNITY CHARACTER.

Plan and manage growth to align fiscal sustainability with long-term community goals.

Align land use decisions with the capacity and long-term sustainability of infrastructure, public services, and facilities.

Support a transportation system that improves connectivity, safety, and access through multiple travel options.

Expand housing options and affordability to support residents across incomes, ages, and household types.

Promote equitable access to services and reinvestment in existing neighborhoods to support quality of life citywide.

Protect natural resources and integrate parks, open space, and environmental considerations into growth decisions.

Reinforce Billings' identity through context-sensitive development, downtown vitality, and distinctive neighborhoods.

BILLINGS 2045

BUILDING COMMUNITY

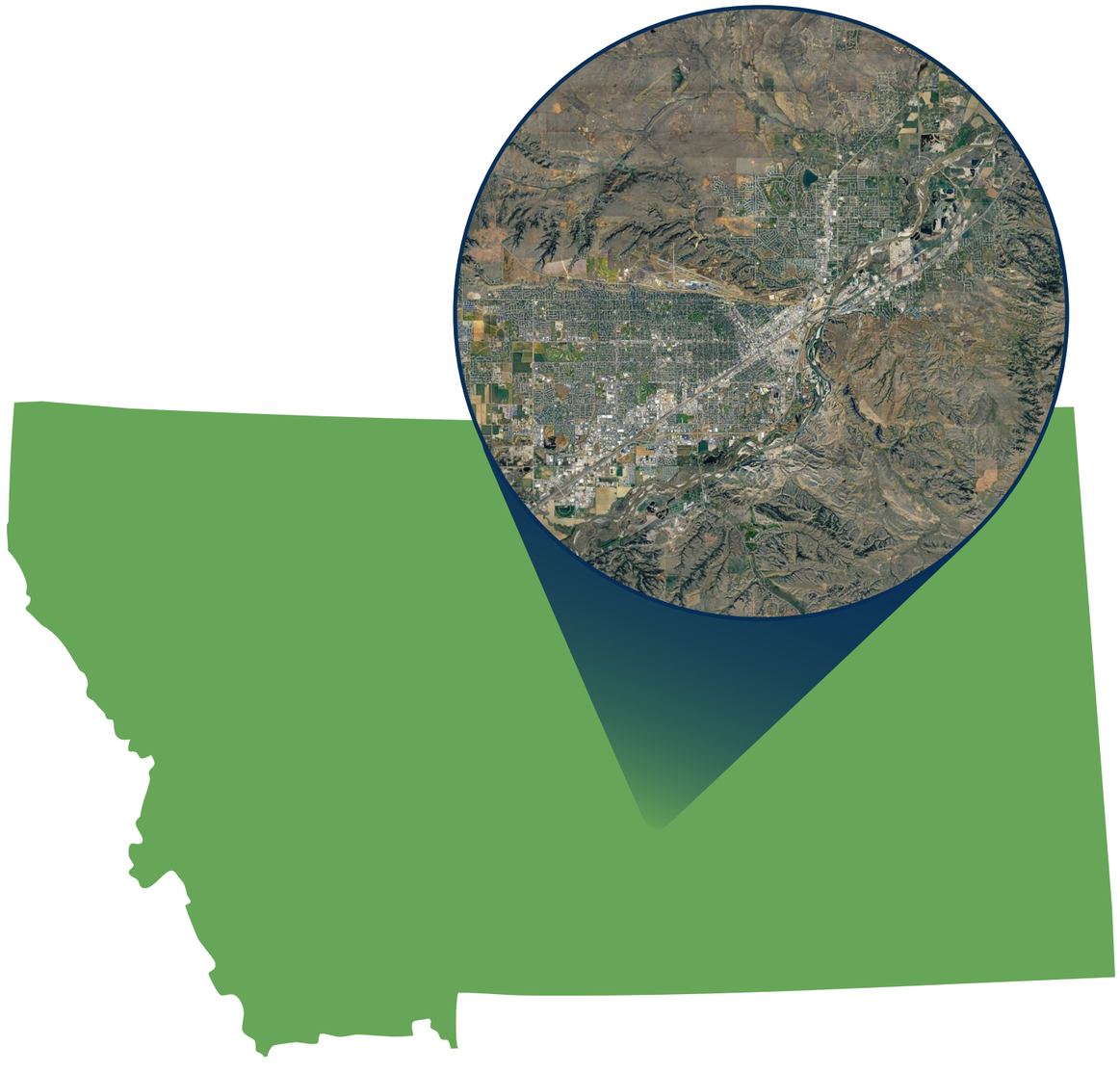
2

ENVIRONMENT

The natural environment of Billings, Montana, is a defining characteristic that has profoundly shaped its history, culture, and development. The city's unique location at the confluence of diverse geographic features creates a landscape of remarkable beauty and significant environmental considerations. This section provides a comprehensive overview of the natural environment of Billings, exploring its geography, water resources, climate, tree canopy, topography, and unique features, and how these elements influence the city's growth and development.

GEOGRAPHY

Billings is situated in the south-central portion of Montana, nestled within the Yellowstone River Valley. The city's geographic coordinates are approximately 45°48'N latitude and 108°33'W longitude, with an average elevation of about 3,126 feet above sea level. The city is framed by several scenic mountain ranges, creating a picturesque backdrop and a sense of enclosure. This setting, a blend of plains and mountain geographies, provides a diverse and rugged landscape that extends just beyond the city limits. The city itself encompasses a land area of approximately 45.4 square miles, within the larger 2,646 square miles of Yellowstone County.



PHIPPS DIAMOND X PARK
ZABAWA SUB PARK
HYPARK SUB PARK
REHBERG RANCH ESTATES 2ND PARK
COUNTRY CLUB HEIGHTS (Rimrock)
RIMS
ARROWHEAD ELEMENTARY SCHOOL
ROCKY MOUNTAIN COLLEGE
MSU BILLINGS
ST THOMAS FIELD
BEN STEELE MIDDLE SCHOOL
WILL JAMES MIDDLE SCHOOL
LILLIS / MEADOWLARK PARK
LEWIS & CLARK MIDDLE SCHOOL
PIONEER PARK SENIOR HIGH/DAYLIS STADIUM
MSUB - COLLEGE OF TECHNOLOGY CAREER CENTER
CENTENNIAL PARK
WEST HIGH
SUNSET MEMORIAL GARDENS
CENTRAL PARK
STEWART PARK
BILLINGS CEMETERY
MOUNTVIEW CEMETERY
SACAJAWEA PARK
PAR-3 EXCHANGE
AMEND PARK
ELYSIAN SCHOOL
ZOOMONTANA
BRIARWOOD GOLF COURSE
PONDEROSA ELEMENTARY
RIVERSIDE MIDDLE SCHOOL
WILSON PARK
SOUTH PARK
JOSEPHINE/BIG SKY ISLANDS PARK
NORTH PARK
COULSON PARK
SWORDS PARK/BLACK OTTER TRAIL
BRIDLE MOON PARK
POW WOW PARK
EAGLE CLIFFS ELEMENTARY
HIGH SIERRA PARK
SKYVIEW HIGH
CASTLE ROCK PARK
CASTLE ROCK MIDDLE SCHOOL
SANDSTONE ELEMENTARY
LAKE HILLS GOLF
LAKE ELMO STATE PARK
BITTERROOT HEIGHTS SUB 1ST PAR
KIWANIS TRAIL

Parks, Open Space & Recreational Areas
Natural Resource Area
Conservation Area
Public Land

2.1 ENVIRONMENTAL MAP

45.4

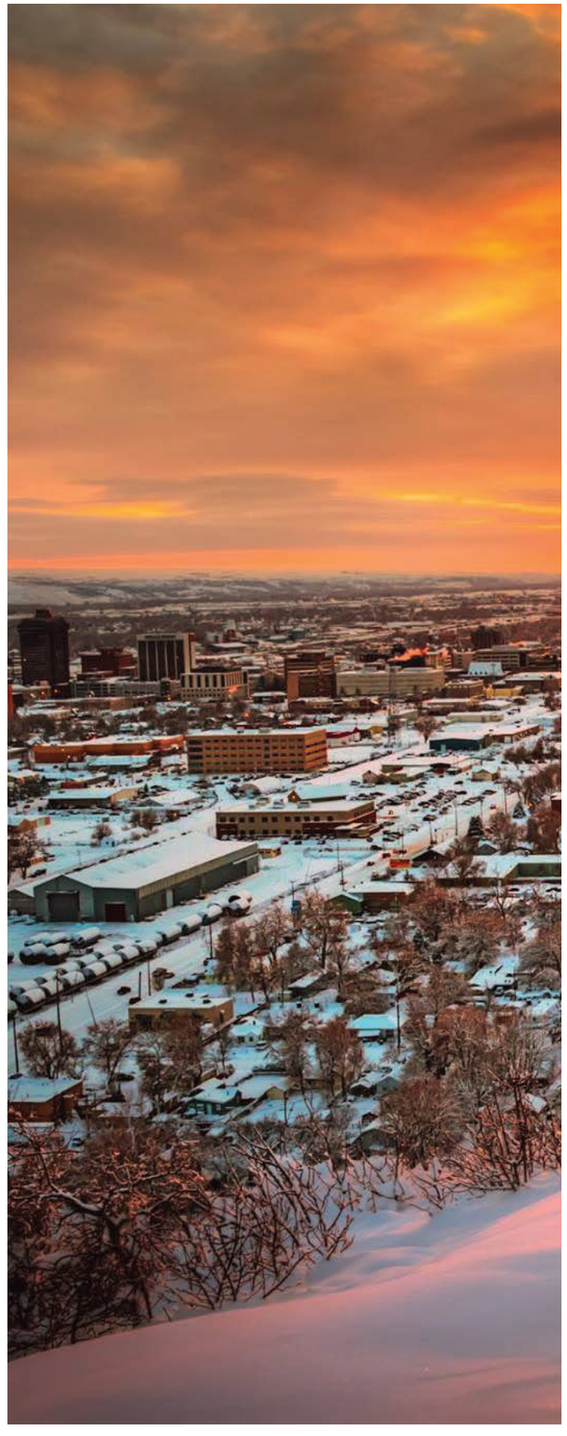
SQUARE MILES IN BILLINGS

$28M

ESTIMATED WORTH OF BILLINGS' TREES

67.6%

RATED "PRESERVING THE NATURAL ENVIRONMENT" AS "VERY IMPORTANT"



WATER RESOURCES

The Yellowstone River is the lifeblood of Billings, a dominant feature of the landscape and a critical resource for the community. As the longest free-flowing river in the contiguous United States, the Yellowstone River and its numerous tributaries have carved the valley and created the fertile lands that have supported settlement and agriculture for centuries. The river flows in a northeasterly direction through the valley, which varies in width from twelve miles to less than a quarter mile.

The river serves as the primary source of drinking water for Billings and other downstream communities. The city's water intake systems are located on the Yellowstone River, highlighting the importance of maintaining its quality and flow. The river also provides essential water for irrigation, supporting the agricultural sector that has long been a cornerstone of the regional economy.

The city's water resources also include a significant groundwater system. The area is characterized by unconsolidated, semi-confined alluvial aquifers, which are replenished by the Yellowstone River and other surface water sources. These aquifers are a vital source of water for various uses, but their shallow nature also makes them susceptible to contamination.

As shown in the provided map, a portion of the city lies within the 100-year floodplain of the Yellowstone River. This designation indicates a 1% chance of a major flood event in any given year. The historic flood of 2022, which registered between a 100-year and 500-year event, serves as a stark reminder of the potential for significant flooding and the importance of effective floodplain management.

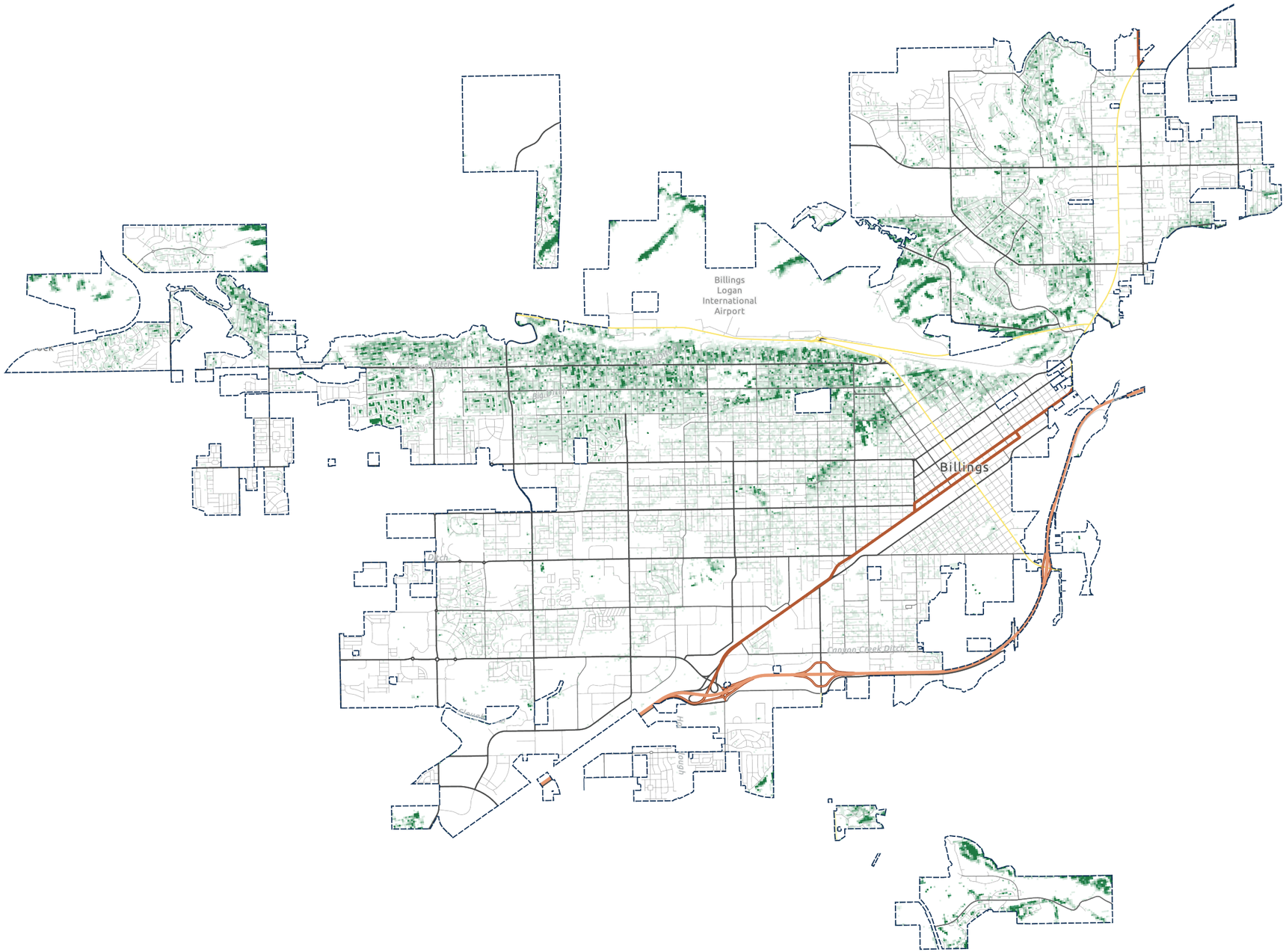
Stormwater management is another critical aspect of water resources in Billings. The city's storm sewer system is separate from its wastewater treatment system, meaning that stormwater runoff flows directly into the Yellowstone River without treatment. As the city develops and impervious surfaces like roads and parking lots increase, the volume and velocity of stormwater runoff also increase. This runoff can carry pollutants such as pesticides, fertilizers, oils, and sediment into the river, impacting water quality and aquatic habitats. The city's use of natural drainage features like ditches and drains helps to manage stormwater, but the direct discharge to the river remains a significant environmental concern.

GENERAL CLIMATIC CONDITIONS

Billings has a semi-arid climate, characterized by cold, dry winters and hot, sunny summers. Despite its northern latitude, the climate is surprisingly mild, a phenomenon largely attributed to the sheltering effect of the river valley and the frequent occurrence of Chinook winds. These warm, dry winds, which are common in the region, can rapidly melt snow cover and raise temperatures significantly in a short period.

The average annual temperature in Billings is 48°F, with a January average of 27°F and a July average of 73°F. Temperatures can fluctuate significantly, with summer highs often reaching into the 90s and winter lows dropping well below freezing. The highest recorded temperature in Billings was 112°F in 1901. The growing season is relatively short, with the last spring frost typically occurring around May 15th and the first fall frost at the end of September.

Average annual precipitation is approximately 13.66 inches, with the majority of moisture arriving in the spring and early summer. Snowfall averages around 54 inches per year, but the snow rarely accumulates to great depths due to the frequent thawing periods caused by Chinook winds.



TREE CANOPY

The urban forest and tree canopy of Billings are valuable assets that contribute significantly to the city's environmental quality and aesthetic appeal. The city has been recognized as a Tree City USA for over 30 years, a testament to its commitment to urban forestry.

As depicted in the provided Tree Canopy map, the distribution of trees is not uniform across the city. Denser canopy coverage is found in older, more established neighborhoods and parks, while newer developments on the urban fringe tend to have less tree cover. The City's Parks, Recreation and Public Lands contains a little under 13,000 trees with over 40 different species.. The most common tree species in the park's tree canopy are Ash (17%), Blue Spruce (16%), and Cottonwood (7%).

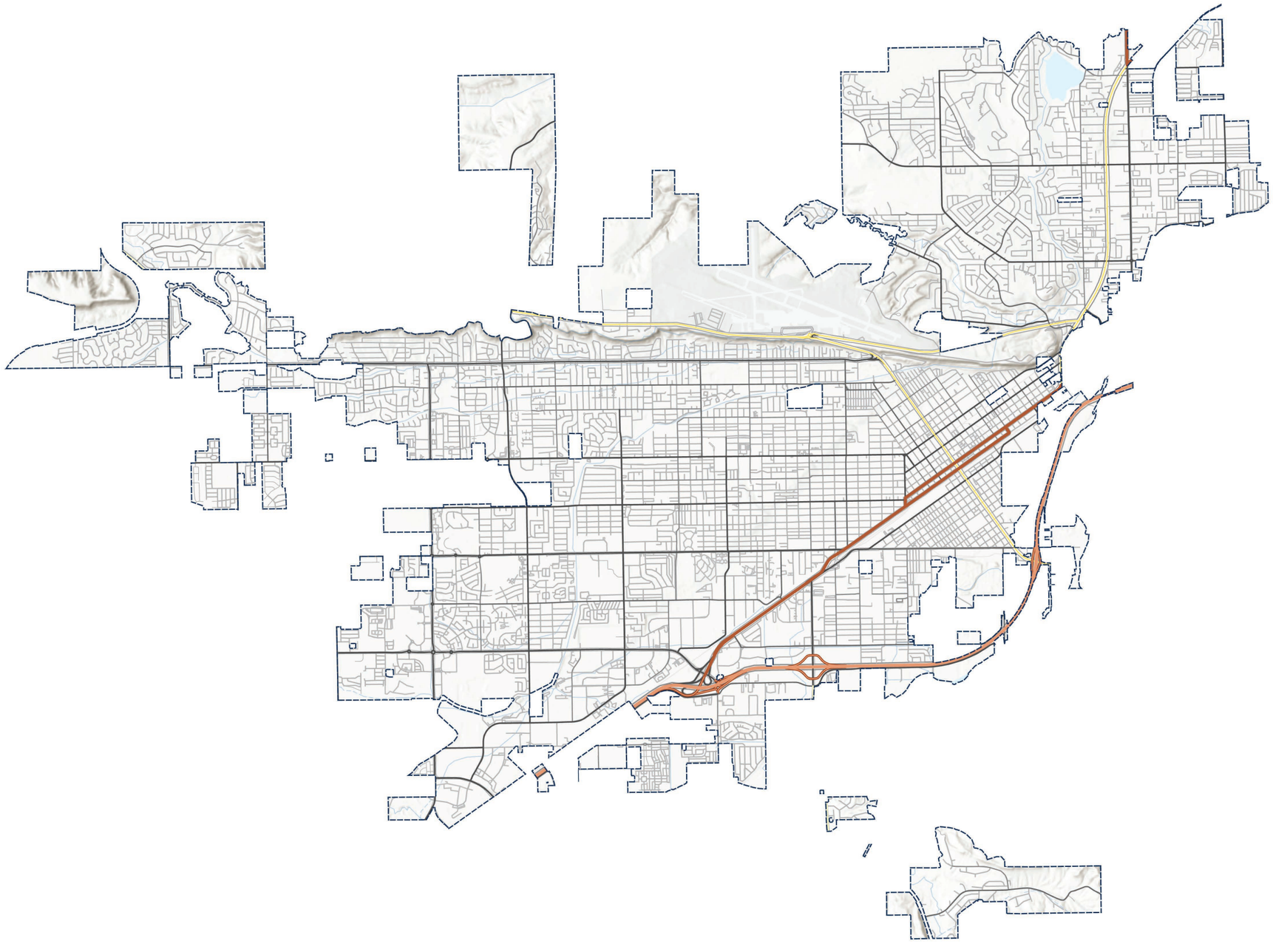
The urban forest provides numerous environmental benefits, including reducing stormwater runoff, improving air quality, and mitigating the urban heat island effect. The trees in Billings' parks are estimated to be worth nearly $28 million and provide over a million dollars in environmental benefits to residents each year.

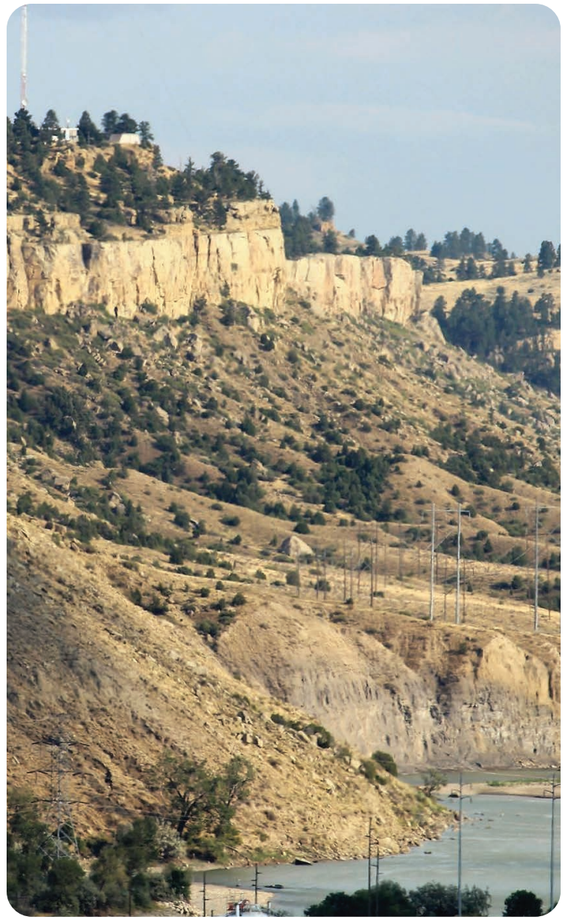
Beyond the developed urban forest, the riparian corridor along the Yellowstone River supports a significant population of native cottonwood trees. These riparian forests are vital for bank stabilization, wildlife habitat, and water quality protection. However, they are also threatened by factors such as altered river flows and the spread of invasive species.

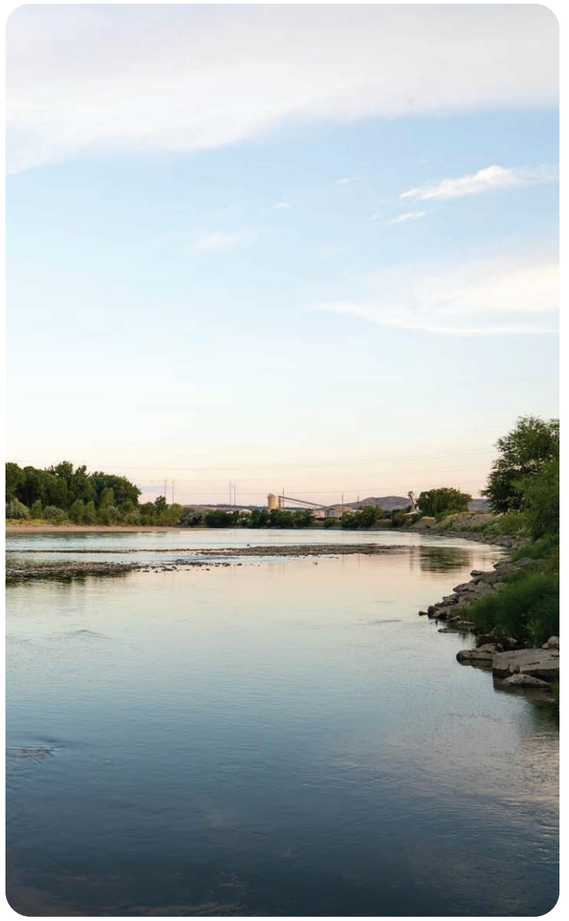
TOPOGRAPHY AND RELIEF

The topography of Billings is dominated by the Yellowstone River Valley and the dramatic sandstone cliffs known as the Rimrocks. The valley floor is relatively flat, with deep, well-drained loamy and silty clay soils that are ideal for agriculture.
Rising abruptly from the valley floor to the north and east of the city are the Rimrocks, a series of sandstone cliffs that reach heights of 300 to 500 feet. These cliffs are a defining landmark of Billings, offering panoramic views of the city and the surrounding landscape. The land above the Rimrocks consists of rolling hills with shallow to moderately deep sandy and clay loam soils. To the south of Billings, the terrain is characterized by rolling to moderately steep hills and high, flat tablelands.

The geology of the area is as distinctive as its topography. The Rimrocks are part of the Eagle Sandstone formation, a sedimentary rock layer that is 70-80 million years old. This sandstone was deposited in a shallow sea that once covered the region during the Late Cretaceous period. The cliffs were subsequently carved and shaped by the erosive power of the Yellowstone River. The sandstone from the Rimrocks was historically used as a building material for many of the city's oldest structures.







DISTINCTIVE ENVIRONMENTAL FEATURES

Billings is home to several unique natural and cultural features that contribute to its distinct character.

THE RIMROCKS:

As previously mentioned, the Rimrocks are the city's most prominent natural landmark. They provide a stunning backdrop to the city and offer a wide range of recreational opportunities, including hiking, rock climbing, and biking. The publicly owned parks along the Rimrocks, such as Zimmerman Park and Swords Park, are popular destinations for residents and visitors alike.

PICTOGRAPH CAVE STATE PARK:

Located just east of Billings, this park is a significant archaeological and cultural site. The caves contain hundreds of pictographs, or rock paintings, created by prehistoric hunters over a period of thousands of years. The site provides a glimpse into the lives of the earliest inhabitants of the region and holds deep spiritual significance for many Native American tribes.

YELLOWSTONE RIVER:

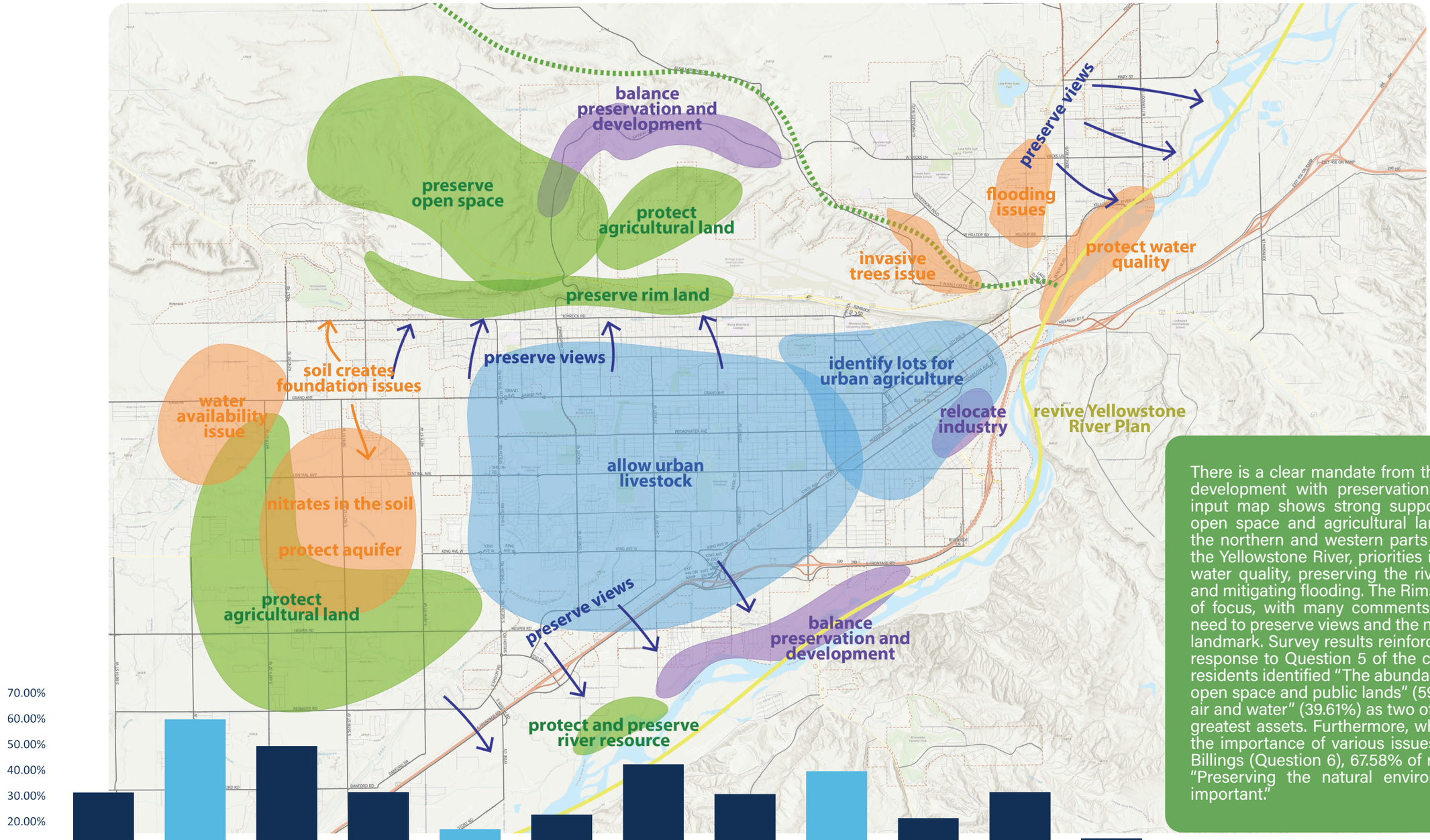
The Yellowstone River itself is a unique feature, not only for its ecological and economic importance but also for its recreational and scenic value. The river provides opportunities for fishing, boating, and wildlife viewing, and its corridor is a vital habitat for a diverse array of plant and animal species.

LOOKING FORWARD

The natural environment of Billings is a complex and dynamic system that has played a central role in the city's development. The interplay of geography, water, climate, and topography has created a landscape of both opportunity and challenge. As Billings continues to grow, it is essential that the community's deep appreciation for its natural assets, as expressed in community surveys, is translated into policies and practices that ensure the long-term health and resilience of the natural environment. The protection of the Yellowstone River, the preservation of the Rimrocks, and the enhancement of the urban tree canopy are all critical to maintaining the quality of life that makes Billings a unique and desirable place to live.

CORE ISSUES AND OPPORTUNITIES

Public input gathered through the comprehensive planning process reveals a community that deeply values the natural environment of Billings and sees a strong connection between its protection and the city's future development. Residents consistently highlighted the importance of the Yellowstone River, the iconic Rimrocks, agricultural lands, and open spaces as defining assets. Feedback from community surveys, engagement workshops, and mapping exercises indicates a desire for growth that respects these natural features while addressing the pressing need for diverse and affordable housing. This section synthesizes that public input, connecting it to the existing environmental conditions in Billings and the overarching themes of the Plan to offer a forward looking vision for the environment over the next 20 years.



2.2 SURVEY Q5: WHAT DO YOU CONSIDER TO BE THE TOP FIVE GREATEST ASSETS OF BILLINGS?

There is a clear mandate from the public: balance development with preservation. The community input map shows strong support for preserving open space and agricultural land, particularly in the northern and western parts of the city. Along the Yellowstone River, priorities include protecting water quality, preserving the river as a resource, and mitigating flooding. The Rims are another area of focus, with many comments emphasizing the need to preserve views and the natural state of this landmark. Survey results reinforce these values. In response to Question 5 of the community survey, residents identified "The abundance and access to open space and public lands" (59.79%) and "Clean air and water" (39.61%) as two of the city's top five greatest assets. Furthermore, when asked to rank the importance of various issues for the future of Billings (Question 6), 67.58% of respondents rated "Preserving the natural environment" as "Very important."

THE YELLOWSTONE RIVER

The Yellowstone River is consistently identified as one of Billings' most significant natural assets. Public input from the community input map emphasizes the need to protect and preserve the river as a resource, protect water quality, and revive the Yellowstone River Plan. The map also highlights concerns about flooding issues in areas adjacent to the river. These sentiments are echoed in additional engagement where one mural board commenter called for "More river use."

THE RIMROCKS

The Rimrocks are another iconic natural feature that the community holds in high regard. The community input map is clear in its call to preserve rim land and to preserve the viewsheds from and of the Rims. Plan engagement also identified the Rims as iconic to Billings. Future development near the Rims should be carefully managed to protect their scenic and natural character.

AGRICULTURAL LAND AND OPEN SPACE

The preservation of agricultural land and open space is a major priority for the residents of Billings. The community input map shows large areas that the community hopes to preserve as open space and agricultural land, particularly to the north and west of the city. The map also shows a desire to balance preservation and development in these areas. Engagement also revealed a desire for "Conservation in zoning (open space/green space in master site plans)."

Survey results further emphasize this point. In response to Question 11, one respondent expressed concern about "Continued sprawl, eating up farmland." Another noted, "Stop turning the valley's farmland into houses." The existing conditions narrative highlights the value of the valley's fertile soils for agriculture and notes that newer developments on the urban fringe have less tree canopy.

URBAN AGRICULTURE AND INFILL

In addition to preserving existing agricultural lands, there is also a notable interest in promoting agriculture within the city. The community input map identifies a desire to identify lots for urban agriculture and livestock in the central part of the city. This interest in urban agriculture is closely tied to the strong support for infill development. As noted in the residential preference board from the engagement workshops, "Missing middle housing infill development or communities" received the most support of any housing type. This suggests that the community sees an opportunity to create more compact, complete neighborhoods that incorporate local food production.

ACHIEVING PLAN THEMES

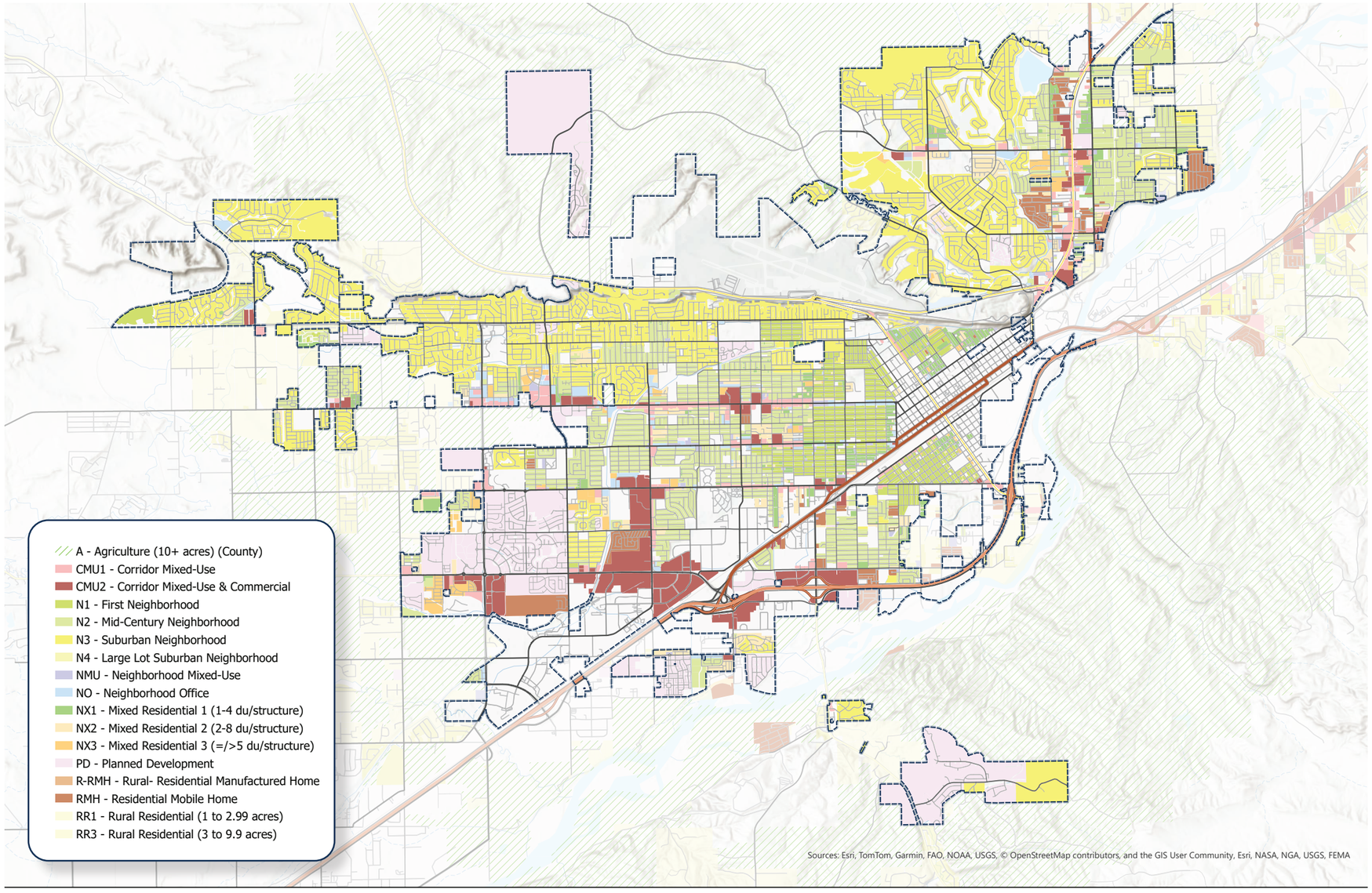
Public input on the environment articulates a clear and consistent vision for Billings' future, one that directly shapes and reinforces the Plan Themes. Residents' strong desire to protect the Yellowstone River, the Rims, agricultural lands, and open space reflects a shared commitment to safeguarding natural resources and thoughtfully integrating parks, open space, and environmental considerations into decisions about growth. At the same time, the community's preference for infill development and urban agriculture over outward expansion underscores the importance of managing growth in a way that supports fiscal sustainability and long-term community goals by making more efficient use of existing infrastructure.

Encouraging a broader range of housing options within the city's core aligns with this approach, helping to expand housing choice and affordability while promoting equitable access to services and reinvestment in established neighborhoods. Preserving iconic features such as the Rims and embracing context-sensitive infill further strengthen Billings' identity, supporting downtown vitality and the continued evolution of distinctive neighborhoods.

Looking ahead over the next 20 years, this vision suggests a coordinated and integrated path forward. A comprehensive green infrastructure framework can help identify and prioritize the protection of key environmental assets, including the Yellowstone River corridor, the Rims, agricultural lands, and open spaces, while aligning land use decisions with long-term conservation goals. Development standards can continue to evolve to ensure that new projects minimize environmental impacts through thoughtful stormwater management, tree preservation, and careful consideration of sensitive areas such as steep slopes.

At the same time, sustained emphasis on infill and redevelopment can help accommodate growth within the city's existing footprint. Zoning updates that allow for a wider diversity of housing types, paired with incentives to reuse underutilized land, can support vibrant, complete neighborhoods. Supporting urban agriculture, through clear and streamlined processes for community gardens and compatible small-scale food production, can further enhance local food security and contribute to a more resilient urban environment.

By advancing these interconnected strategies, Billings can welcome new growth while preserving the natural landscapes and community character that residents value. In doing so, the city can strengthen its sustainability and resilience, ensuring that future generations continue to experience the distinctive setting and high quality of life that define Billings today.



2.3 CURRENT RESIDENTIAL ZONING

HOUSING

A primary challenge facing Billings is a growing housing crisis. Between 2018 and 2023, the median home sale price in the city rose by over 50%. This rapid appreciation has far outpaced income growth, creating a significant affordability gap. The number of attainable homes has also decreased in the same period. Approximately 800 residential units are constructed annually, based on permitting data provided by the City. However, demand for housing has far outpaced the number of units being built, resulting in a cumulative shortage of nearly 10,000 residential units as estimated by the Billings Association of REALTORS®. With the projected need for 26,200 units by 2045, the City must account for the existing deficit as well as an additional average of 1,310 units per year to accommodate anticipated population growth. Assuming the City's permitting capacity remains the same, it will take until until 2040 to meet the projected housing need. While this appears to support the theory that if the City continues to grow in the same manner it is currently, it can account for the housing need within the set timeframe; however, we know other factors are at play. Growing out and utilizing land for detached dwellings on significant acreage is neither physically or fiscally sustainable. It is also not an affordable product for all residents who live here. This lack of attainable housing directly impacts the city's economic competitiveness, as local employers struggle to recruit and retain a workforce that can afford to live in the community they serve.

Concurrent with the housing shortage are the challenges of managing physical growth. Much of the city's recent expansion has occurred on the West End, leading to concerns about urban sprawl, the loss of productive agricultural land, and the mounting cost of extending and maintaining infrastructure. This pattern of development strains municipal budgets and can lead to inefficiencies in the delivery of public services. The need to continue to revitalize the downtown core and promote more compact, mixed-use development is a recurring theme in community discussions and a key focus of this planning effort.

The housing crisis in Billings is multifaceted, characterized by a shortage of housing at all price points, a growing affordability gap, and development patterns that are fiscally and environmentally unsustainable. A detailed analysis of the city's housing stock reveals a lack of diversity and an aging inventory, both of which contribute to the current challenges.

7,894

TOTAL MARKET-RATE UNITS

2,444

TOTAL MARKET-RATE UNITS BUILT SINCE 2015

7.7%

MARKET-RATE VACANCY RATE

EXISTING CONDITIONS

HOUSING TENURE, OCCUPANCY, AND TYPE

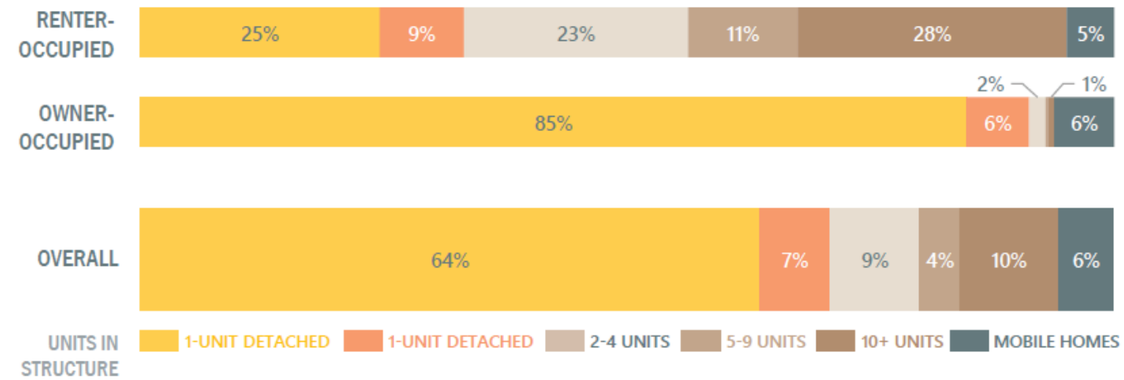
As of 2023, Billings has approximately 53,540 housing units. The majority of these units (61%) are owner-occupied, while 33% are renter-occupied and 6% are vacant. This figure includes 290 units that are sold/rented but not yet occupied, and 310 units occupied seasonally. There are 850 vacant units available for rent and 290 units for sale, per the American Community Survey. The 6% vacancy rate indicates a healthy housing market. This high rate of owner-occupancy reflects a community of stable households, but it also masks a significant disparity in housing options available to renters.

The city's housing stock is dominated by single-family homes, which account for 71% of all units (64% detached and 7% attached). In contrast, only 23% of housing units are in multifamily structures (2+ units). This composition highlights a lack of housing diversity, particularly for renters. While 85% of owner-occupied units are single-family detached homes, 62% of renter-occupied units are in multifamily structures. This indicates that renters have far fewer housing choices than owners, and are largely limited to apartments.

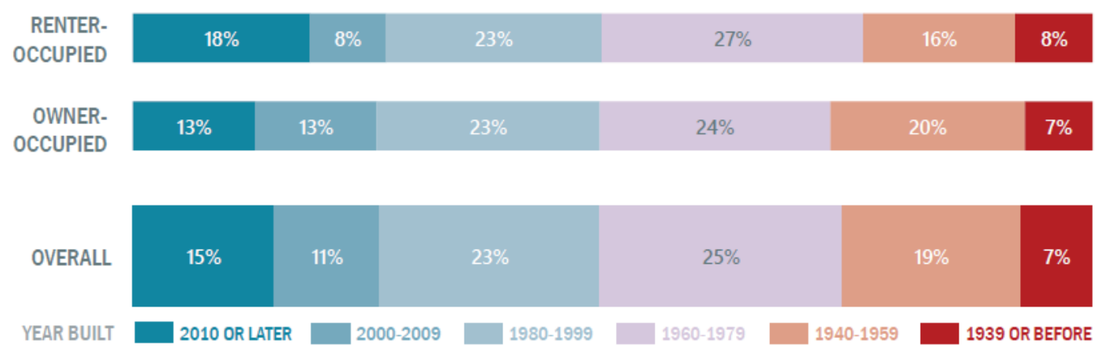
BUILDING AGE

The city's housing stock is also aging. Over a quarter of all housing units were built before 1960, and only 13% of owner-occupied units and 18% of rental units have been built since 2010. This suggests that much of the city's housing may be in need of repair or renovation, and that new construction has not kept pace with demand.

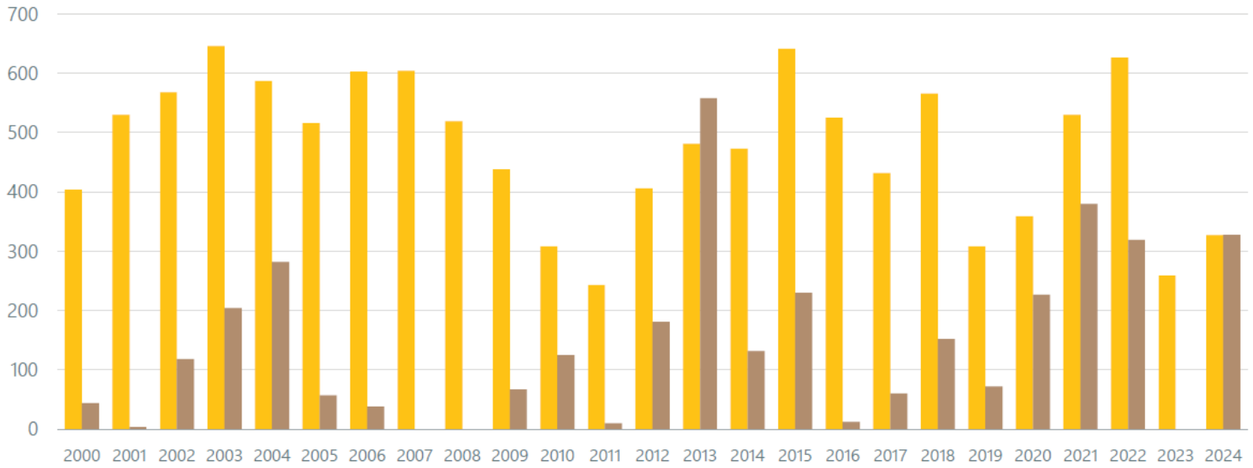
2.4 SHARE OF BILLINGS HOUSING UNITS BY TENURE AND UNITS IN STRUCTURE, 2023



2.5 SHARE OF BILLINGS HOUSING UNITS BY TENURE AND YEAR BUILT, 2023



2.6 BILLINGS RESIDENTIAL UNITS PERMITTED, 2000-2024



Source: Building Permits Survey, SB Friedman, U.S. Census Bureau

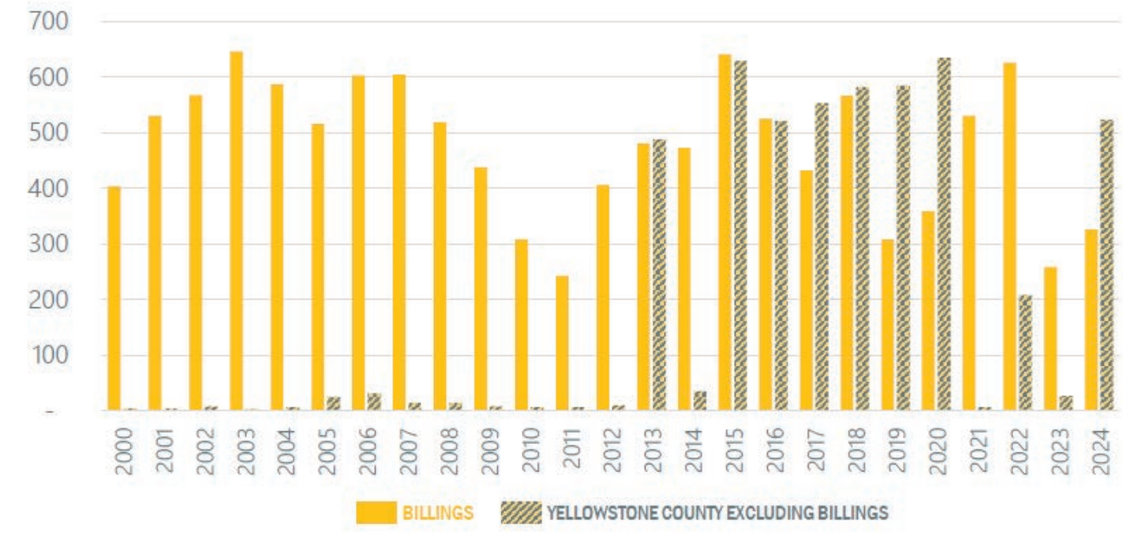
TOTAL UNITS PERMITTED

	SINGLE-FAMILY	MULTIFAMILY
2000-2004	2,735	652
2005-2009	2,680	162
2010-2014	1,911	1,006
2015-2019	2,472	526
2020-2024	2,101	1,254

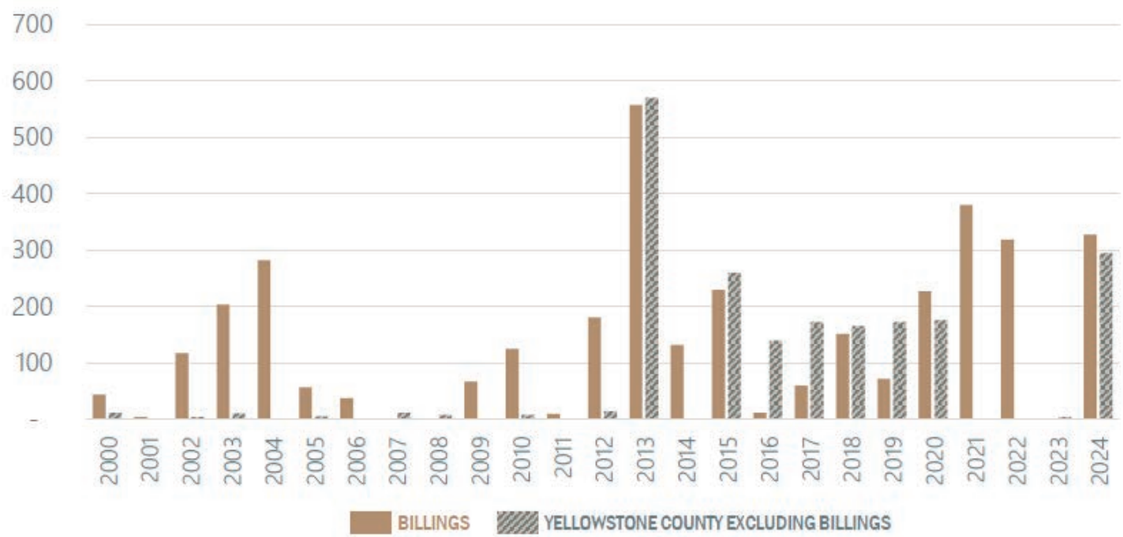
RECENT RESIDENTIAL BUILDING

Since 2015, approximately 7,800 residential units have been permitted in Billings. Of the residential housing units permitted, 43% have been single-family homes, 15% have been two-family homes, 10% have been townhomes and 32% have been multifamily homes. The mix of new housing has shifted towards denser options, while total housing production has also grown. From 2015 to 2020, 328 single-family homes and 299 homes in two-family, townhome, and multifamily buildings were permitted annually, on average. Between 2021 and 2025, the average number of single-family homes permitted annually fell to 271, while the average annual number of homes in other typologies increased to 537. Per City data, as of February 2026 subdivision applications have been submitted for over 500 additional residential units

2.7 SINGLE FAMILY UNITS PERMITTED, 2000-2024



2.8 MULTI FAMILY UNITS PERMITTED, 2000-2024



AFFORDABILITY

The most pressing housing challenge facing Billings is affordability. The median home sale price has increased by over $163,000 since 2015, a 75% increase. This rapid appreciation, particularly between 2020 and 2024, has far outpaced wage growth, making it increasingly difficult for residents to afford to buy a home. The market analysis reveals that four of the five top occupations in Billings do not provide enough income to buy a median-priced home.

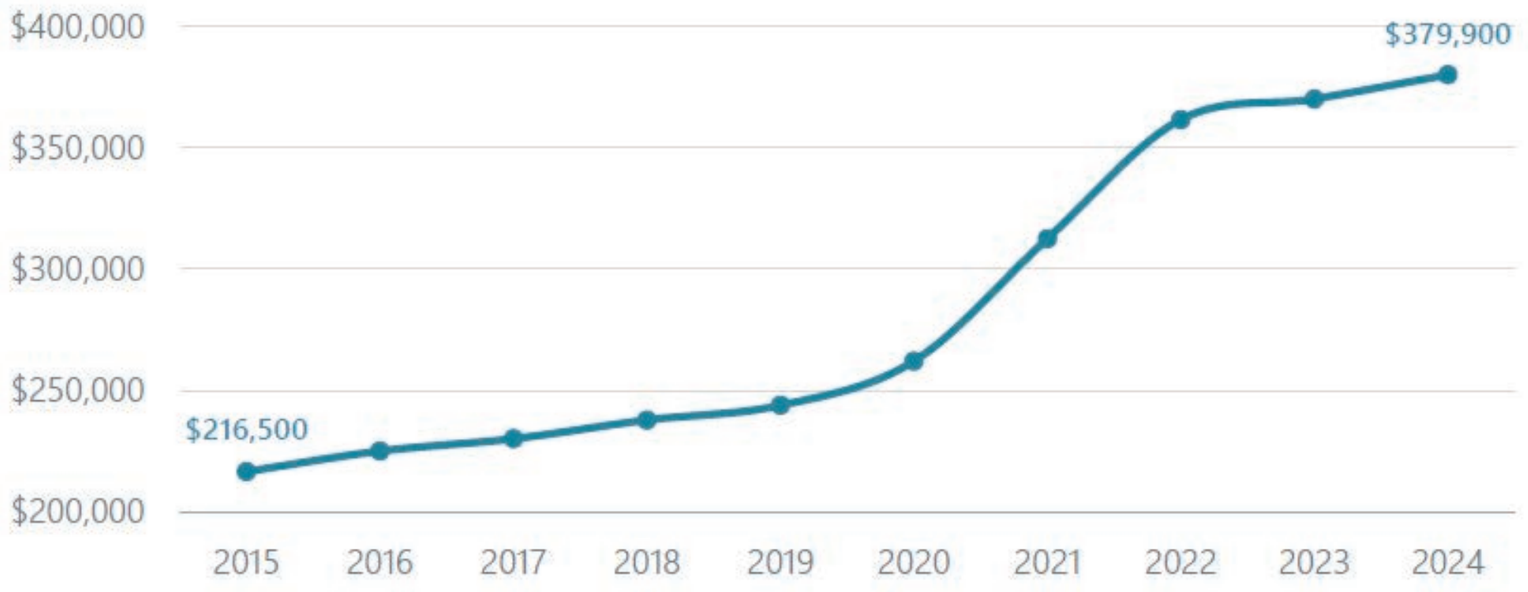
Residential Sale Trends

In 2015, the median home sales price in Billings was $216,500. The median price increased to $379,900 by 2024 (75% growth since 2015). Most of the recent increase in median home sales price occurred between 2020 and 2024. The median home sales price grew at a compound annual growth rate (CAGR) of 3.9% from 2015 to 2020. From 2020 to 2024, the median price grew at a higher rate of 9.7%. Over the entire period, the median price increased at a CAGR of 6.4%.

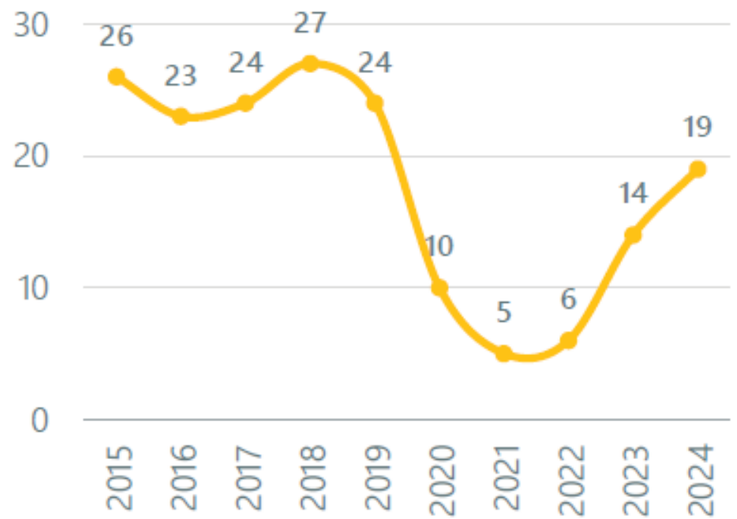
The median number of days on market for residential property in Billings has varied over the last decade. Between 2015 to 2019, the median number of days on market for residential property ranged from 23 to 27 days. Between 2020 and 2024, the median number of days on the market ranged from 5 to 19 days. The shorter time on market coincided with sharp increases in median sales prices.

From 2016 to 2020, the number of sales closed increased each year, reaching a high of 2,733 in 2020. From 2020 to 2023, the number of sales closed decreased each year, reaching 1,953 in 2023. In 2024, the number of sales closed increased to 1,979.

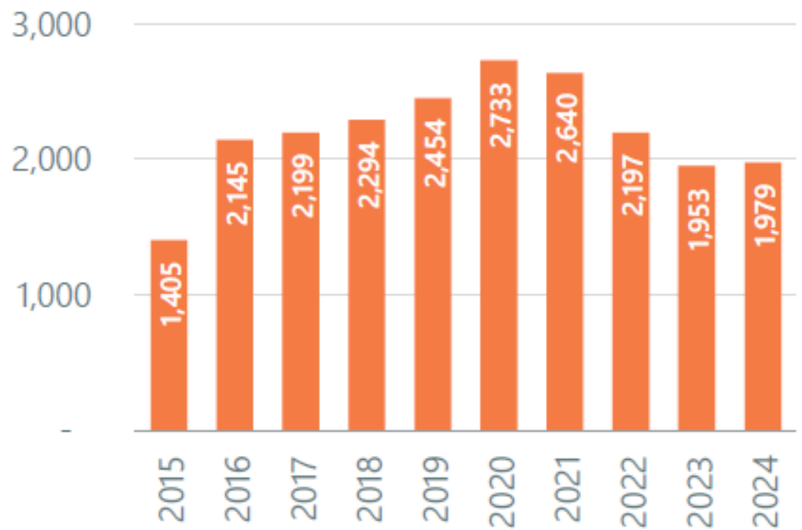
2.9 BILLINGS MEDIAN RESIDENTIAL SALES PRICE, 2015-2024



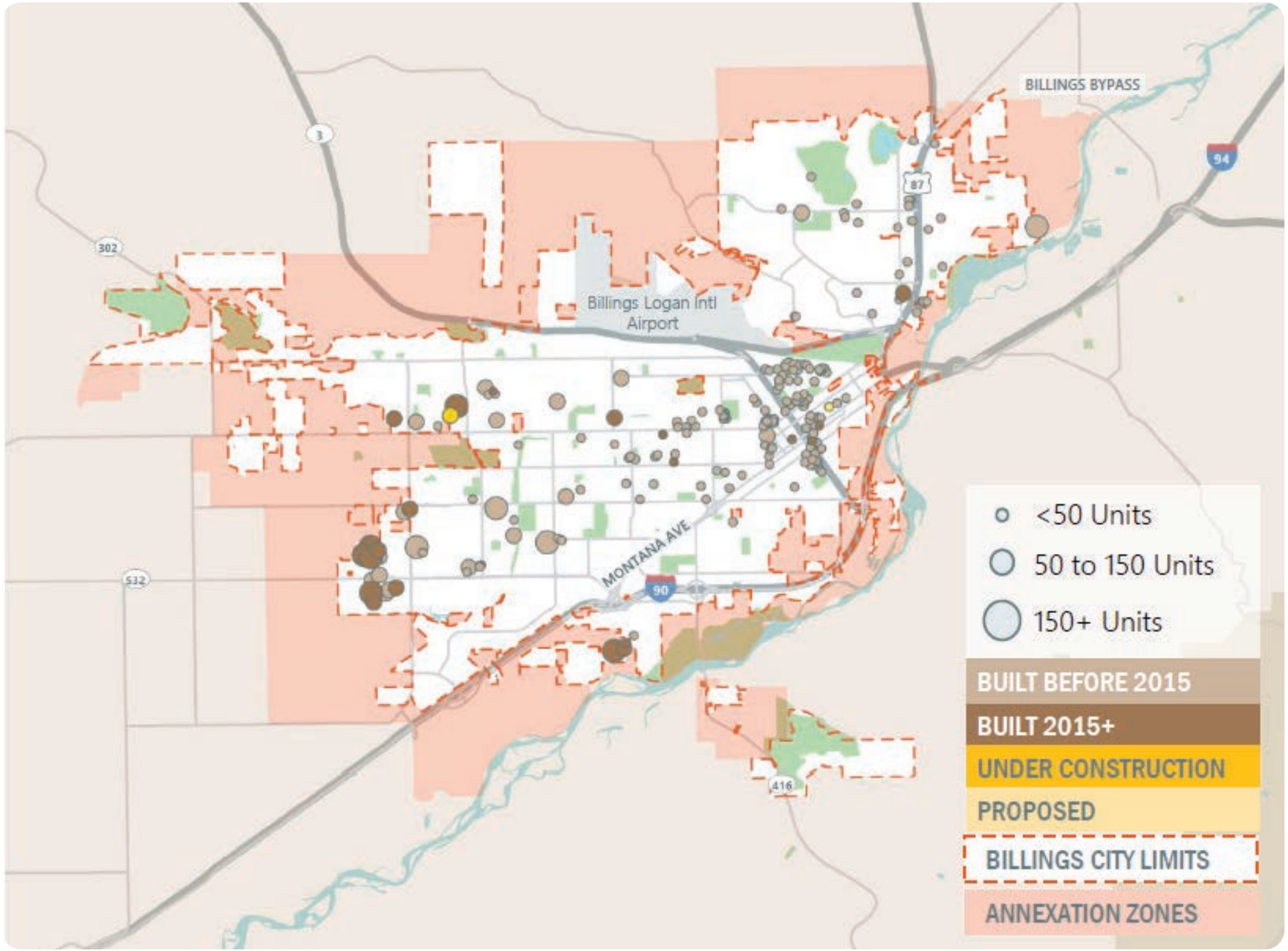
2.10 MEDIAN DAYS ON MARKET



2.11 RESIDENTIAL SALES CLOSED



2.12 MARKET-RATE MULTI FAMILY INVENTORY IN BILLINGS



Multifamily Market Rate Supply

Billings has 7,894 market-rate multifamily rental units (Co-Star). An additional 60 units are located in annexation zones. Market-rate multifamily rents average $1.57 per square foot (SF) and the overall vacancy rate is 7.7%, which indicates a healthy market; per Cushman & Wakefield, the U.S. average is 9.0%. Market-rate units are distributed throughout Billings, with a large concentration of older, smaller developments near the downtown.

Since 2015, 23 market-rate multifamily developments have been built, adding 2,444 units total, or 31% of Billings' total market-rate multifamily units. Newer market-rate developments tend to have more units and are located toward the edges of the city. Market-rate multifamily developments built before 2015 have an average of 29 units compared to those built since 2015, which have an average of 100 units. Per CoStar, there are 139 units currently under construction (one project) and 16 additional units proposed (one project) in Billings.

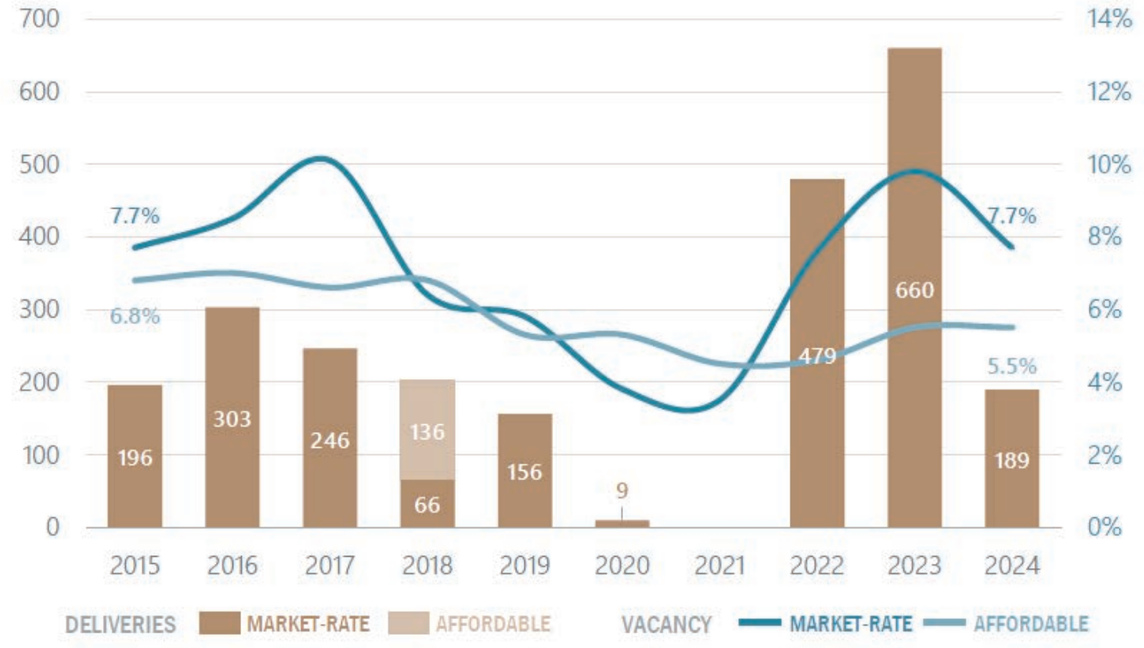
Multifamily Performance Trends

Approximately 2,440 multifamily rental units have been built in Billings since 2015. Of these units, 2,304 are market-rate and 136 are affordable. All the affordable units were delivered in 2018, whereas the market-rate unit deliveries were distributed throughout the period. After the delivery of 549 market-rate units in 2016 and 2017, the market-rate multifamily vacancy rate reached 10.1% in 2017. Once deliveries slowed over the next couple years, this vacancy decreased, eventually reaching a low of 3.5% in 2021. In 2022 and 2023, 1,139 market-rate units were delivered, resulting in vacancy rising to 9.8%. As of 2024, market-rate vacancy decreased to 7.7%. The affordable multifamily vacancy rate remained between 4.5% and 7.0% from 2015 to 2024.

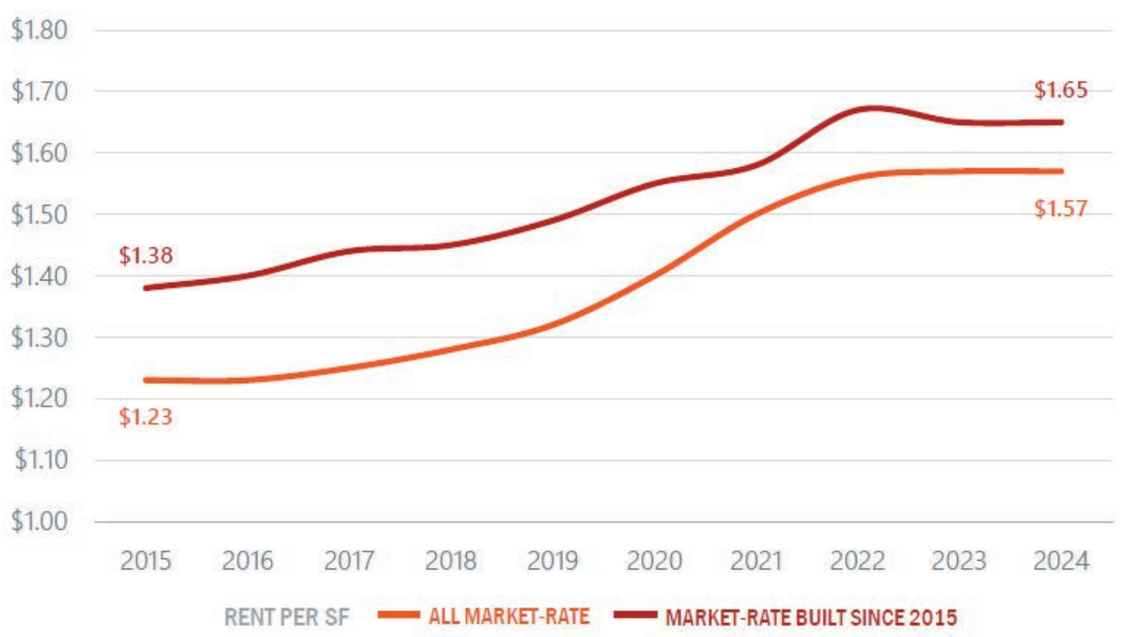
Since 2015, market-rate rents across all units have increased from $1.23 per SF to $1.57 per SF. Market-rate rents have grown at a CAGR of 2.7%. Market-rate rents for projects built since 2015 have increased from $1.38 per SF in 2015 to $1.65 per SF in 2024.

Compared to all market-rate projects, rents of projects built since 2015 have grown at a slower CAGR of 2.0%. From 2015 to 2024,

2.13 BILLINGS MULTI FAMILY UNITS DELIVERED AND VACANCY RATE



2.14 BILLINGS MARKET RATE MULTI FAMILY EFFECTIVE RENT PER SF



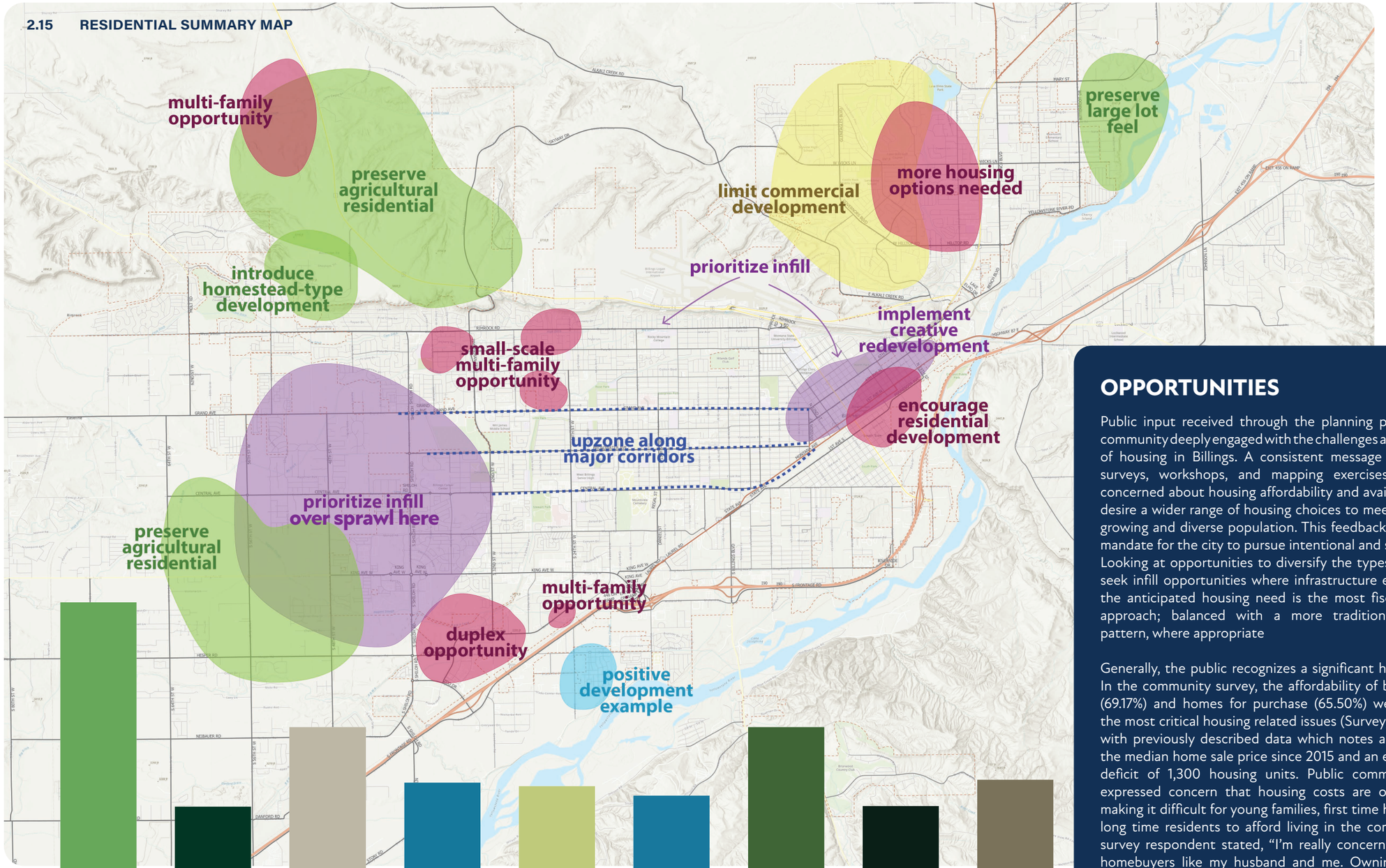
LOOKING FORWARD

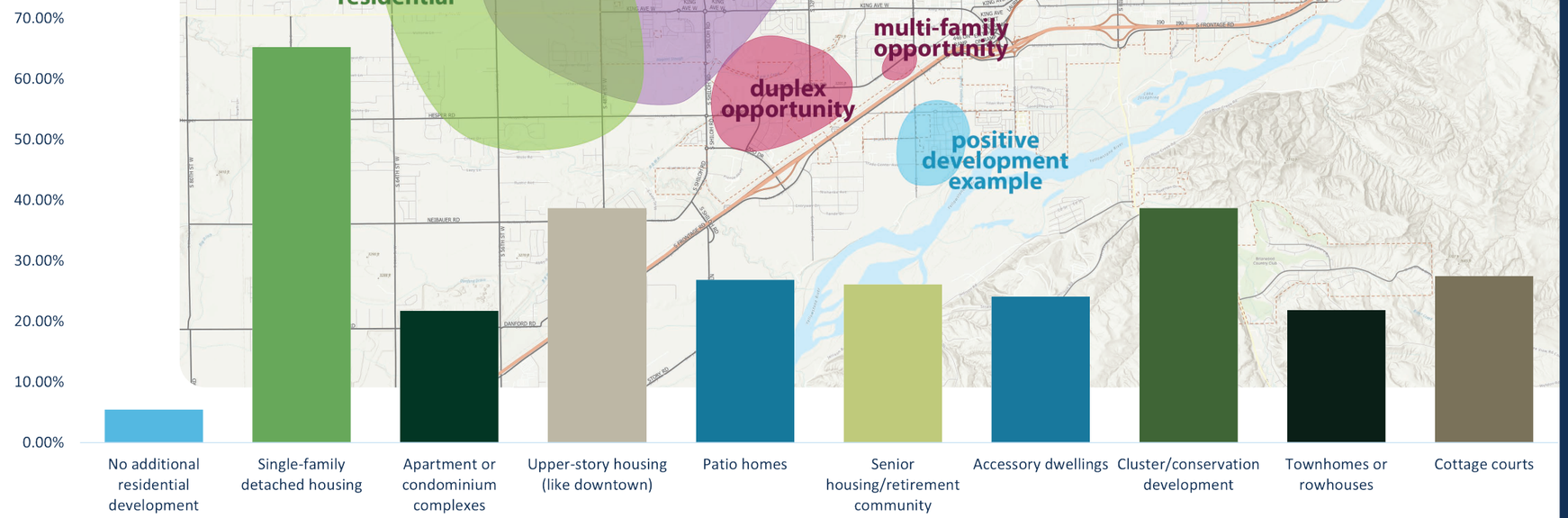
Continued population growth, projected to exceed 30,000 additional residents by 2045, combined with a long-standing housing shortage will require a sustained and intentional increase in housing production. In total, the city will need to add approximately 26,200 new housing units over the next two decades to meet both future demand and existing unmet need (as estimated by the Billings Association of REALTORS®).

While recent housing development has contributed to overall supply, much of the growth since 2015 has occurred near the edges of the city, reinforcing outward expansion rather than fully leveraging existing neighborhoods and infrastructure. Local studies consistently identify infill residential development as a key opportunity to increase the supply of housing attainable to Billings residents while supporting more efficient land use patterns.

Addressing Billings' housing needs will require aligning future land use decisions with these realities. Accommodating growth in a way that supports housing choice, affordability, and long-term community goals will depend on enabling a wider range of housing types, locations, and development patterns throughout the city.

2.15 RESIDENTIAL SUMMARY MAP



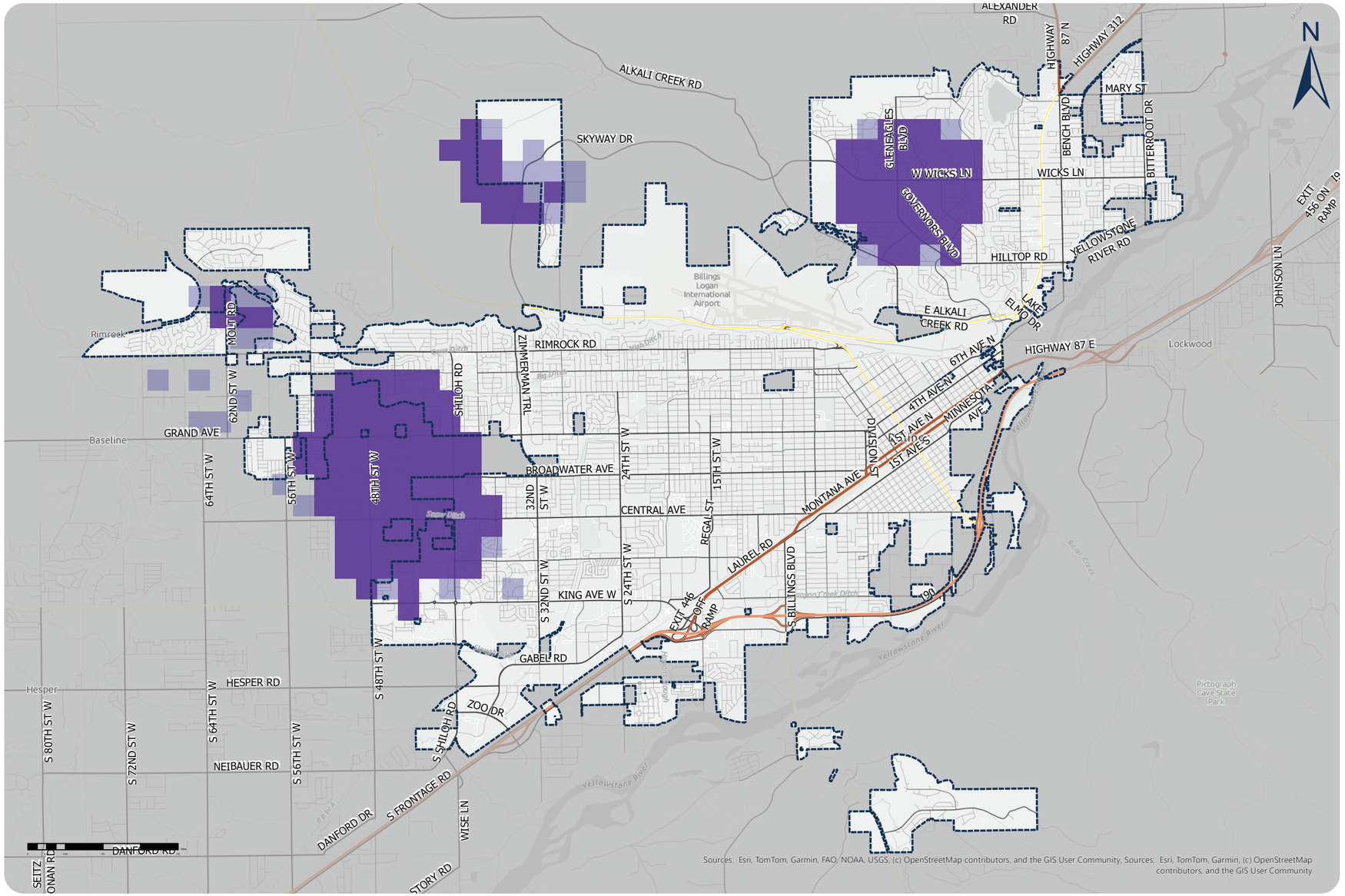


2.16 SURVEY Q13: WHAT SPECIFIC TYPES OF RESIDENTIAL DEVELOPMENT WOULD YOU LIKE TO SEE MORE OF IN BILLINGS?

OPPORTUNITIES

Public input received through the planning process reveals a community deeply engaged with the challenges and opportunities of housing in Billings. A consistent message emerged across surveys, workshops, and mapping exercises: residents are concerned about housing affordability and availability, and they desire a wider range of housing choices to meet the needs of a growing and diverse population. This feedback provides a clear mandate for the city to pursue intentional and strategic growth. Looking at opportunities to diversify the types of housing and seek infill opportunities where infrastructure exists to address the anticipated housing need is the most fiscally responsible approach; balanced with a more traditional development pattern, where appropriate

Generally, the public recognizes a significant housing shortage. In the community survey, the affordability of both rental units (69.17%) and homes for purchase (65.50%) were identified as the most critical housing related issues (Survey, Q11). This aligns with previously described data which notes a 75% increase in the median home sale price since 2015 and an estimated annual deficit of 1,300 housing units. Public comments frequently expressed concern that housing costs are outpacing wages, making it difficult for young families, first time homebuyers, and long time residents to afford living in the community. As one survey respondent stated, “I’m really concerned for first time homebuyers like my husband and me. Owning a home feels increasingly unattainable, and it seems like our generation is being pushed into renting indefinitely”. The desire for more housing options was a recurring theme, with residents advocating for everything from single family homes to more diverse, dense, and innovative housing types.



2.17 SINGLE-FAMILY RESIDENTIAL HOTSPOT MAP

Single Family Housing

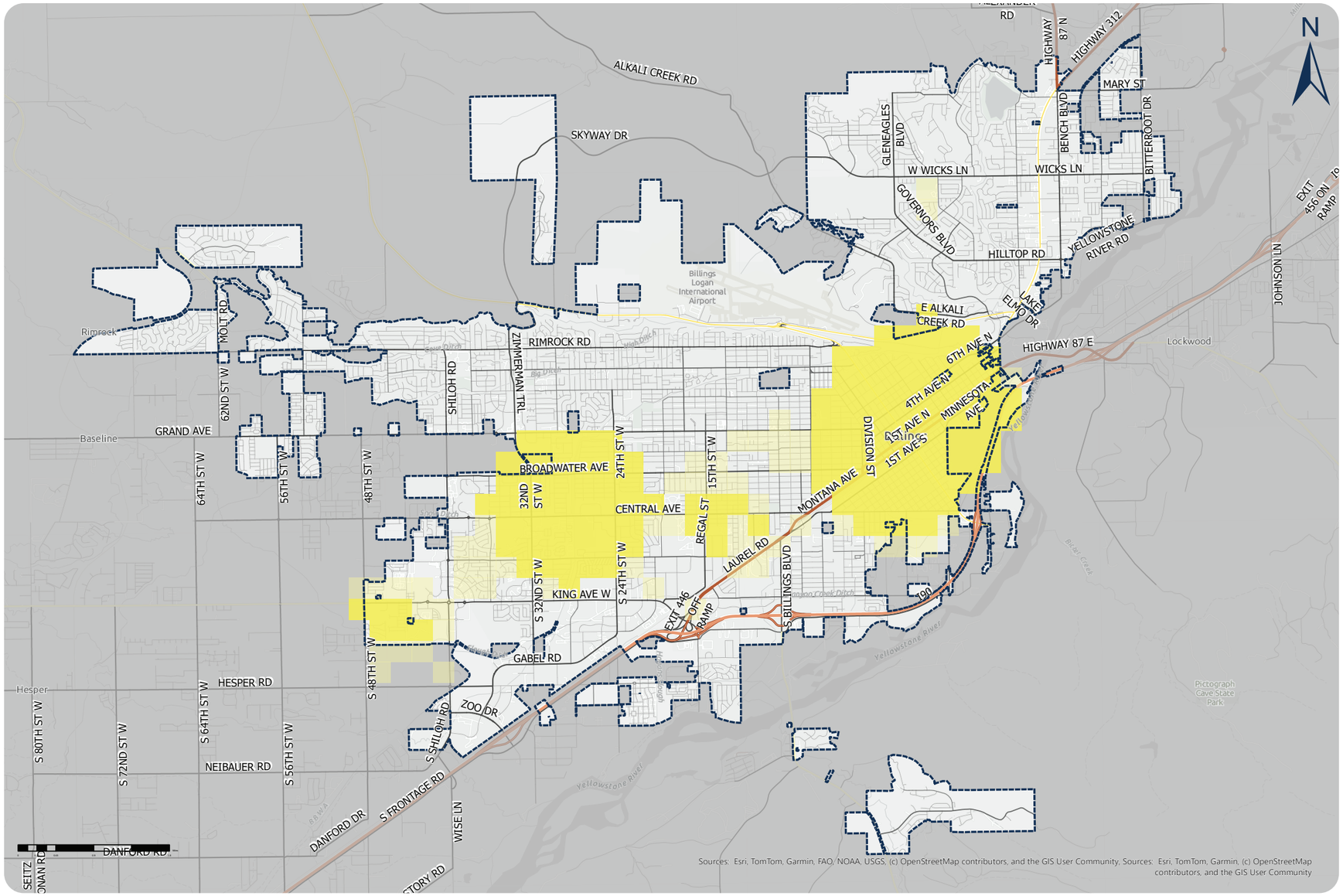
Demand for traditional single family detached housing remains strong. In the community survey, 65.28% of respondents indicated they would like to see more single-family detached housing, the most popular option presented (Survey, Q13). This preference was mirrored in public engagement sessions, where single family detached housing received strong positive feedback on the residential preference boards. The public mapping exercises identified several key areas for potential single-family development. The map shows significant interest in the West End, particularly in the areas around Grand Avenue and King Avenue West, and in the North Elevation and Heights area near Wicks Lane. The Residential Summary Map also highlights a desire to preserve agricultural residential character in the northwest and southwest quadrants of the city and to preserve the large lot feel in the area east of the Yellowstone River, suggesting a continued appreciation for lower density, single family neighborhoods.

However, this desire for single family homes is balanced by concerns about urban sprawl and the loss of agricultural land. This suggests an opportunity for the city to encourage single family development in a more compact and efficient manner, such as through small lot homes, which received positive feedback in engagement sessions, and by concentrating new development in areas with existing infrastructure.

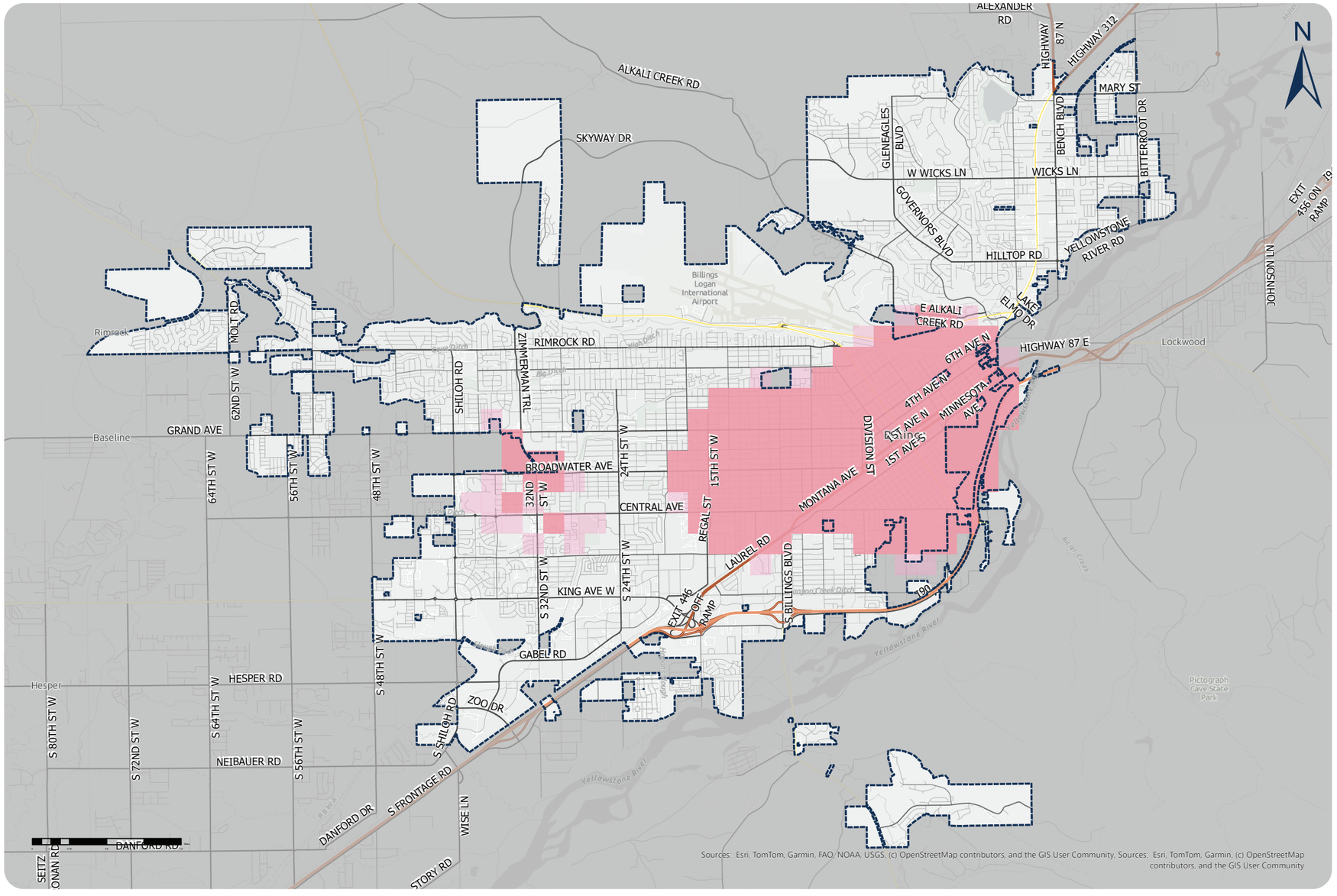
Multifamily Housing

While single-family homes are popular, there is also significant public support for a greater diversity of housing types, including multifamily options. The Residential Summary Map identifies multiple multifamily opportunity zones, particularly in the northwest, near the I-90 corridor in the south-central part of the city, and along major transportation corridors. The hotspot map reinforces this, showing a concentration of interest for multifamily development in Midtown and along the Central Avenue and Montana Avenue corridors. This aligns with the existing conditions narrative, which identifies a lack of housing diversity as a key challenge, noting that 71% of the city's housing stock is single family, while renters have far fewer choices. Gentle density and multifamily development at key nodes can increase the multifamily housing stock while maintaining the character of the city

Public input shows an appetite for various forms of multifamily housing. In the survey, nearly 22% of respondents wanted to see more apartment or condominium complexes (Survey, Q13). Even more popular was the concept of upper story housing, which garnered support from 38.71% of survey respondents and was the second most popular residential type on the engagement boards. This indicates a strong opportunity for mixed use development, especially in the downtown core and along commercial corridors, which would add housing units while also activating commercial areas. Comments from the engagement boards also supported "small scale multifamily opportunity," suggesting that residents are open to gentle density increases that are well-integrated into existing neighborhoods.



2.18 MULTIFAMILY RESIDENTIAL HOTSPOT MAP



2.19 INFILL RESIDENTIAL HOTSPOT MAP

Infill Housing

Perhaps the most significant area of consensus in public feedback was the need for more infill development. The Residential Summary Map is dominated by large areas where residents asked the city to prioritize infill. The hotspot map shows this interest is most concentrated in the city's central core, from Downtown and Midtown west to the Shiloh area, though this category saw broad city-wide support. This desire to grow inward rather than outward was a constant theme in public comments, with many residents citing the inefficiency of sprawl and the need to leverage existing infrastructure.

This support for infill aligns with a strong desire for "missing middle" housing types, which can increase density while maintaining neighborhood character. On the engagement boards, "Missing middle housing infill development" was the most popular residential preference, receiving 15 green dots and only one red dot. While the survey did not use this exact term, several missing middle housing types were very popular in Question 13:

- Cluster or conservation development: 38.71% support
- Cottage courts: 27.46% support
- Patio homes: 26.84% support
- Accessory Dwelling Units (ADUs): 24.09% support
- Townhomes or rowhouses: 21.88% support

This strong support for a variety of housing types beyond traditional single family homes and large apartment complexes presents a major opportunity for Billings. Encouraging these housing types through zoning reform and updated development regulations can help the city meet its housing demand, improve affordability, and create more diverse and walkable neighborhoods, as desired by the community.

> **“Housing affordability + access. This is a basic human need and we can certainly do a better job in ensuring our unhoused neighbors can attain this basic need.”**
>
> **Community survey response when asked to identify their greatest concern for Billings’ future**

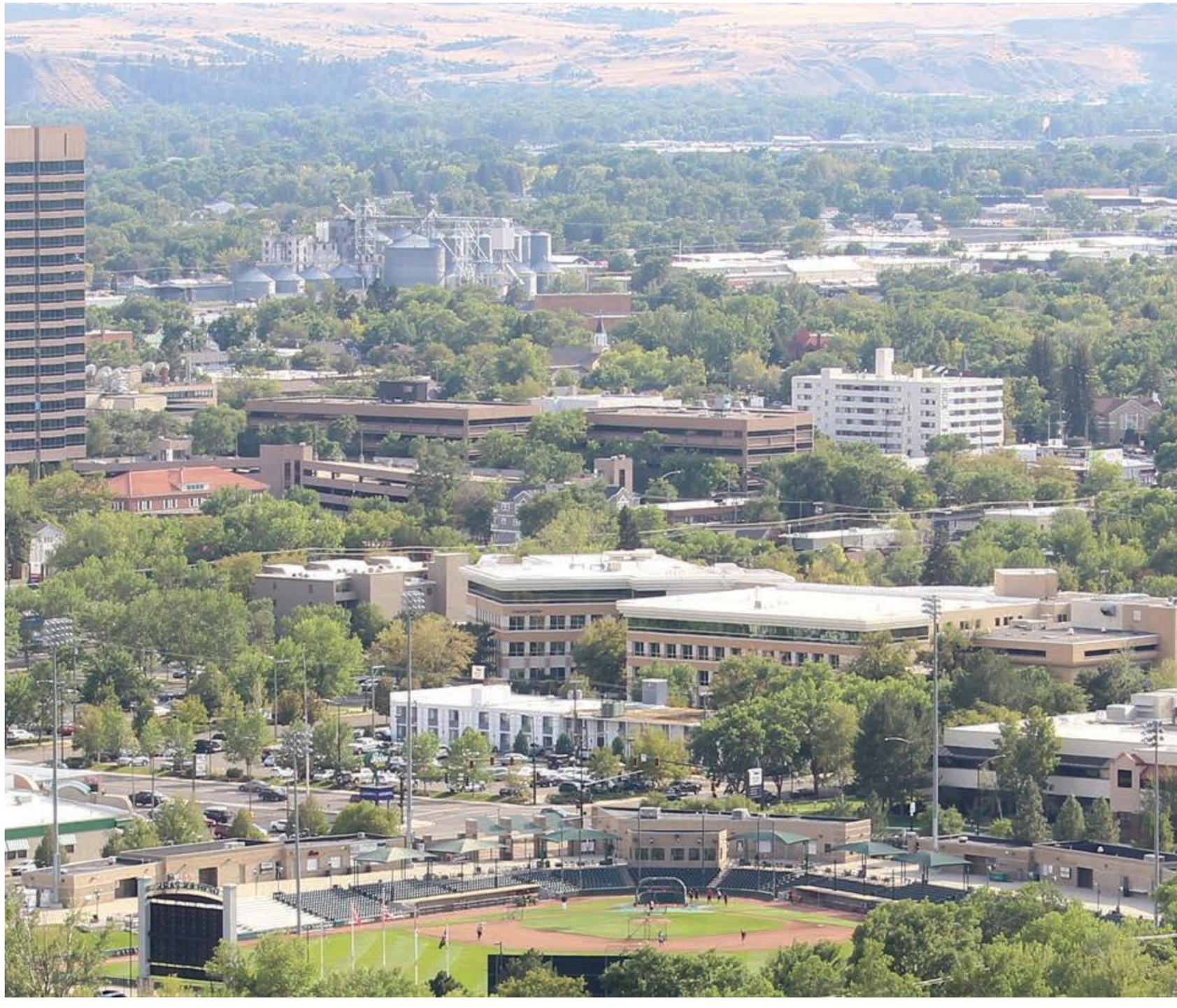
ACHIEVING PLAN THEMES

The public’s input on housing directly reflects and reinforces the data described in the existing conditions summary. The community’s overwhelming concern for affordability is a direct response to the market realities of rising prices and a stagnant housing supply. The public’s desire for more housing diversity is a clear answer to the finding that the city’s housing stock is dominated by single family homes. The future land use map must consider nodal development areas for different housing types throughout the community even in areas of current single family concentrations. The strong push for infill development is a community-driven solution to the unsustainable pattern of outward expansion. The public has not only identified the problems but has also pointed toward the solutions.

Looking forward, this public feedback provides a powerful foundation for implementing the plan themes. The call for a variety of housing options directly supports the theme to expand housing options and affordability to support residents across incomes, ages, and household types. By allowing for and encouraging single-family, multifamily, and missing middle housing in appropriate locations, Billings can begin to address its housing deficit and create a more equitable housing market. The focus on infill and redevelopment of the urban core aligns with the themes to align land use decisions with the capacity and long term sustainability of infrastructure and reinforce Billings’ identity through context sensitive development, downtown vitality, and distinctive neighborhoods.

Over the next 20 years, the City of Billings should leverage this clear public mandate to guide its housing strategy. This involves updating zoning codes to allow for a greater diversity of housing types by right, particularly in the central parts of the city identified for infill. It means streamlining the development review process for projects that meet the community’s goals for infill and mixed-use development. It also means investing in infrastructure to support growth in these areas and ensuring that new development contributes to the creation of walkable, attractive, and complete neighborhoods. By embracing the community’s vision, Billings can grow in a way that is both economically vibrant and true to the character of the city, ensuring that it remains a desirable place to live for all its residents for decades to come.

BILLINGS 2045



3

FROM PRESENT TO FUTURE

PLACETYPES

In Billings, a placetype is a descriptive framework used to define the character, function, and experience of both the natural and built environment. Traditional land use categories focus primarily on how land is used. Placetypes expand on this by also addressing development intensity, building scale, site design, and how an area relates to its surroundings.

Each placetype helps explain how a part of the city fits within the larger community. It identifies the types of amenities that support daily activities, the general form and pattern of development, and the overall character people can expect to experience. This approach provides guidance for how areas should grow and change while maintaining a consistent and recognizable identity.

For Billings, a set of placetypes has been established to guide future growth and reinvestment. These placetypes reflect existing development patterns as well as the community's vision for how different areas should evolve. As the city continues to grow, a combination of infill development, redevelopment, and outward expansion will be needed to support new housing, jobs, and services. The placetype framework helps ensure that these changes strengthen community character, improve connectivity, and support long-term livability.

Rather than prescribing rigid outcomes, the placetype system provides a flexible structure. It recognizes current conditions while setting clear expectations for future improvements. This allows Billings to accommodate change without losing the qualities that define its neighborhoods, commercial areas, and open spaces.

OVERVIEW OF THE BILLINGS PLACETYPE FRAMEWORK

The placetypes for Billings are based on local conditions, community input, and projected growth trends. Earlier planning efforts, including the West Billings Plan, helped inform this framework. The placetypes have since been refined to apply across the entire city and reflect a wider range of development contexts.

Billings includes established neighborhoods, evolving commercial corridors, industrial districts, and significant open space resources. The placetype framework recognizes this diversity while supporting appropriate transitions between different areas. Public input emphasized the importance of maintaining neighborhood character, improving access to services and amenities, and guiding infill and new development so it fits within the existing pattern of the city.

The following placetypes represent current and desired future conditions across Billings:

- Rural Residential and Agricultural
- County Neighborhoods
- Suburban Residential*
- Urban Residential Limited
- Urban Residential
- Urban Residential Mixed
- Urban Node
- Commercial Mixed
- Downtown Urban
- Employment and Industrial
- Open Space
- Public Institutional

These placetypes have been applied across the city to reflect existing land use patterns and development character. This provides a baseline understanding of how Billings functions today.

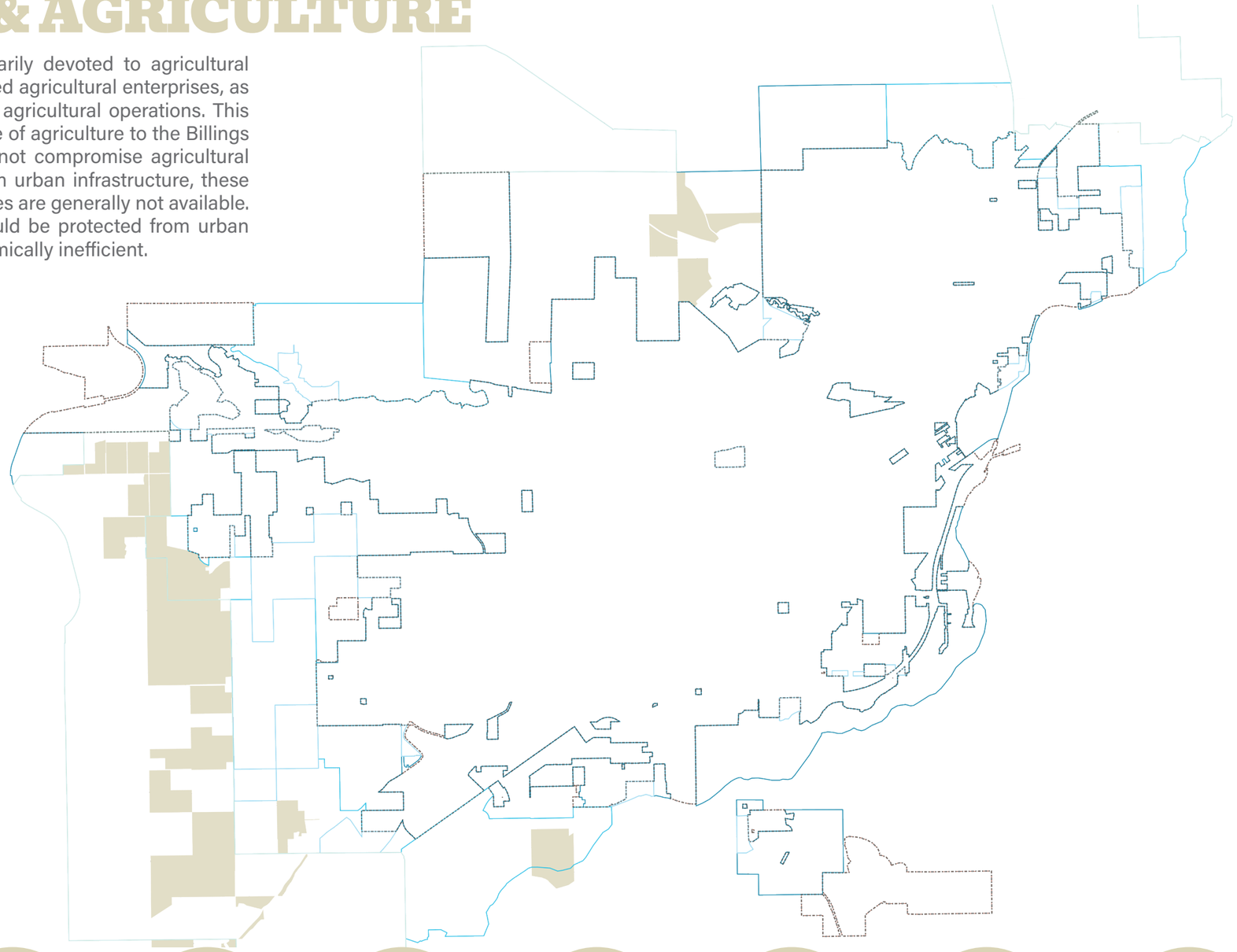
The framework also identifies where change is expected over time. Future growth will be directed to key opportunity areas, including redevelopment sites, strategic corridors, and expanding edges of the city. The Future Placetype Map illustrates how different areas are expected to evolve over the planning horizon and helps guide decisions related to land use, infrastructure, and investment.

This operating plan map does not reflect any changes resulting from public feedback collected on the Billings 2045 Land Use Plan and Future Land Use Map. Summary maps for each placetype follow; the full composite map can be found in Appendix B of this plan.

*This placetype has been added at the request of the City Council following public outreach events conducted April 6-9.

RURAL RESIDENTIAL & AGRICULTURE

The Rural Residential & Agriculture category encompasses lands primarily devoted to agricultural production, including crop cultivation, livestock operations, and value-added agricultural enterprises, as well as very low-density residential development that is compatible with agricultural operations. This category recognizes the economic, cultural, and environmental importance of agriculture to the Billings region while accommodating limited residential development that does not compromise agricultural viability. Due to the low-density nature of development and distance from urban infrastructure, these areas are all outside the City Limits and public water and wastewater utilities are generally not available. This category is appropriate for areas where agricultural operations should be protected from urban encroachment and where the extension of urban services would be economically inefficient.



PRIMARY USES & BUILDING TYPES

- Crop production and livestock operations
- Agricultural support facilities (barns, equipment storage, grain storage)
- Single-unit detached residences
- Manufactured homes
- Accessory dwelling units
- Agricultural worker housing
- Hobby farms, ranchettes ad equestrian facilities

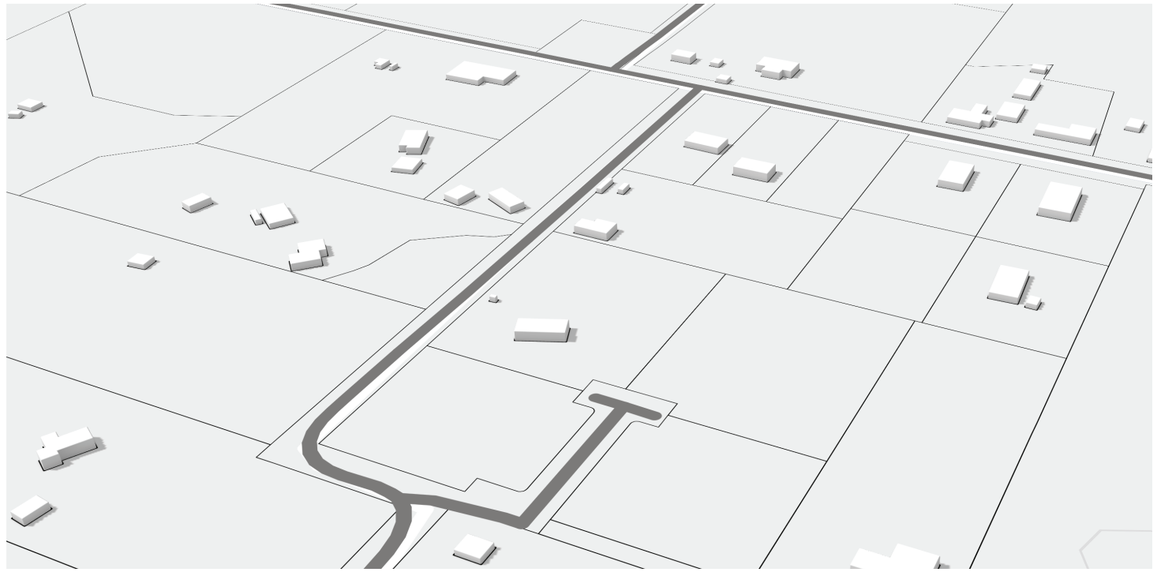
SECONDARY USES & BUILDING TYPES

- Agricultural tourism
- Value-added agricultural processing
- Agricultural education facilities
- Home-based businesses (compatible with rural character)
- Renewable energy production
- Conservation easements and wildlife habitat preservation
- Limited outdoor recreation

RRA

PLACETYPE FEATURES

Density	Generally one dwelling unit per acre or less.
Lot Size	Lot sizes are typically one acre or larger, with 5-40 acres preferred for agricultural operations.
Building Height	Structures are generally low-rise, with residential buildings around 35 feet and agricultural structures up to 45 feet.
Setbacks	Deep setbacks are characteristic, typically 25-35 feet from the front and 25-50 feet from side and rear property lines to maintain an open, rural feel.
Character	Site design should prioritize the preservation of the existing agricultural landscape and natural vegetation. Formal, manicured landscaping is not required.
Buffering	Encourage the use of landscape buffers and screening to mitigate potential conflicts between agricultural operations and residential uses.
Parking	On-site parking is typically accommodated on gravel or pervious surfaces appropriate to the rural context.
Miscellaneous	Promote the use of low-impact development techniques that preserve natural drainage patterns.



MOBILITY & CONNECTIVITY

- The transportation network is primarily composed of rural roads that follow the section line grid, designed to accommodate both passenger vehicles and large agricultural equipment.
- Connectivity should be maintained for agricultural access while connecting to the larger road network.
- Pedestrian and bicycle facilities are generally not provided, reflecting the rural, low-density nature of the area.

COUNTY NEIGHBORHOODS

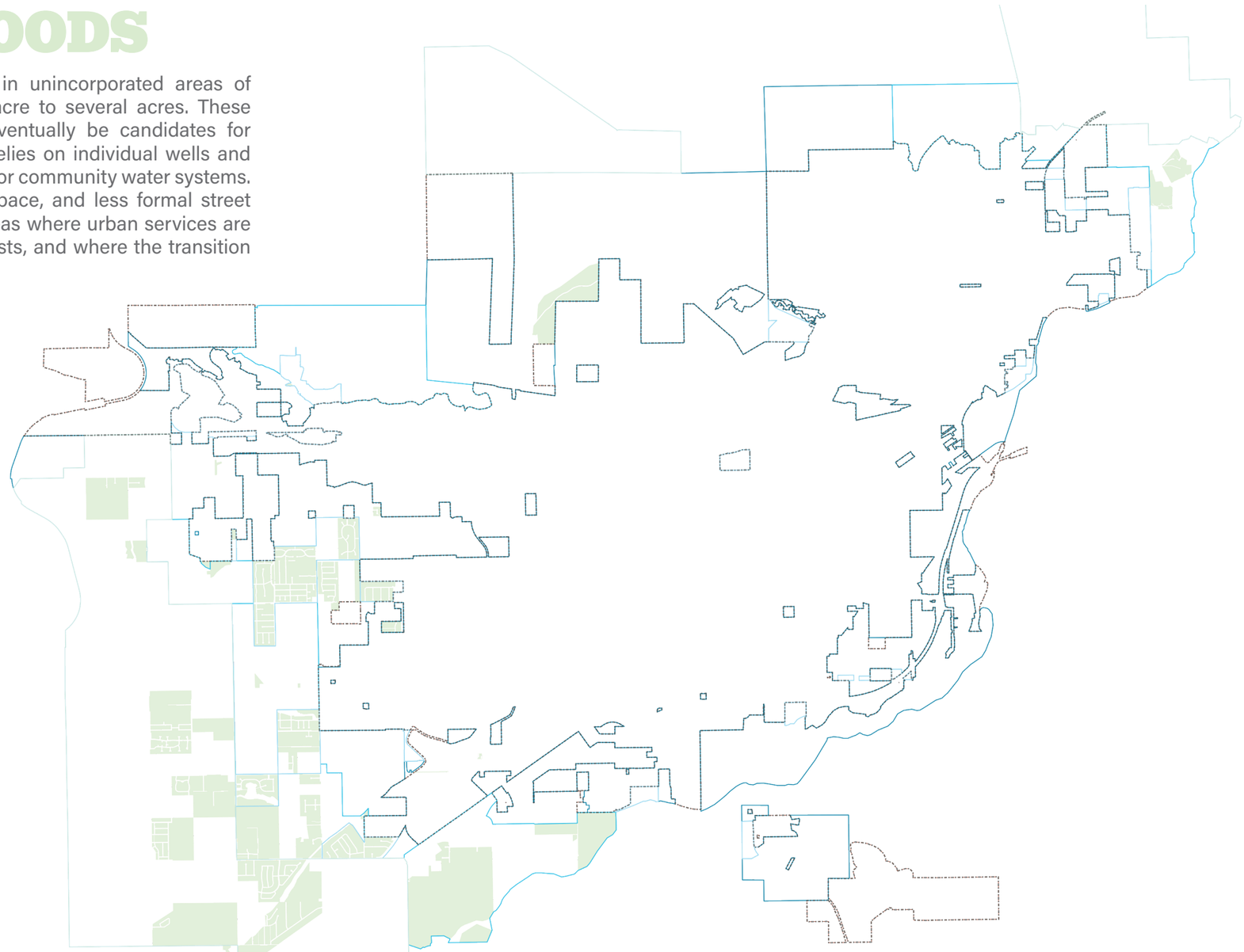
County Neighborhoods represent low-density residential development in unincorporated areas of Yellowstone County, characterized by lot sizes ranging from one-third acre to several acres. These neighborhoods often develop along existing county roads and may eventually be candidates for annexation as the city expands. Development in this category typically relies on individual wells and septic systems, though some areas may have access to rural water districts or community water systems. The character is distinctly suburban-rural, with larger lots, more open space, and less formal street networks than urban residential areas. This category is appropriate for areas where urban services are not immediately available but where residential development pressure exists, and where the transition from rural to urban land uses should occur gradually over time.

PRIMARY USES & BUILDING TYPES

- Single-unit detached residences
- Manufactured homes
- Accessory dwelling units
- Small-scale agricultural uses

SECONDARY USES & BUILDING TYPES

- Home-based businesses (compatible with rural character)
- Bed and breakfast establishments
- Day care facilities
- Recreational facilities and open space
- Community gardens
- Equestrian facilities (personal use)
- Small-scale renewable energy systems



PLACETYPE FEATURES

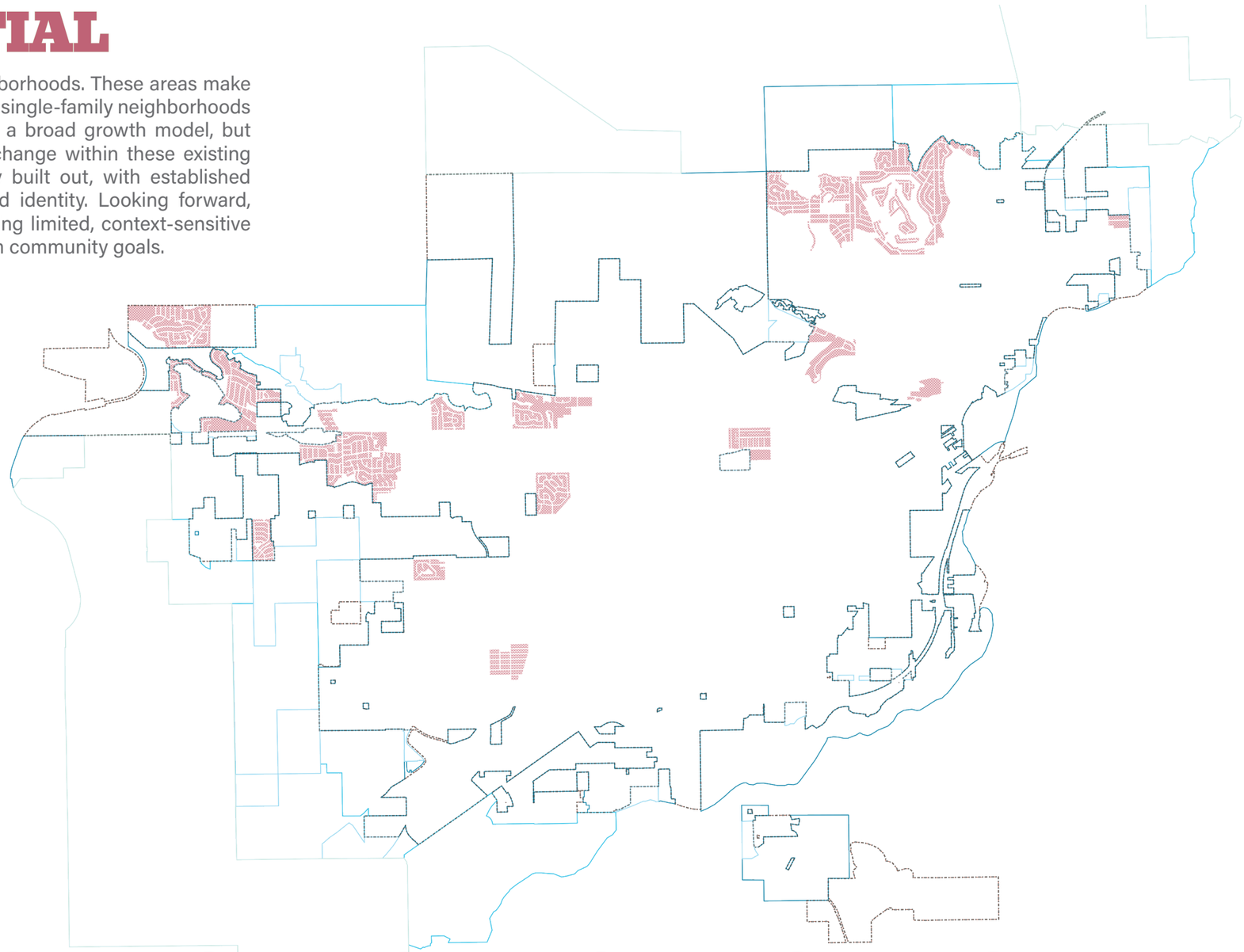
Density	Densities are low, generally ranging from 0.33 to 0.99 dwelling units per acre.
Lot Size	Lots are typically large, with a general minimum of one-third of an acre.
Building Height	Buildings are typically limited to a maximum height of around 34 feet (3 stories).
Setbacks	Setbacks are generous, around 10-30 feet in the front and 10-25 feet on the side and rear, to maintain a spacious, semi-rural character.
Character	Encourage landscaping that utilizes drought-tolerant and native species. A significant portion of each lot should be maintained as landscaped or natural open space.
Buffering	Where these neighborhoods abut more intensive agricultural or industrial uses, landscape buffers should be used to provide a transition.
Parking	Provide adequate on-site parking, typically two spaces per home. The use of pervious surfaces is encouraged.
Miscellaneous	Promote the use of low-impact development techniques that preserve natural drainage patterns.

MOBILITY & CONNECTIVITY

- These neighborhoods are connected to the larger road network via collectors or arterials, with internal streets that may be paved or gravel.
- Future development should be planned to allow for future pedestrian and bicycle connectivity if the area is annexed and urbanized.
- Sidewalks are not required in unzoned area, but rights-of-way should be preserved for future installation.

SUBURBAN RESIDENTIAL

Suburban Residential areas represent primarily existing, established neighborhoods. These areas make up a portion of the city's current residential fabric and are defined by stable, single-family neighborhoods with consistent development patterns. This placetype is not intended as a broad growth model, but rather as a framework to recognize, preserve, and incrementally guide change within these existing neighborhoods. Suburban Residential areas are typically fully or largely built out, with established infrastructure, mature landscaping, and a strong sense of neighborhood identity. Looking forward, this placetype focuses on maintaining neighborhood stability while allowing limited, context-sensitive evolution to address housing needs, infrastructure efficiency, and long-term community goals.



PRIMARY USES & BUILDING TYPES

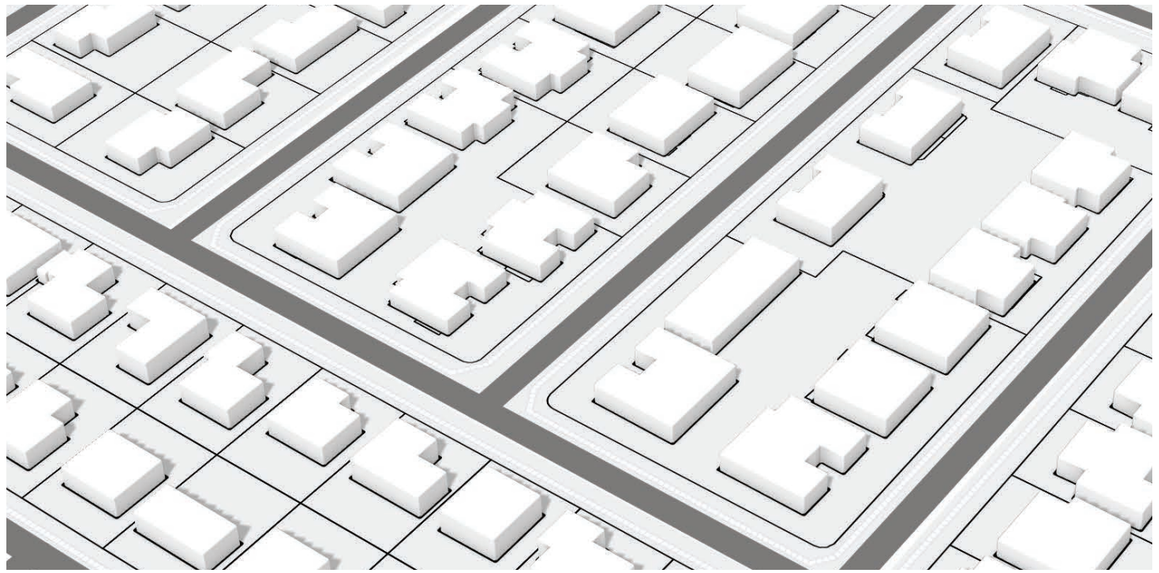
- Single-unit detached residences
- Accessory dwelling units

SECONDARY USES & BUILDING TYPES

- Existing duplexes and townhomes
- Neighborhood parks and open space
- Schools and civic uses embedded within neighborhoods

PLACETYPE FEATURES

Density	Densities are low to moderate, generally ranging from 2 to 6 dwelling units per acre
Lot Size	Lots are typically medium in size, generally ranging from 7,000 to 15,000 square feet, with some variation based on subdivision age and location
Building Height	Buildings are typically limited to a maximum height of around 30–35 feet
Setbacks	Setbacks are uniform, typically 20 feet in the front and 5-20 feet on the sides and rear, creating a consistent streetscape.
Character	Preserve the established suburban neighborhood character, including consistent building scale, yard patterns, and mature landscaping. Encourage reinvestment and landscaping that incorporates drought-tolerant and regionally appropriate species.
Buffering	Where Suburban Residential areas abut higher-intensity uses or major corridors, landscape buffering, fencing, or transitional building forms should be used to protect neighborhood character and reduce impacts
Parking	Provide adequate on-site parking, typically two spaces per dwelling unit, primarily in garages or driveways. Minimize visual impacts of front-loaded garages where feasible.
Miscellaneous	Promote incremental, context-sensitive infill and redevelopment that is compatible with existing neighborhood form. Encourage infrastructure reinvestment and low-impact development techniques where feasible within established conditions.



MOBILITY & CONNECTIVITY

- The street network consists of paved neighborhood streets with multiple connections to the city's collector and arterial road system.
- Sidewalks are required to ensure a safe environment for pedestrians.
- Bicycle connectivity to local destinations like schools and parks should be provided via low-traffic streets or shared-use paths.

URBAN RESIDENTIAL LIMITED

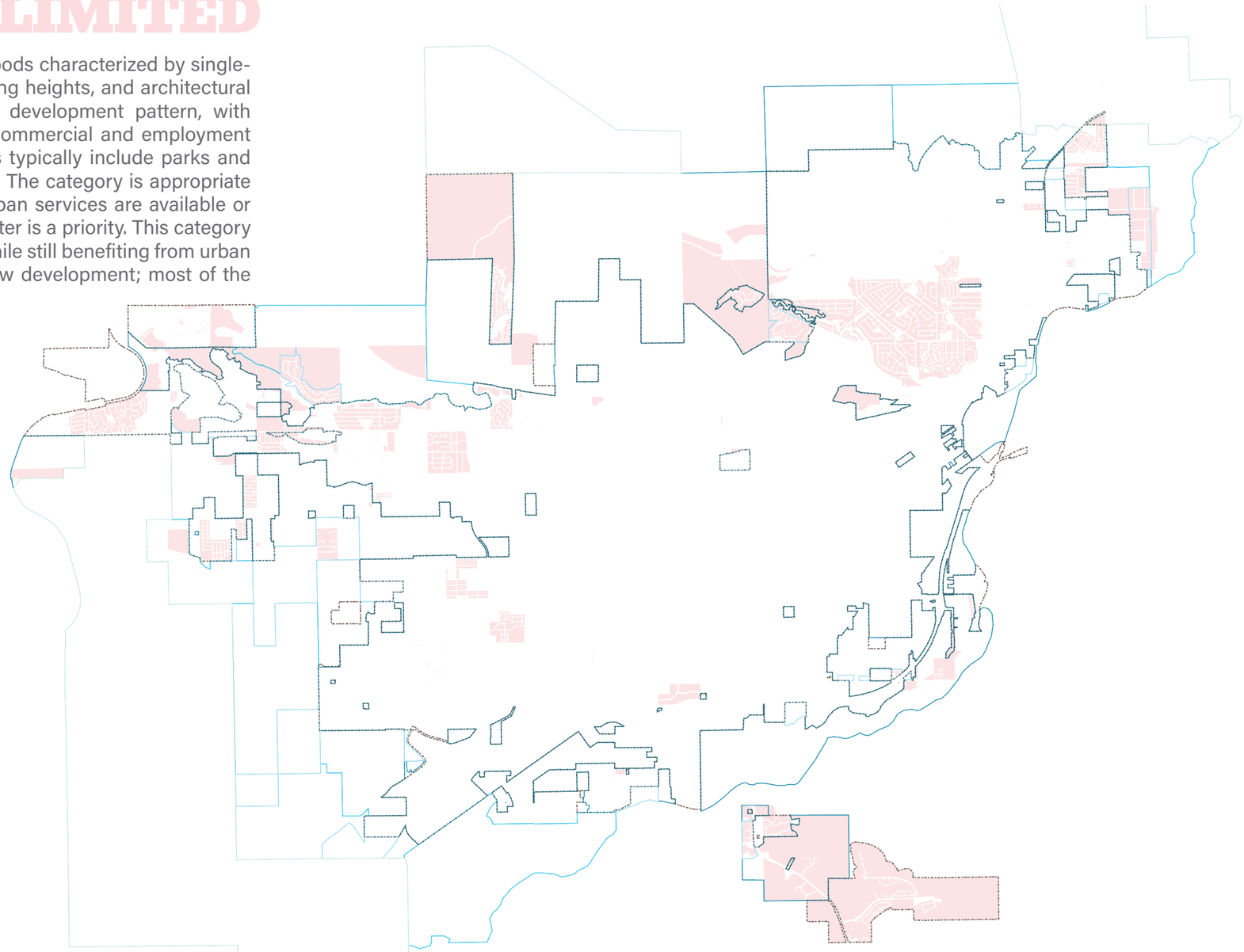
Urban Residential Limited encompasses established suburban neighborhoods characterized by single-family detached homes on individual lots, with consistent setbacks, building heights, and architectural character. This category represents the traditional American suburban development pattern, with curvilinear streets, cul-de-sacs, and separation of residential uses from commercial and employment areas. Public water and sewer services are provided, and neighborhoods typically include parks and other community amenities within reasonable walking or driving distance. The category is appropriate for areas where low-density residential development is desired, where urban services are available or planned, and where the preservation of single-family neighborhood character is a priority. This category is typified by larger lots with private yards, and a residential environment while still benefiting from urban infrastructure and services. These neighborhoods are less common in new development; most of the areas classified as URL are existing neighborhoods in the City.

PRIMARY USES & BUILDING TYPES

- Single-unit residential
- Duplexes
- Accessory dwelling units

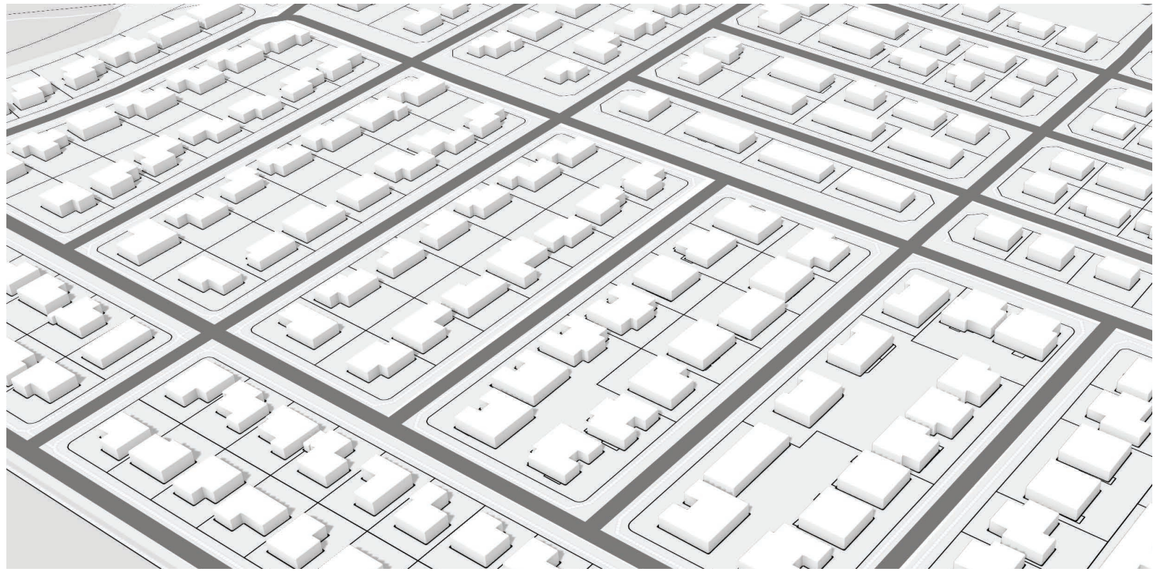
SECONDARY USES & BUILDING TYPES

- Parks and playgrounds
- Places of assembly
- Community centers
- Home occupations
- Day care facilities
- Bed and breakfast establishments
- Urban agriculture



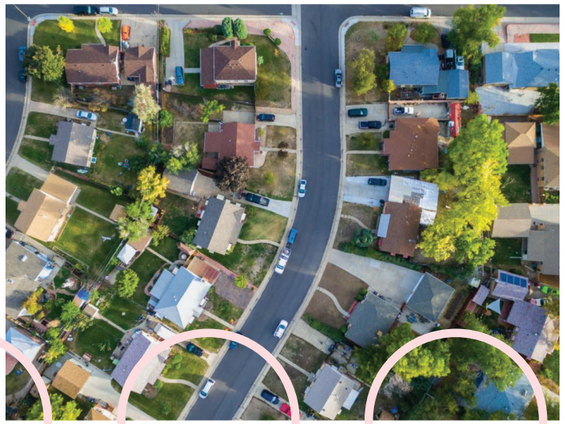
PLACETYPE FEATURES

Density	A low-density suburban pattern, with densities generally ranging from 3.5 to 7 dwelling units per acre.
Lot Size	Typical lot sizes range from 5,000 to 15,001 square feet.
Building Height	Building heights are consistent, generally around 30-35 feet (3 stories).
Setbacks	Setbacks are uniform, typically 20 feet in the front and 5-20 feet on the sides and rear, creating a consistent streetscape. Build-to zones may be used.
Character	Encourage well-maintained landscapes that contribute to an attractive streetscape. A significant portion of the lot, particularly the front yard, should be landscaped.
Buffering	Where adjacent to non-residential uses, landscape buffers should be used to screen and soften the transition.
Parking	Policy supports providing two off-street parking spaces per home, typically in a garage and driveway.
Miscellaneous	All utilities should be placed underground to improve the visual quality of the neighborhood.



MOBILITY & CONNECTIVITY

- The street network consists of paved neighborhood streets with multiple connections to the city's collector and arterial road system.
- Sidewalks are required to ensure a safe environment for pedestrians.
- Bicycle connectivity to local destinations like schools and parks should be provided via low-traffic streets or shared-use paths.



URBAN RESIDENTIAL

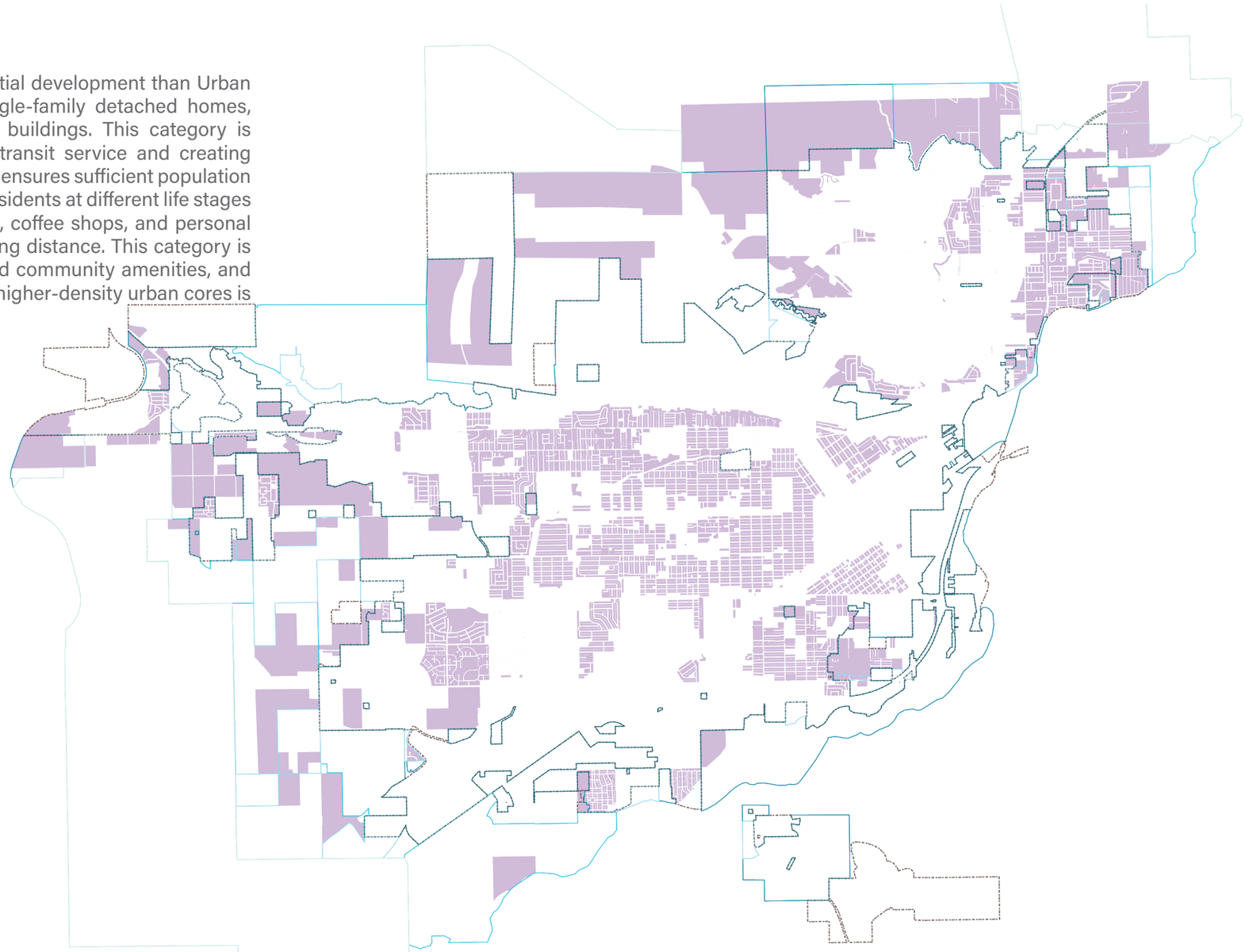
Urban Residential represents a more diverse and compact form of residential development than Urban Residential Limited, incorporating a mix of housing types including single-family detached homes, duplexes, triplexes, fourplexes, townhomes, and small-scale multifamily buildings. This category is designed to provide housing choice and affordability while supporting transit service and creating walkable neighborhoods with convenient access to daily needs. The density ensures sufficient population to support bus transit, while the mix of housing types provides options for residents at different life stages and income levels. Neighborhood commercial uses such as corner stores, coffee shops, and personal services are permitted on a limited basis to serve daily needs within walking distance. This category is appropriate for areas along transit corridors, near employment centers and community amenities, and in locations where a transition between lower-density suburban areas and higher-density urban cores is desired.

PRIMARY USES & BUILDING TYPES

- Single-unit residential
- Duplexes, triplexes & fourplexes
- Townhomes
- Accessory dwelling units
- Live-work units
- Neighborhood parks and plazas

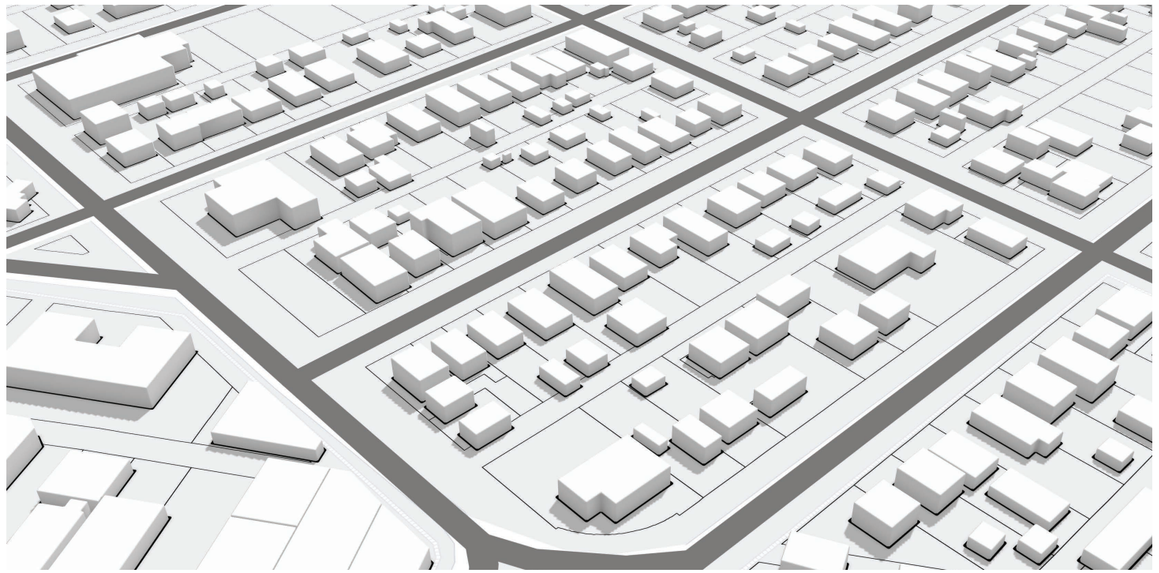
SECONDARY USES & BUILDING TYPES

- Neighborhood commercial (corner stores, coffee shops, bakeries)
- Professional offices and personal services (dental, legal, salons)
- Places of assembly
- Home occupations
- Day care facilities
- Small-scale group homes
- Short-term rentals
- Urban agriculture



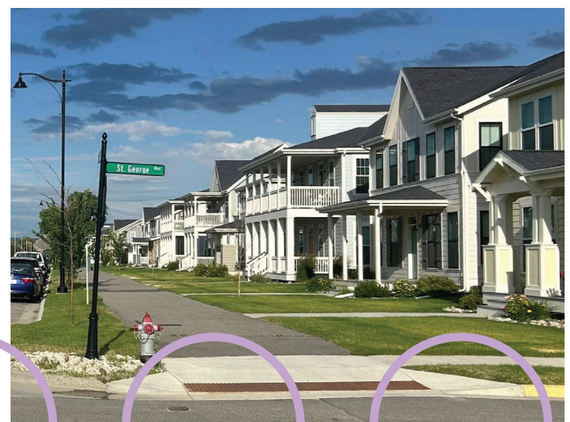
PLACETYPE FEATURES

Density	A moderate density range of 6 to 16 dwelling units per acre is encouraged to support transit and walkability.
Lot Size	Lot sizes vary by housing type, generally starting at 4,000 sq ft for single-family and increasing for multifamily structures.
Building Height	Building heights are generally up to 35-40 feet (3 stories).
Setbacks	Setbacks are reduced, with build-to zones of 5-20 feet, to create a more pedestrian-oriented streetscape.
Character	Encourage pedestrian-oriented landscaping with a strong emphasis on street trees. Front yard design should help define the public and private realm through low walls, fences, or hedges.
Buffering	Where more intensive multifamily buildings are located next to single-family homes, buffers, greater property line setbacks and stepped stories should be used to ensure compatibility.
Parking	Policy should support a flexible approach to parking, with reduced off-street requirements (e.g., 1-1.5 spaces per unit) and the use of on-street parking.
Miscellaneous	The use of green infrastructure, such as rain gardens and permeable pavement, is strongly encouraged. All utilities should be placed underground to improve the visual quality of the neighborhood.



MOBILITY & CONNECTIVITY

- The street network should be highly interconnected with short block lengths (300-400 feet) to create a walkable environment.
- Sidewalks are required.
- A network of bike lanes and shared-use paths should connect the neighborhood to the wider city.
- Streets should be designed with traffic calming measures to prioritize pedestrian safety.



URBAN RESIDENTIAL MIXED

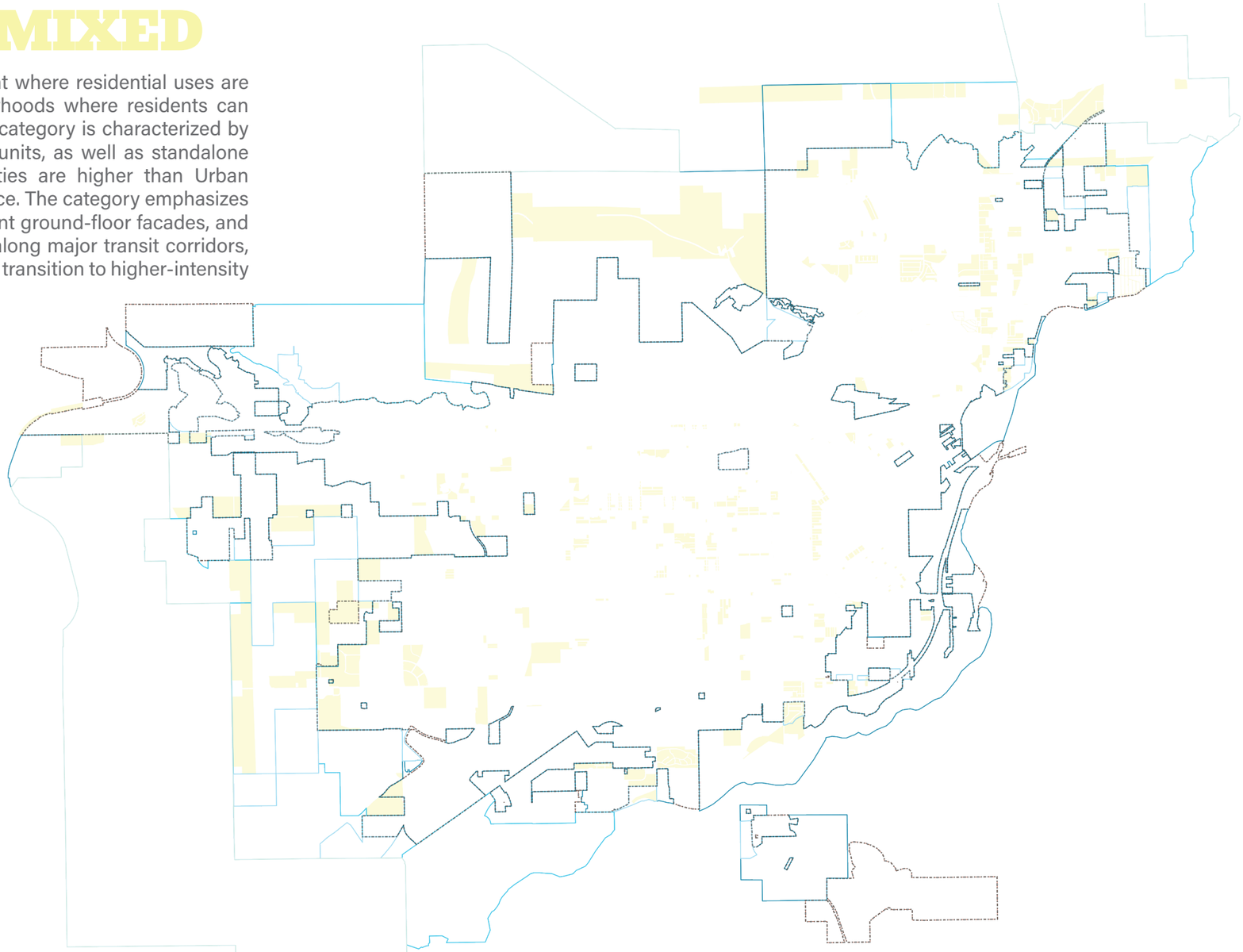
Urban Residential Mixed represents a vibrant, walkable urban environment where residential uses are integrated with commercial and office uses, creating complete neighborhoods where residents can live, work, and access daily services without relying on automobiles. This category is characterized by buildings with ground-floor commercial uses and upper-floor residential units, as well as standalone residential buildings in close proximity to commercial corridors. Densities are higher than Urban Residential to support a greater mix of uses and more frequent transit service. The category emphasizes pedestrian-oriented design, with buildings close to the sidewalk, transparent ground-floor facades, and active uses that engage the street. This category is appropriate for areas along major transit corridors, adjacent to Urban Nodes and employment centers, and in locations where a transition to higher-intensity development is desired.

PRIMARY USES & BUILDING TYPES

- Single-unit residential
- Multi-unit residential (apartments, condominiums)
- Accessory dwelling units
- Townhomes and rowhouses
- Live-work units
- Mixed-use buildings (residential above commercial)
- Senior housing
- Public space (parklets, public plazas, pocket parks)

SECONDARY USES & BUILDING TYPES

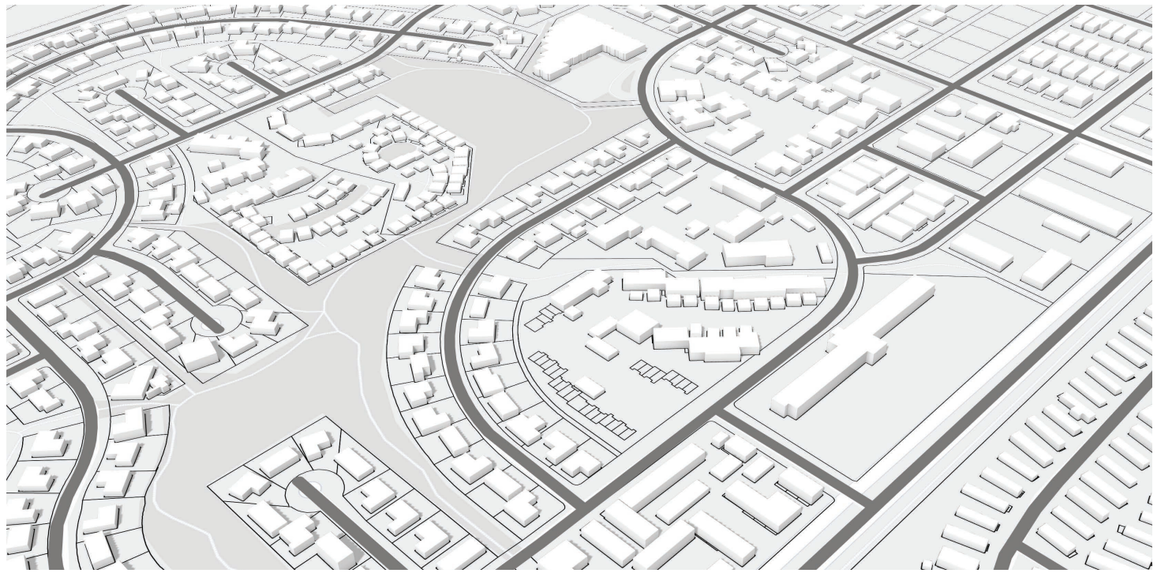
- Retail (grocery stores, boutiques, personal services)
- Offices (medical, dental, legal, financial, real estate)
- Restaurants & cafes
- Coworking spaces and business incubators
- Community facilities (libraries, community centers, health clinics)
- Cultural uses (galleries, performance spaces, studios)
- Short-term accommodations



URM

PLACETYPE FEATURES

Density	Higher densities of 12 to 24 dwelling units per acre are appropriate to support a mix of uses and frequent transit.
Lot Size	Lot sizes are flexible, generally starting around 5,000 sq ft, with smaller configurations possible for townhomes.
Building Height	Building heights are typically in the range of 45 to 55 feet (4 stories).
Setbacks	Buildings should be built close to the sidewalk (0-10 foot setback) to create a continuous, active street edge.
Character	Site design should focus on creating an active and engaging pedestrian realm. Encourage the use of street trees, green walls, and rooftop gardens in place of traditional yard space.
Buffering	Where this category abuts lower-density residential zones, a landscape buffer should be provided to ensure a graceful transition.
Parking	Policy encourages reduced parking ratios (e.g., 1 space per unit) and the use of structured parking that is either screened or wrapped with active uses.
Miscellaneous	The use of green roofs, rain gardens, and permeable pavement should be a standard practice. All utilities should be placed underground to improve the visual quality of the neighborhood.



MOBILITY & CONNECTIVITY

- A highly walkable environment is a key policy goal, supported by short blocks, wide sidewalks (6-8 feet) and shared use pathways to connect community amenities and commercial areas .
- The area should be served by frequent transit.
- Major corridors should feature complete streets design with protected bike lanes.
- Ample bicycle parking and connections to the citywide bicycle network are essential.

URBAN NODE

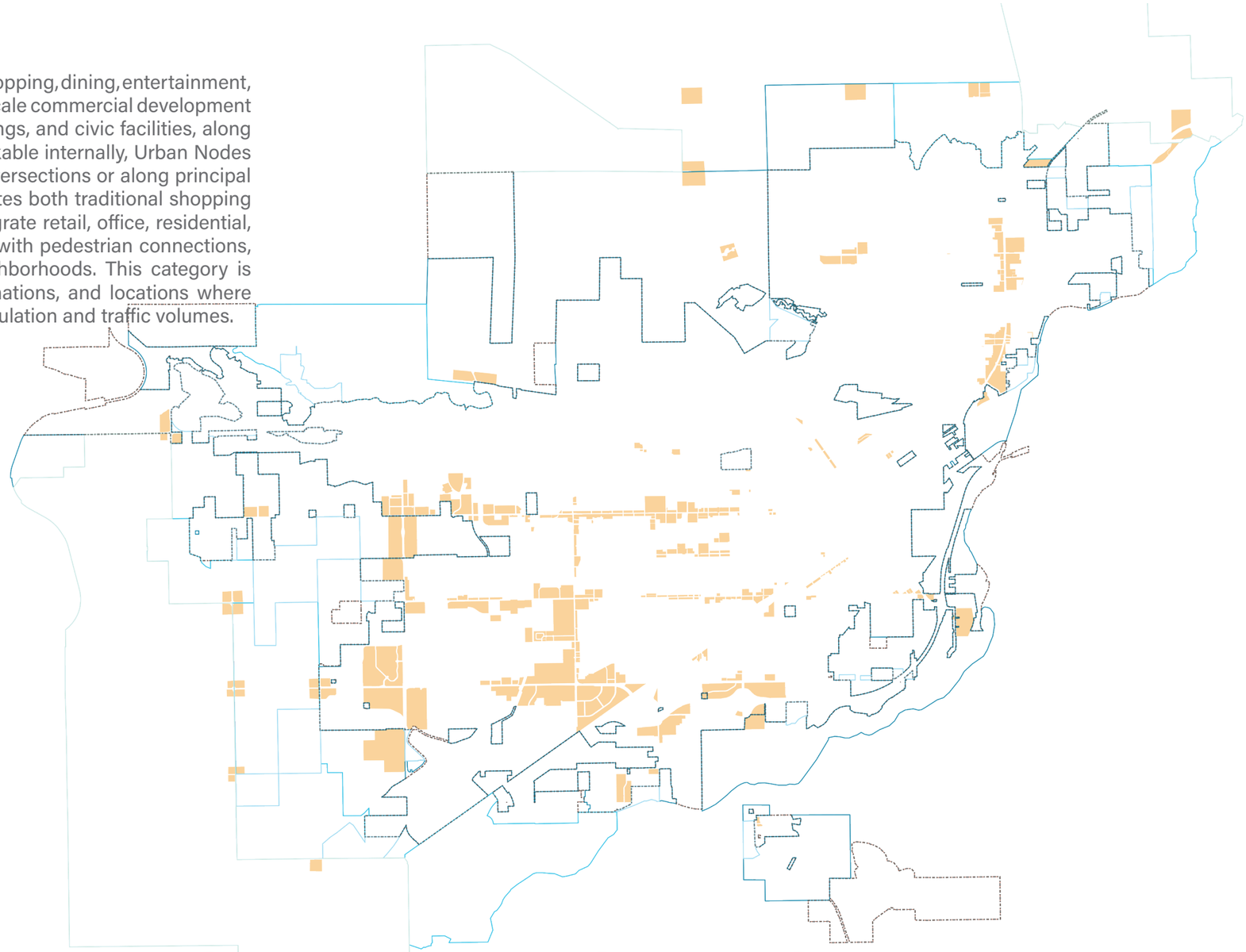
Urban Nodes represent major activity centers that serve as destinations for shopping, dining, entertainment, employment, and civic functions. These nodes are characterized by larger-scale commercial development including shopping centers, big-box retail, restaurants, hotels, office buildings, and civic facilities, along with supporting higher-density residential uses. While designed to be walkable internally, Urban Nodes are primarily accessed by automobile and are typically located at major intersections or along principal arterials with high visibility and traffic volumes. The category accommodates both traditional shopping center formats and newer mixed-use town center developments that integrate retail, office, residential, and public spaces. Urban Nodes should be designed as complete places with pedestrian connections, public gathering spaces, and transitions to surrounding residential neighborhoods. This category is appropriate for major commercial intersections, regional shopping destinations, and locations where significant commercial development can be supported by surrounding population and traffic volumes.

PRIMARY USES & BUILDING TYPES

- Shopping centers and retail complexes
- Big-box retail and department stores
- Grocery stores and supermarkets
- Restaurants (sit-down and fast food)
- Hotels and conference facilities
- Offices and business parks
- Multifamily residential (mid-rise apartments and condominiums)
- Civic and cultural facilities

SECONDARY USES & BUILDING TYPES

- Entertainment venues and recreational facilities
- Banks and financial institutions
- Automobile-oriented uses (gas stations, car washes, auto repair)
- Day care centers and educational facilities
- Public plazas and gathering spaces
- Transit centers and park-and-ride facilities
- Structured parking facilities



PLACETYPE FEATURES

Density	Where residential is included, densities should be 16 dwelling units per acre or greater.
Lot Size	Lots are typically large, 10,000 sq ft or more, to accommodate large-format development
Building Height	Building heights generally range up to 55 feet (5 stories), with opportunities for taller buildings (up to 75 feet) with design review
Setbacks	Setbacks are flexible but should encourage buildings to be oriented towards the street where feasible, with parking to the side or rear.
Character	Encourage high-quality landscaping, particularly along street frontages and within parking areas, to create a more attractive and comfortable environment.
Buffering	A substantial landscape buffer (e.g., 25 feet) with screening should be provided where these nodes are adjacent to residential areas.
Parking	Policy supports shared parking arrangements between different uses to improve efficiency. Parking lots should be broken up with landscaped islands.
Miscellaneous	It is a key policy to ensure safe and direct pedestrian walkways connect buildings, parking areas, and transit stops.

MOBILITY & CONNECTIVITY

- These areas should have excellent access to the arterial and collector street network.
- The internal street network should be designed to prioritize pedestrian safety with well-marked crosswalks and other traffic calming features.
- Nodes should serve as hubs for transit service, with high-quality shelters and amenities.
- Bicycle and pedestrian connections to surrounding neighborhoods are encouraged.

COMMERCIAL MIXED

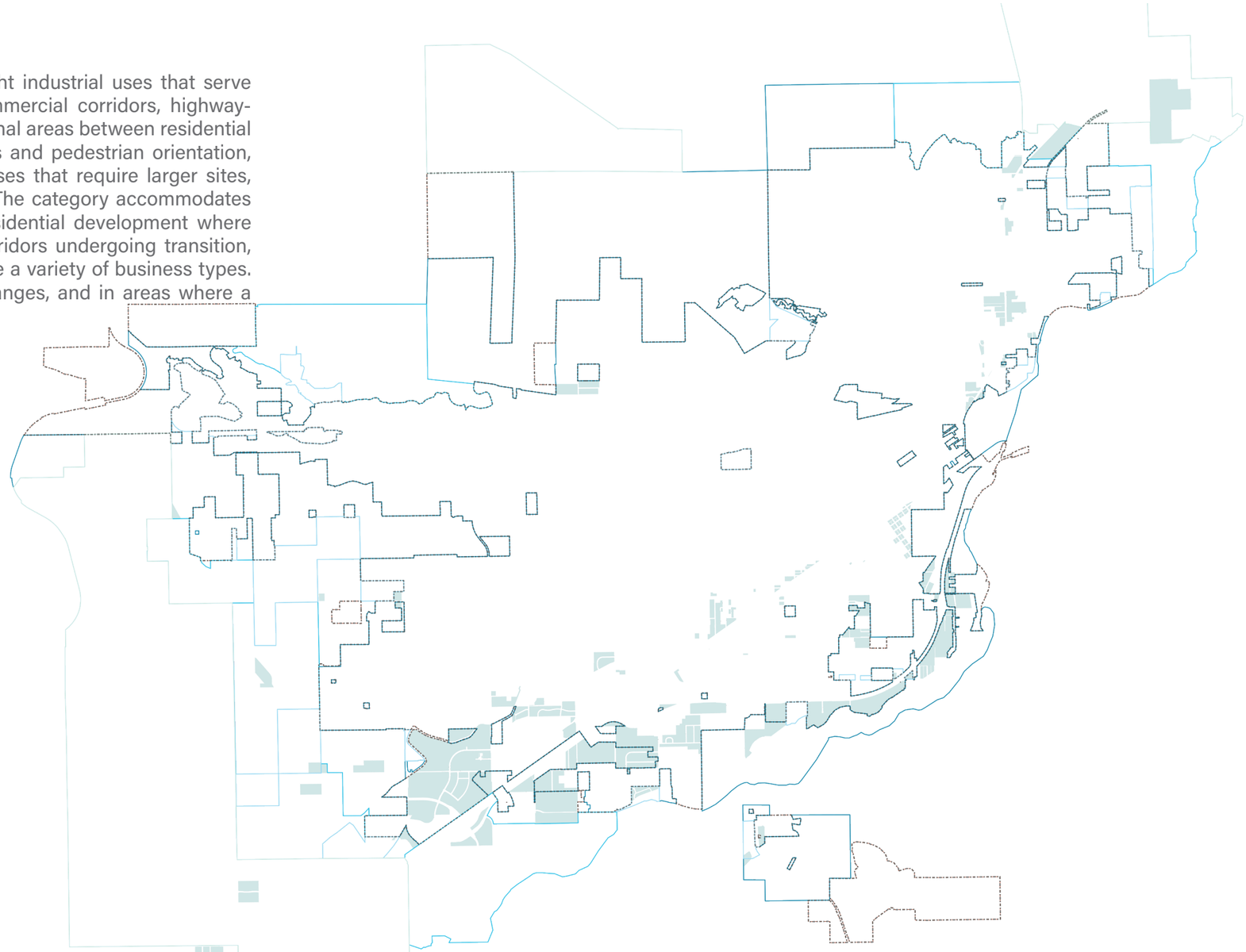
Commercial Mixed encompasses a diverse range of commercial and light industrial uses that serve both local and regional markets. This category includes traditional commercial corridors, highway-oriented commercial development, service commercial areas, and transitional areas between residential and industrial uses. Unlike Urban Nodes which emphasize a mix of uses and pedestrian orientation, Commercial Mixed areas are primarily auto-oriented and may include uses that require larger sites, outdoor storage, or are less compatible with residential neighborhoods. The category accommodates retail, office, service, and light industrial uses, as well as supporting residential development where appropriate. Commercial Mixed areas may include older commercial corridors undergoing transition, new highway-oriented development, or flex spaces that can accommodate a variety of business types. This category is appropriate along major arterials, near highway interchanges, and in areas where a buffer between residential and industrial uses is needed.

PRIMARY USES & BUILDING TYPES

- Retail stores and shopping centers
- Restaurants and bars
- Professional and business offices
- Hotels and motels
- Service commercial and contractor shops
- Self-storage facilities
- Wholesale and distribution
- Light manufacturing
- Flex space and business parks

SECONDARY USES & BUILDING TYPES

- Multifamily residential
- Automobile sales and service
- Gas stations and convenience stores
- Outdoor recreation retail (RV sales, boat sales, sporting goods)
- Fitness centers and recreational facilities
- Renewable energy facilities

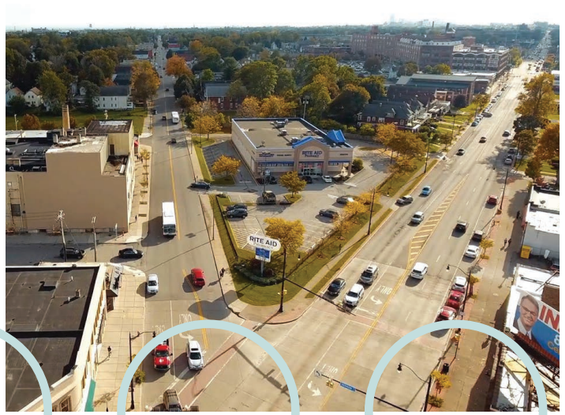


PLACETYPE FEATURES

Density	Where residential is included, densities should be 12 dwelling units per acre or greater.
Lot Size	Lot sizes are flexible, generally 5,000 sq ft or larger.
Building Height	Building heights are typically up to 45 feet (4 stories), with the potential for taller buildings (up to 60 feet).
Setbacks	Setbacks are flexible, but should include deeper buffers (e.g., 20 feet) when adjacent to residential areas.
Character	Encourage landscaping to soften the auto-oriented character of these areas, particularly along street frontages.
Buffering	A robust landscape buffer with a screening wall or fence is a key policy where these areas abut residential zones.
Parking	Policy supports providing adequate on-site parking for a mix of uses. Parking lots should include landscaping to break up large expanses of pavement.
Miscellaneous	Any outdoor storage areas should be screened from public view.

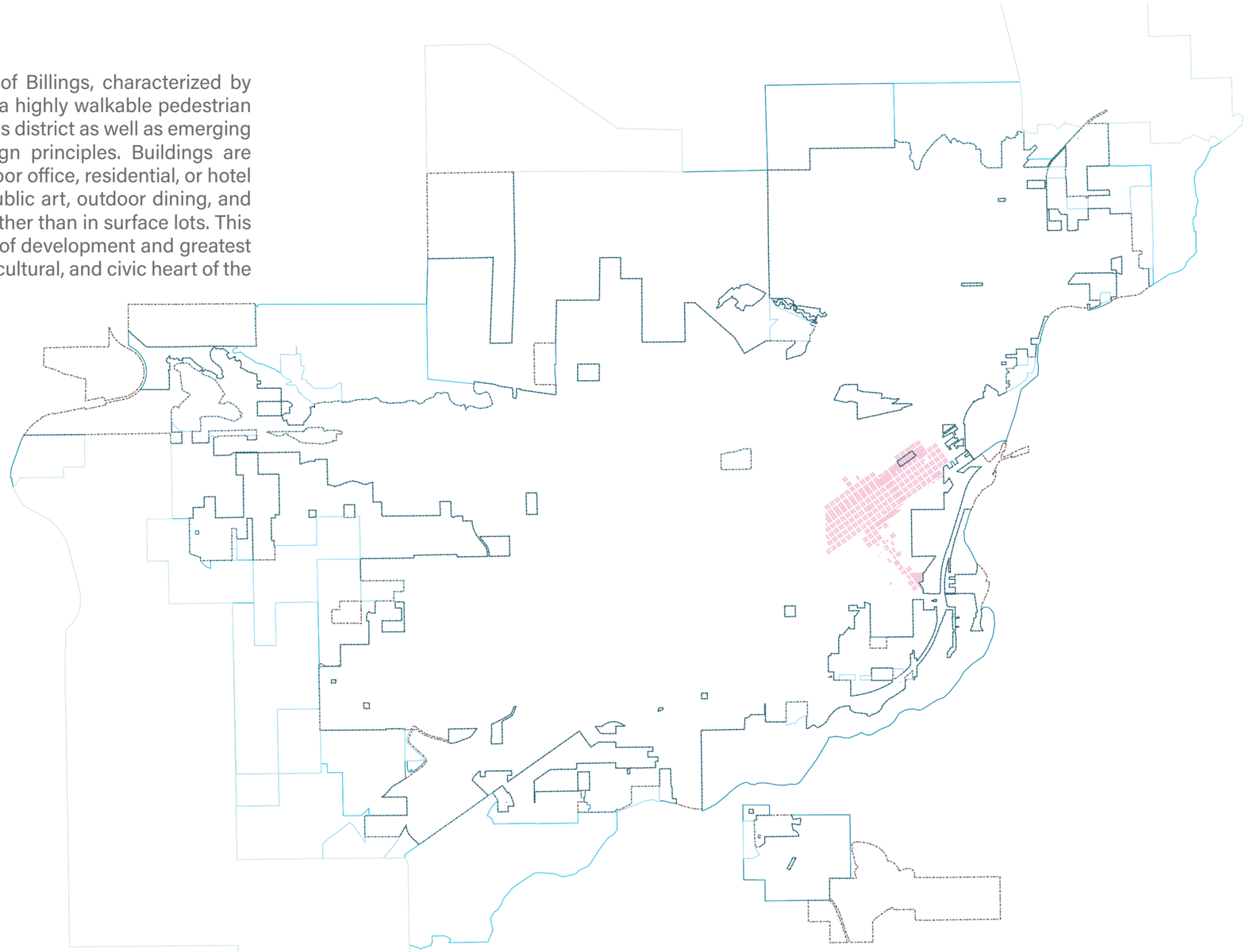
MOBILITY & CONNECTIVITY

- These areas are typically located on collector or arterial streets with a focus on managing access to minimize traffic conflicts.
- Sidewalks are required along all street frontages.
- Internal pedestrian connections should link buildings to transit stops.
- Transit service should be provided along major corridors.



DOWNTOWN URBAN

Downtown Urban represents the historic and contemporary urban core of Billings, characterized by multi-story buildings built to the sidewalk, a fine-grained mix of uses, and a highly walkable pedestrian environment. This category encompasses the traditional downtown business district as well as emerging urban neighborhoods and mixed-use districts that embody urban design principles. Buildings are predominantly multi-story with ground-floor commercial uses and upper-floor office, residential, or hotel uses. The public realm is emphasized with wide sidewalks, street trees, public art, outdoor dining, and gathering spaces. Parking is provided primarily in structures or on-street rather than in surface lots. This category is appropriate for the downtown core where the highest intensity of development and greatest diversity of uses is desired. Downtown Urban areas serve as the economic, cultural, and civic heart of the community.



PRIMARY USES & BUILDING TYPES

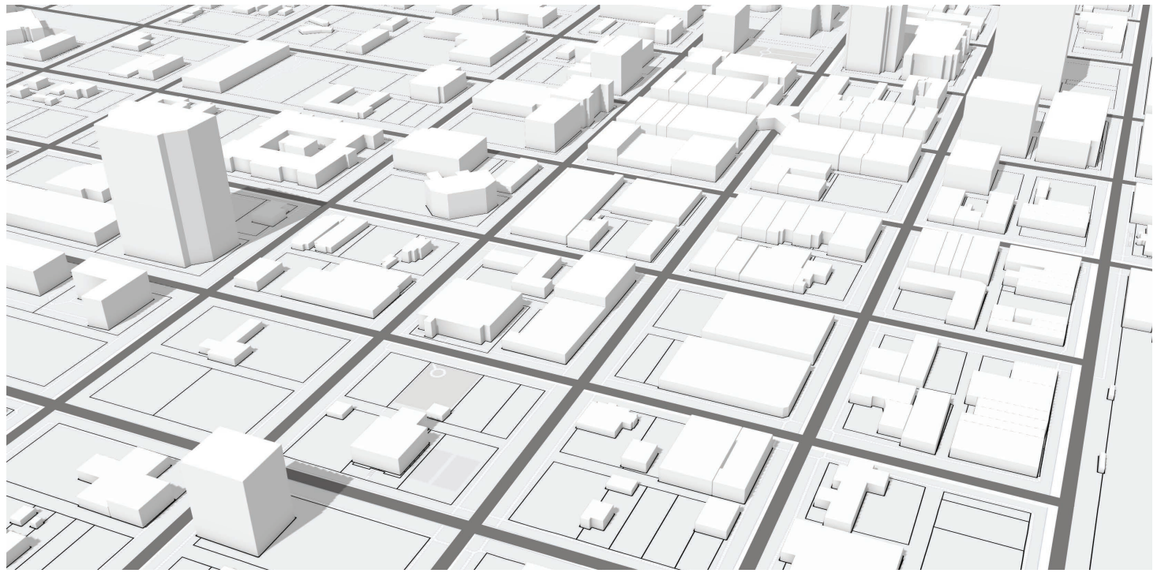
- Mixed-use buildings (retail/office/residential)
- Multi-story office buildings
- High-density residential (apartments, condominiums, lofts)
- Hotels and conference facilities
- Restaurants, cafes, and bars
- Retail and boutique shops
- Cultural facilitie, civic and government buildings
- Financial institutions

SECONDARY USES & BUILDING TYPES

- Entertainment venues
- Medical and dental offices
- Coworking and maker spaces
- Public markets and food halls
- Public plazas and parks
- Transit stations and mobility hubs
- Structured parking facilities
- Urban agriculture (rooftop gardens, vertical farms)

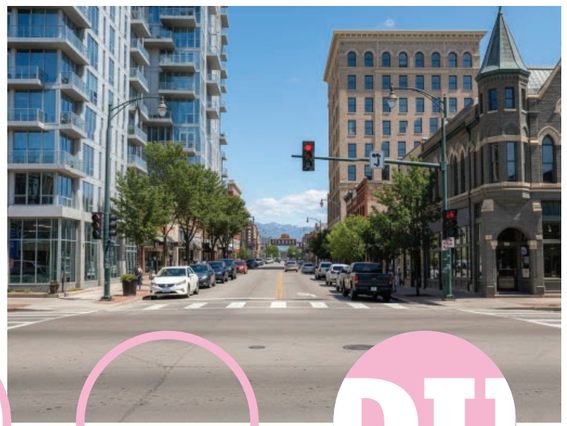
PLACETYPE FEATURES

Density	This category supports the highest residential densities in the city, starting at 16 dwelling units per acre with no maximum.
Lot Size	There is no minimum lot size; consolidation of lots is encouraged.
Building Height	Building heights are generally in the 6-8 story range (up to 75 feet), with the potential for taller buildings without height restrictions.
Setbacks	Buildings must be built directly to the sidewalk (zero-foot setback) to create a continuous urban street wall.
Character	Site design policy focuses on the quality of the public realm. Instead of traditional landscaping, encourage the use of street trees in grates, planters, green walls, and rooftop gardens.
Buffering	Where this category abuts lower-density residential zones, a landscape buffer should be provided to ensure a graceful transition.
Parking	Policy strongly encourages shared, structured parking. Surface parking is discouraged. On-street parking is a valued resource.
Miscellaneous	Promote the use of innovative green infrastructure, such as underground detention and green roofs. Wide sidewalks are essential, furnished with benches, bike racks, and public art.



MOBILITY & CONNECTIVITY

- The highest priority is to create a safe, comfortable, and interesting pedestrian environment.
- The street network should feature complete streets with protected bike lanes and transit priority measures.
- Downtown should be the hub of the regional transit network.
- Support for bike share and scooter share facilities is encouraged.



EMPLOYMENT & INDUSTRIAL

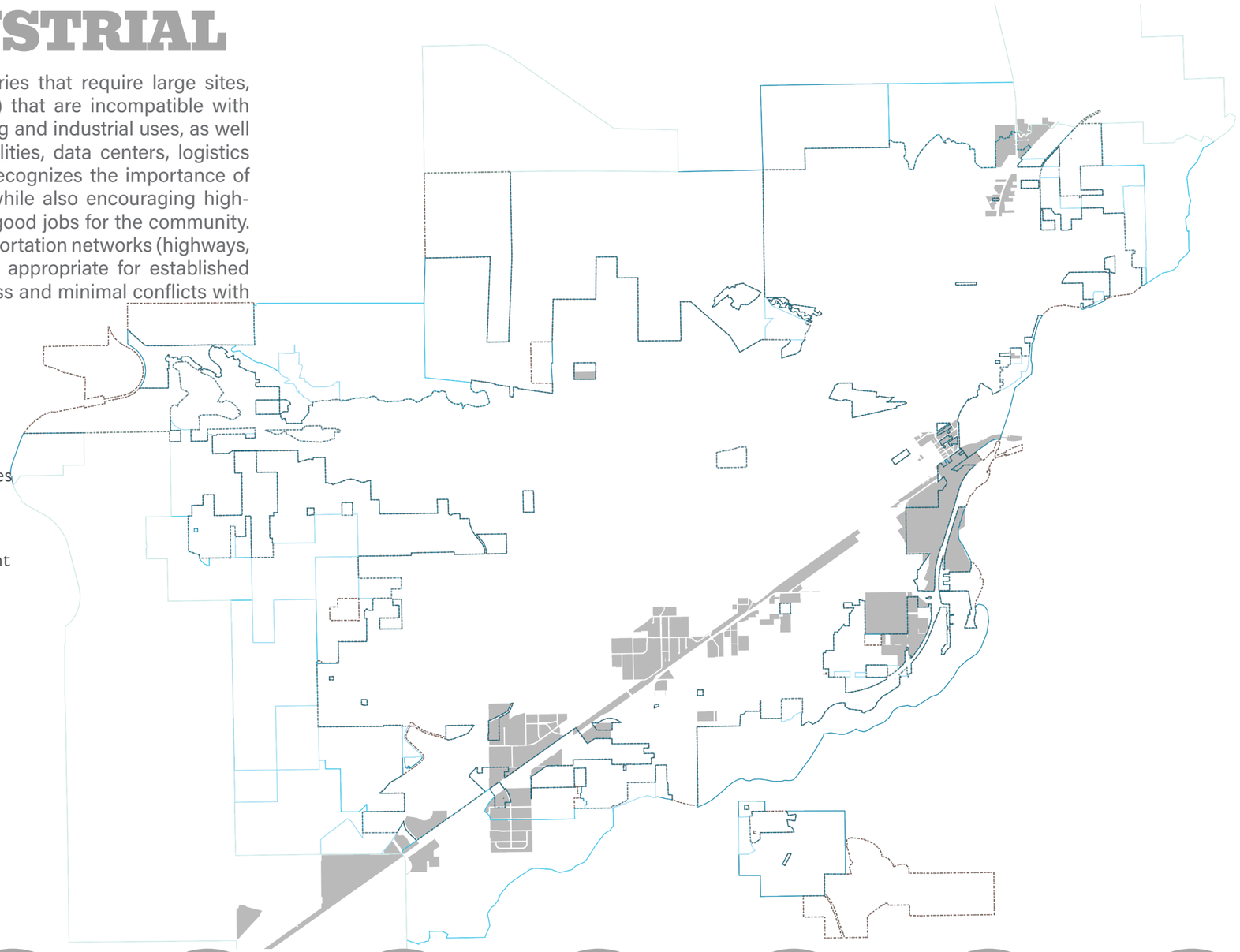
Employment & Industrial areas are dedicated to businesses and industries that require large sites, specialized infrastructure, or generate impacts (noise, traffic, odors, etc.) that are incompatible with residential neighborhoods. This category includes traditional manufacturing and industrial uses, as well as modern employment centers such as research and development facilities, data centers, logistics and distribution centers, and energy production facilities. The category recognizes the importance of preserving industrial land for economic development and job creation, while also encouraging high-quality development that minimizes environmental impacts and provides good jobs for the community. Employment & Industrial areas should be located with good access to transportation networks (highways, rail, air) and should be buffered from residential areas. This category is appropriate for established industrial areas, new business parks, and locations with good freight access and minimal conflicts with residential uses.

PRIMARY USES & BUILDING TYPES

- Manufacturing, production, and processing
- Warehousing, distribution, logistics, and freight operations
- Research, development, laboratories, and technology/data facilities
- Construction, contractor yards, equipment storage, and outdoor storage areas
- Wholesale trade, industrial sales, and recycling/waste management

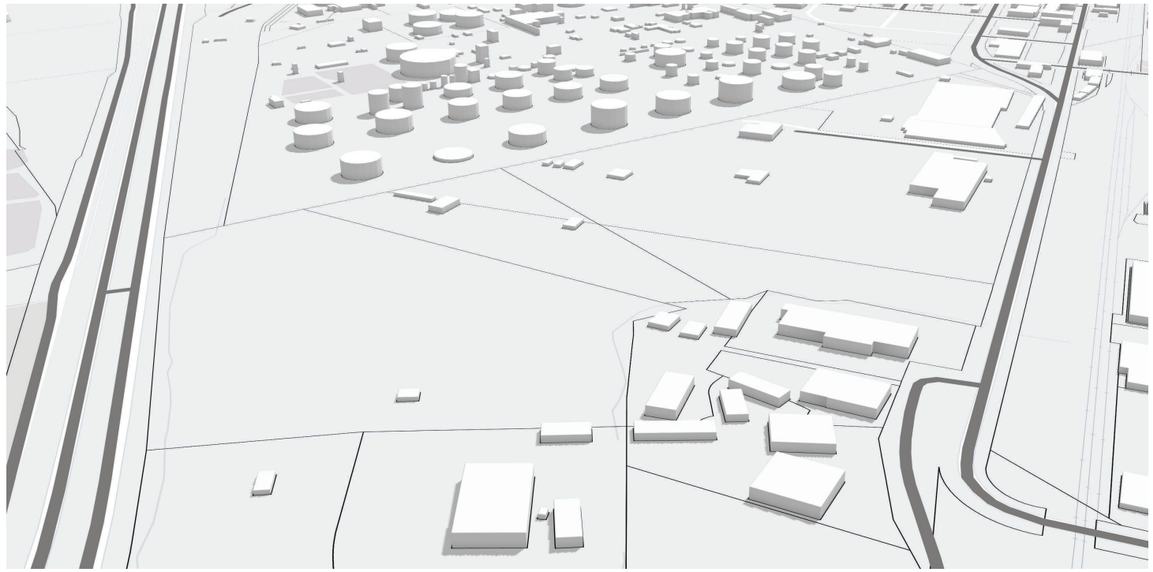
SECONDARY USES & BUILDING TYPES

- Office and administrative support spaces
- Flex/light industrial, maker spaces, and artisan production
- Breweries, wineries, and distilleries (with tasting rooms)
- Indoor recreation and training/educational facilities
- Energy production and infrastructure
- Vehicle storage, truck stops, and fleet services
- Employee amenities and limited accessory retail



PLACETYPE FEATURES

Density	Residential uses are generally not appropriate in this category.
Lot Size	Lots are typically large, 10,000 sq ft or more, to accommodate industrial operations.
Building Height	Building heights are generally up to 70 feet, with flexibility for taller structures required for specific industrial processes.
Setbacks	Generous setbacks are required, particularly a deep buffer (e.g., 20 feet) when adjacent to residential zones.
Character	Encourage landscaping along street frontages and adjacent to residential areas to screen industrial activities and improve visual character.
Buffering	A substantial, densely planted landscape buffer is a key policy to mitigate impacts on adjacent residential zones.
Parking	Policy supports providing adequate on-site parking for employees and fleet vehicles, as well as safe and efficient loading areas.
Miscellaneous	All outdoor storage must be screened from public view.



MOBILITY & CONNECTIVITY

- These areas must have excellent access to the regional transportation network, including highways, rail, and air.
- The street network should be designed to safely accommodate heavy truck traffic.
- Transit service should be provided to major employment centers, especially during peak hours.

OPEN SPACE

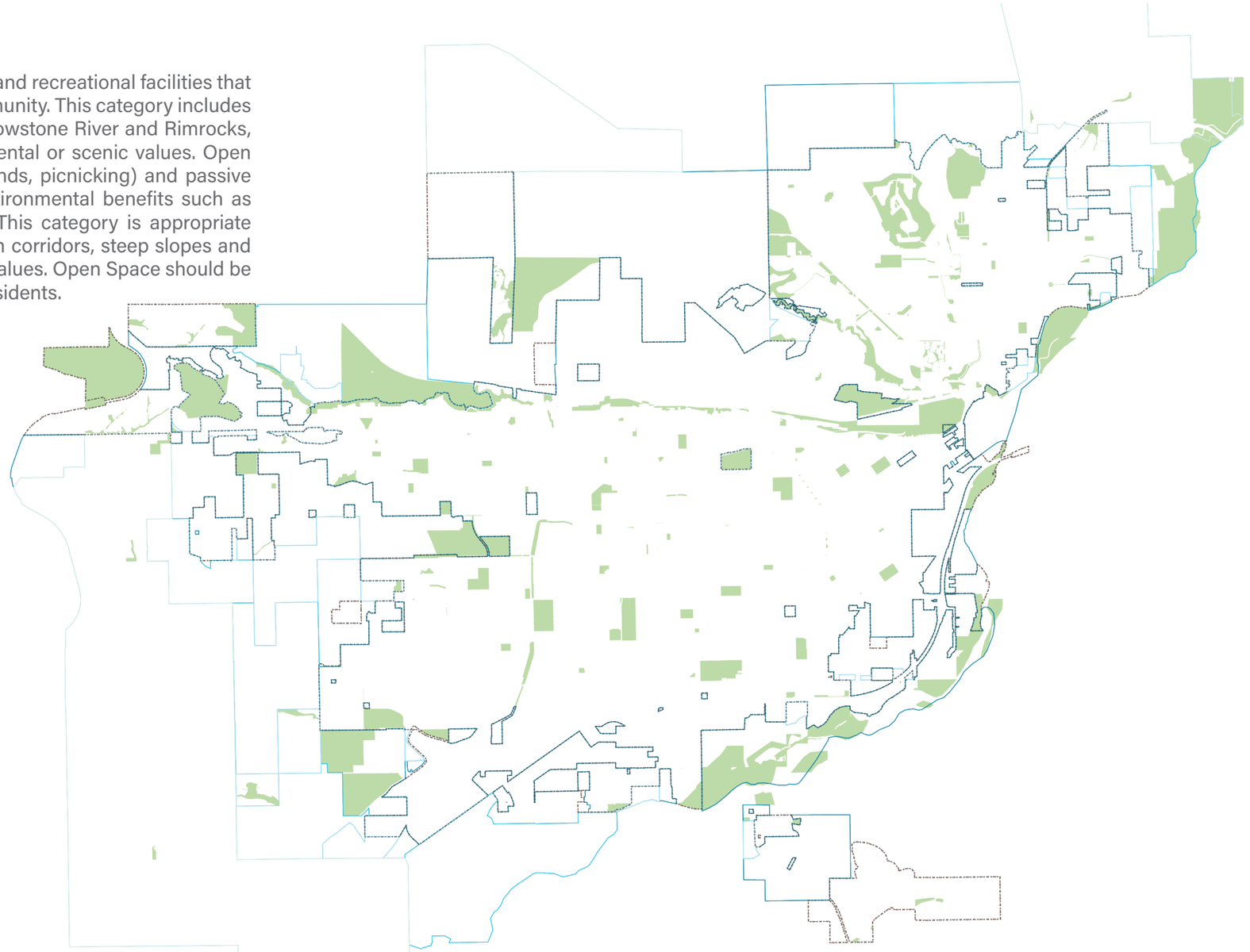
Open Space encompasses public parks, natural areas, conservation lands, and recreational facilities that provide environmental, recreational, and quality-of-life benefits to the community. This category includes regional parks with sports fields and facilities, natural areas along the Yellowstone River and Rimrocks, trail corridors, and sensitive lands that should be preserved for environmental or scenic values. Open Space areas provide opportunities for active recreation (sports, playgrounds, picnicking) and passive recreation (walking, wildlife viewing, nature appreciation), as well as environmental benefits such as stormwater management, wildlife habitat, and air quality improvement. This category is appropriate for public lands dedicated to parks and recreation, floodplains and riparian corridors, steep slopes and geologic hazards, and lands with significant scenic, cultural, or ecological values. Open Space should be distributed throughout the community to provide equitable access to all residents.

PRIMARY USES & BUILDING TYPES

- Parks and open space
- Sports and active recreation facilities
- Natural areas and conservation lands
- Trail systems and corridors

SECONDARY USES & BUILDING TYPES

- Recreation and community facilities
- Specialized recreation features
- Cultural and gathering spaces
- Community agriculture
- Support and operational facilities
- Temporary events and festivals



OS

PLACETYPE FEATURES

Density	Not applicable. Buildings and structures should cover a very small percentage of the site (e.g., less than 5%).
Lot Size	Not applicable.
Building Height	Structures should be low-profile (e.g., under 25-35 feet aside from larger recreational facilities) and subordinate to the natural landscape.
Setbacks	Not applicable.
Character	The primary policy is to preserve and enhance the natural landscape. Encourage the use of native vegetation and habitat restoration.
Buffering	Not applicable.
Parking	Where parking is necessary, the use of pervious surfaces is encouraged, and lots should be well-landscaped.
Miscellaneous	Promote the preservation of natural drainage patterns and the use of green infrastructure.

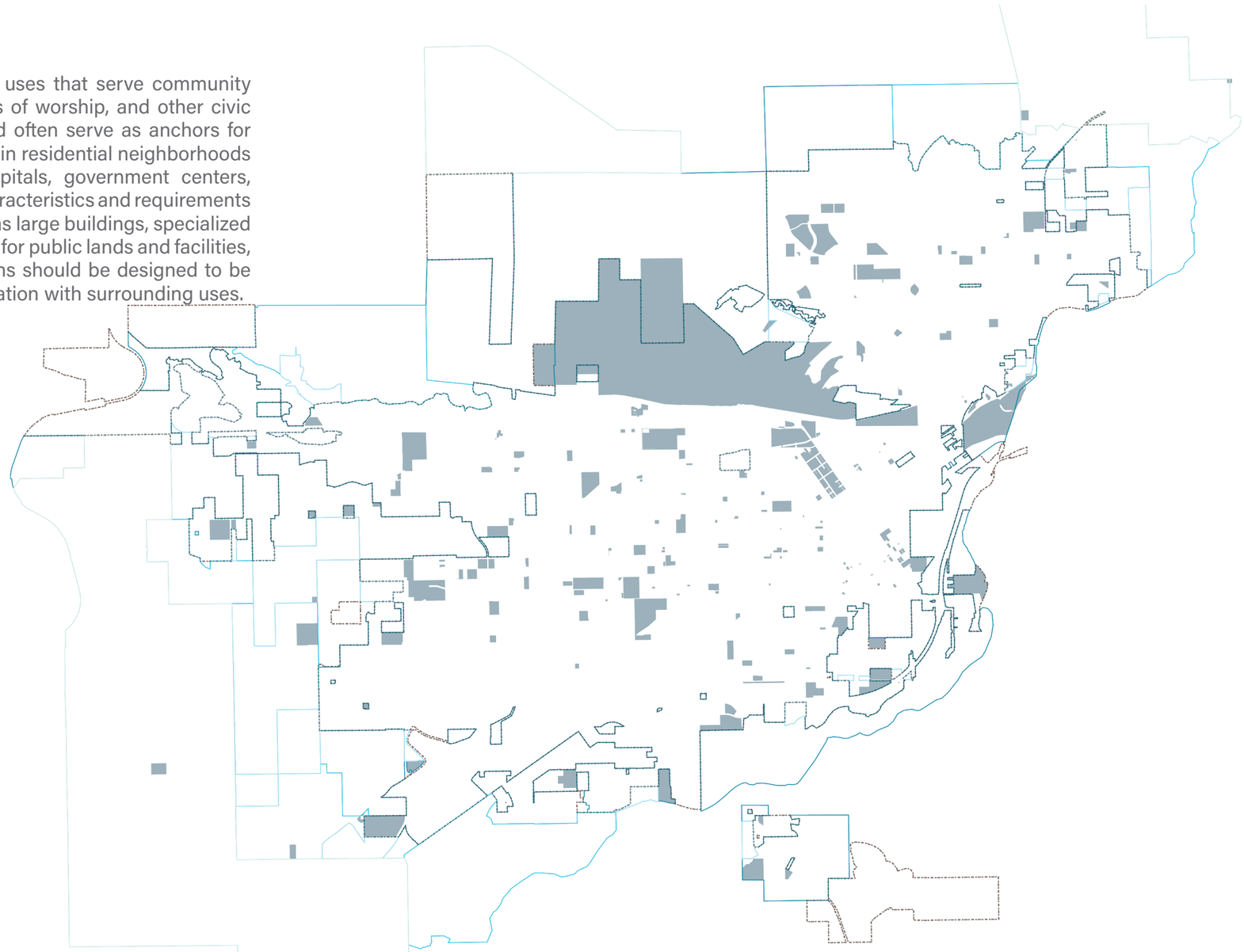
MOBILITY & CONNECTIVITY

- A key policy is to ensure parks and open spaces are well-connected to surrounding neighborhoods via a network of sidewalks and trails.
- Trail systems should connect parks to other community destinations like schools and commercial areas.
- Regional parks should be accessible by transit.

OS

PUBLIC INSTITUTION

Public Institution encompasses a wide range of public and quasi-public uses that serve community needs, including schools, libraries, government facilities, hospitals, places of worship, and other civic and institutional uses. These facilities are essential to community life and often serve as anchors for neighborhoods and activity centers. Public institutions may be located within residential neighborhoods (schools, libraries, fire stations) or in more centralized locations (hospitals, government centers, universities). The category recognizes that institutional uses have unique characteristics and requirements that may not fit within standard residential or commercial categories, such as large buildings, specialized parking needs, and irregular hours of operation. This category is appropriate for public lands and facilities, as well as private institutions that serve public purposes. Public institutions should be designed to be good neighbors, with attention to building scale, parking, traffic, and integration with surrounding uses.



PRIMARY USES & BUILDING TYPES

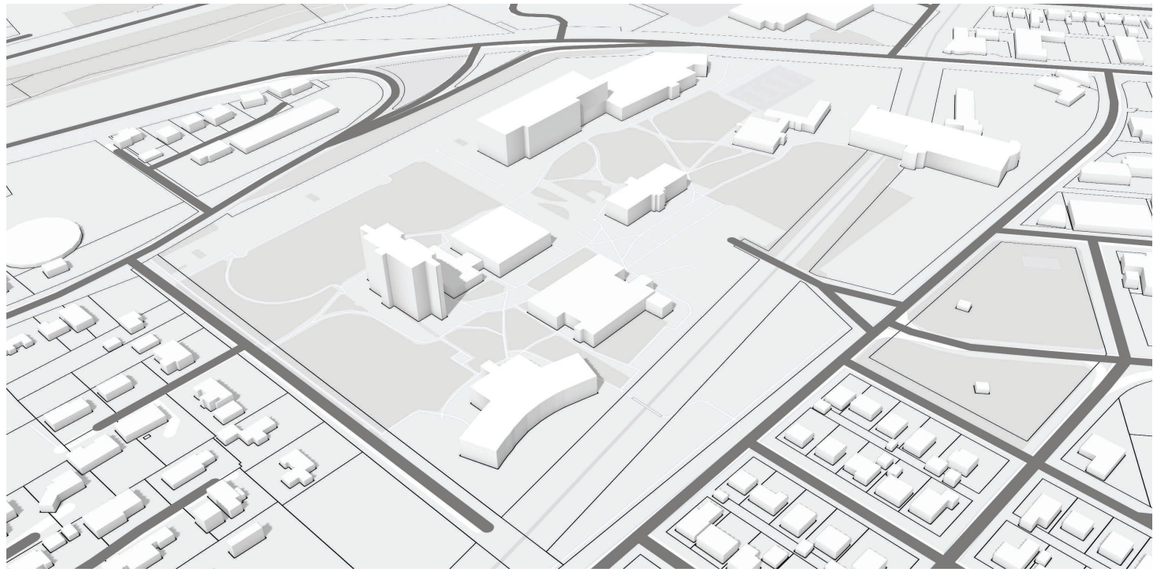
- Educational facilities
- Public safety and emergency services
- Government and civic buildings
- Community and recreation facilities
- Higher education and major institutional uses
- Healthcare facilities

SECONDARY USES & BUILDING TYPES

- Religious, cultural, and civic assembly uses
- Cemeteries and memorial park
- Utility and infrastructure facilities
- Support and accessory uses
- Public safety training and associated outdoor recreation areas

PLACETYPE FEATURES

Density	Varies widely based on the specific use.
Lot Size	Varies widely based on the specific use.
Building Height	Building heights are generally up to 45 feet, but can be taller for major institutions like hospitals or universities (up to 50 feet) with appropriate design and buffering.
Setbacks	Setbacks should be designed to ensure compatibility with the surrounding context, with deeper buffers provided next to residential areas.
Character	Encourage high-quality site design that creates a welcoming and attractive campus-like environment.
Buffering	A landscape buffer is a key policy to ensure compatibility with adjacent residential uses.
Parking	Policy supports providing adequate on-site parking to serve the institution's needs while minimizing impacts on surrounding neighborhoods.
Miscellaneous	Not applicable.



MOBILITY & CONNECTIVITY

- Institutions should have safe and convenient pedestrian and bicycle access from the surrounding community.
- Major institutions should be served by transit.
- For schools, providing safe routes for walking and biking is a high priority.

BILLINGS 2045

FROM PLAN TO REALITY

PLAN IMPLEMENTATION

A comprehensive land use plan is a community's blueprint for the future, establishing a shared, community-wide vision and defining the goals that will guide physical, economic, and social growth and investment over time. To be truly impactful, however, a plan requires a robust implementation strategy that turns ideas into action.

National best practices in comprehensive planning emphasize that implementation should not be an afterthought but a central component of the planning process. The American Planning Association and allied professional organizations highlight several key principles for effective implementation:

- **Action-Oriented Matrices.** Translating broad goals into specific, measurable, achievable, relevant, and time-bound (SMART) objectives. An implementation matrix is the standard tool for organizing these actions, identifying top priorities, responsible parties, timelines, and measures of success.
- **Integration with Capital Improvements.** A community's capital improvement program creates a vital bridge between the comprehensive plan and the actual construction of public improvements. Aligning the City of Billings' CIP with the land use plan and future land use map ensures that infrastructure investments support the desired growth patterns, prioritizing utility upgrades in areas targeted for infill development or annexation.
- **Regulatory Updates.** Recognizing that private sector investment drives much of a city's physical change, the plan must guide how the community vision will be translated into updates to zoning and subdivision regulations.
- **Continuous Monitoring and Evaluation.** Establishing clear metrics to track progress allows the City to adjust strategies as conditions change. Annual reporting and regular comprehensive reviews (such as MLUPA's five-year requirement) ensures the plan stays relevant and accountable.

The implementation phase bridges the gap between long-term aspirations and tangible results. Without a structured implementation framework, local governments risk losing the momentum generated during the public engagement process, leaving plans to fall short in achieving their intended outcomes due to insufficient funding, lack of political will, or unclear responsibilities. Establishing a clear, predictable, and measurable implementation strategy ensures that the goals established in the Billings 2045 Land Use Plan are systematically achieved through coordinated public and private actions.

REGULATORY CONTEXT: THE MONTANA LAND USE PLANNING ACT (MLUPA)

The adoption of the Montana Land Use Planning Act (MLUPA) in 2023 fundamentally shifted the planning paradigm for qualifying municipalities in the state, including the City of Billings. MLUPA was designed to replace outdated, inconsistent, and duplicative land use statutes with a more streamlined and predictable framework. For Billings, which meets the population threshold of over 5,000 residents within a county of over 70,000 residents, compliance with MLUPA is mandatory and carries specific statutory deadlines.

Under MLUPA, the land use plan serves as the foundational document guiding subsequent regulatory and capital investment decisions. Specifically, Montana Code Annotated (MCA) § 76-25-216 mandates that the land use plan must include an implementation section that "establishes meaningful and predictable implementation measures for the use and development of land within the jurisdiction based on the contents of the land use plan and future land use map".

To comply with MLUPA, the Billings 2045 Land Use Plan implementation framework has been based on the following:

1. **Regulatory Analysis:** As part of the planning process, the City's development regulations, specifically the zoning and subdivision codes, were analyzed for consistency with plan goals and alignment with future growth potential. Specifically, the zoning regulations informed the development of future placetype classifications, and inconsistencies between existing zoning districts and the intent of established placetypes have been addressed through recommended changes to the zoning specifically in this implementation strategy. Furthermore, the City's zoning and subdivision application and review processes, including public engagement methods and requirements, were evaluated to ensure conformance with the required changes in statute; recommendations on these changes have also been outlined in the strategy below.
2. **Infrastructure Alignment:** When thinking about future growth potential for Billings over the next twenty years, it was imperative that future infrastructure investment and necessary improvements were considered as part of the growth equation. This plan and implementation strategy builds upon past and ongoing efforts, including the City's long-range transportation plan, the transportation corridor planning process that is still underway, the West End and Heights neighborhood planning efforts, and inputs from utility and service providers engaged throughout this process. Priority additions and amendments to the City's capital improvements plan have been identified, to align with the future land use map and policy objectives set forth in this plan.
3. **Future Expansion:** Where and how the City of Billings grows was a key concern among stakeholders and the public. This implementation strategy highlights future priorities areas for growth, supported by the future land use map and aligned with infrastructure expansion and improvements necessary to support growth out, as well as up. Balancing horizontal growth with urban infill is a key consideration of this plan, based on community input throughout the process and sound fiscal and service delivery considerations of the City, and the implementation strategy set forth in the following pages seeks to articulate that balance and provide a road map for success., and the implementation strategy set forth in the following pages seeks to articulate that balance and provide a road map for success.

INTEGRATING COMMUNITY PRIORITIES INTO IMPLEMENTATION

The public outreach process for the Billings 2045 Land Use Plan revealed strong community consensus around several key issues:

Housing Affordability and Choice. With the median home sale price increasing by over 50% between 2018 and 2023, a current deficit of 10,000 residential units, and projected demand for 26,200 units by 2045 to address growing population and unmet need, implementation actions must prioritize regulatory reforms that reduce barriers to housing production. Implementation actions include zoning amendments to allow diverse housing types and incentivizing infill development, in alignment with the future land use map, are two critical strategies and reflected in public comments received during the process.

Managing Growth and Infrastructure. Public feedback highlighted concerns about urban sprawl, loss of agricultural land, and the fiscal strain of expanding infrastructure to the west and north. Implementation strategies balance capital improvements in support of existing neighborhoods and establish clear policies for the logical, phased extension of services.

Parks, Recreation, and Open Space. The community expressed a strong desire for enhanced trail connectivity, preservation of natural areas like the Rims and the Yellowstone River waterfront, and equitable access to parks. The implementation matrix includes specific capital projects for trail completion and regulatory tools for open space dedication in new developments.

The implementation framework has been organized in alignment with these issues, as expressed by the plan's vision statement introduced in Chapter 1. Implementation strategies have been organized and prioritized according to the following community values:

- Managed Growth and Fiscal Resilience
- Enhanced Connectivity
- Expanded Housing Opportunity
- Equitable Access and Participation
- Protection of Community Assets
- Community Identity and Vitality

This structure has been put in place to ensure that specific policy and regulatory actions reinforce the goals and interests expressed by the community.

IMPLEMENTATION ACTION MATRIX

The core of this strategy is the comprehensive Implementation Action Matrix. This matrix categorizes actions according to the community values expressed above and assigns specific parameters to each action. To ensure the City's efforts are both strategic and impactful, the implementation matrix is centered around a clear, priority-based framework. This approach moves beyond a simple list of goals to create a dynamic action plan that distinguishes between immediate needs, intermediate objectives, and long-term ambitions. It provides a clear sequence of operations, allowing the City to focus resources, coordinate efforts, and build momentum over the life cycle of this plan.

Matrix Components:

- Action Item: A specific, actionable task (e.g., "Amend zoning code to allow for middle housing types by-right in residential zones").
- Plan Goal/Theme Alignment: The overarching goal the action supports (e.g., "Enhanced Connectivity").
- Action Type: Categorization of the tool used (e.g., Regulatory, Capital Investment, Programmatic, Partnership/Study).
- Lead Department/Agency: The entity primarily responsible for executing the action (e.g., Planning & Community Services, Public Works, Parks & Recreation).
- Supporting Partners: Other city departments, external agencies, or community organizations that are critical partners for successful implementation.
- Timeframe:
  - ◇ Immediate/Short-Term (1-3 years): Actions required for immediate MLUPA compliance, such as zoning updates.
  - ◇ Medium-Term (4-7 years): Actions requiring additional study, funding acquisition, or CIP integration.
  - ◇ Long-Term (8+ years): Complex, large-scale infrastructure projects or ongoing programmatic efforts.
  - ◇ Ongoing: Continuous administrative or operational practices.
- Potential Funding Sources: General fund, specific grants, impact fees, or public-private partnerships.
- Measures of Success: A barometer for the City to self-evaluate annually, confirm a strategy has been successfully implemented, and gauge overall impact.

Plan Theme: Expand housing options and affordability to support residents across incomes, ages, and household types.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIMEFRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
4.1 Allow "Missing Middle" Housing By-Right: Amend the zoning code to permit diverse housing types (e.g., duplexes, triplexes, townhomes, cottage courts) by-right in residential and mixed-use zones to increase supply and variety.	Regulatory	Planning & Community Services	City Council	Immediate (1-3 yrs)	General Fund, Countywide Planning Levy, Local grant programs and resources	Number of missing middle units permitted annually.
4.2 Streamline Development Review for Infill: Create an expedited permitting process and reduce regulatory barriers (such as parking minimums) for infill housing and mixed-use projects in the downtown core and designated activity centers.	Regulatory / Programmatic	Planning & Community Services	Public Works, City Council, Building Division, Administration	Short-Term (1-3 yrs)	General Fund, Possible Federal ProHousing Grant	Reduction in average permitting time for infill projects.
4.3 Promote Accessory Dwelling Units (ADUs): Update regulations to remove barriers to ADU construction (e.g., owner-occupancy requirements, excessive setbacks) and develop pre-approved ADU building plans to reduce costs for homeowners.	Regulatory / Programmatic	Planning & Community Services	Building Division	Short-Term (1-3 yrs)	General Fund, Possible Federal ProHousing Grant	Number of ADUs permitted annually.
4.4 Support Affordable Housing Development: Partner with non-profit developers and housing authorities to identify city-owned land suitable for affordable housing and leverage tools like Tax Increment Financing (TIF) to subsidize development costs.	Partnership / Capital Investment	Parks and Recreation, Administration, City Council, Planning & Community Services	Housing Authority, Economic Development	Medium-Term (4-7 yrs)	TIF, CDBG, HOME Funds, MT Community Reinvestment Plan (MCRP)	Number of deed-restricted affordable units created.

4.1 IMPLEMENTATION TABLE EXAMPLE

MONITORING, EVALUATION, AND PLAN MAINTENANCE

The most effective plans are treated as living documents. By regularly monitoring progress, assessing the effectiveness of certain strategies, and shifting course if conditions warrant a reframing of priorities, the City will ensure that the Billings 2045 Land Use Plan remains a relevant and effective tool for years to come. The following measures are recommended to support this approach:

Annual Progress Report: Produce an annual, public-facing report, to present to the Planning Commission and the City Council, detailing which action items have been completed, which are underway, and the status of key performance indicators (e.g., number of housing units permitted by type, acres of parkland added). Highlight specific actions or strategies that should be added, or those that may need reprioritization based on evolving conditions.

The Five-Year Review: Establish set protocols for the mandatory MLUPA five-year review by the Planning Commission. This will include procedures for assessing new or increased impacts on local facilities, natural resources, and hazards, and determining whether a formal update to the land use plan or FLUM is necessary.

Amendment Procedures: Adopt clear guidelines on how the plan and FLUM can be amended outside of the five-year review cycle, to respond to unforeseen opportunities or challenges.

Plan Theme: Plan and manage growth to align fiscal sustainability with long-term community goals.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIMEFRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
1.1 Conduct a Comprehensive Zoning Code Update: Amend the zoning ordinance to align with the Future Land Use Map (FLUM) and placetype classifications, prioritizing infill development and mixed-use areas to maximize infrastructure efficiency.	Regulatory	Planning & Community Services	City Council, Interim Planning Commission/ Planning Commission	Immediate (1-3 yrs)	Countywide Planning Levy, General Fund, Planning Grants	Adoption of zoning code amendments; percentage of land zoned for mixed-use and infill.
1.2 Update Subdivision Regulations: Revise subdivision application and review processes to conform with MLUPA requirements and ensure new developments align with the city's infrastructure capacity.	Regulatory	Planning & Community Services	Public Works, City Council, Interim Planning Commission/Planning Commission	Immediate (1-3 yrs)	Countywide Planning Levy, General Fund	Adoption of updated subdivision regulations.

Plan Theme: Align land use decisions with the capacity and long-term sustainability of infrastructure, public services, and facilities.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIME-FRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
2.1 Integrate FLUM with Capital Improvements Program (CIP): Amend the CIP scoring criteria to prioritize infrastructure investments (water, sewer, stormwater, streets) in areas targeted for infill, redevelopment, and planned annexation according to the FLUM.	Capital Investment	Public Works	Planning & Community Services, Finance, City Council	Short-Term (1-3 yrs)	Enterprise Funds, Impact Fees	Revised CIP scoring matrix adopted; percentage of CIP funds directed to infill areas.
2.4 Establish Clear Infrastructure Sequencing Policies: Develop policies for the logical, phased extension of municipal services in the West End and Heights to prevent fragmented growth and reduce long-term maintenance costs.	Policy / Regulatory	Public Works	Planning & Community Services, City Council	Medium-Term (4-7 yrs)	General Fund	Update infrastructure extension policy; reduction in leapfrog development.
2.5 Evaluate and Update Impact Fees: Conduct a comprehensive review of development impact fees to ensure growth pays its proportionate share of infrastructure expansion costs.	Programmatic / Study	Finance	Administration, City Council, Public Works, Planning & Community Services	Medium-Term (4-7 yrs)	General Fund, Impact Fee Revenue	Updated impact fee schedule and expand program.

Plan Theme: Support a transportation system that improves connectivity, safety, and access through multiple travel options.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIME-FRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
3.1 Continue Implementation of "Complete Streets" Design Standards: Continue application of street design standards that safely accommodate pedestrians, cyclists, transit users, and motorists, particularly on major corridors and in growing subdivisions.	Regulatory	Public Works	Planning & Community Services, MPO, MET Transit	Short-Term (1-3 yrs)	General Fund, Enterprise Funds, State/Federal Grants	Maintain and Update Complete Streets Policy; miles of complete streets constructed.
3.2 Complete the Marathon Loop and Regional Trail Gaps: Prioritize funding and construction to close gaps in the 53-mile regional trail network, improving north-south connectivity and safe routes to schools and parks.	Capital Investment	Parks & Recreation	Public Works, Planning & Community Services, MPO, School Districts	Medium-Term (4-7 yrs)	CIP, Federal/State/Local Grants, Philanthropy	Miles of new trail constructed; completion of the Marathon Loop.
3.3 Expand Transit Service and Infrastructure: Work with MET Transit to expand bus service routes, improve stop amenities, and evaluate long-term high-capacity transit options along key mixed-use corridors.	Capital Investment / Programmatic	MET Transit	Public Works, Planning & Community Services, MPO	Medium-Term (4-7 yrs)	Federal Transit Grants, CMAQ Funds, Transit Levy	Increased transit ridership; number of improved transit stops.
3.4 Enhance Pedestrian Safety at Major Intersections: Continue program to identify and upgrade high-risk intersections with improved crosswalks, pedestrian refuge islands, and traffic calming measures to reduce barriers to active transportation.	Capital Investment	Public Works	Planning & Community Services, MPO, MET Transit	Ongoing	CIP, SRTS Program, Safe Streets For All Grant, Highway Safety Grants	Reduction in pedestrian/cyclist accidents; number of intersections improved.

Plan Theme: Expand housing options and affordability to support residents across incomes, ages, and household types.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIMEFRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
4.1 Allow "Missing Middle" Housing By-Right: Amend the zoning code to permit diverse housing types (e.g., duplexes, triplexes, townhomes, cottage courts) by-right in residential and mixed-use zones to increase supply and variety.	Regulatory	Planning & Community Services	City Council	Immediate (1-3 yrs)	General Fund, Countywide Planning Levy, Local grant programs and resources	Number of missing middle units permitted annually.
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Plan Theme: Promote equitable access to services and reinvestment in existing neighborhoods to support quality of life citywide.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIMEFRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
5.1 Prioritize Neighborhood Park Improvements in Underserved Areas: Direct parks funding to improve existing neighborhood parks and address service gaps, particularly in the Heights and West End, before acquiring new undeveloped land.	Capital Investment	Parks & Recreation	Public Works, Planning and Community Services, City Council	Short-Term (1-3 yrs)	CIP, Park District Assessments, General Fund (Parks Budget), CDBG (CPTED Program)	Number of park improvement projects completed in target areas.
5.2 Complete Development of an Indoor Recreation and Wellness Center: Finish construction and plan for future components of the multi-use indoor recreation facility at Amend Recreation Campus to address deficit in year-round recreation space.	Capital Investment	Parks & Recreation	City Administration, Community Partners	Ongoing	TIF, Public-Private Partnerships, Tourism BID, General Fund (Parks Budget)	Facility constructed, open to the public, and ongoing added programing and elements.
5.3 Strengthen Neighborhood-Level Engagement: Evaluate communication channels and support for Neighborhood Task Forces to ensure consistent, equitable input for ongoing land use and capital investment decisions.	Programmatic	Planning & Community Services	Planning & Community Services, City Administration	Ongoing	General Fund	Number of active neighborhood task forces; frequency of engagement events.
5.4 Coordinate Planning with School Districts: Establish a formal working group with local school districts (beyond current City-County, School Dist. Meetings) to align future school siting and facility planning with the Future Land Use Map and anticipated residential growth patterns.	Partnership	Planning & Community Services	City Council, Planning Commission, School Districts	Short-Term (1-3 yrs)	N/A	Execution of a joint planning memorandum of understanding.

Plan Theme: Protect natural resources and integrate parks, open space, and environmental considerations into growth decisions.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIMEFRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
6.1 Reform Parkland Dedication Standards: Update subdivision regulations to explicitly disqualify undevelopable lands (steep slopes, stormwater ponds) from meeting parkland dedication requirements, and require basic improvements (irrigation, seeding) upon dedication.	Regulatory	Planning & Community Services	Parks & Recreation, Planning Commission, City Council	Immediate (1-3 yrs)	General Fund	Adoption of revised parkland dedication ordinance.
6.2 Establish a Sustainable Parks Funding Strategy: Explore and implement a dedicated, long-term funding source (e.g., expanded park district, local option tax, or conservation foundation) for the perpetual maintenance of parks, trails, and open space.	Policy / Programmatic	Finance	Parks & Recreation, City Council	Medium-Term (4-7 yrs)	New Revenue Mechanisms	Adoption of a dedicated funding mechanism; increase in parks maintenance budget.
6.3 Protect the Yellowstone River Corridor and Rimrocks: Implement zoning overlays or conservation subdivision standards to protect viewsheds, preserve natural habitats, and manage stormwater runoff near the Rims and the Yellowstone River.	Regulatory	Planning & Community Services	Parks & Recreation, Public Works, Planning Commission, City Council	Medium-Term (4-7 yrs)	General Fund	Acres of sensitive land protected; adoption of conservation overlays.
6.4 Enhance Urban Agriculture and Tree Canopy: Develop zoning provisions that support community gardens and small-scale urban agriculture, and implement a robust urban forestry program to maintain Billings' Tree City USA status and mitigate the urban heat island effect.	Regulatory / Programmatic	Parks & Recreation	Planning & Community Services, Planning Commission, City Council	Ongoing	General Fund, Urban Forestry Grants	Number of community gardens established; net increase in urban tree canopy.

Plan Theme: Reinforce Billings' identity through context-sensitive development, downtown vitality, and distinctive neighborhoods.

ACTION ITEM	ACTION TYPE	LEAD DEPARTMENT / AGENCY	SUPPORTING PARTNERS	TIME-FRAME	POTENTIAL FUNDING SOURCES	MEASURES OF SUCCESS
7.1 Support Downtown Revitalization and Mixed-Use: Utilize Urban Renewal Districts and Tax Increment Financing (TIF) to incentivize commercial and residential reinvestment in the downtown core and historic commercial corridors.	Capital Investment / Programmatic	TIF Districts	Administration, City Council	Ongoing	TIF, Economic Development Grants	Increase in downtown residential population; reduction in commercial vacancy rates.
7.2 Develop Context-Sensitive Design Guidelines: Create design standards for commercial and multifamily developments to ensure new construction respects the historic character and scale of established neighborhoods.	Regulatory	Planning & Community Services	Historic Preservation Board, Building Department	Medium-Term (4-7 yrs)	General Fund	Adoption of design guidelines.
7.3 Promote Arts, Culture, and Placemaking: Integrate public art, wayfinding signage, and community gathering spaces into public infrastructure projects and private developments to strengthen neighborhood identity.	Programmatic	Planning & Community Services	Parks & Recreation, Public Works, Public Art Board	Ongoing	CIP, Philanthropy, Grants	Number of public art installations; implementation of a unified wayfinding system.
7.4 Foster Regional Economic Diversification: Align land use planning with economic development strategies to identify and zone appropriate sites for emerging industries, reducing reliance on single sectors and promoting long-term prosperity.	Policy / Partnership	Economic Development	Planning & Community Services	Ongoing	General Fund	Growth in target industry sectors; number of new businesses established.

BILLINGS 2045 APPENDIX

A. Market Analysis & Growth Projections

B. Composite Operating Plan Future Land Use Map

C. FLUM Public Input

A. Market Analysis & Growth Projections

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INTRODUCTION

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PROJECT INTRODUCTION

Billings Land Use Plan & Future Land Use Map

- In 2023, the Montana Legislature adopted the Montana Land Use Planning Act (MLUPA), which requires certain Montana cities to adopt a new land use plan and update local zoning and subdivision regulations. Cities have up to three years from the effective date (May 2023) of the MLUPA to adopt new regulations.
- In April 2025, the City of Billings (the "City") engaged a planning team led by Orion Planning + Design (Orion) with SB Friedman Development Advisors, LLC (SB Friedman) and Kittleson & Associates to develop a citywide land use plan and future land use map in conformance with MLUPA requirements.
- As part of this work, SB Friedman analyzed the city's existing and projected housing needs given anticipated population growth; assessed current and future economic development conditions and opportunities; and evaluated potential market constraints on future development. These analyses will inform the forthcoming City of Billings land use plan and future land use map.

Source: Orion Planning + Design
SB Friedman Development Advisors, LLC

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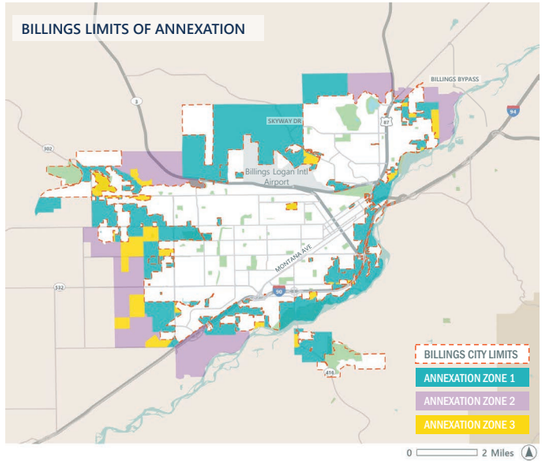
ANNEXATION ZONES

Billings has identified three different types of annexation zones in surrounding Yellowstone County

- Land within Yellowstone County can be incorporated into the city of Billings through annexation. The City's Annexation Policy provides guidance on evaluating potential annexations with a focus on orderly growth, adequate provision of municipal services, and equal benefits to annexed land and existing city land.
- The City's Annexation Policy divides potential annexation areas into three zones:
  - **Zone 1 (City Annexation Petition Area)**. Zone 1 is the primary area in which City Council considers petitions for annexation.
  - **Zone 2 (Long Range Urban Planning Area)**. Zone 2 includes areas that can be considered for inclusion into Zone 1. With certain exceptions, properties cannot be included in Zone 1 without first being in Zone 2.
  - **Zone 3 (County Developed Area).** Zone 3 includes properties developed by the county that are not using municipal services but are adjacent to or near municipally-serviced properties. City Council can consider petitions in Zone 3 as well as Zone 1.



Source: City of Billings Annexation Policy, SB Friedman
SB Friedman Development Advisors, LLC

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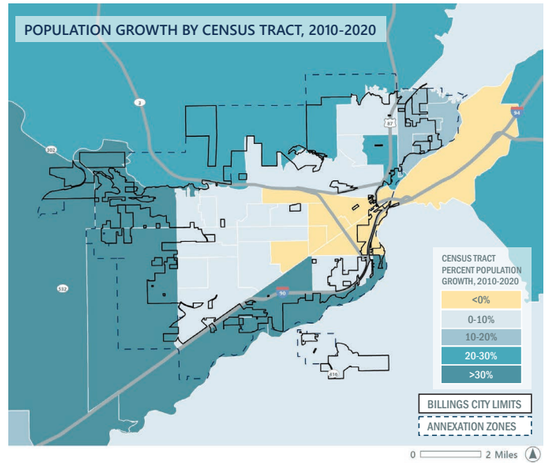
AREA POPULATION CHANGE, 2010-2020

Census tracts at the western edges of Billings experienced up to 95% population growth

- According to the U.S. Census, the population of Yellowstone County was 147,972 in 2010. By 2020, the population increased by 16,759 to 164,731. From 2010 to 2020, the population of Yellowstone County grew at a compound annual growth rate (CAGR) of 1.1%.
- From 2010 to 2020, Billings' population grew by 12.4%. However, population growth was not distributed evenly throughout the city.
- Most areas within the city limits experienced moderate growth between 0 and 10% from 2010 to 2020. The historic core of Billings, including Census tracts overlapping downtown, experienced population decline during this period.
- Areas on the edges of Billings, including Billings Heights and West Billings, grew much more rapidly and saw population increases above 20%. The population in tracts overlapping annexation areas to the west of city limits increased by up to 95%.



Source: SB Friedman, U.S. Decennial Census (2010, 2020)
SB Friedman Development Advisors, LLC

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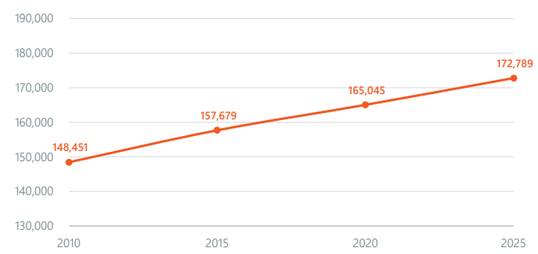
POPULATION PROJECTIONS

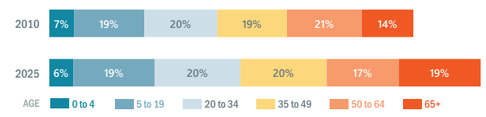
Yellowstone County's population is projected to continue growing, albeit at a slower rate

- Based on estimates published by the Big Sky Economic Development Agency, the 2025 population of Yellowstone County was 172,789. This 2025 population projection reflects an increase of over 24,000 in the span of fifteen years.
  - During stakeholder interviews, interviewees attributed population growth to people moving from outside of Montana in search of a different lifestyle, as well as people moving to Billings from other parts of Montana where the cost of living has increased.
  - According to IRS tax return data, Yellowstone County gained 2,200 households or approximately 4,200 individuals, due to net migration between 2020 and 2022.
- The population of Yellowstone County has aged over the last 15 years. The share of the population that was less than 19 years old was 26% in 2010 and is projected to be 25% in 2025. Meanwhile, the share of the population age 65 and older was 14% in 2010 and is projected to be 19% in 2025.

YELLOWSTONE COUNTY POPULATION AND PROJECTED POPULATION, 2010-2025



YELLOWSTONE COUNTY POPULATION BY AGE, 2010-2025



Source: Big Sky Economic Development Agency, IRS Statistics of Income, Regional Economic Models Incorporated (REMI) compiled by Montana Department of Commerce, SB Friedman
SB Friedman Development Advisors, LLC

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HOUSING

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PRIOR HOUSING STUDIES

Studies identify rising home prices as a challenge for Billings

Recently, several housing studies have assessed local and regional housing market conditions. Though the geographic focus of the studies ranges from local to regional, each study identifies rising median home prices, affordability gaps and financial barriers to residential development as ongoing challenges in Billings.

ACCELERATING PRODUCTION OF ATTAINABLE HOUSING

NOVEMBER 2024

The Billings Association of REALTORS® estimates an annual deficit of up to 1,300 housing units and a current shortage of almost 10,000 housing units. Additionally, the study reports that four of the five top occupations in Billings do not provide enough income to buy a median-priced home.

The study identifies infill development, expediting review processes, and establishing design-build toolkits as avenues to address the shortage of affordable, workforce and family housing in Billings.

DOWNTOWN BILLINGS HOUSING STUDY UPDATE

SEPTEMBER 2022

Downtown has seen relatively little new residential development, as much of the new residential development has occurred on the edges of Billings. In addition, single-family homes have remained the most common form of new residential development.

The study suggests that the downtown market cannot support rents high enough to offset rising construction costs. The study recommends the use of incentives to make downtown residential development financially feasible and more attractive.

BRCD REGIONAL HOUSING STUDY

MAY 2022

This regional housing study identifies cost burdens, lack of inventory, and displacement as challenges present in the Billings housing market.

The study identifies market-rate rental housing, affordable rental housing, and first-time buyer and missing middle homeownership as priorities for Yellowstone County. The study recommends the use of fee deferrals/waivers, tax increment financing, land banking, Housing Trust Funds, park lands and revisions to land use codes as strategies to address housing priorities.

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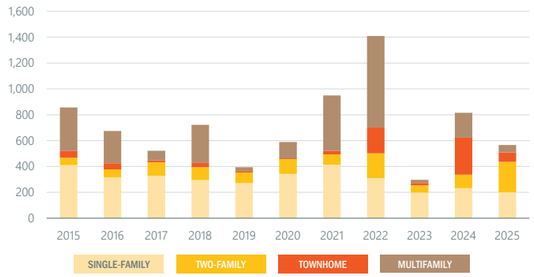
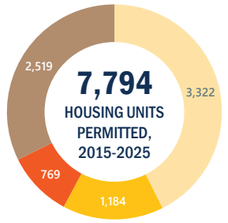
BILLINGS RESIDENTIAL BUILDING PERMITS

Since 2020, new housing production in Billings has shifted towards denser housing typologies

Since 2015, approximately 7,800 residential units have been permitted in Billings. Of the residential housing units permitted, 43% have been single-family homes, 15% have been two-family homes, 10% have been townhomes and 32% have been multifamily homes. The mix of new housing has shifted towards denser options, while total housing production has also grown. From 2015 to 2020, 328 single-family homes and 299 homes in two-family, townhome, and multifamily buildings were permitted annually, on average. Between 2021 and 2025, the average number of single-family homes permitted annually fell to 271, while the average annual number of homes in other typologies increased to 537. Per City data, as of February 2026 subdivision applications have been submitted for over 500 additional residential units.

BILLINGS RESIDENTIAL UNITS PERMITTED, 2015-2025





AVERAGE UNITS PERMITTED ANNUALLY

	2015-2020	2021-2025
SINGLE-FAMILY	328	271
TWO-FAMILY	86	134
TOWNHOME	28	121
MULTIFAMILY	185	282
TOTAL	627	808

Source: Census Building Permits Survey, City of Billings, SB Friedman, U.S. Census Bureau

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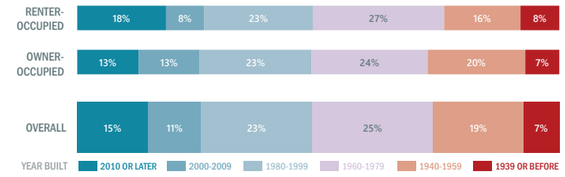
BILLINGS EXISTING HOUSING STOCK

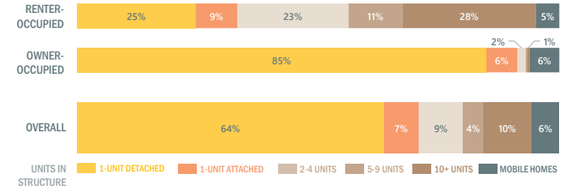
64% of Billings' housing units are single-family detached; 61% of housing units are owner-occupied

- Billings has approximately 53,540 total housing units. Of all housing units in Billings, 61% are owner-occupied (32,600 units) and 33% are renter-occupied (17,700 units). The remaining 3,200 units are vacant. This figure includes 290 units that are sold/rented but not yet occupied, and 310 units occupied seasonally. There are 850 vacant units available for rent and 290 units for sale, per the American Community Survey. The 6% vacancy rate indicates a healthy housing market.
- Over a quarter (26%) of the housing units in Billings were built in or after 2000. While only 13% of owner-occupied units have been built since 2010, 18% of rental units have been built since 2010.
- The majority (71%) of housing units in Billings are single-family homes. Approximately 64% of all housing units are single-family detached units and 7% are single-family attached units. Meanwhile, 23% of all housing units are in multifamily structures (2+ units). An additional 6% of all housing units are mobile homes.
- The housing composition in Billings varies by tenure. Of the owner-occupied units, 85% are single-family detached units, compared to 25% of renter-occupied units. Only 3% of owner-occupied units are in multifamily structures, compared to 62% of renter-occupied. The shares of owner- and renter-occupied single-family attached units and mobile homes are more evenly split.

SHARE OF BILLINGS HOUSING UNITS BY TENURE AND YEAR BUILT, 2023



SHARE OF BILLINGS HOUSING UNITS BY TENURE AND UNITS IN STRUCTURE, 2023



Source: American Community Survey (ACS) 5-Year Estimates (2023), SB Friedman

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MARKET-RATE MULTIFAMILY SUPPLY IN BILLINGS

Almost a third of existing market-rate multifamily units were built since 2015

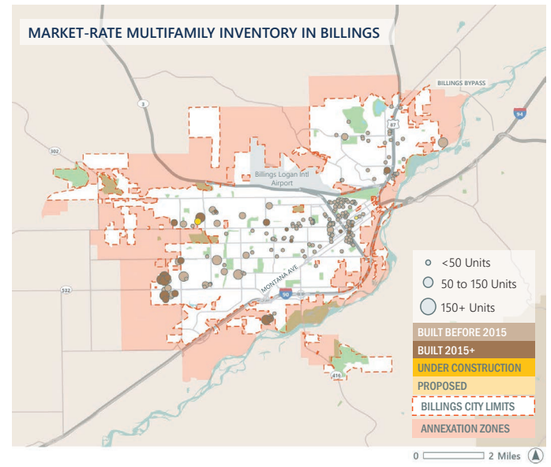
- According to CoStar, Billings has 7,894 market-rate multifamily rental units. An additional 60 units are located in annexation zones. Market-rate multifamily rents average $1.57 per square foot (SF). The overall vacancy rate is 7.7%, which indicates a healthy market; per Cushman & Wakefield, the U.S. average is 9.0%.
- Market-rate units are distributed throughout Billings, with a large concentration of older, smaller developments near the downtown.
- Since 2015, 23 market-rate multifamily developments have been built, adding 2,304 units total, or 29% of Billings' total market-rate multifamily units.
- Newer market-rate developments tend to have more units and are located toward the edges of the city. Market-rate multifamily developments built before 2015 have an average of 29 units compared to those built since 2015, which have an average of 100 units.
- Per CoStar, there are 139 units currently under construction (one project) and 16 additional units proposed (one project) in Billings.

7,894 TOTAL MARKET-RATE UNITS

2,444 MARKET-RATE UNITS BUILT SINCE 2015

7.7% MARKET-RATE VACANCY RATE

MARKET-RATE MULTIFAMILY INVENTORY IN BILLINGS



Source: City of Billings, CoStar (May 2025), Cushman & Wakefield (Q3 2025), SB Friedman

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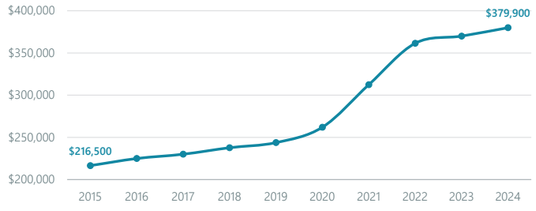
BILLINGS RESIDENTIAL SALE TRENDS

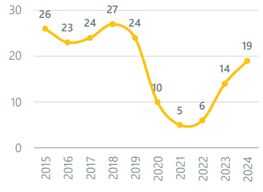
The median home sales price in Billings has increased by over $163,000 since 2015

- In 2015, the median home sales price in Billings was $216,500. The median price increased to $379,900 by 2024 (75% growth since 2015).
- Most of the recent increase in median home sales price occurred between 2020 and 2024. The median home sales price grew at a CAGR of 3.9% from 2015 to 2020. From 2020 to 2024, the median price grew at a higher rate of 9.7%. Over the entire period, the median price increased at a CAGR of 6.4%.
- The median number of days on market for residential property in Billings has varied over the last decade. Between 2015 to 2019, the median number of days on market for residential property ranged from 23 to 27 days. Between 2020 and 2024, the median number of days on the market ranged from 5 to 19 days. The shorter time on market coincided with sharp increases in median sales prices.
- From 2016 to 2020, the number of sales closed increased each year, reaching a high of 2,733 in 2020. From 2020 to 2023, the number of sales closed decreased each year, reaching 1,953 in 2023. In 2024, the number of sales closed increased to 1,979.

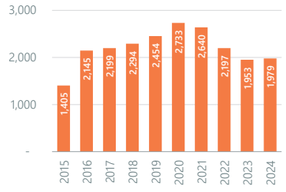
BILLINGS MEDIAN RESIDENTIAL SALES PRICE, 2015-2024



MEDIAN DAYS ON MARKET



RESIDENTIAL SALES CLOSED



Source: Billings Association of Realtors (2025), SB Friedman

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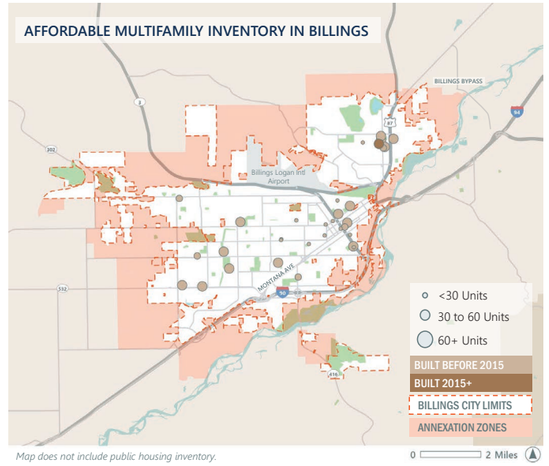
AFFORDABLE MULTIFAMILY SUPPLY IN BILLINGS

Several affordable multifamily developments have been completed in Billings since 2015

- According to Homefront, Billings has 2,013 legally-restricted affordable multifamily rental units (housing with income and rent limits and enforced by legal agreements often tied to funding sources). This figure is inclusive of 216 public housing units operated by Homefront. The overall vacancy rate for affordable multifamily rental units is 5.5%. There are no legally restricted affordable multifamily developments currently located in annexation zones.
- Affordable multifamily rental units are relatively evenly distributed throughout Billings. Clusters of affordable developments are concentrated in the northwest portion of Billings and near the downtown.
- Six affordable multifamily developments (254 units) have been built since 2015, according to Homefront.

AFFORDABLE MULTIFAMILY INVENTORY IN BILLINGS



Map does not include public housing inventory.

2,013 TOTAL AFFORDABLE UNITS

254 AFFORDABLE UNITS BUILT SINCE 2015

5.5% AFFORDABLE VACANCY RATE

Source: City of Billings, CoStar (May 2025), Homefront, SB Friedman

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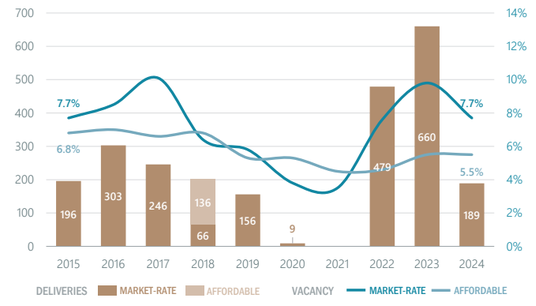
BILLINGS MULTIFAMILY PERFORMANCE TRENDS

Multifamily deliveries increased post-COVID with over 1,300 units delivered between 2022 and 2024

- Approximately 2,440 multifamily rental units have been built in Billings since 2015. Of these units, 2,304 are market-rate and 136 are affordable. All the affordable units were delivered in 2018, whereas the market-rate unit deliveries were distributed throughout the period.
- After the delivery of 549 market-rate units in 2016 and 2017, the market-rate multifamily vacancy rate reached 10.1% in 2017. Once deliveries slowed over the next couple years, this vacancy decreased, eventually reaching a low of 3.5% in 2021. In 2022 and 2023, 1,139 market-rate units were delivered, resulting in vacancy rising to 9.8%. As of 2024, market-rate vacancy decreased to 7.7%.
- The affordable multifamily vacancy rate has remained between 4.5% and 7.0% from 2015 to 2024.

BILLINGS MULTIFAMILY UNITS DELIVERED AND VACANCY RATE



Source: CoStar (May 2025), SB Friedman

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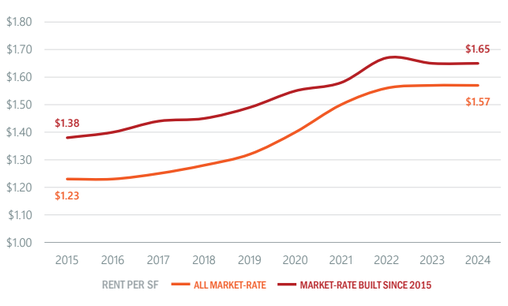
MARKET-RATE MULTIFAMILY RENT TRENDS

Market-rate multifamily rents increase steadily between 2015 and 2022, but have since levelled off

- Since 2015, market-rate rents across all units have increased from $1.23 per SF to $1.57 per SF. Market-rate rents have grown at a CAGR of 2.7%. Market-rate rents for projects built since 2015 have increased from $1.38 per SF in 2015 to $1.65 per SF in 2024.
- Compared to all market-rate projects, rents of projects built since 2015 have grown at a slower CAGR of 2.0%. From 2015 to 2024, projects built since 2015 have had a premium between $0.08 and $0.19 per SF over all market-rate projects.

BILLINGS MARKET-RATE MULTIFAMILY EFFECTIVE RENT PER SF



Source: CoStar (May 2025), SB Friedman

CONCLUSIONS

Home sale prices and rents have increased over the last decade; affordability is a growing concern

- Billings has over 53,500 total housing units, a majority of which (64%) are single-family detached homes. An additional 7% are single-family attached units, 23% are multifamily units, and 6% are mobile homes.
- Since 2000, approximately 15,500 residential units have been permitted in Billings, 77% of which have been single-family homes and the remaining 23% have been multifamily units. Since 2020, multifamily permitting has increased relative to previous years.
- Housing affordability remains a challenge in Billings. From 2015 to 2025, the median home sales price grew at a CAGR of 6.4%, increasing by over $163,000. Multifamily rents have also increased from 2015 to 2024, albeit at a more moderate CAGR of 2.7%.
- Amidst housing affordability concerns, several recent studies identified infill residential development as a potential avenue to increasing the supply of housing attainable to Billings residents. While 2,444 market-rate multifamily units have been built since 2015, most have been built near the edges of city limits. Additionally, only one affordable multifamily development with 136 units has been built since 2015.
- Recent housing studies also identified development incentives, land banking and zoning revisions as strategies, among others, to address housing priorities.

Market-Rate Multifamily Units	7,894
Built Since 2015	*2,444*
Vacancy	7.7%
Average Rent/SF	$1.57
Affordable Multifamily Units	1,748
Built Since 2015	136
Vacancy	5.5%
Average Rent/SF	$1.34
Single-Family Owner-Occupied Units [1]	29,772
Closed Sales 2015-2024	21,999
2024 Median Days on Market	19
2024 Median Sales Price	$379,900

- Planning for a diversity of housing types, including single-family detached homes, townhomes, affordable and market-rate multifamily or condominium homes, would help ensure that there are housing options for people and households at different stages of life and with varying needs.

Source: Billings Association of Realtors (2025), CoStar (May 2025), SB Friedman

ECONOMIC DEVELOPMENT

YELLOWSTONE COUNTY WORKFORCE PROFILE

Wholesale and Retail Trade is the largest employment sector in Yellowstone County

- The 2024 Yellowstone County workforce consists of 88,924 people. This accounts for 15.4% of Montana's total workforce. Yellowstone County and Billings serve as a regional hub and catchment area for people and businesses within approximately 500 miles.
- With 2,493 unemployed people in the Yellowstone County workforce, the overall unemployment rate is 2.8%. The Yellowstone County workforce unemployment rate of 2.8% is slightly lower than the unemployment rate of Montana's overall workforce, which is 3.0%. Both Yellowstone County and Montana have unemployment rates below the national average of 4.0%.
- Wholesale and Retail Trade is the largest employment sector in Yellowstone County, followed by Health Care and Social Assistance, Accommodation and Food Services, and Construction. Together, the four largest employment sectors account for 54% of all jobs in Yellowstone County.
- Yellowstone County's two largest private employers, Billings Clinic and Intermountain Health, are in the Health Care and Social Assistance sector. Each of these private employers provides over 1,000 jobs. The third- and fourth-largest private employers, Walmart and Albertsons, are in the Wholesale and Retail Trade sector and provide over 1,000 and between 500 and 999 jobs, respectively.

LARGEST PRIVATE EMPLOYERS IN YELLOWSTONE COUNTY, 2021

- Billings Clinic (1,000+ jobs)
- Intermountain Health (1,000+ jobs)
- Walmart (1,000+ jobs)
- Albertsons (500-999 jobs)

LARGEST PUBLIC EMPLOYERS IN YELLOWSTONE COUNTY, 2024

- City of Billings (1,000+ jobs)
- Billings Public Schools (1,000+ jobs)

LARGEST EMPLOYMENT SECTORS IN YELLOWSTONE COUNTY, 2024

- Wholesale and Retail Trade
- Health Care and Social Assistance
- Accommodation and Food Services
- Construction

88,924
YELLOWSTONE COUNTY WORKFORCE

15.4%
SHARE OF MONTANA WORKFORCE IN YELLOWSTONE COUNTY

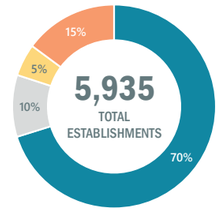
Source: City of Billings, Montana Department of Labor & Industry (2024), SB Friedman, U.S. Bureau of Labor Statistics (2024)

YELLOWSTONE COUNTY SMALL BUSINESS PROFILE

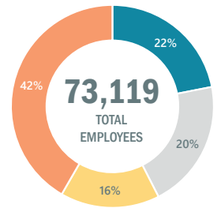
Approximately 70% of establishments in Yellowstone County have less than 20 employees

- In 2022, Yellowstone County had approximately 5,935 business establishments. Of the 5,935 establishments, 70% had fewer than 20 employees, while another 10% of establishments had between 20 and 99 employees. Only 5% of establishments had between 100 and 499 employees and the remaining 15% had at least 500 employees.
- Of the 73,100 employees in Yellowstone County, approximately 22% worked at establishments with fewer than 20 employees. Meanwhile, approximately 42% of total employees worked at establishments with over 500 employees. While most establishments are small businesses with fewer than 20 employees, the majority (58%) of employees in Yellowstone County work at establishments with 100 or more employees.
- Average employee pay in Yellowstone County increases with establishment size. Establishments with over 500 employees had an average annual pay of $66,030, whereas those with fewer than 20 employees had an average pay of $44,573.
- During interviews, multiple business and economic development stakeholder identified Billings as a "business-friendly" city.

YELLOWSTONE COUNTY ESTABLISHMENTS BY SIZE, 2022

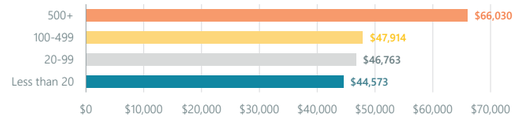


YELLOWSTONE COUNTY EMPLOYEES BY ESTABLISHMENT SIZE, 2022



NUMBER OF EMPLOYEES: <20 | 20-99 | 100-499 | 500+

YELLOWSTONE COUNTY AVERAGE ANNUAL PAY BY ESTABLISHMENT SIZE, 2022



Source: SB Friedman, U.S. Census Statistics of U.S. Businesses (SUBS) (2022)

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ECONOMIC CLUSTERS

Regional economies consist of traded (primary) and local (secondary) clusters

Regional economies can be categorized into economic clusters or industry groups. A cluster is a regional concentration of related industries. Regional economies are made up of two types of clusters, each with different patterns of geographic presence and different competitive dynamics.

- Traded clusters, also known as primary job clusters, are groups of related industries that export products/serve markets beyond the region in which they are located. Since primary clusters compete in cross-regional markets, they are exposed to competition from other regions. Typically, approximately 30% of jobs in a geography are within primary clusters.
  - Examples: Business Services, Financial Services, Hospitality & Tourism, Manufacturing, Transportation & Warehousing
- Local clusters, also known as secondary job clusters, consist of industries that serve the local market. They are found in every region of the country, regardless of the competitive position of a particular location. A region's employment in secondary clusters is usually proportional to the population of that region.
  - Examples: Local Government, Real Estate, Schools & Hospitals

Location quotients (LQ) quantify the specialization of a region's industry compared to national employment averages. High location quotients are typically indicative of high-export businesses. Of the largest industry clusters, Yellowstone County has the highest employment concentrations and specializations within the following sectors:

- Oil and Gas Production and Transportation (LQ=4.78)
- Engineering Services (LQ=1.88)
- Health Care (LQ=1.71)

Source: Lightcast (2025), SB Friedman

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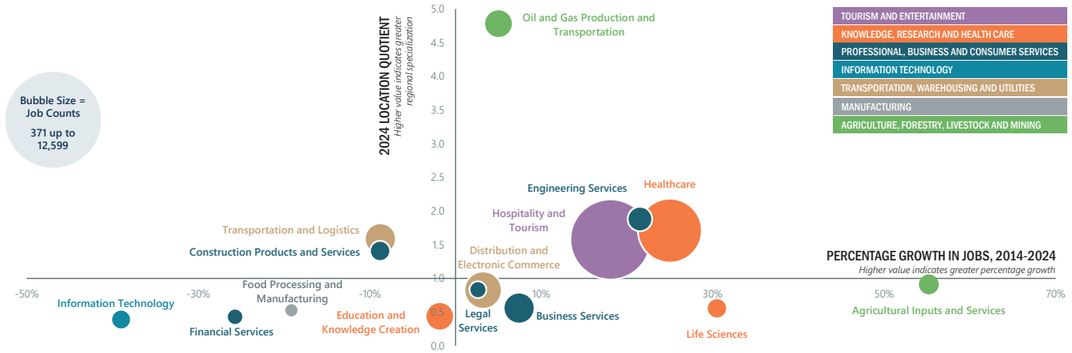
YELLOWSTONE COUNTY PREDOMINANT ECONOMIC CLUSTERS

Agricultural Inputs and Services was the fastest-growing sector in the last decade

Yellowstone County has experienced growth across many economic clusters since 2014. The Agricultural Inputs and Services cluster grew by over 55% from 2014 to 2024, making it the fastest growing top-ten traded cluster in the county. Despite its significant growth, it only provides 775 jobs, making it the tenth-largest traded cluster in the county. The two largest traded clusters, Hospitality and Tourism and Health Care, which provide 12,599 and 7,985 jobs, respectively, had more moderate growth rates of 18% and 25%.



[1] Lightcast projected employment only extends to 2034. Therefore, the analyses are through 2034, rather than 2045 like the growth projections.
Source: Lightcast, SB Friedman

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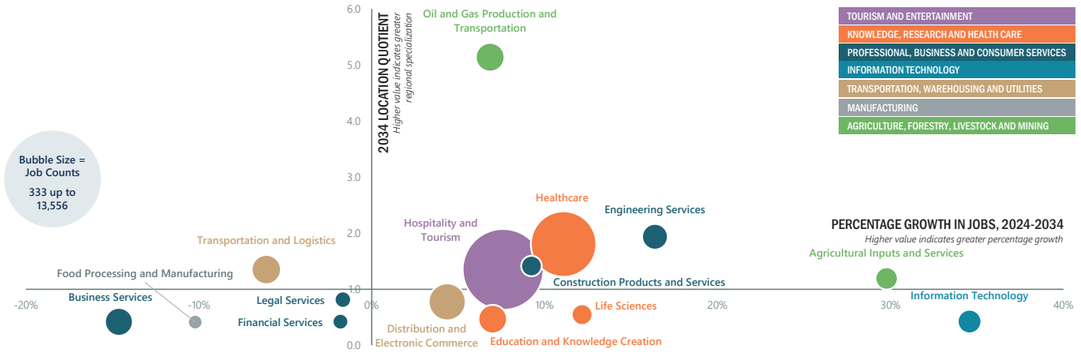
YELLOWSTONE COUNTY PROJECTED CLUSTER GROWTH

Job growth is projected to be driven largely by the Health Care and Hospitality and Tourism sectors

Hospitality and Tourism is projected to remain Yellowstone County's largest employment cluster and add 960 jobs from 2024 to 2034. Hospitality and Tourism's growth will account for 16% of projected job growth during the period. Health Care is projected to remain the second-largest traded cluster and add 890 jobs, or 15% of projected job growth, over the same the period. While Information Technology and Agricultural Inputs and Services are projected to be the fastest-growing top-ten traded clusters due to their smaller size, their growth will only account for a combined 8% of net job growth.



[1] Lightcast projected employment only extends to 2034. Therefore, the analyses are through 2034, rather than 2045 like the growth projections.
Source: Lightcast, SB Friedman

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HISTORIC & PROJECTED MAJOR ECONOMIC CLUSTER GROWTH

Eight of ten largest traded clusters in the county are projected to grow between 2024 and 2034

Eight of the ten largest traded employment clusters in Yellowstone County are projected to grow from 2024 to 2034. The two major employment clusters that are projected to lose jobs from 2024 to 2034 are Transportation and Logistics and Business Services.

Hospitality and Tourism has remained the largest employment cluster in Yellowstone County since 2014. Hospitality and Tourism provided 12,600 jobs in 2024 and is projected to provide 13,560 jobs in 2034. As a result, there is likely to be greater demand for hotels, event spaces and tourist activities going forward. Although Hospitality and Tourism is the largest sector, it has the lowest average wage of the ten largest employment sectors. Health Care has remained the second-largest cluster in the county since 2014, and Distribution and Electronic Commerce has remained the third-largest cluster.

TOP TEN TRADED EMPLOYMENT CLUSTERS IN YELLOWSTONE COUNTY, 2014-2034

	Employment, 2014	Employment, 2024	Projected Employment, 2034	Employment CAGR, 2014-2024	Employment CAGR, 2024-2034	Average Wage, 2024
Hospitality and Tourism	10,671	12,599	13,556	1.7%	0.7%	$30,000
Health Care	6,388	7,985	8,871	2.3%	1.1%	$110,800
Distribution and Electronic Commerce	2,612	2,696	2,814	0.3%	0.4%	$97,700
Transportation and Logistics [1]	2,041	1,862	1,749	-0.9%	-0.6%	$84,800
Business Services	1,725	1,853	1,582	0.7%	-1.6%	$95,700
Oil and Gas Production & Transportation	1,495	1,569	1,677	0.5%	0.7%	$212,500
Education and Knowledge Production	1,581	1,552	1,661	-0.2%	0.7%	$41,400
Engineering Services	952	1,157	1,346	2.0%	1.5%	$139,800
Construction Products and Services	855	780	852	-0.9%	0.9%	$108,100
Agricultural Inputs and Services	499	775	1,006	4.5%	2.6%	$43,900

[1] The decrease in Transportation and Logistics employment appears to be a product of how "traded" and "local" clusters are defined and organized. The traded "Transportation and Logistics" sector lost approximately 180 jobs, largely due to decreases in long distance freight trucking and freight transportation arrangement. However, jobs in local logistical services grew by ~800, driven largely by increases in express delivery services. Local cluster employment is shown on page 26.
Source: Lightcast (2025), SB Friedman

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HISTORIC & PROJECTED ECONOMIC CLUSTER GROWTH

Yellowstone County is projected to gain over 5,800 jobs from 2024 to 2034

In 2024, Yellowstone County had approximately 89,298 jobs. Local cluster jobs accounted for 58% of total employment in Yellowstone County in 2024. Jobs in the ten largest traded clusters accounted for 37% of Yellowstone County's total employment. Jobs in other traded clusters accounted for an additional 5% of total employment. From 2014 to 2024, Yellowstone County employment increased by approximately 8,450 jobs. During this period, total employment grew at a CAGR of 1.0%, driven by growth in local clusters and the ten largest traded clusters. Yellowstone County is projected to gain 5,861 jobs from 2024 to 2034, bringing total employment to 95,159. During this period, total employment is projected to grow at a CAGR of 0.6%, which is slightly slower than the prior ten-year period.

EMPLOYMENT IN YELLOWSTONE COUNTY, 2014-2034

	Employment, 2014	Employment, 2024	Projected Employment, 2034	Employment CAGR, 2014-2024	Employment CAGR, 2024-2034	Weighted Average Wage, 2024
Ten Largest Traded Clusters	28,820	32,830	35,114	1.3%	0.7%	$77,327
All Other Traded Clusters	5,061	4,781	5,289	-0.6%	1.0%	$93,950
Real Estate, Construction & Development	6,583	8,055	8,698	2.0%	0.8%	$80,435
Local Health Services	4,757	5,241	5,924	1.0%	1.2%	$73,519
Local Motor Vehicle Products & Services	4,145	4,426	4,526	0.7%	0.2%	$71,793
Local Education and Training	3,593	3,913	3,994	0.9%	0.2%	$65,455
Local Commercial Services	3,466	3,561	3,601	0.3%	0.1%	$57,468
All Other Local Clusters	24,423	26,491	28,012	0.8%	0.6%	$67,613
YELLOWSTONE COUNTY TOTAL	**80,848**	**89,298**	**95,159**	**1.0%**	**0.6%**	

Source: Lightcast (2025), SB Friedman

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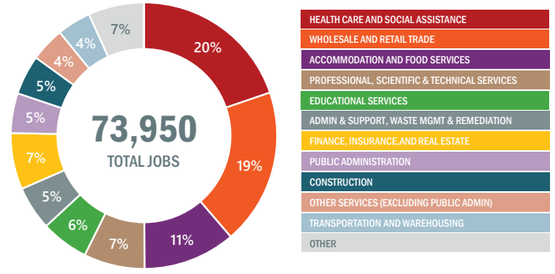
BILLINGS EMPLOYMENT BASE

Health Care and Social Assistance is the largest employment sector in Billings

- Billings has a total of 73,950 jobs. The three largest sectors in Billings, Health Care and Social Assistance, Wholesale and Retail Trade, and Accommodation and Food Services account for half of all jobs in Billings.
- Health Care and Social Assistance is the largest employment sector in Billings and provides 14,600 jobs. Wholesale and Retail Trade, the second-largest employment sector, provides another 14,000 jobs. The next largest sectors are Accommodation and Food Services and Professional, Scientific & Technical Services, which provide 8,300 and 5,500 jobs, respectively.

BILLINGS JOBS BY SECTOR, 2022



Source: US Census Longitudinal Employment Household Dynamics (LEHD) (2022), SB Friedman

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INDUSTRIAL SUPPLY IN BILLINGS

Industrial developments are densely concentrated along Montana Ave and I-90

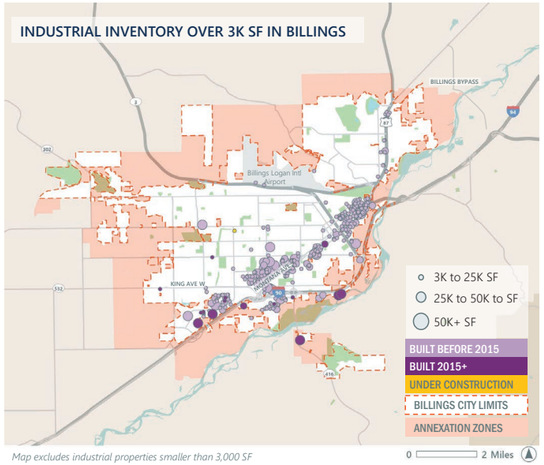
- Billings has approximately 7,912,000 SF of existing industrial space. The industrial building supply in Billings is largely concentrated along Montana Avenue or near I-90. The overall vacancy rate is 4.6% and the average triple-net rent is $8.79 per SF, according to CoStar. The vacancy rate indicates a healthy market; the U.S. average is 6.2%, per Cushman & Wakefield.
- Approximately 719,000 SF of industrial space has been built since 2015, which accounts for 9.4% of Billings' existing inventory. There is one 3,100-SF industrial development currently under construction in Billings.
- In addition, there is approximately 1,710,800 SF of existing industrial space in annexation zones, 648,200 SF of which have been built since 2015. While the city has more than four times as much industrial supply as the annexation zones, development since 2015 in the two geographies has been comparable.
- Per the City, as of February 2026 subdivision applications encompassing nearly 450 acres of land for proposed commercial uses have been submitted.

7.9M TOTAL INDUSTRIAL SF

0.7M INDUSTRIAL SF BUILT SINCE 2015

4.6% INDUSTRIAL VACANCY RATE

INDUSTRIAL INVENTORY OVER 3K SF IN BILLINGS



Map excludes industrial properties smaller than 3,000 SF

Source: City of Billings, CoStar (May 2025), Cushman & Wakefield (Q3 2025), SB Friedman

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OFFICE SUPPLY IN BILLINGS

Less than 2% of the 6.3 million SF of office space in Billings was built since 2015

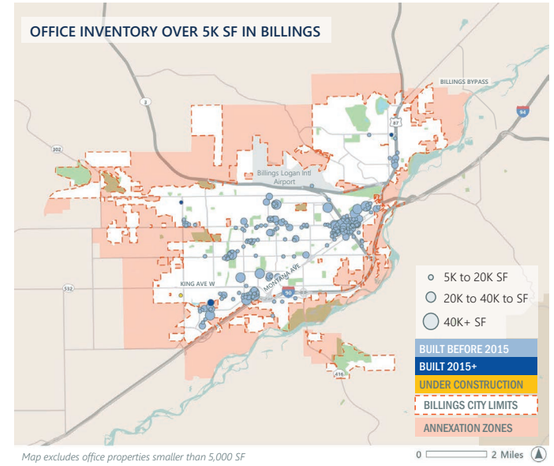
- Billings has approximately 6,273,000 SF of existing office space. The overall vacancy rate is 3.5% and the average triple-net rent is $20.40 per SF, according to CoStar. The vacancy rate indicates a constrained market, as the U.S. average is 19.9%, per Cushman & Wakefield. However, some of the office properties may be leased, but not fully occupied due to remote or hybrid work policies.
- Approximately 66,100 SF of additional office space is located in annexation zones.
- Much of the existing office inventory is concentrated in and around the downtown. There are additional office clusters in the western half of the city.
- Approximately 101,000 SF of office space has been built since 2015; therefore, 98.4% of the city's existing office inventory was built before 2015. There is one 5,000-SF office development currently under construction in Billings.

6.3M TOTAL OFFICE SF

0.1M OFFICE SF BUILT SINCE 2015

3.5% OFFICE VACANCY RATE

OFFICE INVENTORY OVER 5K SF IN BILLINGS



Map excludes office properties smaller than 5,000 SF

Source: City of Billings, CoStar (May 2025), Cushman & Wakefield (Q3 2025), SB Friedman

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RETAIL SUPPLY IN BILLINGS

Less than 5% of the 10.6 million SF of retail space in Billings was built since 2015

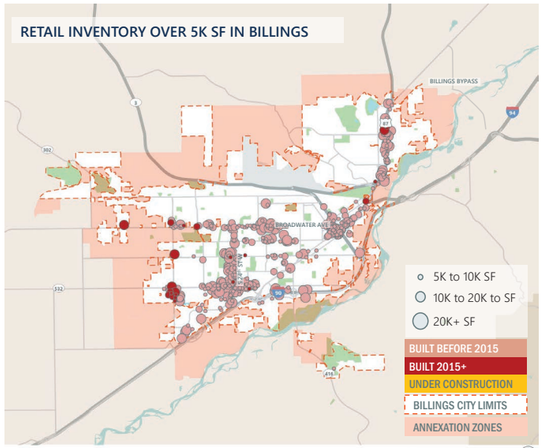
- Billings has approximately 10,608,000 SF of existing retail space. According to CoStar, the average triple-net rent is $10.95 per SF, while the overall vacancy rate is 2.1%, which indicates a constrained market (U.S. average is 5.3%). Approximately 435,500 SF of additional retail space is in annexation zones.
- Much of the retail supply is concentrated in the downtown, along major commercial corridors, including Broadwater Avenue, King Avenue W, 24th Street, or in the northwest portion of the city along US Highway 87.
- Approximately 447,000 SF of retail space has been built since 2015; therefore, 95.8% of Billings' existing retail inventory was built before 2015. There are no retail developments proposed or currently under construction in Billings.
- Although there has been limited new retail space built in Billings since 2015, the city remains an important retail hub for the county, region and state. In 2025, Billings had a $1.5 billion surplus of retail sales, indicating that the city's retail market captures significant spending from people living outside the city.

10.6M TOTAL RETAIL SF

0.4M RETAIL SF BUILT SINCE 2015

2.1% RETAIL VACANCY RATE

RETAIL INVENTORY OVER 5K SF IN BILLINGS



Map excludes retail properties smaller than 5,000 SF

[1] Retail properties and square footage estimates account for ground-floor retail space in mixed-use buildings.
Source: City of Billings, CoStar (May 2025), Cushman & Wakefield (Q3 2025), SB Friedman

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CONCLUSIONS

Billings has experienced limited office and retail development; industrial is the strongest product type

- The 2024 Yellowstone County workforce consists of 88,924 people, or approximately 15.4% of Montana's total workforce. The overall county unemployment rate is 2.8%. Eight of the ten largest traded employment clusters in Yellowstone County are projected to grow from 2024 to 2034.
- Billings has a total of 73,950 jobs. The three largest sectors in Billings, Health Care and Social Assistance, Wholesale and Retail Trade, and Accommodation and Food Services account for half of all jobs in Billings.
- Industrial is the strongest commercial product type in Billings. Billings has approximately 7,912,300 SF of existing industrial space within its city limits and an additional 1,710,800 SF in its annexation zones. Approximately 9.4% of the city's industrial inventory has been built since 2015.
- Aligned with national post-COVID trends, Billings' office market has experienced limited growth recently. Billings has approximately 6,273,000 SF of office space. Less than 2% of existing office space has been built since 2015.
- Billings has approximately 10,608,000 SF of existing retail space. Only 447,000 SF of retail space has been built since 2015, which accounts for only 4.2% of the overall inventory. Despite limited recent retail development, Billings remains an important retail hub for the county, region and state.

	Billings	Annexation Zones
Total Industrial SF	**7,912,300**	**1,710,800**
Built Since 2015	*730,000*	*648,200*
Vacancy	4.6%	
Average Rent/SF	$8.79	
Total Office SF	**6,273,100**	**66,100**
Built Since 2015	*100,800*	--
Vacancy	3.5%	
Average Rent/SF	$20.40	
Total Retail SF	**10,608,100**	**435,500**
Built Since 2015	*447,200*	*27,100*
Vacancy	2.1%	
Average Rent/SF	$10.95	

Source: CoStar (May 2025), SB Friedman

GROWTH PROJECTIONS

DRAFT

BILLINGS GROWTH PROJECTIONS

The population of Billings is projected to grow to 153,800 by 2045

SB Friedman developed population and growth projections based on historic trends and anticipated future needs, which will inform future planning efforts and land use policy. The following assumptions inform the growth projection:

- **Population:** Between 2010 and 2023, the population of Billings grew at a 1.11% CAGR. The population projections assume that this historic population growth rate will continue. Population growth projections account for both natural growth (births minus deaths) and net in-migration (including annexation).
- **Housing Units:** Housing needs depend in large part on the population. The housing unit projections assume that Billings' current average household size (2.29) and ratio of households to housing units (0.94) will remain constant through 2045.
- **Jobs:** Job projections are based on projected population growth and the historic ratio of jobs to population in the labor force. Due to data limitations, job counts are estimated and projected for the four primary ZIP codes overlapping Billings: 59101, 59102, 59105 and 59106.
- **Commercial Space:** The projections for industrial, office and retail inventory are informed by existing inventory, recent development trends, historic SF per capita ratios and regional trends specific to each property type. Since 2010, office and retail space per capita has decreased in Billings; the commercial inventory projections assume that these trends continue.

BILLINGS GROWTH PROJECTIONS, 2025-2045

	2025 (Estimated)	2045 (Projected)	2025-2045 Proj. Change	2025-2045 CAGR
Population	123,500	153,800	+30,300	1.11%
Housing Units	55,300	71,500	+16,200	1.29%
Jobs	84,900	106,600	+22,700	1.21%
Industrial SF	7,912,300	10,169,000	+2,256,700	1.26%
Office SF	6,273,100	7,357,000	+1,083,900	0.80%
Retail SF	10,608,100	12,397,500	+1,789,400	0.78%

Source: CoStar (May 2025), Lightcast (2025), Montana Department of Commerce, SB Friedman

CONCLUSIONS

Projected population growth drives demand for additional residential and commercial development

- SB Friedman analyzed the city's existing and projected housing needs given anticipated population growth; assessed current and future economic development conditions and opportunities; and evaluated potential market constraints to future development.
- Billings is projected to continue growing through 2045. To accommodate that growth, the city will need to plan for new housing. Stakeholder interviews identified utilities as one of the biggest constraints to housing development and affordability. As a result, the city will likely need to plan for both infill housing development — which can rely on existing municipal infrastructure — as well as strategic extensions to accommodate residential development outside the existing municipal limits. Planning for a diversity of housing types, including single-family detached homes, townhomes, affordable and market-rate multifamily or condominium homes, would help ensure that there are housing options for people and households at different stages of life and with varying needs.
- Billings is a commercial and employment hub, drawing both consumers and workers from a broader region. As population is projected to grow over the next 20 years so too is employment, as well as the commercial space needed to accommodate the additional demand.
- Industrial is the strongest product type currently. Most recent industrial development has been located on the edges of Billings, or within annexation zones. Given land constraints in the city, we project that these locations will accommodate most of the future industrial development. Like with housing, strategic infrastructure planning will be key to accommodating demand.
- The office market is relatively weak, particularly as work-from-home and hybrid working arrangements become more commonplace, though lease vacancy remains relatively low. Most future office development is likely to be smaller-scale space for professional users like dentists, lawyers or accountants. Conversely, there will likely be less demand for corporate office space. Any near-term corporate office development is likely to be built-to-suit space led by specific companies, rather than speculative development.
- As the population and employment in Billings grows, demand for additional retail space will also increase, albeit at a slower rate given ongoing market trends. Most future retail development will likely be needed to meet the daily needs of new residents and workers, particularly in areas where population grows the most. Over the last decade the Heights and West Billings have grown the most. Given greater land constraints in the core of Billings, it is likely that these areas will accommodate much of the future growth in retail demand.

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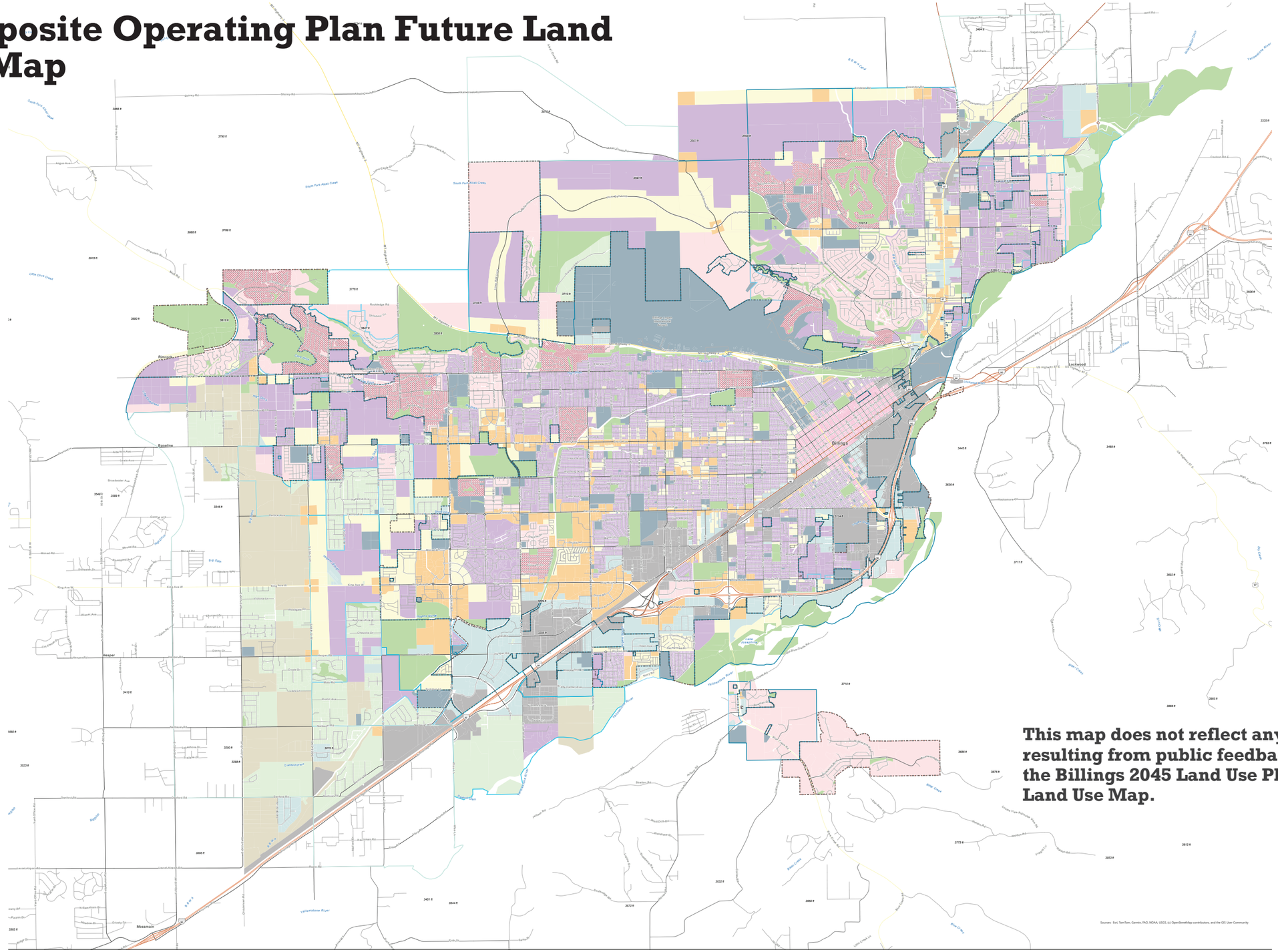
VISION | ECONOMICS
MARKET ANALYSIS AND REAL ESTATE ECONOMICS

STRATEGY
DEVELOPMENT STRATEGY AND PLANNING

FINANCE | IMPLEMENTATION
PUBLIC-PRIVATE PARTNERSHIPS AND IMPLEMENTATION

B. Composite Operating Plan Future Land Use Map


Billings
Laurel
Lockwood
Huntley
Ballantine
Worden
Park City
Broadview
Shepherd
Custer
Molt
Roberts
Joliet
Fromberg
Edgar
Bridger
Belfry
Red Lodge
Rockvale
Absarokee
Columbus
Park City
Laurel
Billings
Lockwood
Huntley
Ballantine
Worden
Broadview
Shepherd
Custer
Molt
Roberts
Joliet
Fromberg
Edgar
Bridger
Belfry
Red Lodge
Rockvale
Absarokee
Columbus
Yellowstone River
Clarks Fork Yellowstone River
Pryor Creek
Canyon Creek
Blue Creek
Lake Elmo
Lake Elmo State Park
Lake Elmo Dr
Lake Elmo Rd
Lake Elmo Dr
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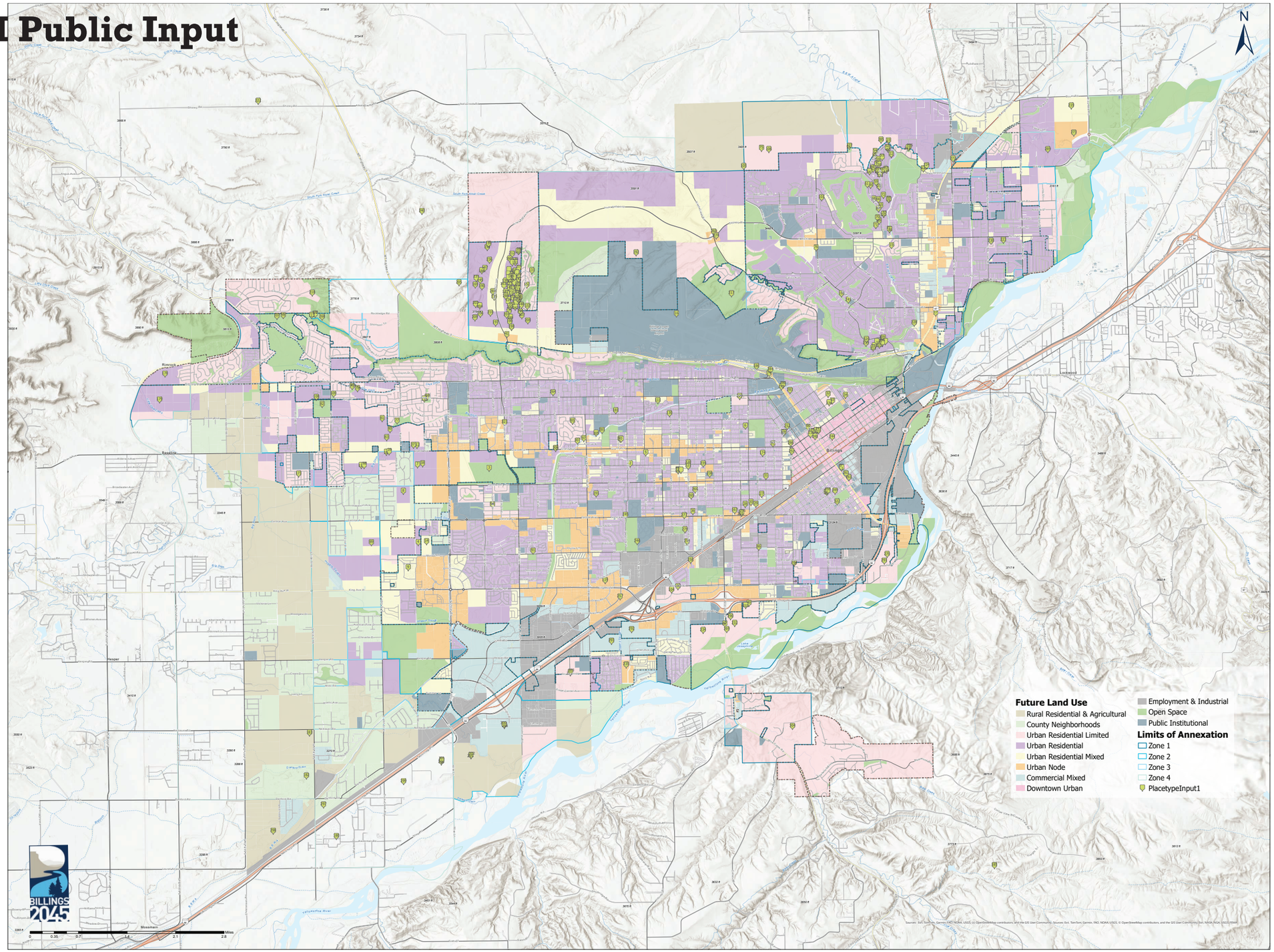
Lake Elmo Dr
Lake Elmo Rd

C. FLUM Public Input


N
Future Land Use
Rural Residential & Agricultural
County Neighborhoods
Urban Residential Limited
Urban Residential
Urban Residential Mixed
Urban Node
Commercial Mixed
Downtown Urban
Employment & Industrial
Open Space
Public Institutional
Limits of Annexation
Zone 1
Zone 2
Zone 3
Zone 4
PlacetypeInput1
Billings
Laurel
Lockwood
Huntley
Ballantine
Worden
Acton
Ranchester
Absarokee
Roberts
Joliet
Fromberg
Edgar
Bridger
Warren
Belfry
Clark
Silesia
Park City
Columbus
Reed Point
Big Timber
Greycliff
Melville
Rapelje
Custer
Hysham
Broadview
Shepherd
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Rockvale
Lockwood
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Greycliff
Melville
Rapelje
Custer
Hysham
Broadview
Shepherd
Molt
Rockvale
Billings
Laurel
Lockwood
Huntley

OBJECTID	Comment	x	y
1	PI	-108.5	45.77889
2	PI	-108.5	45.77881
5	Urban Residential Mixed would fit this parcel better in my opinion due to zoning to the East, South, and Southwest.	-108.627	45.76424
6	Originally a Community Commercial parcel up until Project Recode, which would match Alpine Village zoning.	-108.559	45.78246
7	Does this proposed zoning allow for the reconstruction of it's original and current use? (4) 4plex buildings along Avenue E.	-108.529	45.7878
8	Urban Residential Limited seems like a better fit.	-108.627	45.7805
9	Urban Residential Limited seems like a better fit.	-108.631	45.775
10	Shouldn't this be Urban Node based on the current use?	-108.63	45.75902
11	Urban Residential Limited seems like a better fit.	-108.636	45.78319
12	Urban Residential Limited seems like a better fit.	-108.644	45.78049
13	Urban Residential Limited seems like a better fit.	-108.627	45.78457
14	Does Urban Node make more sense here as there is already an approved commercial use? Future development may include self storage or multifamily.	-108.475	45.84111
15	How is traffic flow going to be accessed to Monad as Bell is not a street capable of handling traffic it doesn't even have a line?	-108.624	45.76441
16	This area should be UR	-108.484	45.82517
17	I think this is great!	-108.549	45.81143
18	Should this be Urban Node and Commercial Mixes	-108.471	45.81092
19	This area from here west should be Urban Residential Limited	-108.486	45.84098
20	This area from here west should be Urban Residential Limited	-108.485	45.83476
21	This area from here west should be Urban Residential Limited	-108.487	45.83171
22	Almadin Ln should be Urban Residential Limited	-108.485	45.82854
23	This area from here west should be Urban Residential Limited	-108.484	45.84416
24	This area from here west should be Urban Residential Limited	-108.485	45.84709
25	This area should be Urban Residential Limited	-108.487	45.84069
26	This area should be Urban Residential Limited	-108.488	45.83749
27	This area should be Urban Residential Limited	-108.488	45.84069
28	This whole half-block could be urban residential mixed.	-108.524	45.77347
29	This is across from a grocery store and adjacent to bus stops. Urban Residential Mixed would make more sense.	-108.529	45.77142
30	Commercial mixed, to match the rest of this half-block. There's no residential here; it's a coffee kiosk currently.	-108.526	45.77143
31	Urban residential mixed, to match the rest of the half-block. This parcel has multiple businesses currently, so I think it wouldn't be an issue.	-108.527	45.77185
32	The lots facing Broadwater from 1st to 9th Sts could be Urban Residential Mixed. There are some apartments and small businesses on this stretch, plus bus stops + multiple adjacent schools. Would buffer the interior neighborhoods from Broadwater's traffic.	-108.523	45.77721
33	Urban Residential seems like a better fit for this whole area than Urban Residential Mixed. There's nothing particularly suburban about it!	-108.504	45.79423
34	The lots on the south side of this block, facing North Park, could all be Urban Residential Mixed. There are already some multi-unit buildings here, and an small older commercial building at the west end of the block.	-108.503	45.79283
35	Urban Residential seems like a better fit. It's currently a residence. No reason to encourage Urban Node development on a single parcel.	-108.499	45.79395
36	The South Side Triangle area feels very "patchwork" on this draft map. Is there a way to do this so the placetypes feel more intentional? At the very least, I would suggest switching the few Commercial Mixed parcels west of S. 27th to something else.	-108.505	45.77373
37	This whole half-block is primarily businesses currently, and faces a major road. Urban Road or Commercial Mixed seem more appropriate.	-108.545	45.77004
38	I disagree with the other comment on this parcel. This should be Residential or Urban Residential Mixed.	-108.628	45.78461
39	I disagree with the other comment on this parcel. This should be Residential or Urban Residential Mixed.	-108.625	45.78071
40	I disagree with the other comment on this parcel. This should be Residential or Urban Residential Mixed.	-108.635	45.7833
41	Urban Residential Limited next to the interstate doesn't seem practical.	-108.528	45.75073
42	I like the Urban Node proposed here!	-108.6	45.80752
43	This area should be Urban Residential Limited	-108.485	45.84535
44	This area should be Urban Residential Limited as SF only	-108.486	45.84108
45	This area should be Urban Residential Limited as SF only	-108.485	45.8348
46	This area should be Urban Residential Limited as SF only	-108.487	45.83177
47	This area should be Urban Residential Limited as SF only	-108.485	45.82851
48	This area should be Urban Residential Limited as SF only	-108.488	45.83749
49	This area should be Urban Residential Limited as SF only	-108.487	45.8408
50	This area should be Urban Residential Limited as SF only	-108.488	45.8408
51		-108.484	45.84424
52		-108.485	45.84557
53	This area should be Urban Residential Limited as SF only	-108.485	45.8456
54	This area should be Urban Residential Limited as SF only	-108.487	45.84362
55	This area should be Urban Residential Limited as SF only	-108.489	45.84489
56	This area should be Urban Residential Limited as SF only	-108.489	45.84395
57	This area should be Urban Residential Limited as SF only	-108.488	45.84321
58		-108.488	45.84225
59	This area should be Urban Residential Limited as SF only	-108.488	45.84218
60	This area should be Urban Residential Limited as SF only	-108.489	45.83839
61	This area should be Urban Residential Limited as SF only	-108.49	45.83782
62	This area should be Urban Residential Limited as SF only	-108.491	45.83799
63		-108.49	45.84146
64	This area should be Urban Residential Limited as SF only	-108.49	45.84119
65	This area should be Urban Residential Limited as SF only	-108.491	45.84066
66	This area should be Urban Residential Limited as SF only	-108.487	45.83353
67	This area should be Urban Residential Limited as SF only	-108.488	45.8348
68	This area should be Urban Residential Limited as SF only	-108.488	45.83287
69	This area should be Urban Residential Limited as SF only	-108.49	45.83494
70	This area should be Urban Residential Limited as SF only	-108.488	45.8303
71	This area should be Urban Residential Limited as SF only	-108.488	45.83099
72	This area should be Urban Residential Limited as SF only	-108.489	45.82941
73	This area should be Urban Residential Limited as SF only	-108.487	45.83569
74	Several families enjoy hiking and snowshoeing in this area. It is also home to wildlife.	-108.599	45.81627

75	These road islands ("Gateway Park") should be Open Space.	-108.522	45.79873
76	The master plan for High Sierra shows this area at the same planned density as the rest of the subdivision. Could it be Urban Residential like the rest?	-108.523	45.84585
77	Should be Urban Residential Mixed. SD2 sold this parcel to HomeFront.	-108.507	45.82488
78	keep as river rock park and develop park per master plan from 2011	-108.633	45.78974
79	urban residential limited	-108.645	45.79658
80	keep park and develop park	-108.646	45.79701
81	urban residential limited surrounding park on south side and up to rangeview	-108.635	45.78794
82	urban residential limited	-108.637	45.79024
83	develop park	-108.655	45.79334
84	extend the big ditch trail down to grand	-108.636	45.78625
85	dont sell our park	-108.624	45.79465
86	Urban Residential Mixed to match surrounding properties.	-108.549	45.77877
87	Odd that this one sliver is Urban Residential Limited. Should it just be Urban Residential?	-108.525	45.76242
88	Maybe encourage denser development along S. Billings Boulevard?	-108.536	45.74646
89	I disagree with the other comment on this parcel. This should be Urban Residential to help transition between denser development on Grand and the existing county neighborhood to the south.	-108.643	45.78047
90	Would these be Public Institutional, since SD2 owns them and has them earmarked for a future high school?	-108.641	45.76434
91	Update to PI - this is a church	-108.566	45.78538
94	Consider RMU instead of single family if selling land. Create a town square: public meeting space, community center & condos.	-108.593	45.76219
95	The lots facing Grand from 1st to 4th Sts could be Urban Residential Mixed. There are some apartments and small businesses on this stretch, plus bus stops + multiple adjacent schools. Would buffer the interior neighborhoods from Grand's traffic.	-108.521	45.784
96	It would be nice to remove the ‘double’ dog leg Avenue C and give the children a safer crossing here (and on all the alphabet parks).	-108.517	45.78631
97	Urban Residential feels more appropriate for this area (between 32nd and 36th) than Urban Residential Limited. It's next to parks/trails/churches, sidewalks are gradually getting built out, and it's adjacent to an Urban Node area.	-108.605	45.77198
98	It seems stifling not to let this area be UR or even ditch facing URM to allow incremental density here. It is surrounded by UR - why keep it trapped and low value when the city budget could be net from a bit more granularity?	-108.58	45.78925
99	P2 missing for library, Lincoln, SD2 buildings, St John’s	-108.51	45.78734
100	This could be bumped up to node to allow for a live-work active transport ‘canal district’, building on existing businesses. Perhaps the city could support by purchasing a small P1 mixed use canal trail strip, paving the way (as it were)for a 24th	-108.577	45.7856
101	Should the undeveloped land owned by the Country Club be switched to Urban Residential Limited, given that it was zoned as residential prior to Project Recode and the country club has not committed to maintaining it as open space?	-108.667	45.81203
102	This wet, tree- filled, unbuilt extension of Spring creek would be better suited to public space than building. Land for sale, I believe.	-108.549	45.77864
103	This should be changed to Residential Limited provided it was previously R9600 prior to ReCode and can be changed from the existing P1 in the future.	-108.657	45.8122
104	Established suburban neighborhood should remain as single family. Please change all this area that is N3 to Urban Residential Limited and limit the housing to single family homes. Thank you.	-108.505	45.83536
105	What a great linear park and carless connection!	-108.5	45.81519
106	Please make this a node area like its bookends. The point of investing in public infrastructure like an ice rink is to realize value gains from the surrounding property to pay for maintenance, upkeep and Zambonis. Single-family freeway hoods won’t cut it.	-108.55	45.75438
107	Shouldn't this area be Commercial Mixed or Urban Node?	-108.551	45.75372
108	URM	-108.528	45.8421
109	UR	-108.521	45.84558
110	This should be Urban Residential Limited similar to what is was before Project Re:Cod changed it. This will allow YCC to develop the land as another nine holes for golf, new residential homes consistent to the neighborhood, or a combination of both.	-108.668	45.81187
111	Problem: single family tax/acre. Develop this space with fiscally responsible street side mixed use for a few apartments and neighborhood gathering hub. Arrange value trade with ditch assn to extend linear hi-line ditch trail west-east for connectivity.	-108.657	45.79485
112	Plan for connectivity working with the hi- line ditch association to create a linear park leading through to Rimrock West Park. Consider a land value exchange if necessary. Plan ahead to create this space for kids, dogs, wildlife and the whole community.	-108.652	45.79548
113	You may want to trade a corner lot to Hi line ditch assn for Hi Line ditch trail access connecting through to Poly Vista, big ditch trail and arrowhead school - what an opportunity!	-108.625	45.79427
114	If the city establishes a land trade system to improve access for the public, trading four street side lots of this 1.5acre city-owned property for canal access beside the 4 condo associations would allow the linear BBWA park to continue & access tennis.	-108.555	45.79334
115	This also should be Urban Residential Limited	-108.658	45.81201
116	Unique space in Billings that should strongly be changed to Open Space. Sagebrush, Bitteroot, Meadowlarks, hiking, hunting—>wonderful sense of space	-108.597	45.8167
117	This space should be left as open space public land. It is currently public school trust land that is used for hiking, hunting, and biking.	-108.598	45.81503
118	This is State owned land, there are many people who enjoy hiking, birding and hunting. This is public land that should remain public, saved for conservation and enjoyment. Keep Billings spaces open and sensibly conserved.	-108.598	45.81365
119		-108.596	45.81516
120	This is public land and should remain so for hiking and biking. We use it daily. If this word developed and into housing, it would put a huge burden and strain on Zimmerman Trail and access to Billings west End.	-108.597	45.8206
126	Keep the space designated open space. The beauty is in its expanse and quiet for all to enjoy	-108.596	45.81809
127		-108.571	45.75587
128	This is school trust land that is open space and used daily for recreation such as hiking, hunting, biking. This should remain open space. Many many wild birds live here!	-108.598	45.81866
129	This should stay as open public places available to all of us for hiking, birding, dog walking and biking.	-108.6	45.8164
130	The pleasure of wide open Montana land is being over developed. Please no urban development . Thank you	-108.596	45.81905

131	Keep as designated open space	-108.599	45.81786
132		-108.599	45.8148
133	Turn into designated green space with park, beautiful connection between community centers: library and art museum	-108.509	45.78644
134		-108.598	45.81998
135		-108.507	45.78659
136	Vacant lot should be provided for an extension to the neighboring Yellowstone art museum	-108.508	45.78669
137	Turn into designated open space	-108.597	45.8144
138		-108.551	45.79059
139		-108.592	45.82082
140		-108.597	45.8208
141	Turn into designated open space	-108.597	45.82288
142	Keep as designated open space	-108.597	45.81832
143		-108.603	45.81539
144	Keep as designated open space, green space to separate cultural institutions: art museum and library	-108.509	45.78634
145	Please keep this area open without development	-108.597	45.81711
146	Keep designated as open space	-108.6	45.81871
147	This is open state public land. It should stay open lots of people and animals use it every day. It should not be developed. It should stay natural for birds and wild habitat.	-108.596	45.81506
148	This is state public land. It is used for recreation of not only walkers, bikers, joggers, and hikers. It's also used for multiple animals and birds, including the Meadowlark. Please save this land. Keep it open.	-108.597	45.81653
149	I have for several years had a haikubox directed at the state land, open space area. A Haikubox monitors bird calls and is essential for studying the migration patterns and types of birds found in this habitat. (2nd half of commentary)	-108.596	45.81627
150	To develop this land into urban housing would destroy the habitat of many grassland nesting birds, as well as important stopover for migrating birds.	-108.596	45.81712
151	Families hike and enjoy wildlife here	-108.599	45.82109
152	This should not be developed. Wildlife need this space	-108.599	45.8202
153	Open space for wildlife and family hikes.	-108.608	45.81892
154	Don't urban develop this land	-108.599	45.81719
155	Recreation for families and bird watching. Do not developed please.	-108.606	45.82145
156	As the one paying the property taxes on this land, land that was specifically purchased because of its location and not having neighbors anywhere near, then thinking of it developed makes my skin crawl. Please do not develop this.	-108.595	45.81361
157	This land should be kept open space. If any development (businesses, apartments, even additional houses) is added the effect on Zimmerman trail could cause traffic jams going up and down Zimmerman potentially leading to many fatalities.	-108.598	45.81963
158	Zimmerman is already overloaded. There are three new apartment complexes being built on Zimmerman. If this land were developed it would just add to the congestion. This land should be kept open for recreation purposes, wildlife and open space. Please, No!	-108.598	45.81702
159	I was rear ended 3 weeks ago on Zimmerman North of Rimrock. More traffic on Zimmerman could increase chances of fatalities.	-108.597	45.8226
160		-108.594	45.81784
161	It makes no sense to put houses or apartments at the top of Zimmerman. The bottleneck to Skyway drive would negate anytime it now saves for people accessing the Heights	-108.598	45.81967
162	Please do not develop. Keep open for wildlife and recreation on both sides of inner belt loop.	-108.605	45.8258
163		-108.605	45.82644
164	After serving 21 years in the US Army, I deeply value the solitude and openness that this space affords me to hike with my dog. I ask that as a community we can be good stewards of this space and preserve it for future generations as Magic City grows	-108.596	45.81464
165		-108.594	45.81337
166		-108.596	45.8153
167		-108.597	45.81464
168		-108.597	45.81464
169		-108.597	45.81457
170		-108.596	45.81477
171	When the road was built they put in game tunnels for to access water from the west side to the east. They travel daily.	-108.6	45.81776
172	A place for wildlife, animals and hiking. No development.	-108.596	45.82496
173	Reccomend it be used for wildlife / nature and trails. I do not reccomend development with the significant shift in rock/soil that has occurred since the road was finished. We alrea dy have to listen to all the cars racing on the Inter Belt Loop	-108.596	45.82489
174	This is an incredible open space used by recreationists, wildlife and adds a scenic element that should not be disturbed. Please consider changing this to Open Space.	-108.599	45.82334
178	Odd place for UR. Urban Node or URM to match adjacent properties.	-108.532	45.77014
179	I purchased this property 15 years ago paying for the calue of no development behind me. Please do not devalue my property by developing. Leave as public lands	-108.596	45.81535
180	Please leave undeveloped! This area is full of wildlife and walking trails.	-108.609	45.81799
181	Lovely area, please keep as open space.	-108.597	45.81951
182	Zimmerman Trail cannot handle more traffic. This new development will further congest this area. At least the East side of Skyway should be left undeveloped.	-108.597	45.81403
183	Turn into open designated space	-108.596	45.81593
184		-108.662	45.77886
185		-108.524	45.78205
186		-108.599	45.81232
187	Very accessible, critical sagebrush habitat that provides a wonderful space in a growing city for walking, birding, solitude, and even winter activities such as sledding and snow shoeing. Definitely a space that warrants Open Space designation.	-108.596	45.81504
188	This open space is greatly used by animals and birds and people who bought here for the use and open spaces. New Heights connector road has already hurt animal sightings who were here first. Please reconsider.	-108.596	45.81984
189	Urban residential limited	-108.702	45.80006
190	Open space	-108.704	45.79468
191	The land south of the S Frontage Rd, and west of Wise Lane, to around S 56th St is developing rapidly with no apparent planning. It needs to be included in this effort.	-108.652	45.70298

192	The speed limit on this short street - that has residences, a school, and church, is 35MPH. People take that as a minimum, not max. Its way to fast for neighborhood safety and enjoyment. It is NOT a thruway street.	-108.567	45.79134
193	This land and adjoining parcels are owned/operated by Knife River for their aggregate operations (and mining). The thought of it becoming a County Neighborhood in the next 25 yrs is doubtful.	-108.661	45.71569
194	The ag land in this quarter section is owned by JTL (Knife River). Is the intention to allow them to expand their mining operations?	-108.66	45.72468
195	This area has been a great place to bike and walk. I see lots of people enjoying this space;I think this is because it's an area you can enjoy the scenery of the plains and some calm/quiet. That would go away if urban housing was put here.	-108.599	45.81436
196		-108.456	45.69523
197	Wider bike lane to get to trails and airport	-108.525	45.80022
198	Designate for open space Abby & Elliott Gaitonde	-108.597	45.81563
199		-108.607	45.82094
200	Open land; wildlife, nature, outdoor activities. Urbanization will exponentially increase traffic yp and down Zimmerman trail	-108.599	45.81115
201	Don't take away our state land access. I go out here and hunt and walk my dogs. And spend time with my kids and family out there.	-108.607	45.8176
202	Purple area between inter belt loop and ward 4	-108.574	45.77399
203		-108.561	45.8243
204		-108.598	45.81645
205	Constantly see people riding bikes and running and walking this nature area.	-108.598	45.81634
206	Nature area	-108.6	45.81601
207	Wildlife area	-108.598	45.82254
208	This land is used by many people and all of Montana's beautiful wildlife it can not be further urbanized	-108.603	45.80999
209		-108.598	45.80904
210		-108.599	45.81013
211		-108.599	45.81339
212		-108.6	45.81159
213		-108.598	45.80906
214		-108.609	45.81392
215		-108.608	45.81361
216		-108.614	45.8185
217		-108.608	45.81185
218		-108.595	45.81144
219		-108.593	45.81036
220		-108.609	45.81109
221		-108.605	45.81207
222	Lots of hikes during summer and snowshoeing in winter. Please do not develop this natural area.	-108.596	45.8213
223	Many fond memories of hiking this area. To put homes here would be ashame.	-108.598	45.82436
224		-108.597	45.82041
225	My family walks here often and treasure the natural beauty of it. To develop it would be devastating.	-108.599	45.81939
226	Beautiful area, please leave as open space	-108.596	45.81221
227	I purchased this property 15 years ago that backs up to state PUBLIC land. If this gets sold and houses get built behind my house my value will considerably drop. Public land should remain Public land.	-108.596	45.81528
228	PI? I believe this was the property acquired last November with FAA funds to essentially become part of the airport grouds.	-108.532	45.81552
229	Please make the castle (5650 Canyonwoods Dr.) a multifamily zone to attract a 'active living' senior community use - or something similar.	-108.658	45.81668
230	Doesn't the draft Heights plan identify these parcels as targets for denser development? Given the presence of Five Mile Road, perhaps UR and/or URM would be worth considering.	-108.43	45.85387
231	Complete Sidewalk on east side of 12th - DANGEROUS for peds	-108.546	45.78025
232	Complete Sidewalk on E side of 12th	-108.546	45.77952
233	Create Wast City Bypass for trucks	-108.673	45.85691
234	This would be another place to trade a bit of park space here to connect the two existing linear parks along the ditch. Also Ping circle should match its neighbors and allow duplexes etc.	-108.451	45.82597
235	I would agree with urban node here - but not for storage units. It seems like the most visited state park could use some food and even lodging options overlooking the lake.	-108.474	45.84172
236	If you're looking to unload parkland, few parcels make more sense than this acre patch steps away from a large state park. Work with the state and Homefront to create some workforce housing here.	-108.479	45.84569
237	Strongly disagree with the single family shill here. Any area with this level of amenities should be opened to Urban Residential Mixed to fully justify and realize value gains from the infrastructure. Please acknowledge water, power, snow plows required!	-108.488	45.83989
238	Reconsider this block park to trade with developers for a linear park along the canal -- a bonus for walkers, wildlife, seniors and children biking to the lake.	-108.497	45.84606
239	There is a two acre parcel that would be an interesting node continuation providing canalised dining and living in a low rise canal-facing town square development would add a new lifestyle dimension to the heights.	-108.478	45.80887
240	It seems like making this UR like the surrounding area would give the owners flexibility to divide a 4000sqft home or upzone their acre lot with a ADU if they want to. These options make so much sense in the area between the hospital and university.	-108.53	45.79401
241	The Ping Circle development should be Urban Residential.	-108.455	45.82581
242	Keep public /state land/open undeveloped and accessible by all residents to enjoy the outdoors	-108.609	45.81934
243	this area would be good for mixed commercial/residential use	-108.533	45.74656
244	mixed use higher intensity commercial	-108.529	45.75028
245	commercial/residential mixed use	-108.542	45.74519
246	This area, while it has higher zoning currently, I believe the more appropriate place type would be Urban Residential, rather than Urban Node.	-108.565	45.73815
247	Please don't develop this. Billings is getting too big and the water supply system can't handle all the demand.	-108.605	45.82312
248	PI for Grace United Methodist.	-108.566	45.78537
249	This half-block should be Urban Node. This is a midcentury strip mall, mostly with offices and small-scale medical, that provides a nice transition between the old Cine 7 property to the south and the apartments/YWCA to the north.	-108.54	45.77784

250	These properties currently labelled UR should be either Urban Node or URM. There are currently businesses on these parcels, and given the surrounding placetypes, aspiring for UR here doesn't make sense.	-108.542	45.77999
251	I don’t want the BLM land subdivided into housing.	-108.625	45.8335
252	Leave green spaces! This is our neighborhood!	-108.498	45.81387
253	Our house only has 3 feet between the back of our house and where the state trust land starts. Any housing development would impose significant burden on us when roofing and foundation work needs to be done. Please keep this area as open space	-108.597	45.81325
254	Leave this land alone! This concept that every open space needs to be filled with workforce housing will make our city too densely populated, and people will move away!	-108.479	45.84557
255	These county-owned parking lots are unnecessary with so much other parking and the transit hub across the street. The county should coordinate with SD2, MT State or Homefront to create a mixed-use mini-plaza to capitalize on transport infrastructure	-108.503	45.78525
256	The city should make this green space URM- a multifamily infill condo tower to add to their tax base instead of their maintenance bill. See the tower across from Rocky for reference- it's a real boon to the tax base. Make use of Par 3 proximity!	-108.565	45.76946
257	There is an area here that could be developed as a golf course facing condo community here with would assist with the value capture of this vast green space. It would help the city balance its budget.	-108.562	45.76393
258	in response to other post - YAM's additional space is The Vault. They don't need any further costs. The could coordinate with Homefront to set up artists' residence on the two adjoining properties owned by Homefront north of The Vault.	-108.507	45.78663
259	A TIF-subsidized Gazette building purchase by St John's would be a good partnership to create a downtown, Arts District senior living with an event lawn (resident parking in warehouse). SJ is already present and active senior downtown living is growing.	-108.508	45.78542
260	Consider flanking the entire park in URM to thicken up these ageing properties as they're replaced and capture value from pool improvements to add to the upkeep and maintenance pot. Few neighborhoods are as well-poised for future value gain.	-108.502	45.77396
261	Response: what about opening up Commercial mixed all the way over to 31st above the park to encourage updating failing properties to their highest and best use while creating space for local small businesses in a 'live above the shop model'?	-108.505	45.77386
262	Why not give this city-owned part of 33rd to the Y to use as an outdoor space	-108.515	45.78232
263		-108.516	45.78762
264	These little parks are very silly. Consider removing the interior road and gifting them to the adjacent property owner, better than maintaining them.	-108.517	45.78633
265	This is another city park that could provide some Parkside housing along Kalmar Dr.	-108.547	45.76379
266	This node area would be one to keep an eye on for long term light rail 'transit oriented development' to link the city with the next level of public transport. You could begin negotiating with BNSF now for rail and rail bed access.	-108.53	45.7696
267	This node area would be one to keep an eye on for long term light rail 'transit oriented development' to link the city with the next level of public transport. You could begin negotiating with BNSF now for rail and rail bed access.	-108.53	45.76966
268	This node area would be one to keep an eye on for long term light rail 'transit oriented development' to link the city with the next level of public transport. You could begin negotiating with BNSF now for rail and rail bed access.	-108.567	45.75241
269	This node area would be one to keep an eye on for long term light rail 'transit oriented development' to link the city with the next level of public transport. You could begin negotiating with BNSF now for rail and rail bed access.	-108.546	45.7599
270	Response to the response: Why encourage more commercial development in the interior of South Side triangle when that's more needed along S. 27th and 1st Ave. S? The 'live above the shop model' seems better suited to the EBURD.	-108.504	45.77399
271	I like the proposed urban node!	-108.537	45.82845
272	mostly city land oaths half block. Why not community gardens on the vacant lots?	-108.498	45.77674
273	This is county land on this whole block. Why is this not a prison garden project to reduce food costs and teach skills? Even planting potatoes on the vacant lots would yield a harvest and improve the appearance.	-108.498	45.77674
274	These lots are privately owned but the owners may allow seasonal gardens if there was interest.	-108.499	45.77756
275	The new Urban Residential designation should allow for duplexes on residential lots across all zoning sub-types (N1, N2, N3, N4). Holding on to the "no duplexes" rule for N3 and N4 is bad policy in a growing city that badly needs more housing and density.	-108.586	45.79528
276	Perhaps the city could sell the 1133 Howard lot to the multifamily to save maintenance and add to tax base or make it a pocket park accessible to all.	-108.545	45.77332
277	The is a little strip of P1 drainage ditch here between Terry and Miles. Perhaps it could be rethought and have a public use access?	-108.544	45.77457
278	1260 Yellowstone and the neighboring lot to the west would make better park than a housing project. This seasonal waterfall with mature trees is a cool urban oasis which backs up to county property on the southern edge. Provides awareness of water source.	-108.548	45.77873
279	Keep this as openspace. This area is currently used by west end residents for recreation. YCC has had years to challenge P1 zone, has not done so. YCC has attempted to cut off public access to these trails in the past. Public has adverse possession	-108.655	45.81161
280	URL here is contrary to zoning policy prohibiting N zones along arterials. Should this area develop in the city, it should be UN or URM	-108.535	45.74531
281	URL should be mapped on existing N3 only. This area should be UR. URL is a category that will lock in unsustainable low density whose tax revenue won't support maintenance	-108.487	45.76059
282	much of this area is heavy commercial/ light industrial. URL makes no sense for existing or preferred development here. Should be UR, URM, or EI	-108.582	45.73666
283	commercial	-108.466	45.84312
284	Commercial	-108.429	45.8482
285	commercial	-108.537	45.82763
286	Response to 'green space'. Looking at MT's tax parcel map it's clear that DT needs private development. Envision a walkable/mixed town center encompassing 'Y to YAM' creating new housing while optimising vast existing (SD2, city) parking as an event plaza	-108.509	45.78585
287	Agree w other commenter. URM here and upzone next to public amenities wherever possible to justify and capture the value of that public investment to pay for more nice stuff! PLAN - to cover your budget. Incentivize infill over sprawl. Stop annexing.	-108.504	45.79247

288	A stormwater drain is buried under these medians (P1 green). Why not upgrade to open, low- maintenance bioswales with an E. Plainview tree-lined, protected path, linking Terry, over the tracks (long term) to Amend park. www.youtube.com/watch?v=nKdbUfnze5E	-108.547	45.76923
289	A stormwater drain is buried under these medians (P1 green). Why not upgrade to open, low- maintenance bioswales with an E. Plainview tree-lined, protected path, linking Terry, over the tracks (long term) to Amend park www.youtube.com/watch?v=tGHzOKXhp-M	-108.547	45.76628
290	The state could spur awareness in a canal district here: honor history, explore connections and improve the academic- medical link with some canal facing features besides parking (small amphitheater or food truck court?) www.youtube.com/shorts/UTaReU5gqI8	-108.518	45.79589
291	This is definitely the place to have the state negotiate with BBWA to allow cy-walk trail linking tax-exempt university to this 'node' area to increase interaction and public ROI. PLAN an activated airport entry vibe! www.youtube.com/watch?v=6jYi8UA4P2I	-108.517	45.79631
292	Consider setting this parking lot up for post-pool food truck time during the summer months. Provide spaces / amenities and charge rent. Link canal path with small bridge here. Make parks generate income besides taxes. S park pool - same strategy.	-108.572	45.78726
293	Hmm - single family? Just keep the Simpson St. connector trail on your radar as things pick up in the wake of the Amend Park hockey project.	-108.515	45.75901
294	There are so many medical professionals coming our way to support the medical corridor improvements - wouldn't URM make more sense for this stripe behind the node as this area responds to the needs of new nurses, medical residency students etc?	-108.515	45.79513
295	Not really following the 'node' desigation here. This area needs a clear walkable (lighted?) path leading to Hefner's Steps with historical markers. Ensure that it is P1 -- not... node.	-108.521	45.79945
296	Please share the tax income / acre (see Urban3 for info) for each Ward on the Billings 2045 project page and show us how much each Ward covers from its water, road, snow plow etc. bill. Please make any annexed property pencil out within the Ward.	-108.487	45.84726
297	Can we ask for a roundabout here with a two way 6th Avenue?	-108.515	45.78408
298	This corredor lies in the middle of an urban wilderness area. No future development (commercial or residential, beyond the existing inner belt loop road should be allowed in this area to ensure that the remaining portion of this state land remains natural	-108.604	45.81652
299	This parcel of state land (both sides of the belt loop) has long been used as a wildlands recreation area by Billings residents and is important for that purpose. No new development should be allowed on this land in order to preserve its natural character	-108.6	45.81552
300	All the flat land on both sides of what will be a major arterial connecting to Interstate 90/94 to Highway 87 and eventually along Sindelar Road and Alkali Creek Rd to Highway 3 needs to be set aside for Commercial/Light Industrial/H ind use/Tax base	-108.437	45.84479
301	All this land along Interstate 90 and the Interchange should be presumptively zoned Commercial/Lt Industrial and Industrial as it is not suitable for housing but can create a good tax base. Look at the development at King and Zoo Drive Interchanges	-108.534	45.74799
302	This land should be presumptively zoned Industrial to fit the character across the highway and make use of interstate access and arterials	-108.488	45.7592
303		-108.564	45.74554
304		-108.57	45.74314
305		-108.602	45.72579
306		-108.612	45.71956
307		-108.621	45.71832
308		-108.656	45.7096
309		-108.671	45.70423
310		-108.632	45.7143
311	Employment Industrial use for all land within 1/2 to 1 mile from Interstate	-108.602	45.72592
312	Employment Industrial use is appropriate	-108.621	45.71863
313	Employment Industrial is appropriate	-108.612	45.71959
314	Employment Industrial is the highest and best use. Good tax base!	-108.582	45.7367
315	By continuing to annex far flung properties you are building a city you can't afford. The suburban residents often demand more open space and single family zoning. They survive - water, electricity, snow plowing— on the backs of the small urban lots. Stop	-108.516	45.72488
316	If the Rose Park housing units are set to be rebuilt soon, it would be a good place to add some density with great access to schools and parks.	-108.573	45.78669
317	If senior home area West Park Village is 'node', it seems like Grand Springs area should be too. Even more reason to gather local business owners for a collective walk-friendly 'canal district' rebranding. https://10best.usatoday.com/awards/best-riverwalk	-108.586	45.7836
318	This multifamily to Ave B area is the perfect place for a car-less canal crossing to local businesses.	-108.579	45.78507
319	This neighborhood is large lot, large house and should be zoned for Single-family detached.	-108.487	45.80537
320	This neighborhood should show as single family only.	-108.487	45.80562
321		-108.487	45.80547
322		-108.487	45.80591
323	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.488	45.80485
324	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.49	45.80425
325	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.49	45.80378
326	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.488	45.80437
327	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.489	45.80511
328	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.487	45.80509
329	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.488	45.80476
330	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.492	45.8048
331	This neighborhood should be single-family detached only, as it is large home/large lot.	-108.492	45.80557
332	If Billings City does not have the money to rectify the road infrastructure between Rimrock and Grand along Zimmerman, the city has no right to continue developing along this corridor. Either alongside Zimmerman or up above the rim rocks.	-108.601	45.78914
333	Friendship House owns parcels along the ROW and wants to rezone to P2, same as the property to the west.	-108.502	45.77171

N

Future Land Use

- Rural Residential & Agricultural
- County Neighborhoods
- Suburban Residential
- Urban Residential Limited
- Urban Residential
- Urban Residential Mixed
- Urban Node
- Commercial Mixed
- Downtown Urban
- Employment & Industrial
- Open Space
- Public Institutional

Limits of Annexation

- Zone 1
- Zone 2
- Zone 3
- Zone 4

This map does not reflect any changes resulting from public feedback collected on the Billings 2045 Land Use Plan and Future Land Use Map.

BILLINGS 2045

0 0.35 0.7 1.4 2.1 2.8 Miles

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

P= Primary Zones		Rural Residential & Agriculture	County Neighborhoods	Suburban Residential (Layer is cross hatched)	Urban Residential Limited	Urban Residential	Urban Residential Mixed	Urban Node	Commercial Mixed	Downtown Urban	Employment & Industrial	Open Space	Public Institution
A	Agriculture (County)	P											
N4	Large Lot Suburban Neighborhood (County)		P	P	P								
RR1	Rural Residential 1 (County)	P	P										
RR3	Rural Residential 3 (County)	P											
R-RMH	Rural Residential Manufactured Home		P										
N3	Suburban Neighborhood Residential			P	P	P							
N2	Mid-Century Neighborhood Residential				P	P							
N1	First Neighborhood Residential				P	P	P						
RMH	Residential Manufactured Home					P	P						
NX1	Mixed Residential 1					P	P						
NX2	Mixed Residential 2						P	P	P	P			
NX3	Mixed Residential 3							P	P	P			
NO	Neighborhood Office-Residential					P	P						
NMU	Neighborhood Mixed-Use					P	P	P					
CMU1	Corridor Mixed-Use 1						P	P					
CMU2	Corridor Mixed-Use 2							P	P	P			
CBD	Central Business District									P			
DX	Downtown Support									P			
CX	Heavy Commercial								P		P		
C3	General Commercial (County)								P		P		
I1	Light Industrial										P		
I2	Heavy Industrial										P		
EBU	East Billings Urban Redevelopment District									P	P		
PD	Planned Development	P	P	P	P	P	P	P	P	P	P		P
P1	Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P
P2	Public, Civic, Institutional												P
P3	Civic and Campus												P

Land Use Category	Rural Residential & Agriculture	County Neighborhoods	Surban Residential	Urban Residential Limited	Urban Residential	Urban Residential Mixed	Urban Node	Commercial Mixed	Downtown Urban	Employment & Industrial	Open Space	Public Institution
Abbreviation	RRA	CN	SR	URL	UR	URM	UN	CM	DU	EI	OS	PI
Character	Agricultural production lands and rural residential uses on lots larger than one acre that include agricultural uses and may conserve the agricultural heritage of the Yellowstone Valley. Due to the low-density nature of development, public water and wastewater utilities are generally not available.	Large lot rural neighborhoods typically not developed in the city with limited access to public water and wastewater utilities.	Existing single family residential with structures of similar setback and maximum heights with access to public water and sewer.	Suburban residential with structures of similar setback and maximum heights, most will have access to public water and sewer.	Mixed density neighborhoods including some neighborhood commercial and housing choices from single family to townhome (4 units/structure). Public water and sewer is provided.	Higher density adjacent to mixed use with corridor services such as smaller retail businesses. Highly walkable neighborhood with possible service from transit. Typically found adjacent to Urban Nodes. Development should focus on active uses and providing a safe and comfortable environment for people, both residents and visitors.	Higher-intensity, larger-scale places where destinations like shopping and services are walkable but primarily accessed by vehicles.	Standalone commercial areas either in the city or county sometimes with adjacent higher-density residential. Could include areas in the county for contractor shops, storage, warehousing, sometimes adjacent to urban nodes, sometimes adjacent to urban residential mixed.	High density residential, multi-tenant and multi-story buildings, buildings are built to the street, onsite parking may or may not be provided. Designed to be highly walkable.	Areas of employment that provide a range of jobs in sectors such as production, manufacturing, research, distribution or extraction which may be incompatible with residential uses.	Regional public parks, recreation areas, and natural or sensitive areas which provide a variety of recreational opportunities.	Public, civic, and institutional uses located within or on the edge of neighborhoods.
Primary Land Uses	Agriculture, rural residential	Suburban residential	Suburban residential	Suburban residential	Residential, neighborhood services, and small offices	Residential, commercial, Office, Public Spaces	High-density residential, commercial, mixed-use, shopping centers, public spaces, office	Higher intensity commercial uses, may include high-density residential	High-density residential, multi-story office, retail, historic buildings, public spaces	Warehousing, hotels, larger-scale buildings providing employment	Regional and neighborhood recreational facilities as well as passive and active open spaces	Schools, churches, hospitals, public facilities (non-recreation)
Building Types	Single family dwellings, manufactured homes, accessory dwelling units	Single family dwellings, manufactured homes, accessory dwelling units	Single family dwellings, accessory dwelling units	Single family dwellings, duplexes, accessory dwelling units	Single family to four family dwellings, accessory dwelling units, neighborhood services	Single family to eight family dwellings, accessory dwelling units, commercial mixed use, offices, retail	Apartments, townhomes, multi-tenant retail, offices, commercial with or without drive thru services	Apartments, multi-tenant retail, offices, commercial with or without drive thru services, warehouse	Multi-story buildings, buildings are built to the street front with or without off street parking	Multi-story or mult-acre structures to accommodate employment	Facilities associated with public use and recreation	A variety of building types varying in nature of use and sizing
Density (gross development average)	Max 1/ac (accessory dwelling units are not primary units)	1 - 3.5 units/ac (accessory dwelling units are not primary units)	4-7 units/ac (accessory dwelling units are not primary units)	3.5 - 7 units/ac (accessory dwelling units are not primary units)	6 - 16 units/ac (accessory dwelling units are not primary units)	12 - 24 units/ac (accessory dwelling units are not primary units)	16+ units/ac	16+ units/ac	16+ units/ac	Residential units are unlikely in these areas, but are allowed in Heavy Commercial zones	N/A	Density associated with institutional use
Mobility & Street Network	The street grid is more spread out, typically following section lines with private vehicles as the primary mode of transportation. Local streets are generally gravel.	Neighborhood streets connected to collectors or arterials, some of which may be paved. Future county neighborhoods should be connected to existing neighborhoods.	Paved neighborhood streets connected to collectors or arterials. These neighborhoods may have access to nearby community ammenities including parks, schools, and neighborhood commercial areas.	Paved neighborhood streets connected to collectors or arterials. Future neighborhoods should be connected to existing neighborhoods. These neighborhoods may have access to nearby community ammenities including parks, schools, and neighborhood commercial areas.	Development is organized to support a walkable environment. Streets have adjacent sidewalks and shared use pathways to connect neighborhoods to community amenities and nearby commercial areas.	Development is organized to support a walkable environment. Streets have adjacent sidewalks and shared use pathways to connect community amenities and commercial areas with walkable blocks.	Arterials, collectors, local commercial streets supported by transit that are adjacent to sidewalks and shared use pathways.	Arterials, collectors, and local commercial streets	Local streets that are adjacent to wider sidewalks that accommodate commercial activities and larger volumes of people.	Sites are well connected to the arterial and collector street network and provide connections to interstate transportation networks (air, train, highway, etc.).	Parks and recreation sites will be well connected to adjacent neighborhoods.	Typically located on collectors or arterials. Occassionally located within neighborhoods.

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ORDINANCE NO. 26- _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN SECTIONS 23-100 THROUGH 23-1100 BE AMENDED TO CONFORM TO MONTANA LAND USE PLANNING ACT PASSED BY THE 69TH LEGISLATURE IN 2025, TO AMEND AND CLARIFY THE SUBDIVISION REGULATIONS

WHEREAS, pursuant to Section 76-25-401, MCA, a local government has the authority to and shall regulate the use of land in substantial compliance with its adopted land use plan by adopting subdivision regulations; and

WHEREAS, Title 76, Chapter 25, MCA, known as the Montana Land Use Planning Act ("MLUPA"), enacted by the Montana Legislature during the 69th Legislative Session (2025), requires cities with populations of 5,000 or more to adopt new land use plans, zoning codes, and subdivision regulations. Pursuant to 76-25-201, MCA, each local government is required to adopt a land use plan and future land use map; and

WHEREAS, sections of Chapter 23 of the Billings, Montana City Code are not in compliance with MLUPA and these sections shall be amended as set forth herein to conform to current statutory requirements.

WHEREAS, MLUPA requires the land use plan to include a future land use map that reflects the anticipated and preferred pattern and intensities of development for the jurisdiction over the next 20 years; and

WHEREAS, the City of Billings adopted by Resolution the *Billings 2045 Land Use Plan* and *Future Land Use Map* on _____; and

WHEREAS, the land use plan and future land use map must be amended to reflect newly recognized site-specific constraints and contemporary zoning districts; and

WHEREAS, *Billings 2045 Land Use Plan* is designed to be a comprehensive, compelling, and accessible resource for all community members. It establishes a long-range vision for the city's future, ensuring that as Billings grows, it does so in a manner that is both strategic, and reflective of the community values expressed through this process. The plan is designed to start with a broad vision and move toward more specific implementation strategies.

WHEREAS, MLUPA mandates ongoing public involvement in the development and adoption of land use policies and regulations, guided by a municipally adopted Public Participation Plan; and

WHEREAS, the draft amendments were made available for public review on ___. The adoption process and draft for the *Billings 2045 Land Use Plan* was publicized though newsletters, emails, and

memos to agencies requesting feedback. Additionally, public hearing details and draft documents were shared via the City website; and

WHEREAS, the Interim Planning Commission held public hearings on _____, 2026; and

WHEREAS, the City Council held public hearings on _____, 2026, in order to take public comment on the proposed *Billings 2045 Land Use Plan* and [Place Type Map] and to consider the Interim Planning Commission's recommendations when determining whether to adopt a Resolution to Adopt the *Billings 2045 Land Use Plan* and *Future Land Use Map*; and

WHEREAS, the City Council held the final public hearing of the land use plan and future land use map on ____, 2026, to adopt or deny a Resolution to adopt the *Billings 2045 Land Use Plan* and *Future Land Use Map*; and

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

Section 1. Chapter 23 of the Billings, Montana City Code (BMCC) is amended as follows and any sections not amended herein shall remain in effect:

Section 2. Sections 23-101 through 23-201 of the Billings, Montana, City Code are amended so that such sections shall read as follows:

Section 23-101. Title.

These regulations will be known and may be cited as "The Subdivision Regulations of the City of Billings" hereinafter referred to as "these Regulations."

Section 23-102. Authority.

Authorization for these Regulations is contained in the Montana Land Use Planning Act (76, Chapter 25, Part 401, MCA) ~~Chapter 3, Montana Code Annotated (MCA))~~. The reviewing authority is the City-County Planning Division, Planning and Community Services Department.

Section 23-103. Purpose.

The purpose~~s~~ and contents of these Regulations is outlined in 76-25-102 and 76-25-404, MCA and is to~~promote the public health, safety and general welfare of the citizens of the City of Billings by regulating the subdivision of land and to promote a vision for the development of the lands within the City for the best possible environment in which to enjoy life, experience natural features, raise a family, earn a living, conduct business, obtain an adequate education, have access to health care facilities, and to be adequately protected from crime and disasters~~:

1. Promote the health, safety, and welfare of the residents of the City through a system of comprehensive planning that balances private property rights and values, public services and infrastructure, the human environment, natural resources, and recreation, and a diversified and sustainable economy.
2. Ensure the orderly development of the jurisdictional area in accordance with adopted growth policies, neighborhood plans, motorized and non-motorized transportation plans, park plans, capital improvement plans, and other adopted policies and plans.

3. The coordination and dedication of right of way for roads and utilities within subdivided land with the existing and planned transportation network, including connections to adjacent property.
4. To encourage and support:

A. Sufficient housing units for the City's growing population that are attainable for citizens of all income levels;
B. The provision of adequate public services and infrastructure in the most cost-effective manner possible, shared equitably among all residents, businesses, and industries;
C. The natural environment, including wildlife and wildlife habitat, sufficient and clean water, and healthy air quality;
D. Agricultural, forestry, and mining lands for the production of food, fiber, and minerals and their economic benefits;
E. The City's economy and tax base through job creation, business development, and the revitalization of the City; and
F. Persons, property, infrastructure, and the economy against natural hazards, such as flooding, earthquake, wildfire, and drought.

~~These Regulations are intended to comply with Part 5 of the MSPA, and are intended to provide for:~~

~~A. The orderly development of the jurisdictional area in accordance with adopted growth policies, neighborhood plans, motorized and non-motorized transportation plans, park plans, capital improvement plans, and other adopted policies and plans.~~
~~B. The public health, safety and general welfare of existing and future residents by avoiding danger or injury by reason of natural hazard or the lack of drainage, access, emergency services or other public services.~~
~~C. The coordination of roads within subdivided land with the existing and planned transportation network and avoid and minimize traffic congestion.~~
~~D. The dedication of land for roadways and for public utility easements.~~
~~E. Proper physical and legal road access, including obtaining of necessary easements and rights of way.~~
~~F. The promotion of adequate open spaces for travel, light, air, and recreation. G. Adequate transportation, water, drainage, and sanitary facilities.~~
~~H. The conservation of natural resources and development in harmony with the natural environment.~~
~~I. The promotion of cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services.~~
~~J. The efficient expenditure of public funds for the supply of public services. K. The standardization of making and filing of any plat for subdivided lands.~~
~~L. The protection of the rights of all documented property owners affected by the proposed subdivision including water, mineral, and air.~~
~~M. The administration of these regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all plats of subdivisions covered by these provisions.~~

Section 23-104. Jurisdiction.

These Regulations govern the subdivision of land within the City of Billings. These Regulations do not cover the Town of Broadview, and the unincorporated areas of Yellowstone County, or the City of Laurel ~~and the four and one-half (4 ½) mile Laurel Planning Jurisdiction as shown on the map filed with the Yellowstone County Clerk and Recorder's Office~~ (see Appendix A for jurisdiction map).

If a proposed subdivision lies partly within an incorporated city or town, and the County, the preliminary plat must be submitted to, and approved by, both the City or Town and the County governing bodies (76-25-408(3)(d), MCA).

If a proposed subdivision lies within an area subject to increased growth pressures, higher development

densities, or other urban development influences identified by either the City or the County pursuant to 76-25-213, the jurisdiction shall provide other impacted jurisdictions the opportunity to review and comment on the application (76-25-408(3)(c), MCA).

When a proposed subdivision is also proposed to be annexed to a municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of reports and other requirements, whenever possible (76-25-408(3)(a) and 76-25-601(2)(d), MCA).

These Regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, ~~or~~ resolutions, or policies the more restrictive requirements apply.

Section 23-105. Exemptions for Certain Divisions of Land.

The Montana Land Use Planning Act ~~Subdivision and Platting Act~~ provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the method of disposition is adopted for the purpose of evading the requirements of 76-25-402 MCA.

The procedures, criteria and requirements provided in Appendix B shall be used to review an exemption from subdivision review and to evaluate whether the division of land is for the purpose of evading the Montana Land Use Planning Act ~~Subdivision and Platting Act~~.

Section 23-106. Construction Timing.

The applicant or his/her contractors may not proceed with any construction work on a proposed subdivision, including grading and excavation relating to public improvements, until the governing body has given preliminary plat approval of the proposed subdivision plat. If improvements are initiated prior to final plat approval, the subdivider shall assume all risks and liability for error in improvement placement and the improvements must comply with the conditions and agreements of the preliminary plat approval.

Section 23-107. Transfers of Title.

Except as noted below, a final subdivision plat must be filed for record with the Yellowstone County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. After the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met (76-25-411 (b), MCA) (~~76-3-303, MCA~~):

A. That under the terms of the contracts the purchasers of lots in the proposed subdivision make all payments to an escrow agent, which must be a bank, savings and loan association, or title/escrow company chartered to do business in the State of Montana;

B. That under the terms of the contracts and the escrow agreement the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the County Clerk and Recorder;

C. That the contracts and the escrow agreement provide that if the final plat of the proposed subdivision is not filed with the County Clerk and Recorder within the period of ~~two years of~~ the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments made under the contract;

D. That the County Treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent; and

E. That the contracts contain the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the County Clerk and Recorder, title to the property cannot be transferred in any manner."

Section 23-108. Suitability of Land.

If during the ~~Yellowstone County Planning Board~~ review, the City finds any portion of a parcel of land proposed to be subdivided unsuitable for subdivision because of potential hazards such as flooding, land-slides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other features which may be detrimental to the health, safety, or general welfare of existing or future residents, they will not recommend approval of the subdivision unless the hazards can be eliminated or overcome through approved design and construction.

Section 23-109. Permission to Enter.

The governing body or its designated agent(s) or agency may investigate, examine, and evaluate the site of the proposed subdivision to verify information provided by the subdivider. The submission of a preliminary plat or final plat application constitutes a grant of permission by the subdivider to enter the subject property.

Section 23-110. Severability.

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will affect only the part held invalid.

Section 23-111. Regulations in Effect.

Review and approval or disapproval of a subdivision under these Regulations may occur only under those Regulations in effect at the time an application for approval of a preliminary plat, per 76-25-409, MCA, or an extension of preliminary plat approval, is submitted to the governing body.

Section 23-112 Findings

A. The governing body of the City of Billings finds that these regulations substantially comply with the adopted land use plan and zoning regulations for the City, including whether these regulations;
   i. Enable the development of projected needed housing types identified in the land use plan and zoning regulations;

ii. Reflect applicable strategies from the land use plan and zoning regulations to encourage the development of housing within the jurisdiction;
iii. Facilitate the adequate provision of public safety, emergency, utility, transportation, education, and any other local facilities or services for proposed development, as identified in the land use plan and zoning regulations;
iv. Reflect the standards that provide for existing, new, or expanding commercial, industrial, and institutional enterprises identified in the land use plan and zoning regulations for economic growth;
v. Protect and maximize the potential use of natural resources within the area, as identified in the land use plan and zoning regulations;
vi. Contain standards that minimize or avoid impacts to the natural environment within the area, as identified in the land use plan and zoning regulations; and
vii. Contain standards that avoid or minimize dangers associated with natural hazards in the jurisdiction, as identified in the land use plan and zoning regulations.

B. The governing body of the City of Billings finds any new or increased potential impacts to or from the local facilities, services, natural resources, natural environment, or natural hazards from those previously described and analyzed in the assessments conducted for the land use plan and zoning regulations were analyzed and that the public was provided with a reasonable opportunity to comment on and consider all potential impacts resulting from adoption of these regulations.

C. The governing body of the City of Billings finds that all subdivisions hereafter determined to be and approved in substantial compliance with these regulations are in substantial compliance with the adopted land use plan and zoning regulations of the City of Billings.

Section 23-113 Responsibility for Interpretation

In the event that any question arises concerning any provision or the application of any provision of these regulations, the Planning Director or designee, in consultation with the City Attorney's Office as may be necessary, shall be responsible for such interpretation and shall look to the overall intent of these regulations, the City's zoning regulations and map, the City's Land Use Plan and Map, and the Act for guidance. The Planning Director or designee shall provide such interpretations in writing upon request. An aggrieve party may appeal an administrative interpretation as set forth in 76-25-503, MCA.

Section 23-114 Amendment of the Regulations

Amendments to the subdivision regulations shall follow the provisions within MCA76-25-403 or as may be amended from time to time.

Article 23-200. DEFINITIONS.

Section 23-201. Definitions.

Whenever the following words or phrases appear in these regulations, they shall have the meaning assigned to them by this section. The word "shall" is always mandatory, and the word "may" indicates use of discretion in making decisions.

ACCESS:

a. LEGAL ACCESS: When the subdivision abuts a public street or road under the jurisdiction of the City, the County, or the State, or when the subdivider has obtained documented, adequate, and appropriate easements from a public road to the subdivision across all intervening properties.

b. PHYSICAL ACCESS: When a road or driveway conforming to City and/or County standards provides vehicular access from a public or private road to the subdivision.

ACTIVE TRANSPORTATION PLAN: Refers to the current bike and trail master plan adopted by City Council.

ADJOINING PROPERTY OWNERS: Persons who are owners of record and/or owners under contract for deed of properties adjoining the land being proposed for subdivision platting.

AGRICULTURE: Montana Code Annotated definitions for "agriculture" and "agricultural" will apply as follows:

41-2-103, MCA. Definitions. As used in this part, the following definitions apply: (1) "Agriculture" means: (a) all aspects of farming, including the cultivation and tillage of the soil; (b)(i) dairying; and (ii) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act [12 U.S.C. 1141j(g)];
(c) the raising of livestock, bees, fur-bearing animals, or poultry; and (d) any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

81-8-701, MCA. Definitions. The following definitions apply: (1) "Agricultural and food product" includes a horticultural, viticultural, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods.

AGRICULTURAL WATER USER FACILITIES: Those facilities which convey water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA, including, but not limited to, ditches, drains, pipes, and head gates.

AGRICULTURAL WATER USER: Persons and lands legally entitled to water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right.

APPLICANT: The owner of land proposed for subdivision or the owner's legally designated representative for the purposes of submitting a request to subdivide (See SUBDIVIDER).

BLOCK: A group of lots, tracts or parcels within well-defined and fixed boundaries. Such boundaries may include streets, railroads, irrigation ditches, streams, platted lands or a combination thereof.

BOARD OF COUNTY COMMISSIONERS: The governing body for Yellowstone County, Montana.

BOULEVARD: An area of public right-of-way or private easement between the paved edge of the street or road and the private property line. The boulevard provides for the opportunity to separate vehicle traffic from pedestrian travel. Boulevards often have sidewalks in them and often are landscaped. A parkway median is a landscaped area located in the middle of the street or road.

CERTIFICATE OF SURVEY: A drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

CONSERVATION SUBDIVISION: A development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

CHECKPRINT (Errors and Omissions): A paper copy of the final plat submitted by the subdivider for review of errors and omissions, and compliance with Administrative Rules of Montana and conditions of approval by staff prior to submitting the final plat on mylar.

CITY COUNCIL: The governing body for the City of Billings, Montana.

CLUSTER DEVELOPMENT: A subdivision of land with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped ~~(76-3-103(2), MCA).~~ (See Section 23-711 for example)

CONDOMINIUM: The ownership of single units with common elements located on property submitted to the provisions of 70-23-101, et seq., MCA. The term does not include townhome or townhouse.

COVENANT (DEED RESTRICTION): A limitation contained in a deed that restricts or regulates the use of the real property, and are not enforced by the governing body.

DEDICATION: The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted (76-25-103, MCA) ~~(76-3-103(3), MCA).~~

~~CITY-COUNTY~~ **PLANNING DIRECTOR:** The Director of the Planning and Community Services Department or an authorized reviewing authority.

DIVISION OF LAND: The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land (76-25-103, MCA) ~~(76-3-103(4), MCA).~~

DRIVEWAY: A vehicular access serving no more than 2 lots or 5 dwelling units.

DWELLING UNIT: Any building or portion thereof providing complete, independent and permanent living facilities. A building designed exclusively for residential purposes, including single-unit, two-unit, and multiple-unit dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, tourist homes, or travel trailers and/or vehicles.

EASEMENT: Authorization by a property owner for another to use the property for a specified purpose, in which the owner agrees not to build, or otherwise obstruct or interfere with the specified purpose.

ENGINEER (REGISTERED PROFESSIONAL ENGINEER): A person licensed in conformance with the Montana Professional Engineers' Registration Act (67-37, MCA) to practice engineering in the State of Montana.

~~**EXPEDITED REVIEW FOR CERTAIN SUBDIVISIONS:** A subdivision application, regardless of the number of lots, that meets the requirements of subsection 3 of MCA 76-3-623 is entitled to the expedited review process.~~

FLOOD: When water from any watercourse or drainage rises above the bank or moves outside the channel of that watercourse or drainage. ~~(76-5-103, MCA).~~

100-YEAR FLOOD: A flood magnitude expected to recur on the average of once every 100 years, or a flood magnitude which has a 1% chance of occurring in any given year. ~~(76-5-103, MCA).~~

FLOODPLAIN: The area adjoining the watercourse or drainage that would be covered by the floodwater of a flood of 100-year frequency ~~(76-5-103, MCA).~~

FLOODWAY: The channel of a watercourse or drainage and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainage ~~(76-5-103, MCA).~~

LINEAR PARK: Corridors of protected open space managed for conservation and recreation purposes as designated by the governing body. They often follow natural land or water features and link nature reserves, parks, cultural features and historic sites with each other and with populated areas. These corridors may be privately or publicly owned.

GROWTH POLICY: ~~The City of~~ Billings 2045 ~~Growth Policy~~ and any version of this policy adopted by the Billings City Council pursuant to (76-25-102, MCA) ~~76-1-601, MCA.~~

LOCAL SERVICES: Any and all services or facilities that local government entities are authorized to provide.

LOT: A parcel, plot, or other land area created by subdivision or certificate of survey for sale, rent, or lease.

LOT MEASUREMENTS:

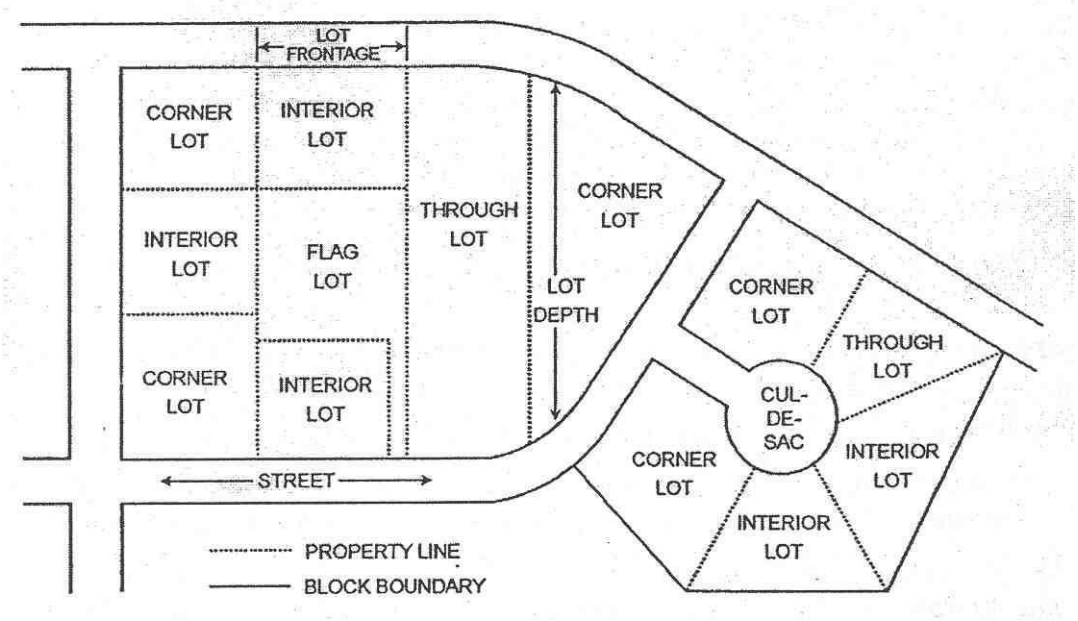
a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.
b. Lot Width -- The average width of the lot.
c. Lot Frontage -- The width of the lot line that fronts a public street right-of-way or public road easement where the lot usually has a driveway access.
d. Lot Area -- The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way.

LOT TYPES: (See Figure 23.200.1)

a. Corner Lot: A lot located at the intersection of two streets.
b. Interior Lot: A lot with frontage on only one street.
c. Through or Double-Frontage Lot: A lot whose front and rear lines both abut on streets.
d. Flag Lot
e. Irregular Lot

MANUFACTURED HOME: A detached residential dwelling unit, constructed 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 Manufacture 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. (See MCA 15-1-101(m)).

Figure 23.200.1. Lot Types



MANUFACTURED HOME SPACE: A designated portion of a parcel of land designed for the accommodation of one manufactured home and its accessory buildings or structures for the exclusive use of the occupants.

MANUFACTURED HOME PARK: A single parcel of land or a lot that is designed or used for temporary or permanent spaces for 2 or more manufactured homes where either the space for a manufactured home or a manufactured home itself is available to the general public for residential use.

MANUFACTURED HOME PAD: That area of a manufactured home space that has been prepared for the placement of a manufactured home.

MASTER PLAN (Overall Plan; Sequential Development): The plan of a subdivision designed for a single tract and proposed to be subdivided in various stages, phases or configurations.

MEDIAN: A raised divider made of dirt, concrete or other material located in the middle of a street or road between travel lanes that is often landscaped (See BOULEVARD).

MOBILE HOME OR TRAILER: See MANUFACTURED HOME.

MODULAR HOME: A dwelling unit constructed in accordance with the standards set forth in the International Residential/Building Code and bearing the insignia of the State of Montana, applicable to site-built homes, and composed of components assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY MINIMUM STANDARDS: Minimum standards promulgated by the Montana Department of Environmental Quality, pursuant to Title 76, Chapter 4, Part 1, MCA.

MONUMENT (PERMANENT MONUMENT): Any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

MULTI-MODAL TRAIL TYPES:

a. Bike Lane: A portion of the roadway that has been designated by striping, signage, and pavement markings for the preferential or exclusive use of bicyclists. (NACTO)

b. Buffered Bike Lane: Conventional bicycle lanes that are paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane (NACTO).

c. Cut-through: A linking trail through the end of a cul-de-sac or from street to street between lots within a subdivision. It can encourage diverse types of transportation. It can reduce travel time and distance for pedestrians and bicyclists to areas in and out of neighborhoods, thereby reducing vehicle trips. By increasing connectivity with cut- throughs, it can reduce the time it takes to get from point A to point B and promote mobility for people in the subdivision.

d. Neighborhood Bikeway: A local street or series of contiguous street segments that have been modified to function as a through street for bicyclists, while discouraging through automobile travel. (AASHTO Guide for the Development of Bicycle Facilities 4th Edition)

e. Neighborhood Trail: A paved path located outside of the right of way of between 7-9.9 feet in width.

f. Separated Bike Lane: A separated bike lane is a facility for exclusive use by bicyclists that is located within or directly adjacent to the roadway and is physically separated from motor vehicle traffic. A separated bike lane can be configured for one- or two-way travel. (Small Town and Rural Design Guide)

g. Shared Lane Markings (also known as sharrows): Road symbol used to indicate a shared lane environment for bicycles and automobiles. The shared lane marking is a pavement marking with a variety of uses to support a complete bikeway network; it is not a facility type and should not be considered a substitute for bike lanes or other separation treatments where these types of facilities are otherwise warranted or space permits. Sharrows consist of a double chevron and a bike symbol. The Manual on Uniform Traffic Control Devices (MUTCD) outlines guidance for shared lane markings in section 9C.07. (NACTO)

h. Shared Use Path: a multi-use facility outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the right-of- way or within an independent alignment. Shared-use paths are used by pedestrians (including skaters, users of manual and motorized wheelchairs, and joggers), bicyclists, and other authorized motorized and non-motorized users. (AASHTO Guide for Pedestrian Facilities 2nd Edition)

i. Sidewalk: The portion of a street that is between the curb lines or the lateral lines of a

roadway and the adjacent property lines and that is intended for use by pedestrians. Sidewalks are paved in concrete.

j. Traffic Calming: Traffic Calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users and area residents (ITE)

NATURAL ENVIRONMENT: The physical conditions that exist within a given area, including land, air, water, minerals, plants, animals, and objects of aesthetic significance.

NO ACCESS EASEMENT: A line designated on a subdivision plat for the purpose of restricting vehicular access from a public right-of-way to a lot.

OPEN SPACE: Any land which is provided or preserved for park or recreational purposes as designated by the governing body; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development. Open space may be privately or publicly owned and shall designate through the plat or an easement whether or not the land is publicly accessible.

PARK: Land that is dedicated to the City through (76-25-404 (I), MCA) ~~MCA 76-3-621~~ or acquired through a donation or purchase by the City and designated on a plat as a park. In order to be platted as a park the land must be owned by a public entity and public access is allowed. A park must be classified as defined by the City of Billings ~~Comprehensive~~ Parks Master Plan.

~~Private parkland dedication may be provided instead of public when it meets the requirements of 76-3-621 (1) a b d (6)(a)(ii).~~

PARKLAND AMENITIES: Amenities within a park allow passive or programmed space. Amenities will be considered if they add value to parkland. Below is a short, non-exclusive list of passive and active parkland amenities:

- Shade structure.
- Sensory playground equipment.
- Park benches and other park furnishings.
- Water play areas, splash pads.
- Picnic tables and trash cans.
- Challenge course.
- Slides, swings and ziplines.

PHASED DEVELOPMENT: Where a subdivision is platted in whole but developed in phases, a phasing plan shall be prepared and included in the Subdivision Improvement Agreement by the subdivider, and reviewed and approved by the City of Billings with the preliminary plat. ~~MCA 76-3-103~~.

PLANNED NEIGHBORHOOD DEVELOPMENT (PND): See BMCC 27-800.

PLANNED UNIT DEVELOPMENT (PUD): A subdivision consisting of a planned mixture of land uses such as residential clusters, industrial parks, shopping centers, and/or

office building parks built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (*See* BMCC 27-700) ~~(76-3-103(10), MCA).~~

PLANNING COMMISSION ~~BOARD~~: The Billings ~~Yellowstone County Board of~~ Planning Commission.

PLAT: A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnishes a basis for review by a governing body.

b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the County Clerk and Recorder containing all elements and requirements set forth in these regulations and the Montana Land Use Planning Act (76-25-410, MCA) ~~(76-3, MCA).~~

c. Amended Plat: The final drawing of any change to a filed platted subdivision.

d. Exempt Plat: The final drawing of a plat that is exempt from subdivision review but subject to survey requirements in accordance with (76-25-402 MCA) ~~76-3-201 and 76-3-207, MCA.~~

PUBLIC HEALTH AND SAFETY: A condition of optimal well-being, free from danger, risk, or injury for a community at large, a small class of persons or a specific individual.

PUBLIC IMPROVEMENT: Any structure or facility constructed to serve the residents of a subdivision or the general public.

PUBLIC ROAD OR STREET: A road, street or easement that has been dedicated for public use.

RECREATIONAL CAMPING VEHICLE: A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE PARK: Any area or tract of land containing two (2) or more spaces that are available for rent to the general public for parking or placement of temporary recreational vehicles. This term does not include a parcel composed of individually platted lots.

RECREATIONAL VEHICLE SPACE: A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

REVIEWING AUTHORITY: City-County Planning Division.

STATE: The State of Montana.

STREET TYPES: For purposes of these regulations, street types are defined using the Institute

of Transportation Engineers Manual as follows:

a. Alley: Minor rights-of-way used primarily for vehicular access to the back or side of properties that abut on and are otherwise served by public roads.

b. Arterial: Any major carrier of traffic which generally terminates at both ends at a location that will produce more than 2,000 vehicles per day traffic, or upon which the nature of the traffic is such that more than 60% of the vehicles are using the street for mobility rather than land access. They are typically located no more than 1 mile apart.

   1. Principal Arterial: A street which serves the major centers of a metropolitan area, the highest traffic volume corridors, and the longest trip desires, and which carries a high proportion of the total urban area travel on a minimum of mileage.

   2. Minor Arterial: A street that interconnects with and augments the principal arterials, provides service to trips of moderate length at a lower level of travel mobility than principal arterials, and distributes travel to geographic areas smaller than those identified as principal arterials.

c. Collector: A street that generally terminates at both ends at an arterial or collector but because of location, curvilinear design, or limited feeder area will not generally serve more than 2,000 vehicles per day, or the nature of the traffic is such that approximately 50% of the traffic is using the street for land access and 50% for mobility. They are typically located between arterial streets at no more than ½ -mile from an arterial street.

d. Cul-de-sac: A street having only one outlet for vehicular traffic and terminating in a turn-around area.

e. Frontage Access (Service Road): A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.

f. Half-Street: A portion of the width of a street, usually located along the perimeter of a subdivision, the remaining portion of which street must be located on adjacent property if the street is to be fully constructed.

g. Local Streets: A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic.

h. Loop: A local street which begins and ends on the same street, generally used for access to properties.

SUBDIVIDER: Any person or entity that owns or buys land, divides it into usable lots and develops or rents the lots, or sells the lots to others for development.

SUBDIVISION: A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United

States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold or otherwise transferred and includes any re-subdivision and a condominium or townhome created in accordance with the Unit Ownership Act (70-23-101, et seq., MCA). ~~The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes (76-3-103(15), MCA~~). However, condominiums or townhomes constructed on land divided in compliance with the Montana Land Use Planning Act ~~Montana Subdivision and Platting Act~~ are exempt from the provisions of the Act ~~(76-3-203, MCA).~~

~~**SUBDIVISION, MAJOR:** A subdivision that does not qualify for review as a minor subdivision.~~

~~**SUBDIVISION, FIRST MINOR:** A subdivision of a parcel that has never been subdivided or created by a subdivision, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207, MCA since July 1, 1973 (76-3-609(2), MCA). Furthermore, the first minor subdivision contains five or fewer lots, and legal and physical access to all lots is provided.~~

~~**SUBDIVISION, SUBSEQUENT MINOR:** Divisions of land creating five (5) or fewer lots that are not first minor subdivisions from a tract of record.~~

~~**SUBDIVISION QUALIFYING FOR EXPEDITED REVIEW:** An expedited review and approval process for subdivision plats. It must meet the requirements of Section 23-306 of these subdivision regulations~~

~~**SUBDIVISION QUALIFYING FOR ABBREVIATED REVIEW:** A subdivision qualifying for an abbreviated review and approval process when it meets the definition of a first minor subdivision that contains one or two parcels, proper access to all lots is provided, no land in the subdivision will be dedicated to public use for parks or playgrounds, and the plat has been approved by the Montana Department of Environmental Quality whenever approval is required.~~

~~**SUBDIVISION, ADMINISTRATIVE MINOR:** A subdivision qualifying for an administrative review and approval process when it meets the definition of a first minor or subsequent minor subdivision from a tract of record, is within zoning, proper access to all lots is provided, has a will-serve letter from a municipal or county water and sewer service, and does not require a variance.~~

SURVEYOR (REGISTERED LAND SURVEYOR): A person licensed in conformance with the Montana Professional Engineer's Registration Act (Title 37, Chapter 67, MCA) to practice surveying in the State of Montana.

SURVEYOR (EXAMINING LAND SURVEYOR): A registered land surveyor duly appointed by the City of Billings or Yellowstone County to review surveys and plats submitted for filing.

SWALE: A drainage channel or depression designed to direct surface water flow.

TOWNHOME/TOWNHOUSE: Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under

which they may jointly own the common areas and facilities (70-23-103(16)(a), MCA).

TRACT OF RECORD: An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office (76-25-103, MCA) ~~(76-3-103(16)(a), MCA).~~

TRAFFIC CONTROL DEVICES: All signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or multi-use trail by authority of a public agency having jurisdiction.

TRANSPORTATION PLAN: Currently adopted Billings Urban Area Long Range Transportation Plan, or any newer transportation planning document adopted by ~~the Billings City Council and Board of County Commissioners and~~ Transportation Policy Coordinating Committee (TPCC) for the Billings urban area.

UTILITY: A service to the public including, but not limited to, sanitary and storm sewers, water, electric power, gas, telephone, cable television, and other communication means.

VICINITY SKETCH: A map included with a site plan or placed on a plat that enables the viewer to clearly determine the location of a proposed subdivision in the City.

WILDLIFE: Non-domesticated animals.

WILDLAND-URBAN INTERFACE: Areas where wildland vegetation meets urban developments, or where forest fuels meet urban fuels (such as homes). These areas encompass not only the interface (areas immediately adjacent to urban development) but also the continuous slopes and fuels that lead directly to a risk to urban developments, and are generally mapped in the Yellowstone County WUI Community Wildfire Protection Plan.

WILDLIFE HABITAT: A place frequented by wildlife or a site where wildlife lives.

Section 3. Sections 23-301 through 23-310 of the Billings, Montana, City Code are amended so that such sections shall read as follows:

Article 23-300. SUBDIVISION REVIEW

PROCEDURES.

Section 23-301. Compliance with Local Regulations and State Law.

No subdivision of any lot, tract or parcel of land shall be undertaken; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be constructed, opened or extended for public use and travel, or for the common use of occupants of buildings except in strict accordance with the provisions of this Chapter and related state statutes.

Section 23-302. Preapplication ~~Requirement Major Subdivisions.~~

~~Divisions of land creating six (6) or more parcels must be reviewed as a major subdivision. The major subdivision shall be reviewed by the governing body of the jurisdiction where the subdivision is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).~~

~~If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).~~

~~When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements whenever possible (76-3-601(2)(d), MCA).~~

A. **Preapplication ~~Meeting~~ Request.** The purpose of the preapplication meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Land Use Planning ~~Act Subdivision and Platting Act~~. An applicant may request a preapplication meeting prior to submitting a subdivision application. The preapplication review must take place no more than thirty (30) business days from the date that the Planning Director or designee receives a request for review with any required fee. The Planning Director or designee shall notify the requestor and any affected City Departments or other Agencies of the time of the meeting.

~~B.~~ **Preapplication Material.** At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted ~~sketch~~ plans of the proposed subdivision for review and discussion. The ~~sketch~~ plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. ~~The sketch plan may be a freehand sketch made directly on a print of a topographic map. See online 'Pre-application form' for recommended pre-application sketch plan contents and other meeting recommendations.~~

~~The Planning Director or designee will schedule the pre-application meeting to occur within thirty (30) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.~~

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an opportunity to provide an overview of state subdivision law, these local subdivision regulations, and other relevant local planning and code requirements that may apply to the subdivision application ~~and expression of general acceptance of the sketch plan~~ submitted.

Section 23-303. ~~Pre-application Completeness Review~~ Preliminary Plat

A. **Complete and Sufficient Application Review.** The subdivider shall submit one (1) electronic copy of the application including the preliminary plat and supporting documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the electronic copy the Planning Director or designee shall notify the subdivider within ~~five (5)~~ twenty (20) working days that the application contains all information and materials necessary to complete the

review of the application as set forth in these regulations. as to the completeness of the application. A complete application will include all those items listed online under "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. ~~If the Planning Director or designee determines the application to be complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review.~~ If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application restarting the twenty working day timeline. The Planning Director or designee may review subsequent submissions of the application only for information found to be deficient during the original review of the application (76-25-408(5)(b), MCA). A determination that an application contains sufficient information for review does not ensure approval or conditional approval of the proposed subdivision and does not limit the ability of the Planning Director or designee to request additional information during the review process (76-25-408(5)(c), MCA).

~~C. **Preapplication Sufficiency Review.** Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.~~

~~D. **Major Preliminary Plat Application Submittal.**~~

~~1. **Required**. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed major subdivision which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.~~

~~2. **Application submittal**. Complete and sufficient application for major preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided online "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.~~

~~3. **Review period.** Upon receipt of a complete and sufficient application, the governing body has sixty (60) working days to approve, conditionally approve, or deny the preliminary plat application. For subdivisions containing fifty (50) or more lots the review period is eighty (80) working days. The review period may be extended upon written consent from the subdivider.~~

~~E. **Preliminary Plat Contents and Submittal Copies.**~~

1. **Survey Element Requirement.** Applicable information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor

or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Content.** The preliminary plat shall submit all the applicable and complete documents listed in Exhibit 1 and online in "Preliminary Plat Requirements."

3. **Copies.** The subdivider shall provide one electronic copy of all required documents for the preliminary plat to the Planning Director or designee. All plats shall be scaled to 24 inch by 36-inch in size as specified by the Planning Director or designee.

~~F. **Supporting Documentation.**~~

~~1. **Required documents.** The supporting information shall include those documents listed online "Required Supporting Documents for Preliminary Plat Applications."~~

~~2. **Required copies.** The subdivider shall provide one electronic copy of the supporting documents to the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.~~

B. **Initial Determination (Section 23-303.B. shall expire July 1, 2027.)**

1. Once the Planning Director or designee determines that the application contains sufficient information for review, the Planning Director or designee shall make an initial determination if the proposed application, with or without variances or deviations from adopted standards is:

   (a) in substantial compliance with the zoning and subdivision regulations, and;

   (b) all impacts resulting from the development were previously analyzed and made available for public review and comment prior to the adoption of the land use plan, zoning regulations, and subdivision regulations.

2. If the Planning Director or designee determines that the application meets the requirements of Section 23-303.B.1, ~~,~~ then the Planning Director or designee shall provide fifteen (15) working day public notice of its initial determination in accordance with Section 23-303.D. and Section 23-303.E.

C. **Determination (~~Shall take effect~~Effective ~~starting~~ July 1, 2027)**

1. Once the Planning Director or designee determines that the application contains sufficient information for review, the Planning Director or designee shall make a determination if the proposed application, with or without variances or deviations from adopted standards is:

   (a) in substantial compliance with the zoning and subdivision regulations~~;~~, and~~;~~

   (b) all impacts resulting from the development were previously analyzed and made available for public review and comment prior to the adoption of the land use plan, zoning regulations, and subdivision regulations.

2. If the Planning Director or designee determines that the application, with or without variances, does not meet the requirements in Section 23-303.C.1, ~~,~~ then the Planning Director or designee shall follow the process outlined in Section 23-303.G.

3. If the Planning Director or designee determines that the application meets the requirements of Section 23-303.C.1, then the Planning Director or designee shall the Planning Director or designee shall issue a final written decision approving, approving with conditions, or denying the application within fifteen (15) business days.

D. Public Notice.

1. Public notice shall be mailed to adjacent property owners.

2. Notice shall be posted on the Planning Division website providing initial determination and materials for review.

3. Notice shall be publicly advertised once.

E. Public Comment.

1. The public shall submit comment on or before the last day of the public comment period.

F. Final Determination. (Section 23-303.E. shall expire July 1, 2027.)

1. Unless public comment received on or before the last day of the comment period supports a determination that the proposed subdivision fails to meet one or both of the requirements in Section 23-303.B.1, the Planning Director or designee shall issue written findings stating the results of the public comment and a final written decision approving, approving with conditions, or denying the application within fifteen (15) business days.

G. Does not meet requirements.

1. A proposed subdivision of a site, with or without variances or deviations from adopted standards, must establish:

   (a) substantial compliance with the zoning and subdivision regulations; and

   (b) that all impacts resulting from the proposed subdivision were previously analyzed and made available for public review and comment, including but not limited to the adoption, amendment, or update of the land use plan, zoning regulations, or subdivision regulations.

2. Compliance may be determined:
   (a) upon initial review of the planning administrator; or
   (b) upon evidence provided by public comment received under Section 23-303.B.2.

3. If compliance is not established, the Planning Director or designee shall:

   (a) request the applicant to collect any additional data and perform any additional analysis necessary to provide the Planning Director or designee and the public with the opportunity to comment on and consider the lack of substantial compliance with the zoning and subdivision regulations and any new or significantly increased potential impacts not previously identified and considered in the adoption, amendment, or update of the land use plan, zoning regulations, and subdivision regulations;

(b) Provide public notice of the planning administrator's initial or revised initial determination in accordance with Section 23-303.D. and Section 23-303.E. a written comment period of fifteen (15) business days during which the public must have an opportunity to participate in and comment on the data collected and analysis performed.

3. After the public comment period, the Planning Director or designee shall issue written findings stating the results of the public comment and a final written decision approving, approving with conditions, or denying the application within fifteen (15) business days.

~~G.~~H. **Written Decision Contents.** The Planning Director or designee shall prepare a written decision evaluating the proposed subdivision and any requested variances for compliance with these regulations. The written decision shall contain:

i. Recommendation for approval, conditional approval including any conditions for mitigation measures, or denial of the subdivision application and preliminary plat;
ii. Summary of the basis for the decision, including findings of fact which describe factual evidence and analysis of substantial compliance with the zoning and subdivision regulations and all impacts resulting from the development were previously analyzed and made available for public review and comment prior to the adoption of the land use plan, zoning regulations, and subdivision regulations;
iii. A decision for approval or denial of any requested variances (based on review criteria for variances) including any conditions of approval, and a summary of facts forming the basis of the decision;
iv. The preliminary plat approval shall be three (3) calendar years; and,
v. Copies of comments received.
vi. Made available to the public via the Planning Division website.
vii. Be provided to the applicant
viii. Include information regarding the appeal process

~~Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the governing body (76-3-504(1)(i), MCA).~~

~~1. **Review procedure schedule.** Upon receipt of a complete and sufficient major preliminary plat application, the Planning Director or designee shall develop a schedule for the review period. The schedule shall include the dates, times and location of all key meetings, hearings and actions, and the dates of all key deadlines.~~

~~2. **Submittal distribution.** Planning staff shall distribute the application to all affected City Departments, local, state, and federal agencies, school districts and public utilities for review, and include a copy of the review procedure schedule. These affected entities shall determine what effect the proposed subdivision may have on their ability to provide services and submit recommendations for mitigation of those impacts. The affected entities shall respond to the Planning staff within approximately ten (10) fifteen (15) working days. A public utility or agency review may not delay the governing body's action on the plan beyond the sixty (60) or eighty (80) working day review period.~~

~~3. **Department Plat Review Meeting.** Planning staff shall arrange a department plat review meeting to publicly review comments from the affected entities and inform the subdivider of revisions or~~

additions required to bring the application into compliance with local regulations and state law. The subdivider and their representative are required to attend the department plat review meeting and shall be given a copy of all comments received to date from the affected entities.

4. **Application resubmittal.** The Planning staff shall notify the subdivider, in writing, of the resubmittal requirements within one (1) working day of the department plat review meeting. The subdivider shall revise the plat and supporting documents as required and submit one electronic copy of the revised application and documents as determined by the Planning Director or designee within five (5) working days of receipt of the resubmittal notice.

5. **Final staff comments.** Affected departments shall provide the Planning staff with final written comments regarding the resubmitted documents within five (5) working days of receipt of resubmittal.

6. **Hearing notice.** The Planning Board shall hold a public hearing on all major preliminary plat applications. Planning staff shall place a notice in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of a public hearing. The Planning staff shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of property immediately adjoining land included in the plat by certified mail not less than fifteen (15) days prior to the date of hearing (76-3-605(3), MCA).

7. **Staff report.** Planning staff shall prepare staff reports and presentations for the Planning Board plat review meeting and public hearing. A copy of each staff report shall be provided electronically to the subdivider at least five (5) working days prior to the Board or governing body meeting. Each staff report shall provide a recommendation for approval, conditional approval or denial of the application and draft findings of fact as basis for the recommendation. The Planning staff shall also prepare a report forwarding the recommendation of the Planning Board to the governing body including the Board's recommendation for approval, conditional approval or denial of the applications and draft findings of fact as basis for the recommendation.

H. **Planning Board Plat Review.** The Planning Board, as the authorized agent of the governing body shall conduct a plat review of the major preliminary plat application at a regularly scheduled meeting prior to the scheduled public hearing. The purpose of the plat review meeting is to consider the following relevant review criteria:

1. The environmental assessment and all criteria discussed therein, unless the plat is exempted from the requirement of submitting an environmental assessment pursuant to 76-3-616, MCA; and

2. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA); and

3. Compliance with:

a. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608(3)(b), MCA); and

b. The provision of easements for the location and installation of any planned utilities (76-3-608(3)(c), MCA); and

c. The provision of legal and physical access to each parcel within the subdivision (76-3-

608(3)(d), MCA); and

d. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

e. Local zoning requirements; and

4. Consistency with the currently adopted Growth Policy[1], Transportation Plan, and the Active Transportation Plan.

5. **Determination.** The Planning Board shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate recommended conditions to reasonably minimize those impacts.

In reviewing a subdivision and when requiring mitigation, the Planning Board may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude recommendation of approval of the plat.

I. **Public Hearing.** The Planning Board shall conduct the public hearing and consider all relevant evidence as related to the proposed plat before preparing its written findings of fact and recommendation to the governing body. The subdivider or their agent shall be given the opportunity to object to any testimony given. The subdivider shall be allowed to submit in writing his or her own proposed findings of fact to the Board and the governing body following the hearing.

The relevant evidence considered at the public hearing on the preliminary plat shall include the criteria listed above in Section H. of this Article.

After holding the public hearing and reviewing the evidence concerning the plat, the Planning Board shall submit its recommendations to the governing body to approve, conditionally approve or deny the major preliminary plat in writing no later than ten (10) days after the public hearing (76-3-605(4), MCA).

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[1] A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy (76-1-605(2)(b), MCA).

J. **Subsequent Hearing.** Before acting on the subdivision application, the governing body shall determine whether public comments or documents presented at the Planning Board public hearing constitute:

1. Information that the public has not had a reasonable opportunity to examine and comment, or

2. New information never submitted or considered by the Planning Board or staff.

If the governing body determines that public comments or documents meets at least one (1) of the criteria listed above, it may act on the subdivision application in accordance with this Article or schedule a subsequent public hearing for consideration of the new information only. The

~~subsequent public hearing shall be held by the Planning Board at the Planning Board's next scheduled meeting for which proper notice for the public hearing on the subdivision application can be provided.~~

~~If a subsequent hearing is held, the sixty (60) or eighty (80) working day review period is suspended and the new hearing must be noticed and held within forty-five (45) days of the governing body's determination to hold a subsequent public hearing. The sixty (60) or eighty (80) working day review period will resume from the date of the subsequent public hearing. The governing body may not consider any information that is presented after the subsequent hearing (76-3-615, MCA).~~

~~K. **Subdivider's Preference for Mitigation.** No later than ten (10) days before the meeting when the governing body is to consider the Planning Board's recommendation on the preliminary plat, the subdivider may submit in writing to the governing body comments on and responses to the Planning Board's recommendations. This document may include the subdivider's alternative proposals, if any, for mitigating the impacts identified in the Planning Board's recommendations. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA).~~

~~L. **Governing Body Action.** The governing body's decision to approve, conditionally approve, or deny a subdivision is based on the preliminary plat, applicable environmental assessment, public hearing, Planning Board recommendations, or additional information that demonstrates the development of the subdivision meets the requirements of the Montana Subdivision and Platting Act and these Regulations. A governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or solely on compliance with a Growth Policy (76-1-605(2)(b), MCA).~~

~~The governing body shall issue written findings of fact that weigh the criteria as listed in Section 23-302 H. of this Article. The governing body shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate conditions to reasonably minimize those impacts (76-3-608(4), MCA).~~

~~In reviewing a subdivision and when requiring mitigation, the governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (76-3-608(5)(a), MCA).~~

~~The governing body shall approve, conditionally approve or deny the preliminary plat within sixty (60) or eighty (80) working days of the submittal deadline and when the application was considered complete and sufficient. The governing body shall send the subdivider a letter within thirty (30) working days of its decision stating the reasons for the denial or enumerating the conditions which must be met to assure approval of the final plat along with written findings of fact (76-3-608(4), MCA).~~

~~M.~~ **I. Preliminary Plat Approval Period.**

1. The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the ~~governing body~~ Planning Director or designee may, at the request of the subdivider, extend the approval once by written agreement. ~~its approval for mutually~~

~~agreed upon period of time. Any mutually agreed upon extension must be in writing, dated, and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.~~

2. Upon~~On~~ receipt of a request for an extension, the Planning Director or designee shall determine whether the preliminary plat remains in substantial compliance with the zoning and subdivision regulations. If the preliminary plat is no longer in substantial compliance with the regulations cited above, the extension shall~~may~~ not be granted, per MCA 76-25-409.

3. When considering a request for an extension of the preliminary plat approval period, the Planning Director designee may use the following criteria to evaluate the request:

   a. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;
   b. Progress to date in completing the subdivision as a whole and any phases;
   c. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;
   d. Dependence of infrastructure development on the subdivision;
   e. Duration of the requested extension;
   f. Demonstrated ability of the subdivider to complete the subdivision;
   g. Such other factors or criteria as deemed material in the discretion of the governing body.

4. After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period.

5. ~~An approved or conditionally approved phased preliminary plat must be in effect for 20 calendar years.~~

J. **Appeal Process.** A decision of the City of Billings regarding a preliminary plat of a subdivision may be appealed as provided in 76-25-503, MCA.

Section 23-304 Final Plat. ~~A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.~~

A. **Checkprint/Errors and omissions Review.** Prior to submitting the final plat on mylar, a subdivider must submit draft electronic copies of all applicable items as required within the "Checkprint/Final Plat Submittal Requirements" (see Exhibit 2 and online) to the Planning Director or designee for review.
   1. Copies of submitted documents will be available to reviewers electronically. Reviewing departments shall notify Planning staff of any changes required to conform to the conditions of final plat approval or local regulations and state law within ten (10) business days after receipt of the checkprint.

   2. Planning staff shall notify the subdivider no later than fifteen (15) business days after

receipt of any changes required. A red-lined copy of the checkprint shall be returned to the subdivider along with the reviewer's comments

B. Final Plat Application Submittal and Review.

1. The final plat mylar application including all supplementary documents must be submitted to the Planning Director or designee at least 30 ~~working~~ business days prior to the expiration of preliminary plat approval (See Exhibit 2 and online for "Checkprint/~~\~~Final Plat Submittal Requirements").
2. Within 10 ~~working~~ business days of receiving the final plat application, the Planning Director or designee shall review the final plat and supplemental documents to ensure that all conditions and requirements for final plat approval have been met. The Planning Director or designee will not accept, begin processing, nor schedule any actions on a final plat submittal until a complete application and fee, and copies of the final plat have been received. Final plat applications will not be considered complete until all conditions of preliminary approval have been satisfied.
3. If the application is not complete, the Planning Director or designee will submit a written notice to the subdivider indicating the missing information. The subdivider is required to correct the final plat materials in accordance with preliminary plat approval.
4. Once the Planning Director or designee determines that the application is complete, staff shall prepare a report documenting the final plat application materials conform to the conditions of the preliminary plat.

C. **Final Mylar Submittal**. The subdivider shall submit one (1) electronic copy. The subdivider must also submit two (2) signed mylar originals of the final plat and original, wet signature versions of all required documents for recording. (See Exhibit 2 and online for "Checkprint/~~\~~ Final Plat Submittal Requirements").

D. **Governing Body Decision.** Once the Planning Director or designee determines the final plat application is complete, the governing body shall examine the final subdivision plat and shall approve the document if it conforms to the conditions of the preliminary plat approval, or deny the plat. The governing body shall complete its review within 20 business days of the Planning Director or designee's determination that the application is complete.

1. If the final plat is approved, the governing body shall certify its approval on the face of the final plat, see Appendix D. When applicable, a certificate of the governing body's acceptance of any dedicated land, easements, or improvements shall be filed on the face of the final plat and/or on documents that accompany the final plat for recording.

E. **Filing the Final Plat.** After receiving approval, the final plat may be recorded.

F. **Amending Final Plats.** An amended plat is subject to the review procedures for subdivisions.

G. **Public Improvements** shall be provided prior to the approval of the final plat. Except as provided in MCA 76-25-413.

~~**Section 23-303. First Minor Subdivisions from a Tract of Record.**~~

~~Divisions of land creating five (5) or fewer lots from a tract of record that has not been~~

subdivided or created by a subdivision under the Montana Subdivision and Platting Act, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207, MCA since October 1 , 2003 shall be reviewed as first minor subdivisions from a tract of record, hereafter referred to as a "first minor" (76-3-609, MCA).

The requirement of holding a public hearing does not apply to the first minor subdivision created from a tract of record (76-3-609(2)(d)(ii), MCA).

The first minor subdivision shall be reviewed by the governing body of the jurisdiction where the subdivision is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements when possible (76-3-601(2)(d), MCA).

A. **Pre-application Meeting.** The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a minor preliminary plat application for completeness review. At the time of request, the subdivider shall provide the Planning Director or designee with electronic sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See the online application for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

B. **Pre-application Completeness Review.** One (1) month prior to a submittal deadline for minor preliminary plat applications, the subdivider shall submit one (1) electronic copy of documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the copies the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. A complete application will include all those items listed online as "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the

application is incomplete, the subdivider must correct the deficiencies and resubmit the application.

C. **Pre-application Sufficiency Review.** Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

D. **First Minor Preliminary Plat Application Submittal.**

1. **Required**. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed first minor subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana as their respective licensing laws allow.

2. **Application submittal**. Complete and sufficient application for first minor preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first or fifteenth day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided online "Preliminary Plat Application" and must be accompanied by the required preliminary plat, supporting documents and applicable fee.
3. **Review period.** Upon receipt of a complete application, the governing body has thirty-five (35) working days to approve, conditionally approve, or deny the preliminary plat application. The review period may be extended upon written consent from the subdivider.

E. **Preliminary Plat Contents and Submittal Copies.**

1. **Content.** The preliminary plat shall clearly show the information listed online "Preliminary Plat Requirements."

2. **Copies.** The subdivider shall provide one electronic copy of the preliminary plat . All plats shall be 24 inches by 36 inches in size or 11 inches by 17 inches in size as specified by the Planning Director or designee. One (1) electronic copy of all supporting documents shall be provided.

F. **Supporting Documentation.**

1. **Required documents.** The supporting information shall include those documents listed online "Required Supporting Documents for First Minor Preliminary Plat Applications."

2. **Required copies.** The subdivider shall provide one copy of each supporting documents as determined by the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

G. **Staff and Agency Review.**

1. **Review procedure schedule.** Upon receipt of a complete and sufficient first minor preliminary plat application, the Planning Director or designee shall develop a schedule for the review period. The schedule shall include the dates, times and location of all key meetings and actions and the dates of all key deadlines.

2. **Submittal distribution.** Planning staff shall distribute the application to all affected City Departments, local, state, and federal agencies, school districts and public utilities for review, and include a copy of the review procedure schedule. These affected entities shall determine what effect the proposed subdivision may have on their ability to provide services and submit recommendations for mitigation of those impacts. The affected entities shall respond to the Planning staff within approximately fifteen (15) working days. A public utility or agency review may not
delay the governing body's action on the plan beyond the thirty-five (35) working day review period. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the governing body (76-3-504(1)(i), MCA).
3. **Staff report.** Planning staff shall prepare a staff report and presentation for the governing body. An electronic copy of the report shall be provided to the subdivider at least five (5) working days prior to the governing body meeting. The staff report shall provide a recommendation for approval, conditional approval or denial of the applications and draft findings of fact to justify the recommendation.

H. **Governing Body Action.** At a regularly scheduled meeting the governing body shall consider the following information in deciding whether to approve, conditionally approve, or deny a preliminary plat:

1. Unless the subdivision is proposed in an area that is zoned, the effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA); and

2. Compliance with:
a. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608 (3)(b), MCA); and
b. The provision of easements for the location and installation of any planned utilities (76-3-608(3)(c), MCA); and

c. The provision of legal and physical access to each parcel within the subdivision (76-3-608(3)(d), MCA); and

d. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

e. Local zoning requirements; and

3. Consistency with the currently adopted Growth Policy, Transportation Plan, and the Active Transportation Plan (76-1-606, MCA); and

4. A summary of probable impacts prepared in accordance with Section 23-904 of these Regulations.

5. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA). The governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or solely on compliance with the Growth Policy (76-3-605(2)(b), MCA).

6. The governing body shall issue written findings of fact that weigh the criteria listed in this section. The governing body shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate conditions to reasonably minimize those impacts (76-3-608(4), MCA).

7. In reviewing a subdivision and when requiring mitigation, the governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (76-3-608(5)(a), MCA).

8. The governing body shall approve, conditionally approve or deny the preliminary plat within thirty-five (35) working days of the submittal deadline and when the application was considered complete and sufficient. The governing body shall send to the subdivider a letter within thirty (30) working days of its decision stating the reasons for the denial or enumerating the conditions which must be met to assure approval of the final plat, along with written findings of fact (76-3-608(4), MCA).

I. **Preliminary Plat Approval Period.** The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated, and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;

2. Progress to date in completing the subdivision as a whole and any phases;

3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;

4. Dependence of infrastructure development on the subdivision;

5. Duration of the requested extension;

6. Demonstrated ability of the subdivider to complete the subdivision.

7. Such other factors or criteria as deemed material in the discretion of the governing body.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

J. **Appeal Process.** A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.

K. **Final Plat.** A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.

Section 23-304. Subsequent Minor Subdivisions.

Divisions of land creating five (5) or fewer lots that are not first minor subdivisions from a tract of record shall be reviewed as first minor subdivisions in accordance with Section 23-303 of this Article (76-3-609(4), MCA). The subsequent minor subdivision will be reviewed by the governing body where the jurisdiction in which it is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

Section 23-305. Subdivisions Qualifying for Abbreviated Review.

A. **Eligibility**. Subdivisions, hereafter referred to as "abbreviated review plats" containing one (1) or two (2) parcels are eligible for abbreviated review when:

1. They meet the definition of a first minor subdivision from a tract of record; and

2. Legal and physical access to all lots is provided; and

3. No land in the subdivision will be dedicated to public use for parks or playgrounds; and

4. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings Public Works Department for sanitary water, sewer and storm water facilities[2]; and

5. No public improvements are required.

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements when possible (76-3-601 (2)(d), MCA).

[2] If MDEQ or County Health approval has not yet been obtained, the applicant may submit a checkprint for review and approval to the Planning Department. The applicant may submit the checkprint approval to MDEQ or County Health as required as proof of preliminary plat approval. Proof of MDEQ or County Health approval must be submitted with the final plat and supplemental documents prior to recording the final plat.

B. **Pre-application Meeting.** The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than twenty (20) working days and no earlier than one hundred and twenty (120) working days prior to final plat submittal. At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See Appendix C for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur with fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

C. **Abbreviated Review Plat Application Submittal.**

1. **Required.** The subdivider shall submit to the Planning Director or designee, for review and recommendation, a final plat of the proposed minor subdivision, which conforms to the requirements of Section 23-307 of this Article. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Checkprint.** Prior to submitting the final plat on mylar, a subdivider must submit electronic copies of a final plat application, electronic draft copies of the supporting documents and one (1) copy of the survey closure calculations to the Planning Director or designee for review. The electronic final plat application form is provided online "Final Plat Application" and the form and content of the checkprint and the supporting documents are described online "Final Plat Requirements". The final plat review fee and the subdivision title commitment or title report are also required at this stage.

Reviewing departments shall be notified of and provided electronic copies of the checkprint, supporting documents and survey closure calculations have been submitted. City Public Works Billings Fire Department, City Legal, County Treasurer and County Clerk and Reorder shall be asked for review and comment. These reviewers shall notify Planning staff of any changes required to conform to the local regulations and state law within ten (10) working days after receipt of the checkprint. Planning staff shall notify the subdivider no later than fifteen (15) working days after receipt of the checkprint of any changes required. A red-lined copy of the checkprint shall be

returned to the subdivider along with the reviewer's comments.

3. **Application submittal.** Application for abbreviated plat approval shall be submitted to the Planning Director or designee on or before 3:00 p.m. at least twenty-five (25) working days prior to the date of the City Council memo deadline. The electronic application form is provided online "Abbreviated Final Plat Application" and must be accompanied by the required final plat, supporting documents and applicable fee.

D. **Final Plat and Supporting Documents Contents and Submittal Copies.** The subdivider shall submit one (1) electronic copy. The subdivider must also submit two (2) signed mylar originals of the final plat. The form and content of final plat is provided online "Final Plat Requirements." The final plat must be accompanied by a complete abbreviated review plat application form as provided online "Abbreviated Final Plat Application", a subdivision title commitment or title guarantee prepared within the previous six (6) months, all supporting documents and the required review fee.

E. **Review Procedure.** Planning staff shall route the application, final plat and supporting documents to the appropriate departments and officials for their signatures within sufficient time to assure the documents are placed on the first available agenda of the governing body for their consideration and authorized signatures.

F. **Governing Body Action.** At a regularly scheduled meeting, the governing body shall consider the following information in deciding whether to approve or deny a final plat:

1. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608 (3)(a), MCA); and

2. Compliance with:

a. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608 (3)(b), MCA); and

b. The provision of easements for the location and installation of any planned utilities(76-3-608(3)(c), MCA); and

c. The provision of legal and physical access to each parcel within the subdivision (76-3-608(3)(d), MCA); and

d. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

e. Local zoning requirements; and

3. Consistency with the adopted Growth Policy, Transportation Plan, and the Heritage Trail Plan.

4. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA). The governing body may not deny approval of a subdivision

based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or based solely on compliance with the Growth Policy (76-3-605(2)(b), MCA).

5. In the event the governing body denies the final plat, it shall send a letter to the subdivider stating the reasons for the denial along with written findings of fact (76-3-608(4), MCA).

G. **Approval Period.** Final plat approval shall be in force not more than twelve (12) months from the date of the governing body's approval. At the end of the period the governing body may, at the request of the subdivider, after review and recommendation of the Planning Board, extend its approval for no more than twelve (12) months.

After all required signatures have been obtained; the plat shall be recorded with the County Clerk and Recorder within the twelve (12) months of the date of approval.

Section 23-306. Expedited Review for Certain Subdivisions.

A. **Eligibility**. Subdivisions, hereafter referred to as "expedited review plats" as defined in MCA 76-3-623

1. Requested by applicant; and

2. Within an incorporated city and is subject to an adopted growth policy and adopted zoning regulations; and

3. Complies entirely with locally adopted zoning regulations; and

4. Complies entirely with the design standards and all other requirements of these regulations; and

5. Includes in its proposal plans for on-site development or extension of public infrastructure in accordance with locally adopted ordinances and regulations.

B. **Expedited Review Plat Application Submittal.**

1. **Pre-application Meeting.** The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.

At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See online 'Pre-application application' for recommended pre-application sketch plan contents and other meeting

recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

2. **Pre-application Completeness Review.** One (1) month prior to submittal deadline for major preliminary plat applications, the subdivider shall submit one electronic copy of the entire application including the preliminary plat and completed supporting documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the electronic copy the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. An application complete in its entirety will include all those items listed online "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application.

3. **Pre-application Sufficiency Review.** Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

4. **Department Plat Review Meeting.** Upon completeness and sufficiency review, Planning staff shall arrange a department plat review meeting to publicly review comments from the affected entities and inform the subdivider of revisions or additions required to bring the application into compliance with local regulations and state law. The subdivider and their representative are required to attend the department plat review meeting and shall be given a copy of all comments received to date from the affected entities.

C. **Preliminary Plat Expedited Application Submittal.**

1. **Required**. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed major subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Application submittal**. Complete and sufficient application for major preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided on line "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.

3. **Review period.** Upon receipt of a complete and sufficient application, the governing body's designee has thirty-five (35) working days to hold a public hearing. Subsequently, the Governing Body must approve, conditionally approve, or deny the preliminary plat application within thirty-five (35) working days. The review period may be extended upon written consent from the subdivider one time up to one hundred and eighty (180) calendar days.

D. **Preliminary Plat Contents and Submittal Copies.**

1. **Content.** The preliminary plat shall clearly show the information listed online "Preliminary Plat Requirements."

2. **Copies.** The subdivider shall provide one electronic copy of all the required documents for the preliminary plat to the Planning Director or designee. All plats shall be 24 inch by 36 inch size and/or 11 inch by 17 inch size as specified by the Planning Director or designee.

E. **Supporting Documentation.**

1. **Required documents.** The supporting information shall include those documents listed online "Required Supporting Documents for Major Preliminary Plat Applications."

2. **Required copies.** The subdivider shall provide one electronic copy of the supporting documents to the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

F. **Planning Board Review**

1. **Hearing notice.** The Planning Board shall hold a public hearing on all major preliminary plat applications. Planning staff shall place a notice in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of a public hearing. The Planning staff shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of property immediately adjoining land included in the plat by certified mail not less than fifteen (15) days prior to the date of hearing (76-3-605(3), MCA).

2. **Staff report.** Planning staff shall prepare staff reports and presentations for the Planning Board plat review meeting and public hearing. A copy of each staff report shall be provided electronically to the subdivider at least five (5) working days prior to the Board or governing body meeting. Each staff report shall provide a recommendation for approval, conditional approval or denial of the application and draft findings of fact as basis for the recommendation. The Planning staff shall also prepare a report forwarding the recommendation of the Planning Board to the governing body including the Board's recommendation for approval, conditional approval or denial of the applications and draft findings of fact as basis for the recommendation.

3. **Public Hearing.** The Planning Board shall conduct the public hearing and consider all relevant evidence as related to the proposed plat before preparing its written findings of fact and recommendation to the governing body. The subdivider or their agent shall be given the opportunity to object to any testimony given. The subdivider shall be allowed to submit in writing his or her own proposed findings of fact to the Board and the governing body following the hearing.

The relevant evidence considered at the public hearing on the preliminary plat shall include the criteria listed above in Section H. of this Article.

After holding the public hearing and reviewing the evidence concerning the plat, the Planning Board shall submit its recommendations to the governing body to approve, conditionally approve or deny the major preliminary plat in writing no later than ten (10) days after the public hearing (76-3-605(4), MCA).

G. **Governing Body Action.** The governing body's decision to approve or conditionally approve a subdivision is based on the preliminary plat application, public hearing, Planning Board recommendations, or additional information that demonstrates the development of the subdivision meets the requirements of the Montana Subdivision and Platting Act and these Regulations, local zoning ordinances, subdivision design standards and regulations, and all other adopted City of Billings regulations.

In reviewing a subdivision and when requiring mitigation, the governing body may only place conditions to ensure an approved subdivision application is completed in accordance with the applicable local requirements or survey requirements pursuant to Title 76 Chapter 4 of the Montana Subdivision and Platting Act.

The governing body shall approve, conditionally approve or deny the preliminary plat within thirty-five (35) working days of the submittal deadline and when the application was considered complete and sufficient.

H. **Preliminary Plat Approval Period.** The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;

2. Progress to date in completing the subdivision as a whole and any phases;

3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;

4. Dependence of infrastructure development on the subdivision;

5. Duration of the requested extension;

6. Demonstrated ability of the subdivider to complete the subdivision;

7. Such other factors or criteria as deemed material in the discretion of the governing body.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

I. **Appeal Process.** A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.

J. **Final Plat.** A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.

Section 23-307 Minor Subdivisions Qualifying for Administrative Review

A. **Eligibility**. Subdivisions, hereafter referred to as "administrative review plats" are eligible for administrative review when:

1. They meet the definition of a first minor subdivision from a tract of record or a subsequent minor subdivision from a tract of record; and

2. Legal and physical access to all lots is provided; and

3. Complies entirely with locally adopted zoning regulations; and

4. Complies entirely with the design standards and all other requirements of these regulations; and

5. Does not require a variance to any subdivision regulations

B**. Administrative Review Plat Application Submittal.**

Pre-application Meeting. The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.

At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in

simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See online 'Pre-application application' for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

C. Administrative Review Plat Review.

1. Required. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed minor subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. Application submittal. Complete and sufficient application for minor preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided online "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.

3. Review period. Upon receipt of a complete and sufficient application, the Planning Director or designee has thirty (30) working days to approve, conditionally approve, or deny the preliminary plat application. Subsequently, upon receipt of a complete and sufficient application, the governing body's designee must notify, by first-class mail, each property owner of record whose property is immediately adjoining the land included in the preliminary plat and each purchaser under contract for deed of property immediately adjoining the land included in the Preliminary Plat.

D. Appeal.

If, and only if, a party identified in Section 23-307.C.3 of this article objects to the Planning Director or designee's decision to approve, conditionally approve, or deny an administrative minor subdivision, the party may request in writing that the subdivision administrator forward the application on to the governing body. The governing body shall sustain the subdivision administrator's decision based on the record as a whole unless the decision was arbitrary, capricious, or unlawful. The governing body has 15 working days from the receipt of the request to review a decision to approve, conditionally approve, or deny the administrative minor subdivision and make a final determination.

Section 23-304. Amended Plats.

A. Required. A division of lots within a platted subdivision filed with the County Clerk and Recorder that results in an increase in the number of lots, or that redesigns or rearranges six (6) or more lots must be reviewed in accordance with Section 23-300.

Section 23-305 Corrections or Adjustments to Plats, Conditions and Supporting Documents

A. Minor adjustments may be made, in consultation with the appropriate agencies, prior to the filing of the final plat. Minor adjustments are those changes, which, in the opinion of the Planning Director or designee, does not affect the basic character of lots or blocks, does not affect the open space requirements or amount provided, and does not affect the original street design. Minor adjustments shall not change existing Conditions of Approval or require additional conditions. Minor adjustments may require that a new plat be drawn; however, they do not require that the plat be re-submitted for preliminary plat review.

B. Major adjustments are those which, in the opinion of the Planning Director or designee, substantially alter the basic design, or change open space requirements or amount provided for the subdivision. Changes to conditions of approval placed on the preliminary plat shall be considered major adjustments. Any changes which constitute a major adjustment shall require that a new plat be drawn and the plat be re-submitted for preliminary plat review as specified in Article 23-300.

~~B. **Eligibility.** Amended plats shall be processed as first minor subdivisions, as described in Section 23-303, if they meet the following criteria:~~

~~1. Legal and physical access to all lots is provided; and~~

~~2. No land in the subdivision will be dedicated to public use for parks or playgrounds; and~~

~~3. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings for sanitary water, sewer and stormwater facilities or no public improvements are required; and~~

~~4. The amended plat creates no more than five additional lots.~~

~~Amended plats not meeting these criteria shall be reviewed as major subdivisions.~~

~~C. **Form and Content.** An amended plat shall be entitled "Amended Plat" and follow the form and content shown online "Preliminary Plat Requirements."~~

Section 23-309. Final Plat Submittal Requirements.

A. **Required.** After receiving a preliminary plat approval for a major, first minor or subsequent minor, the subdivider may submit a final plat of the proposed subdivision as required by this Article. The final plat shall incorporate all required conditions and changes and conform to the approved preliminary plat, and this Section.

B. **Checkprint.** Prior to submitting the final plat on mylar, a subdivider must submit electronic copies of a final plat application, paper prints of the final plat, draft copies of the supporting documents and a copy of the survey closure calculations to the Planning Director or designee for review. The final plat application form is provided online "Final Plat Application" and the form and content of the checkprint and the supporting documents are described online "Final Plat Requirements". The final plat review fee and the subdivision title commitment or title report are also required at this stage. The Planning Director or designee may require additional documentation to ascertain whether the conditions of preliminary plat approval have been met.

Copies of submitted documents will be available to reviewers electronically. Reviewing departments shall notify Planning staff of any changes required to conform to the conditions of final plat approval or local regulations and state law within ten (10) working days after receipt of the checkprint.

Planning staff shall notify the subdivider no later than fifteen (15) working days after receipt of the checkprint of any changes required. A red-lined copy of the checkprint shall be returned to the subdivider along with the reviewer's comments.

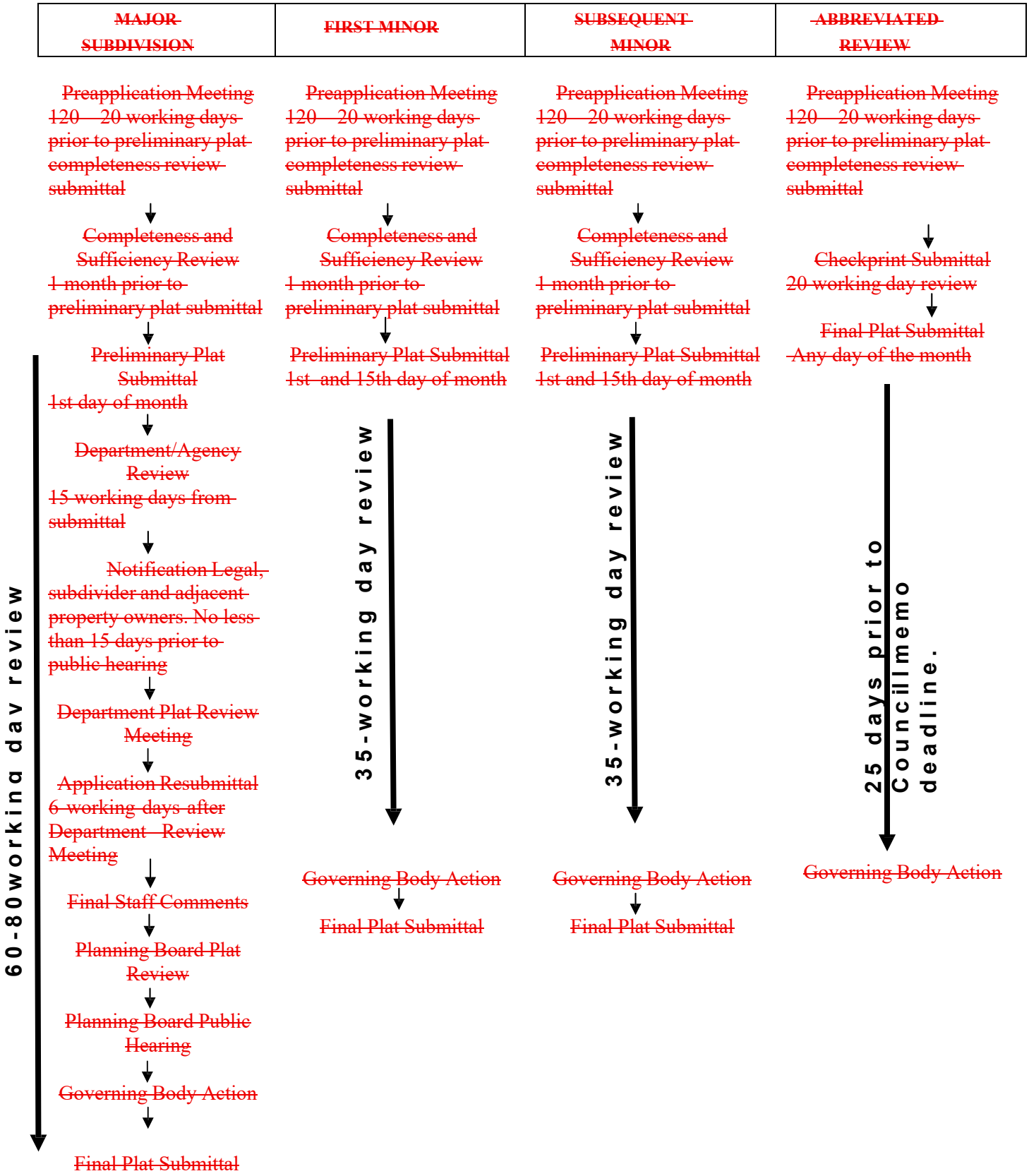
C. **Final Mylar Submittal**. Application for final plat approval shall be submitted to the Planning Director or designee on or before 3:00 p.m. at least twenty-five (25) working days prior to the City Council memo deadline. The subdivider shall submit one (1) electronic copy. The subdivider must also submit two (2) signed mylar originals of the final plat. The form and content of final plat is provided online "Final Plat Requirements." The final plats must be accompanied by a complete final plat application form as provided online "Final Plat Application", a subdivision title commitment or title guarantee prepared within the previous six (6) months, all supporting documents and the required review fee.

D. **Review Procedure.** Planning staff shall route the application, final plat and supporting documents to the appropriate departments and officials for their signatures within sufficient time to assure the documents are placed on the first available agenda of the governing body for their consideration and authorized signatures.

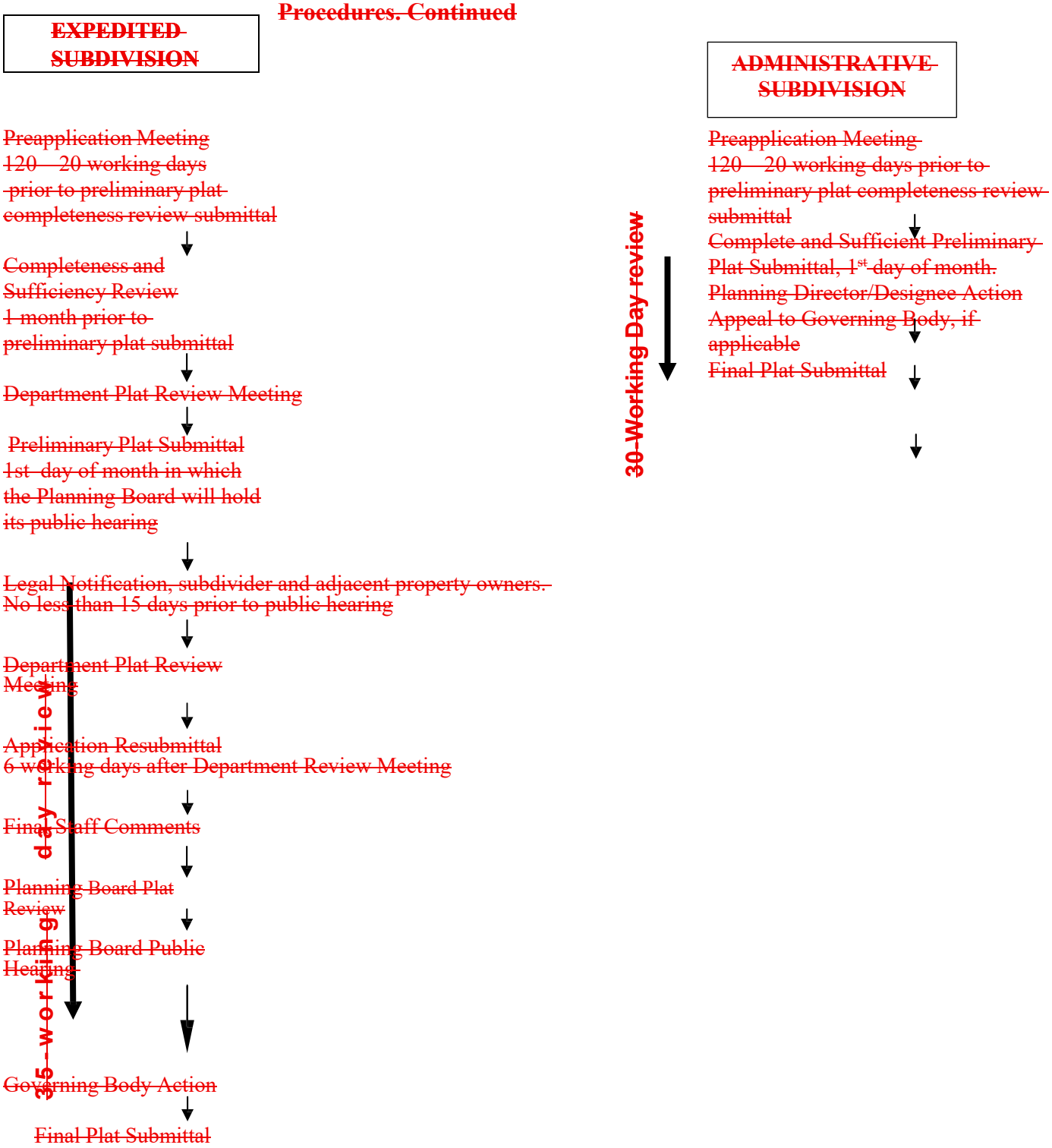
E. **Approval Period.** Final plat approval shall be in force not more than twelve (12) months from the date of the governing body's approval. At the end of the period the governing body may, at the request of the subdivider, after review and recommendation of the Planning Board, extend its approval for no more than twelve (12) months.

After all required signatures have been obtained; the plat shall be recorded with the County Clerk and Recorder within the twelve (12) months of the date of approval.

Section 23-310. Flowchart of Subdivision Procedures.



Section 23-310. Flowchart of Subdivision Procedures. Continued



Article 23-400. DEVELOPMENT REQUIREMENTS.

Section 23-401. General.

All subdivisions ~~approved by the governing body~~ must comply with the provisions of this Article, except where granted a variance pursuant to Section 23-1101, Variances, of these Regulations. The requirements contained in this Article apply to subdivisions within the City of Billings as outlined in Section 23-104 of these Regulations.

Section 23-402. Conformance with Zoning.

In addition to the standards outlined in this Article, the design and development of a subdivision must conform to any applicable zoning regulations as found in the Zoning Regulations (Article 27, BMCC).

Section 23-403. Improvement Design.

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with the Montana Land Use Planning Act (MLUPA) ~~Subdivision and Platting Act (MSPA)~~ and these Regulations. Subdivisions must meet the current Access Management Plan adopted by the City.

Section 23-404. Lots.

A. **Regulation of Lots**: Each lot must contain a building site that can be designed to meet applicable building codes, site development standards, driveway slope standards, and zoning requirements of the Zoning Regulations.

B. **Dimensions, Orientation and Topography**: The lot size, depth, shape and orientation shall be appropriate for the location, contemplated use of the subdivision and the zoning of the property. Flag lots shall be prohibited except in cases where zoning districts allow flag lots.

   Slopes of more than 25% are excessive for building sites and shall be subject to a geotechnical analysis. Areas within the subdivision with a slope of 25% or greater shall be identified on the face of the preliminary and final plats.

C. **Frontage:** Residential lots shall provide the minimum lot width as required by the existing or proposed zone, as defined in BMCC 27-300 and shall be on a public right of way or private easement. Lots in commercial and industrial subdivisions shall have a minimum lot width, as defined in BMCC 27-400, on a public right of way or private easement, or through a reciprocal access easement.

D. **Division by Rights-of-Way**: No single lot may be divided by a public road, alley, or access easement.

E. **Corner Lots:** Design of corner lots must meet the following requirements:

1. Corner lots must be of sufficient size to provide a building site while meeting the clear vision requirements specified in Section 27-618 of the Zoning Regulations.

2. All residential corner lots adjacent to a street identified as a Principal or Minor Arterial must have vehicular access only to an internal street in the subdivision identified as a Collector or Residential street.

F. **Double Frontage Lots:** Double frontage lots (See Figure 23.200.1.) are allowable where they are necessary due to topography and when a one (1) foot wide no-access easement is provided for separation of residential development from railroad or street rights-of-way.

1. Residential Areas: For any residential subdivision where an Arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for the rear lot line to be adjacent to the arterial street and provide a one (1) foot wide no-access easement to prevent vehicle access to the arterial street.

2. Commercial Areas: For any commercial subdivision where an Arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for shared accesses to the arterial street or access via internal roads with a one (1) foot wide no-access easement to prevent uncontrolled vehicle access to the Arterial street.

Section 23-405. Blocks.

A. **Size and Orientation Blocks:** Block Length, Section, and Perimeter shall be provided in accordance with Table 23-405.1.

TABLE 23-405.1 REQUIRED BLOCK DESIGN

Zone District	Block Length			Block Perimeter		Block Section	
	Max.	Min.	Preferred	Max.	Preferred	Max.	Preferred
N1/NX1	780’	160’	600’	1,900’	1,480’	797’	622’
N2	950’	160’	720’	2,200’	1,700’	960’	740’
N3	1,000’	200’	780’	2,400’	1,900’	1,029’	806’
NX2/NX3	700’	100’	500’	1,200’	800’	708’	510’
RMH	750’	200’	570’	2,000’	1,600’	777’	605’
NO/NMU	780’	160’	600’	1,900’	1,480’	797’	622’
CMU1	700’	160’	500’	1,900’	1,400’	720’	525’
CMU2	1,400’	300’	700’	4,200’	2,800’	1,432’	762’
CX	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I2	N/A	N/A	N/A	N/A	N/A	N/A	N/A
EBURD/CBD/DX	600’	300’	160’	1,800’	1,200’	622’	340’
Public 1–3	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Block Length means the measurement along the property lines of all lots that share the same street frontage until another street intersects (see Figure 23-405.2.). A block length continues until the street frontage changes from one cardinal direction to another.

1. Block Perimeter means the aggregated measurement along all perimeter property lines contained within a Block (see Figure 23-405.3.).

    a. Block Perimeter excludes portions of lots along a project boundary where connections cannot be made because of physical obstacles, such as prior platting of property, existing structures or other barriers, steep slopes, wetlands and other water bodies, railroad and utility rights-of-way, existing highway rights-of-way, and parks and dedicated open space (see Figure 23-405.4.).

2. Block Section measures the greatest straight-line distance between any two points around the perimeter of an area enclosed by streets (see Figure 23-405.5.).

3. Block Length and Block Perimeter preferred measurements are not minimums. Less than the preferred measurement is also acceptable if the design enhances the connectivity of the subdivision.

4. Breaks in Block Length or Block Section such as, a dedicated pedestrian right-of-way of at least 30 feet in width, or a dedicated public park or open space area with at least 30 feet of street frontage (see Figure 23-405.6.) can substitute for an intersecting street. Alleys and similar service corridors will not count as a break in the block perimeter.

5. When designing new roads and streets, curvilinear streets are still required to follow the basic block layout as outlined in Section 23-405.

6. When Block Lengths exceed 500 feet, traffic calming shall be included in the design.

Figure 23-405.2. Block Length

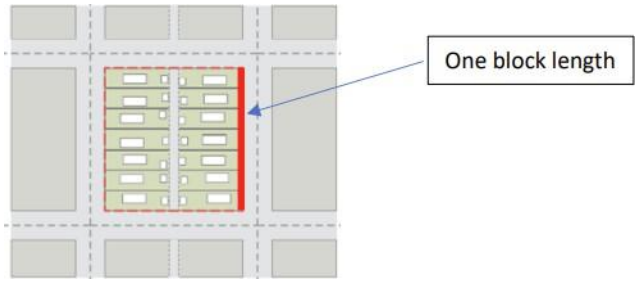


Figure 23-405.3. Block Perimeter

Figure 23-405.4. Block Obstructions

Figure 23-405.5. Block Section

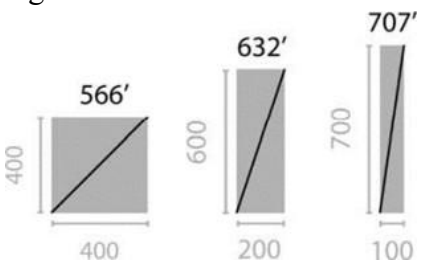


Figure 23-405.6. Breaks in Block Length

B. **Rights-Of-Way for Internal Non-motorized Connections:** Public rights-of-way for internal non-motorized connections within blocks will be required to provide circulation or safe access to schools, playgrounds, shopping, transportation and other community facilities. Pathways shall also be installed at the end of cul-de-sacs.

C. **Block Numbering:** All blocks shall be identified with Arabic numerals.

Section 23-406. Streets and Roads.

A. **Streets and Roads, General:** The arrangement, type, extent, width, grade, and location of all streets shall conform to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land this may require multiple connections to multiple adjacent undeveloped parcels. The maximum distance between connections to undeveloped lands shall not exceed 600 feet. Streets within the proposed subdivision shall be constructed to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions or granted by a variance. A variance may not be requested to eliminate connectivity to any street proposed on the most recently adopted Functional Classification Map.

2. Relation to Developed Areas: The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties, to provide effective provision of emergency services and efficient provision of utilities. Such provision may be waived when prevented by topography or other physical conditions.

3. Separation of Through and Local Traffic: Whenever a subdivision abuts or contains an existing or proposed highway, Arterial street or Collector street, the subdivider may be required, as a condition of approval, to provide frontage roads, reverse frontage lots with a no-access strip preventing access along the rear property lines, planting or fencing screens, shared accesses, or other treatment as may be necessary to adequately protect residential properties and to separate through and local traffic.

4. Distance between Parallel Right-of-Way: Where a subdivision borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the subdivider may be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utilities, all major subdivisions and subsequent minor subdivisions shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

a. Exceptions to the requirement to provide at least two means of vehicular access may be made for major and subsequent minor subdivisions that meet all of the following criteria:

    1. Access is provided by a cul-de-sac with an approved turnaround that is 1000 feet or less in length; and
    2. The subject cul-de-sac is served by a local, collector, or arterial street that is not classified as a dead-end street; and
    3. The subject cul-de-sac serves no more than 20 lots, and no more than 30 dwelling units, when residential development is proposed.

b. Provision of a second means of vehicular access may be required for any subdivision when deemed necessary for public health, safety or welfare.

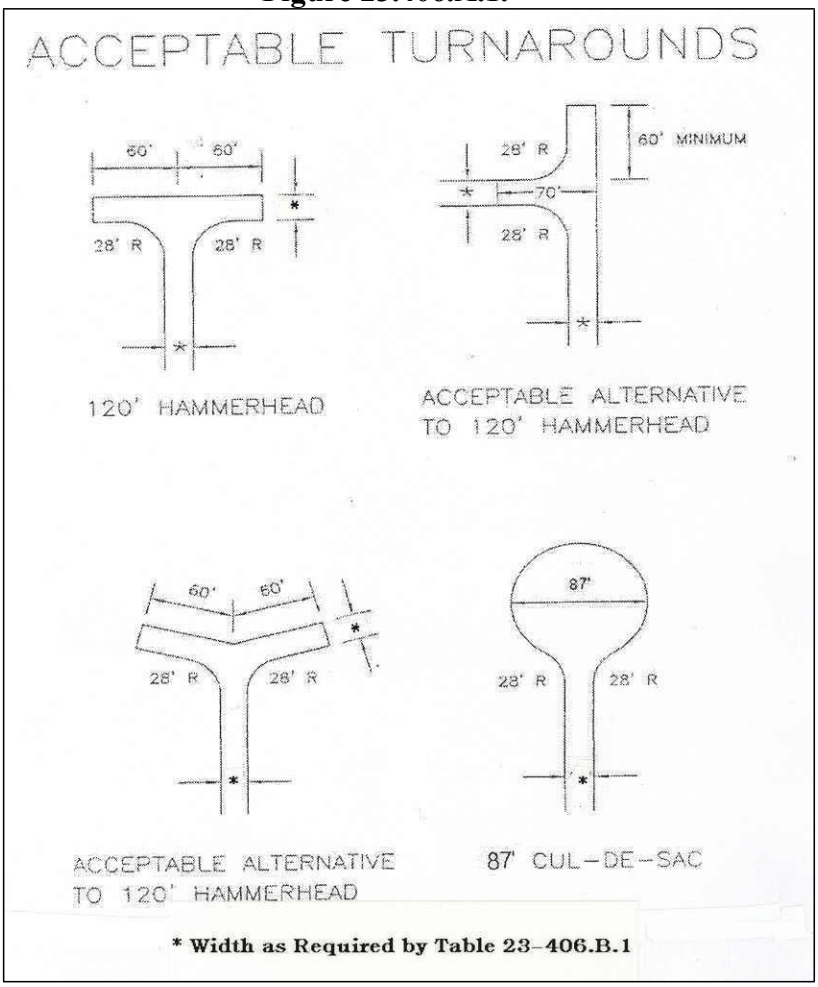
c. When not otherwise exempt, if a second means of vehicular access built to City street standards cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access road, built to the standards detailed in Section 23-413 of these Regulations.

d. Variance requirement in relation to Emergency Access Roads (EAR).

    1. If a full city standard access road is required, and the developer proposes to build an EAR, a variance shall be required showing the hardship encountered.

6. Dead-end Roads: Dead-end access roads or driveways in excess of one hundred fifty (150) feet shall not be permitted without an approved turnaround at the terminus. Where streets terminate, the subdivider shall provide a “cul-de-sac” or “hammerhead-T” turnaround conforming to the design standards outlined in Figure 23.406.A.1. The maximum allowable length of a dead-end road is six hundred (600) one thousand (1000) feet. In cases where a dead-end road may be extended in the future, a right-of-way easement or dedication may be required to be provided.

Figure 23.406.A.1.



7. Half Streets: Half streets are prohibited except when they are essential to the subdivision, are beneficial to the City, or when the City Public Works Department is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.

8. Street Continuity: Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such centerline shall be continued by a centerline offset of not less than one hundred twenty-five (125) feet.

9. Tangent for Reverse Curves: A tangent shall be introduced where necessary as determined by City Engineering between reverse curves on arterial and collector streets.

10. Deflected Street Lines to be Curved: When continuing street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius adequate to ensure adequate stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.

11. Intersections: Local streets shall be laid out to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eighty (80) degrees. Such angle of eighty (80) degrees or greater shall be retained for at least fifty (50) feet back from the intersection. Any street intersection involving an arterial and/or collector street, shall intersect at ninety (90) degrees, shall be retained for at least one hundred (100) feet back from the intersection. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City Public Works Department.

12. Lot Corners at intersections: Lot corners at all street intersections shall be designed to accommodate public infrastructure and the requirements of the American Disabilities Act (ADA)

13. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with Section 27-1802 H, Visibility at Intersections, Billings Zoning Code.

14. Approach Permits: The subdivider shall obtain the applicable approach or curb cut permits for all new accesses to City streets. The subdivider shall obtain an approach permit approved by the Montana Department of Transportation (MDT) for any vehicular access onto a state highway.

15. Street/Road Names and Lot Addresses: New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street names and lot addresses shall be approved by the City GIS / Land Management prior to final plat approval in order to avoid duplication and confusion with names of existing roads.

16. Street/Road Signs and Traffic Control Devices: Street or road signs and traffic control devices of the size, shape, and height approved by the governing body must be placed at all intersections. Traffic control devices must conform to the standards contained in the Manual on Uniform Traffic Control Devices.

17. Central Mail Delivery: When required by the United States Postal Service, the developer shall provide a cluster/gang mailbox area for mail delivery. All access provided to these mail delivery systems shall be ADA compliant.

B. **Streets and Roads Design and Improvement Standards**:

1. General: The design and improvement standards contained in this section shall apply to all construction, reconstruction of streets and roads, public or private, dedicated to the public within the City limits.

2. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional Civil Engineer, registered in the State of Montana, and shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these regulations, the adopted Transportation Plan, and adopted policies of the City Public Works Department.

3. Plans and Specifications approval: Plans and specifications for all streets shall be provided to and approved by City Engineering. The subdivider shall provide professional engineering services for construction inspections, and post-construction certifications. The plans and specifications shall be approved by the City Engineer prior to initiation of any street improvement construction. In addition, a copy of the road plans and specifications for any emergency access roads shall be reviewed and approved by the City Fire Department prior to construction.

4. Traffic Impact Study: At the time of preliminary plat submittal, a traffic impact study shall be prepared and stamped by a Professional Engineer and approved by the City Engineer for any new residential, institutional, commercial or industrial subdivision or development which will generate one thousand (1,000) or more vehicle trips per day or 100 peak-hour trips, as referenced in the Trip Generation Report of the Institute of Transportation Engineers. The Professional Engineer shall certify "that the Traffic Impact Study has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering." The report shall be stamped by a Professional Traffic Operations Engineer for five thousand (5,000) or more vehicle trips per day.

   The traffic generation threshold shall apply to any development or cumulative phases of development.

   A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. If the study indicates a need for the installation of traffic signals, intersection improvements, or other off-site street improvements to facilitate traffic flow generated by the entire proposed development, the identified improvement shall be installed or a financial contribution for the subdivision's proportional share shall be made prior to final plat approval of the subdivision, as determined by City Engineering. The financial contribution for proportionate share shall be by cash contribution, traffic system development fee, or traffic impact fee, whichever is in effect at the time of final plat approval. The applicant shall meet and discuss elements of the study with City Engineering to determine the general extents of the study at the time of the pre-application meeting.

All developments generating less than 100 peak-hour trips or 1000 average daily trips shall analyze and design for the following basic street design elements. The applicant shall review these elements with City Engineering at the time of a preapplication meeting to determine what elements may apply. In addition, the applicant shall provide an explanation of how each element applies or does not apply, and that summary shall be included with the preliminary plat or development application.

a. Location of approaches (access management);
b. Sight distance review;
c. Turn lane analysis;
d. Connectivity and Circulation review
e. On-street parking impacts;
f. Review of impacts to adjacent property streets, accesses, and intersections with site generated pedestrian and vehicular traffic;
g. Truck circulation, including solid waste pick-up;
h. Location and type of traffic-control devices;
e. Traffic Calming

City Engineering reserves the right to require applicant analysis and review of a specific traffic impact due to known traffic or adjacent access issues for a subdivision or development generating less than 100 peak-hour or 1000 trips per day.

5. Street and Road Dedication: All streets providing access to the proposed subdivision shall be dedicated to the public.

6. Right-of-Way and Street Widths: Street right-of-way and surface widths shall be provided as shown in Table 23.406.B.1, below. Street widths (b-b curb width) and lane widths shall be determined and approved by City Engineering Right-of-Way dedications at intersections shall be determined by City Engineering, and may include chamfered corners in order to accommodate ADA or future roundabout.

Table 23-406.B.1. Required Dedications and Street Improvements for Subdivisions within the City Limits

Street Type	Right-of-Way	B-B Curb Width Range	Parking Width***	Boulevard Width	Sidewalk Width	Shared Use Path Width
Principal Arterial	120'	*	---	10'	5'/ **	10'
Minor Arterial	100'	*	---	10'	5'**	10'
Collector	74'	39'-53'*	8'	5'	5'	
Commercial Local Access	70'	39'-45'	8'	5'	5'	
Residential Local Access	56'	34' min. §	n/s	5'	5'	
Cul-de-Sac 100-1000	56'	34' min.	n/s	5'	5'	
Cul-de-Sac <100 feet	40'	29' min.	n/s	---	---	

* As approved by City Engineering.
** Sidewalk is 5' on one side with a 10-foot multi-use trail on the other side.
*** Lane Width measured from lip of curb. Parking width measured from face of curb.
§ Street sections that (a) do not require parking or allow for parking on both sides, (b) must be signed no parking, and (c) are approved by City Engineering, City Planning, and City Fire Marshal, may be reduced to 24-feet back of curb to back of curb. For example, a street through a golf course that is fronted by a golf course on both sides or an entry road into a subdivision.
§ Street sections with less than 120 average daily trips (ADT), for local residential streets with two street connections or street sections, or that have a block length of 300-feet or less may reduce the back of curb to back of curb width street requirement to 31-feet.
§ Street sections that (a) do not require parking or allow for parking on one side, (b) must be signed no parking, and (c) are approved by City Engineering, City Planning, and City Fire Marshal, may be reduced to 29-feet back of curb to back of curb. For example, a street that is fronted on one side by a golf course, drainage, or ditch.

7. Alleys: Proposed alleys in both residential and commercial subdivision shall meet the following standards:

   a. The width of an alley shall be a minimum of twenty (20) feet.

   b. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit single unit truck movement.

c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the end.

8. Grading/Cut and Fill: All streets and alleys with adjacent to the subdivision shall be excavated or filled to the grade established and shall provide for surface water drainage as specified by City Public Works according to City specifications.

9. Base Construction: The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated, and shall be approved by City Public Works according to a geotechnical analysis.

10. Street Surfacing: A pavement surface shall be required on all streets as specified by City Public Works.

11. Street Grades: All street grades shall conform to the requirements of the City. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment. Street centerline horizontal curves shall be designed for the following maximum speeds:

Street Type	Percent Grade	Speed (M. P. H.)
Collector	7	25-35
Local Access	12	25

12. Curbs and Gutters: Standard integral curb and gutter shall be placed on all arterial, collector and commercial streets. Standard integral curb and gutter is required on local residential streets, but ribbon curb may be approved by City Engineering as part of the storm drain design for the subdivision.

13. Sidewalks: Boulevard-style sidewalks shall be installed on both sides of all streets, except cul-de-sacs less than one hundred (100) feet in length. Arterial and Collector streets may have a multi-use trail on one side in lieu of one of the required boulevard sidewalks. City Engineering may recommend to the City Council that it waive or modify the requirement for boulevard walks on both sides of a local residential street when the subdivision constructs an approved multi-use bicycle/pedestrian path connected and ADA accessible to all lots in combination with or in lieu of sidewalks. Required sidewalk and boulevard widths shall follow those listed in Table 23-406.B.1, above.

14. Street Lights: Street lights shall be installed within residential subdivisions. Residential street lights shall be designed by a licensed professional engineer in accordance with the American National Standard Practice for Roadway Lighting RP-8, current edition.

    a. New Street Lighting

        1. Residential Light Fixture Configuration: Street light fixtures installed after the effective date of these regulations shall be equipped with full cutoff optics,

and positioned to minimize any glare source and not create light spillover.

2. Mercury Vapor Bulbs or Lamps: Mercury Vapor bulbs or lamps may not be used in Residential street lights installed after the effective date of this ordinance. LED type luminaires shall be utilized in new street lights.

3. Residential Street light mounting Height: Residential Street Light fixtures installed after the effective date of this ordinance shall not be mounted higher than 25 feet above grade.

4. Exceptions to the requirements of 23-406.B.14.
   a. Traffic signals and other traffic safety and control devices
   b. Historic streetlights

15. Access Driveways: Access driveways to new lots shall be allowed as regulated by the City's Curb Cut Regulations found in Article 6-1208, BMCC.

16. Permanent cul-de-sac streets may not represent more than 20% of total roadway miles in a subdivision unless approved by a variance.

    a. Exceptions to this do not require a variance but can be approved administratively. Exception provisions are:

       1. Infill projects where a dead-end cul-de-sac is the only viable road option.

       2. Long narrow lots that are not wide enough for more than a single road that is less than 1,000 feet long. Future connections to adjacent properties shall be provided as outlined in Section 23-406.A.1. and Section 23-406.A.2.

       3. Topography that does not allow for a grid system as outlined in the subdivision regulations.

    b. Developments with cul-de-sacs must provide non-motorized access easements that connect the ends of these streets with each other or provide non-motorized access to existing or reasonable expected future streets, schools, shopping, parks, trails or open space, bus stops and community facilities.

C. **Multi-Use Trails, General:** All subdivisions must be reviewed for compliance with the currently adopted Active Transportation Plan to provide multi-use trail and greenway corridors for safe, convenient non-motorized transportation routes throughout the City and County.

1. To comply with the currently adopted Active Transportation Plan, all subdivisions shall provide a thirty (30) foot wide multi-use trail easement across the property if:

   a. The currently adopted Active Transportation Plan indicates that a proposed multi-use trail corridor crosses the subdivision property; or

2. If the currently adopted Active Transportation Plan indicates that a proposed trail crosses the subdivision property, and a segment of the trail has already been provided on adjacent property, then the subdivision shall connect the trail at the property lines to provide for a continuous trail corridor.

3. Trail infrastructure identified and designated as Neighborhood Bikeways, Bike Lanes, Shared Use Path in the currently adopted Active Transportation Plan are required to be constructed by the developer when the trail is in the adjacent right of way or within the development itself. This is considered a public improvement.

Section 23-407. Storm Drainage Facilities.

A. **General: Facilities** and design for storm water drainage shall be provided in accordance with standards set by the City of Billings Storm Water Management Manual (SWMM) and the Montana Department of Environmental Quality (MDEQ). The subdivider shall provide a storm water collection and conveyance system which is designed and constructed in accordance with applicable City standards and which is connected to an existing storm drainage system. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the subdivider shall provide an onsite area for retention or detention with controlled outlet capacity, if needed. Such on-site retention or detention and controlled outlet shall be utilized only if specifically approved by the City.

B. **Drainage Discharge: Discharge** of storm drainage is subject to the following:

1. Storm drain systems shall not discharge into sanitary sewer facilities.

2. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.

3. Stormwater detention or retention ponds in parkland, reference Section 23-1005 Stormwater Detention / Retention Ponds in Parks of these regulations.

C. **Easements:** Easements may be required between lots and along public right-of-way to manage storm drainage in subdivisions.

Section 23-408. Sanitary Sewer Systems.

A. The subdivider shall install complete sanitary sewer system facilities in accordance with the requirements of the City and the Montana Department of Environmental Quality (MDEQ).

An application for extension of sanitary sewer services shall be submitted for review and approval by the City. The subdivider shall submit plans and specifications for the proposed facilities to the City and to MDEQ and shall obtain necessary approvals prior to construction.

Section 23-409. Water Supply Systems.

A. The subdivider shall install complete water system facilities in accordance with the requirements of the City and the Montana Department of Environmental Quality (MDEQ). Additionally, the City may as a condition of approval require two water feeds into dead-end roads.

   An application for extension of water service shall be submitted for review and approval by the City. The subdivider shall submit plans and specifications for the proposed facilities to the City and to the MDEQ and shall obtain necessary approvals prior to construction.

B. If the subdivision is within the County Water District of Billings Heights (CWDBH), the subdivider shall install complete water system facilities in accordance with the requirements of the CWDBH and the MDEQ.

   An application for extension of water service shall be submitted for review and approval by the CWDBH. The subdivider shall submit plans and specifications for the proposed facilities to the CWDBH and to the MDEQ and shall obtain necessary approvals prior to final plat approval.

Section 23-410. Utilities.

A. All new utilities serving the subdivision including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities shall be clearly indicated on the plat.

   1. Easements shall be provided for public and private utilities where requested by the city and private utility companies. The width of an easement may vary depending upon the utility company serving the subdivision.

   2. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject to applicable laws and rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities. The subdivider shall have the construction of all private utilities inspected by a licensed professional engineer prior to final plat approval or release of the financial guarantee for improvements.

B. Where a subdivision is proposed in part or in whole within an airport influence area and noise zone, as defined in BMCC, Article 5-400, a perpetual air rights easement shall be executed.

Section 23-411. Watercourse and Irrigation Easements ~~(76-3-504(1)(j), (k), MCA).~~

A. **Easements for irrigation facilities WITHIN the subdivision**: Easements are required to be shown on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and belowground pipelines that traverse the property to be subdivided, providing for irrigation within the subdivision, except as noted in Section 23-411.B., below. In addition, an easement document shall be filed with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and

3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

4. Irrigation or ditch easements may be located within parkland but shall not be used to satisfy parkland dedication requirements.

B. **Exclusion of easement requirements for irrigation within the subdivision: The** subdivider need not establish irrigation easements as provided in Section A. above if one of the following is met:

1. The average lot size in the proposed subdivision will be one acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, notifying potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots; or

2. The water rights are removed from the property being subdivided or evidence is provided by the subdivider that the appropriate legal or administrative process has been initiated to remove the water rights from the land within the subdivision. Furthermore, the fact the water rights have been or will be removed from the land within the subdivision shall be denoted on the preliminary plat. If the removal of water rights has not been completed at the time the final plat is filed, the subdivider shall provide written notification to prospective buyers of the subdivider's intention to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

C. **Easements through the subdivision for the benefit of downstream water users:** Easements are required to be shown on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and below-ground pipelines on the property being subdivided that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. In addition, an easement document shall be recorded with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and

3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

D. **Additional Provisions:**

1. The realignment or relocation of active irrigation ditches or pipelines is discouraged. If an

   irrigation facility is proposed to be realigned or relocated, the developer shall receive written permission of the appropriate irrigation district and/or water user and the subdivider's Professional Engineer shall certify prior to final plat approval that the water entering and exiting the realigned or relocated irrigation facility is the same quality and amount of water that entered or exited the facility prior to realignment or relocation.

2. New storm water generated from a subdivision shall not be discharged into an irrigation facility unless the subdivider receives written approval from the appropriate irrigation district and/or water user prior to final plat approval.

Section 23-412. Disposition of Water Rights (76-25-404 (c)(i), MCA).

The subdivider shall submit evidence with the final plat indicating that either A. and B., below, or C., below, has been provided:

A. **Reservation and transfer of water rights:** The subdivider shall reserve all of the water rights on the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water; and

B. **Establish landowner's water use agreement:** If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide for the use of a water

right on the subdivision lots, the subdivider shall establish a landowner's water use agreement administered through a single entity. This agreement must specify how the water rights will be administered and describe the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

C. **All rights severed and granted to the City:** All surface water rights and/or ditch shares shall be severed from the land proposed for subdivision and granted to the City.

Section 23-413. Fire Protection Requirements.

To ensure a reasonable level of fire protection and life-safety for the public and firefighters, fire apparatus access roads and an approved water supply capable of providing the required water flow for fire protection shall be provided in accordance with this section and the adopted fire code to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction.

A. **Definitions.**
Approved: Acceptable to the fire department having jurisdiction.

Fire Department having jurisdiction: Fire Department or Fire District serving the area in which the subdivision is located.

B. **Major, Minor, and Subsequent Minor Subdivisions:** For all subdivisions, the subdivider shall provide the following minimum mechanism for fire suppression: A pressurized fire hydrant system meeting the flow requirements of the adopted Fire Code, National Fire Protection Association (NFPA) 1142, and the City of Billings Public Utilities Department Rules and Regulations.

C. **Emergency Secondary Access Roads:** In the event that an emergency secondary access road is approved, through the variance process, as a means of providing a second access to a subdivision, as required by Section 23-406.A.5. of these Regulations, it shall be built to the following standards:

1. Emergency access roads shall be designed to a minimum unobstructed surface width of not less than twenty (20) feet and shall be constructed to support a forty (40) ton vehicle with a surface that provides all weather driving capabilities. The road shall be constructed to City standards. The emergency access road shall be maintained throughout the year including the removal of snow and ice. Where required by the Fire Department having jurisdiction, gates or other approved barricades shall be required at either end of the road to restrict through traffic. A sign shall be fixed to each gate in a conspicuous manner. The sign shall read “EMERGENCY ACCESS ONLY” using black letters not less than two (2) inches wide and six (6) inches high on a white retro reflective background.

2. Prior to construction, a cross-sectional design of the road including location, section, surfacing, and drainage, and design of gates or barriers shall be submitted to and approved by the Billings Fire Department and the City Engineer's Office. The storm drain design shall accommodate runoff during a ten (10) year storm event to ensure

that there is no blockage of the roadway in the event of an emergency. The drainage shall not encroach into the travel way.

3. Emergency access roads will be assigned a name by City GIS / Land Management. In order to ensure the roads are entered into and reflected on the County GIS mapping system, the road shall be shown on the plat along with the name assigned to the road. Emergency access roads will not have conventional street signs identifying them by the assigned name.

   Two (2) sets of final plans showing corrections/revisions after review and approval shall be submitted to City GIS / Land Management. City GIS will forward one (1) set of plans to County GIS to ensure that the emergency access road and road name are entered into the GIS mapping system.

Section 23-414. Flood Hazard Evaluation.

If any portion of a proposed subdivision is within the floodway of a flood of one hundred (100) year frequency as defined by Title 75, Chapter 5, MCA and the Federal Emergency Management Agency (FEMA), or deemed subject to flooding by the City, or if any portion of a proposed subdivision is within two thousand (2,000) horizontal feet and less than twenty (20) vertical feet of a live stream draining an area of twenty-five (25) square miles or more, the flood hazard evaluation criteria found in Appendix C shall be applied, as applicable.

Article 23-500. GUARANTEE OF PUBLIC IMPROVEMENTS.

Section 23-501. Subdivision Improvements Agreement.

Prior to granting approval of the final plat by the governing body the subdivider shall have installed all of the required improvements as stipulated in these regulations, or shall, prior to receiving approval of the final plat, provide a financial guarantee in accordance with Section 23-502 and enter into a written subdivision improvement agreement (SIA) with the governing body guaranteeing the construction and installation of all required improvements in conformance with all policies, standards and ordinances adopted by the City. The agreement shall stipulate, among other things, which type of security arrangements acceptable to the governing body the subdivider elects to use, the time schedule acceptable to the City, the subdivider's plans for accomplishing the required improvements and an agreement that the subdivider shall guarantee all improvements for a period of two (2) years from the date of acceptance by the City.

Section 23-502. Security Guarantee. (76-25-413, MCA).

The subdivider shall provide a monetary security guarantee from the following listed methods in the amount of one hundred twenty-five (125) percent of the estimated total cost or actual construction contract amount of installing all required improvements including engineering and administration fees, as estimated by a Professional Engineer and approved by the Public Works Department.

A. **Escrow account.** The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a financial institution. The use of any instrument other than cash, and in the case of an escrow account, the financial institution with which the funds are to be deposited, shall be subject to the approval of the governing body or designee. In the case of an escrow account, the subdivider shall file with the City an agreement between the financial institution and the subdivider guaranteeing the following:

   1. That the funds of the escrow account shall be held in trust until released by the governing body or designee and may not be used or pledged by the subdivider as security in any other matter during that period; and

   2. That in the case of a failure on the part of the subdivider to complete the improvements, then the financial institution shall immediately make the funds in the account available to the City for use in the completion of those improvements.

B. **Irrevocable letter of credit.** The subdivider shall provide, from a financial institution or other reputable institution subject to the approval of the governing body or designee, an irrevocable letter of credit. This letter shall be deposited with the City and shall certify the following:

1. That the creditor does guarantee funds of the required amounts, as estimated by the subdivider and approved by the Public Works Department, for completing all required improvements; and

2. That, in the case that the subdivider fails to complete the specified improvements within the required time period, the creditor shall pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter; and

3. That the letter of credit may not be withdrawn, or reduced in amount, until released by the governing body or designee; and

4. That the letter of credit shall be renewed from year to year until such time the improvements are completed.

C. **Bond.** The subdivider shall provide a surety bond to guarantee the funds to complete improvements, subject to any requirements of the bonding company. The bond shall be payable to the City and shall remain in effect until the improvements have been completed and accepted by the City. The subdivider shall bear all costs associated with the provision of the guarantee.

D. **Phased Development.** Where a subdivision is to be developed in phases, a phasing plan shall be prepared by the developer, and reviewed and approved by the governing body with the preliminary plat. The phasing plan shall be included in the SIA and shall describe which lots are included in each phase, and what improvements shall be completed with each phase. Improvements included in the first phase shall be constructed or guaranteed using one of the acceptable monetary security guarantees prior to final plat approval by the governing body. Lots within subsequent phases shall be restricted from being transferred or developed. A "Restrictions on Transfers and Conveyances" contract shall be entered into for subsequent phases by the subdivider and the governing body and shall be filed with the final plat documents with the Clerk & Recorder

A release on the restrictions on transfers and conveyances may be filed with the Clerk & Recorder only after the necessary improvements for each particular phase are constructed, approved and accepted by the City, or guaranteed using one of the acceptable monetary security guarantees.

The subdivider shall set a future date that each phase is proposed to commence not exceeding twenty (20) years. For a period of five (5) years after approval of the phased preliminary plat, the subdivider may apply for final plat of any one or more phases following the process set forth in Section 23-304.

After five (5) years have elapsed since approval of a phased preliminary plat, the Planning Director or designee shall review each remaining phase to determine if a phase may result in new or significantly increased potential impacts that have not been previously identified or considered in the adoption of the land use plan, zoning or subdivision regulations, or review and approval of the phased preliminary plat using the criteria within Section 23-303.I. If the planning administrator identifies any new or

significantly increased potential impacts not previously identified and considered, the planning administrator shall proceed as set forth Section 23-303.G.

~~Should the date set be passed or the developer determines they are unable to meet the set date a new public hearing will be scheduled to set new dates for future phases. When the developer prepares to release a new phase in the subdivision the developer shall submit to the Planning Department the existing SIA, an updated Environmental Assessment addressing any changes, an updated TIS accounting for growth in the area, and any updates to the MDEQ requirements for the development. Should there be no changes to the above-mentioned submittal requirements the applicant shall submit documents justifying that finding. A public hearing shall be held to review the proposed phase and its' impacts on the surrounding area with the possibility of additional conditions of approval being added should the findings of fact determine they are needed. A public hearing is required prior to any 'future phase' being released for public sale of lots. (76-3-617 MCA)~~

~~All phases included within the phasing plan, if completed within 5 years of final plat approval, are not required to go through the public hearing process as outlined above in paragraph D. They will only be required to obtain a "Release and Certificate" to open each phase. If the subdivider applies to open any phase after 5 years of the approval of the final plat, then the governing body will hold a public hearing in order to determine whether changed circumstances justify amending any conditions of approval or imposing additional conditions of approval as outlined above in paragraph D.~~

E. **Provision for security requirement to ensure construction of public improvements.** Any other method specified in 76-25-413, MCA that is also acceptable to the governing body. In all circumstances the guarantee method shall provide the City of Billings as the beneficiary.

Section 23-503. Reduction of Guarantees.

In those cases where improvement guarantees have been made by the method in Sections 23-502 the amount of the guarantee may be reduced upon installation and acceptance by the City of the required improvements. The amount of the reduction shall not exceed the percentage that the accepted improvements made up of all originally required improvements.

Section 23-504. Release of Guarantee.

Upon completion of required improvements by the subdivider and acceptance of them by the City, all in conformance with this Chapter, the City shall authorize the release of any remaining portion of the improvement guarantee of ninety percent (90%) of the original amount. The remaining ten percent (10%) will be released after any deficiencies are corrected after the two-year warranty inspection. The acceptance of improvements by the City shall initiate the two-year warranty period.

Article 23-600. DEVELOPMENTS PROVIDING MULTIPLE SPACES FOR RENT OR LEASE FOR RECREATIONAL VEHICLES, MOBILE HOMES, AND MANUFACTURED HOMES

Section 23-601. Development subject to this Section must follow requirements in BMCC 27-1619.

~~A. **Definition.** A development providing multiple spaces for rent or lease for recreational vehicles (RVs) and/or mobile or manufactured homes is created when any portion of a parcel is rented or leased for the purposes of situating a temporary or permanent RV, mobile or manufactured home for residential or commercial use owned by the renter or lessee. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. These developments are commonly known as mobile home parks, manufactured home parks, and recreational vehicle parks.~~

~~B. **Review & approval required.** Manufactured home parks, mobile home parks and RV parks must be submitted for review and approval by the governing body before portions may be rented or leased (76-3-504(s), MCA). Approval must be based on the criteria found in Article 23-300 of these Regulations.~~

~~The number of spaces available for rent or lease shall determine the level of review under Article 23-300 (i.e. major, minor, or expedited) as follows:~~

~~a. Two spaces for rent/lease meeting all other criteria found in Section 23-305.A. of these regulations shall be reviewed as a subdivision qualifying for expedited review under Section 23-305.~~

~~b. Two spaces for rent/lease not meeting one or more of the criteria found in Section 23-305.A. of these regulations shall be reviewed as a first minor subdivision under Section 23-303.~~

~~c. Three to five (3-5) spaces for rent/lease shall be reviewed as a first minor subdivision under Section 23-303.~~

~~d. Six or more (6+) spaces for rent/lease shall be reviewed as a major subdivision under Section 23-302.~~

~~C. **Zoning requirements.** Manufactured home parks, mobile home parks and RV parks shall follow all applicable requirements outlined in the Zoning Regulations (Article 27, BMCC).~~

Section 23-602. Review Procedures

A. **Submittal requirements.**

1. Manufactured home parks, mobile home parks and RV parks require submittal of those requirements outlined in Article 23-300 of these Regulations except that the subdivider shall submit un-surveyed plans drawn to scale, rather than plats.

2. Supplementary materials. In addition to the submittal requirements outlined in Article 23-300, preliminary and final plans and submittals for manufactured home parks, mobile home parks and RV parks shall include the following:

a. A layout of all spaces, buildings, or structures proposed for rent or lease.

b. Location of common areas and facilities.

c. Parks and/or recreation areas, if required by Article 23-1000, of these Regulations.

d. Landscaping plan, required by Section 27-1200 as applicable.

e. A Traffic Impact Analysis, if required by Section 23-406.B.4., BMCC.

f. A Stormwater Pollution Protection Plan (SWPPP) for developments disturbing one acre or more.

B. **Final Approval.** Manufactured home parks, mobile home parks and RV parks shall follow the applicable review procedures outlined in Article 23-300 of these Regulations. In lieu of a final plat, a final plan drawn to scale shall be submitted for approval by the governing body. The approved final plan shall be filed with the Yellowstone County Clerk & Recorder as an exhibit, not as a final plat.

Section 23-603. Manufactured and/or Mobile Home Park Development Requirements.

A. **Manufactured or mobile home spaces.**

1. The number of allowed spaces is limited to what is approved on the final plan.

2. Manufactured or mobile home spaces must be arranged to permit the safe and practical placement and removal of manufactured homes.

3. All manufactured or mobile homes must meet the minimum setback requirements of Section 27-309, BMCC from all perimeter boundary lines. In the case where a boundary line is adjacent to an arterial street, all homes and accessory structures must meet setbacks as required in Section 27-303 J, BMCC. In addition, all manufactured or mobile homes must meet the requirements of fire code separations. Any additional detached building must

meet all requirements from building.

4. A minimum of two (2) off-street parking spaces must be provided on or adjacent to each manufactured or mobile home space. The driveway must be located to allow for convenient access to the manufactured home, and be a minimum of ten (10) feet wide.

B. **Streets.**

1. Streets within a manufactured or mobile home park or recreational vehicle park shall be private and built to city standards.

2. Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept to a minimum.

3. Streets, pedestrian, and bicycle facilities shall be designed and built to meet current City Standards.

4. Curvilinear streets shall have no centerline curve with less than a one hundred (100) foot radius. At intersections, the inside edge of the paved street shall have a minimum of a twenty (20) foot radius.

5. All streets shall intersect at an angle of ninety (90) degrees except where the subdivider can show just cause not to and with the approval of the governing body.

6. The layout near street intersections shall be such that a clear vision area is maintained. Stopping sight distance on curves shall be as required on subdivision streets.

7. All traffic control devices used shall comply with the current edition of the Manual on Uniform Traffic Control Devices, published by the U.S. Department of Transportation.

C. **Fire protection.** The manufactured or mobile home park shall provide an adequate water supply for fire suppression needs, following the requirements as found in Section 23-413 of these Regulations. The means for fire protection shall be subject to approval by the local fire district and the governing body.

D. **Health standards/license requirement.** In addition to the criteria of this Section, manufactured or mobile home parks must also meet the minimum standards of the Montana Department of Public Health and Human Services (MDPHHS) under Title 50, Chapter 52, MCA and the requirements of the Montana Department of Environmental Quality (MDEQ) under Title 50, Chapter 60, MCA. The governing body shall not grant final approval of a manufactured home, mobile home, and/or recreational vehicle park until the subdivider first obtains the applicable licenses and approvals for the facility from MDPHHS and MDEQ.

E. **Additional provisions**

1. Manufactured or mobile home parks shall meet the parkland dedication requirements as outlined in Article 23-1000 of these Regulations.

2. Manufactured or mobile home parks located adjacent to industrial, commercial or lower-density residential land uses shall provide screening such as fences or natural growth along the property boundary lines separating the community from such adjacent uses.

3. All manufactured or mobile home parks shall have a sign near the main entrance showing the park layout.

4. Centralized mail delivery shall be provided at one or more locations within the park. Location and design of such group mail collection site(s) shall be reviewed and approved by the United States Postal Service. .

5. It shall be unlawful to operate a manufactured or mobile home park without holding a valid license issued by the Montana Department of Environmental Quality (MDEQ), to be renewed annually.

Section 23-604. Recreational Vehicle Park Development Requirements.

A. **Recreational vehicle spaces.**

1. Recreational vehicle spaces must be arranged to allow for the safe movement of traffic and access to spaces.

2. Recreational vehicles must be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.

3. No recreational vehicle space may be located less than twenty (20) feet from any public street or highway right-of-way.

4. The density of a recreational vehicle park may not exceed twenty five (25) recreational vehicle spaces per acre of gross site area.

B. **Streets.**

1. Roads within recreational vehicle parks must be designed to provide safe traffic circulation and parking.

2. Design of the streets within a recreational vehicle park shall follow those guidelines on street design for manufactured home parks above (Section 23-603.B.).

C. **Additional standards.**

Recreation vehicle parks shall also follow the guidelines listed in Section 23-603.C. **Fire protection**; Section 23-603.D. **Health standards/license requirement**; and Section 23-603.E. **Additional provisions**.

Section 23-605. Timing of Improvements.

A. The subdivider shall install all required improvements before renting or leasing any portion of the subdivision. The governing body or designated agent will inspect all required improvements in order to ensure conformance with the approved construction plans and specifications. The subdivider shall guarantee all improvements for a period of two years from the date of written approval by the governing body or designated agent.

B. If the subdivider seeks approval of the final plan prior to the installation and completion of all required improvements, the subdivider shall enter into a written agreement with the governing body guaranteeing the construction and installation of all required improvements. This agreement shall specify which type of security arrangements the subdivider elects to use and the time schedule proposed for accomplishing the required improvements. Acceptable monetary security guarantees are described in Article 23-500 of these Regulations.

Article 23-700. CLUSTER DEVELOPMENTS ~~(MCA 76-3-509)~~

Section 23-701. Purpose.

The purpose of this Article is to promote maximum flexibility in the design of new developments within the City of Billings and to encourage innovation within a framework of timely, efficient and flexible design review. Developments that utilize innovative, progressive planning and site design techniques and methods to allow a mixture of land uses, densities, setbacks and building heights are encouraged. Cluster Developments are encouraged where community resources are present and desirable for protection or preservation. Those areas include but are not limited to wildlife habitat, river and stream corridors, wetlands, historical or archeological sites or prime agricultural lands. Planned Neighborhood Developments are encouraged where the proposed development is in excess of twenty acres and diversity in land uses is desirable.

Section 23-702. Definitions.

For the purposes of this Article the following definitions shall apply:

Cluster Development: A Cluster Development is a subdivision creating five (5) or more lots clustered in a group that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped. A minimum of thirty percent (30%) of the area within the subdivision shall be reserved for open space owned by common ownership ~~(76-3-103(2), MCA).~~

Master Plan: A master plan is a site plan for a Planned Neighborhood Development that shows lots, blocks, streets, alleys and areas for various land uses including open space within the development. The master plan shall be part of the subdivision approval and any significant change to such master plan shall be considered an amended subdivision.

Section 23-703. Cluster Development General Requirements.

A. Cluster development may be applied to any residential subdivision of five (5) or more lots. The subdivision shall generally conform to the Growth Policy and the underlying zoning district(s) although the lots may be smaller in area than required in the underlying zoning district.

B. The maximum size of any developed parcel or lot within a cluster development is 175,000 square feet.

C. A minimum of 30% of the total area within the subdivision shall remain undeveloped in a cluster development. The undeveloped parcel must be protected in perpetuity and prohibit further division of the parcel. (See Section 23-708)

~~D. Cluster developments are exempt from the review criteria in Section 23-302.H. of these Regulations (76-3-509(e)(ii), MCA).~~

D. Cluster developments are exempt from the parkland dedication requirements in Article 23-1000 in so far as the cluster development meets or exceeds parkland dedication requirements of Section 23-1002 of these Regulations.

E. Cluster developments shall comply with all other requirements of these Regulations.

Section 23-704. Design Standards and Applications for Cluster Developments.

A. The Cluster development subdivision shall follow all applicable review procedures, as outlined in Article 23-300 of these Regulations.

B. **Site Analysis Map.** A site analysis map shall be submitted with the preliminary plat application including the following information:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours with a minimum of 5-foot intervals; where lots are proposed on slopes 10% or less, contours must be shown at 2-foot intervals.
4. All proposed open space areas;
5. General vegetation characteristics;
6. General soil types;
7. The planned location of protected open space;
8. Existing roads and structures;
9. Potential connections with existing open space, parks and trails.

C. **Open Space Management Plan.** An open space management plan, as described in Section 23-707 of this Article, shall be prepared and submitted with the preliminary plat application. The management plan will be reviewed as a supporting document of the preliminary plat. Review and recommendations to the governing body on the proposed open space management plan will be prepared by the Planning Board.

D. **Instrument of Permanent Protection Required.** An irrevocable covenant prohibiting further subdivision, division, or development of the open space lots or parcels as provided in 70-17-201, et seq., MCA, shall be placed on the open space concurrent with the application for final plat approval.

Section 23-705. Open Space.

A. At least thirty percent (30%) of the gross area of a cluster development shall be reserved as open space.

B. **Resource Protection Areas**: The following are considered resource protection areas and are required to be included within the open space when present. These resource areas must be mapped and shown on the preliminary plat.

1. The 100-year floodplain.
2. Riparian zones of at least seventy five (75) feet in width along all perennial and intermittent streams.
3. Areas of at least 5,000 square feet with percent grade of twenty five percent (25%) or greater.
4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
5. Populations of endangered or threatened species, or habitat for such species.
6. Archaeological sites, cemeteries and burial grounds or historic sites listed as such with any state or federal agency.

C. **Other Resource Areas.** The following are considered important resource areas and may or may not be included within the open space at the discretion of the applicant.

1. Historic sites or structures not listed as such with state or federal agencies.
2. Existing native forests or prairie of at least one (1) acre contiguous area.
3. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcrops, particularly those that can be seen from public roads.
4. Prime agricultural lands of at least two (2) acres contiguous area.
5. Existing trails that connect the tract to neighboring areas.
6. Areas at the base of any ridge line or rimrock of at least one (1) contiguous acre.

D. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space. Such areas shall make up not more than five percent (5%) of the required open space area.

E. At least seventy five percent (75%) of the open space shall be in a contiguous tract of a minimum size of 45,000 square feet. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

F. The open space should be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

Section 23-706. Permitted Uses of Open Space.

A. Uses of Open Space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking, bicycle trails or other multi-use trails as defined in the currently adopted Active Transportation Plan;
4. Passive recreation areas, such as open fields;
5. Active recreation areas;
6. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are adhered to;
7. Landscaped storm water management facilities approved by the governing body, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses;
8. Easements for drainage, access, and underground utility lines;
9. Other conservation-oriented uses compatible with the purposes of this Article.

B. **Prohibited uses of Open Space.**

1. Golf courses;
2. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
4. Impoundments;
5. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

Section 23-707. Ownership and Management of Open Space.

A. **Ownership of Open Space**. Open space shall be owned by one of the following entities:

1. ~~The open space can be provided as allowed per MCA 76-3-621.~~ Acceptance of the open space shall be at the discretion of the governing body, as recommended by the City's Park and Recreation Department's staff. Open space must allow public access through a plat dedication or easement; or
2. A Homeowners' Association representing residents of the subdivision may own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. Open space owned by a Homeowners' Association must indicate through a plat dedication or easement, whether or not there is public access to the open space. The park will display signs indicating public or private use.

B. **Management Plan.** The applicant shall submit a Plan for Management of Open Space and Common Facilities (Management Plan) that:

1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing

maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the Management Plan be approved by the Planning Department, or in the case of publicly accessible open space, approved by the Parks and Recreation Department; and
4. Provides for enforcement of the Management Plan.

C. **Maintenance.**

1. Open space dedicated to the public shall be maintained according to the Management Plan by a Park Maintenance District (PMD) to be established prior to final plat approval.
2. Maintenance of open space owned by a Homeowner's Association shall be the responsibility of the Homeowner's Association. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition the City of Billings may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowners' Association, or to the individual property owners that make up the Homeowners' Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

Section 23-708. Legal Instrument for Permanent Protection of Open Space.

A. **Legal Instrument.** Privately owned open space shall be protected in perpetuity by an irrevocable covenant prohibiting further subdivision, division, or development of the open space lots or parcels as provided in 70-17-201, et seq., MCA, that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Chapter, as well as any further restrictions the applicant chooses to place on the use of the open space.

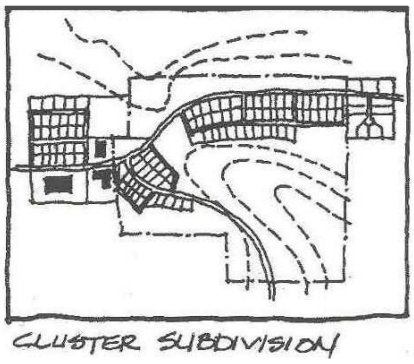
B. **Tax Assessment of Open Space**. Once a legal instrument for permanent protection has been placed upon the open space, the Yellowstone County Board of Assessment shall be directed to reassess the open space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.

Section 23-709. Planned Neighborhood Developments General Requirements.

A Planned Neighborhood Development (PND) project is intended to encourage the use of improved techniques for the development and arrangement of a mixture of land uses more than is available under conventional zoning regulations or land restrictions that separate land uses into distinct zones. It is further the intent of PNDs to allow for the integration of housing, business, and community facilities, and to allow for the preservation of the natural environment through efficient utilization of open space. PND requirements are outlined in City of Billings

Zoning Article 27-800.

Section 23-710. Examples of Cluster Development Designs.



Article 23-800. CONDOMINIUMS AND TOWNHOMES.

Section 23-801. Condominium and Townhome or Townhouse Development.

A. **Exemptions.** All condominium, townhome, or townhouse developments are ~~subdivisions~~ subject to the terms of these Regulations and the Montana Land Use Planning Act (76-25-402 (1)(I), and 70-23-102, MCA) ~~Montana Subdivision and Platting Act (MSPA), except those exempted by 76-3-203, MCA, as described below.~~

1. The approval of the original subdivision of land expressly contemplated the construction of the condominiums, townhomes, or townhouses, and any applicable park dedication requirements ~~in 76-3-621, MCA~~ are complied with; or

2. The condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.

~~B. **Procedures.** All condominium, townhome, or townhouse developments which are not exempt from subdivision review, are subject to the applicable procedures contained in Article 23-300, Subdivision Review Procedures or Article 23-600, Subdivisions for Rent or Lease. The applicable subdivision procedure will be based on:~~

~~1. Whether a division of land is to be created.~~

~~2. The number of proposed units.~~

~~3. Whether the land is a first or subsequent minor subdivision.~~

Section 23-802. Condominium and Townhome Standards.

A. Condominium and townhome developments shall comply with those standards contained in Article 23-400, Development Requirements and Article 23-1000, Parks, Trails and Open Space.

B. All buildings and structures in a condominium or townhome development shall meet the minimum setback requirements of Article 27-308, BMCC from all perimeter boundary lines. In the case where a boundary line is adjacent to an arterial street, all homes and accessory structures must meet setbacks as required in Article 27-602, BMCC.

C. Condominium, townhome, or townhouse developments shall comply with all applicable provisions of the Unit Ownership Act – Condominiums, Title 70, Chapter 23, MCA, as amended.

~~Article 23-900. ENVIRONMENTAL ASSESSMENT.~~

~~Section 23-901. Purpose.~~

~~The environmental assessment is a tool by which to evaluate a proposed subdivision's impact on the natural environment, adjacent properties, local services, and the community as a whole. From this evaluation the most appropriate course of action can be determined to mitigate any negative impacts created by the subdivision. The environmental assessment is required by 76-3-603, MCA, unless otherwise exempted.~~

~~Section 23-902. General Requirements.~~

A. ~~**Major Subdivision.** The subdivider shall provide an environmental assessment with the submittal of the preliminary plat containing the following information:~~

1. ~~A description of the surface and ground water, geology and soils, vegetation, and wildlife use within the area of the proposed subdivision, as required by Section 23-903. **Environmental Description Contents**, of these Regulations.~~

2. ~~A community impact report containing an analysis of anticipated impacts of the proposed subdivision on the community and local services as required by Section 23-904. **Community Impact Report Contents**, of these Regulations.~~

3. ~~A summary of probable impacts of the proposed subdivision based on the criteria described in 76-3-608, MCA, as required by Section 23-905. **Summary of Probable Impacts**, of these Regulations.~~

4. ~~Additional relevant and reasonable information related to the applicable regulatory criteria per 76-3-501, MCA as may be required by the governing body or designee.~~

B. ~~**Subsequent Minor Subdivision.** An environmental assessment must accompany the preliminary plat and shall include only the summary of probable impacts of the proposed subdivision based on the criteria described in 76-3-608, MCA, as required by Section 23-905. **Summary of Probable Impacts**, of these Regulations.~~

C. ~~**Exemptions.** The following subdivisions shall not be required to submit an environmental assessment:~~

1. ~~A first minor subdivision from a tract of record (76-3-609(3), MCA).~~

2. ~~A subdivision qualifying for expedited review as described in Section 23-305 of these Regulations.~~

3. ~~Other subdivisions that satisfy all of the following criteria (76-3-616(2), MCA):~~

   a. ~~The proposed subdivision is completely within an area adopted by the Growth Policy pursuant to 76-1-601, et seq., MCA;~~

b. The proposed subdivision is located within zoning pursuant to 76-2-203 or 76-2-304, MCA, that avoids significantly reduces, or mitigates adverse impacts identified in a growth policy that includes the provisions of 76-1-601(4)(c); and

c. The proposed subdivision is located within an area where a long-range public works development program (i.e. Capital Improvements Plan) has been adopted pursuant to 76-1-601(4), MCA.

Section 23-903. Environmental Description Contents.

A. **Surface Water.**

1. Locate on a plat overlay or sketch map all surface water and the delineated floodways that may affect or be affected by the proposed subdivision including natural water systems (streams, lakes, rivers, or marshes), artificial water systems (canals, ditches, aqueducts, reservoirs, irrigation or drainage systems), and land subject to flooding (see also Section 23-414 – Flood Hazard Evaluation).

2. Describe all surface water that may affect or be affected by the proposed subdivision including name, approximate size, present use, and time of year that water is present.

3. Describe the proximity of proposed construction (such as buildings, sewer systems, roads) to surface water.

4. Describe any existing or proposed stream bank or shoreline alterations and/or any proposed construction or modification of lakebeds or stream channels. Provide information on the location, extent, type, and purpose of any proposed alteration.

5. Please indicate which of the following water quality permits have been or will be applied for and describe the reasons why these permits are required.

PERMIT	**AGENCY**
310 Permit	Local Conservation District
SPA 124 Permit	Department of Fish, Wildlife and Parks
Floodplain Permit	County Floodplain Administrator
Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers
318 Authorization	Department of Environmental Quality
Navigable Rivers Land Use License or Easement	Department of Natural Resources and Conservation

B. **Groundwater**.

1. Using available information, provide the estimated seasonal minimum and maximum depth to the water table, dates on which these depths were determined, and the location and depth of all known aquifers that may be affected by the proposed subdivision.

2. Provide a description of any steps necessary to avoid the degradation of groundwater and groundwater recharge areas.

C. **Geology/Soils/Slopes.**

1. Using available information locate on a plat or overlay any known geologic hazards affecting the proposed subdivision which could result in property damage or personal injury due to any of the following: rock falls or slides; land, mud or snow slides; high water table, unstable or expansive soil conditions, slopes greater than twenty five percent (25%).

2. Explain the measures that will be taken to prevent or materially lessen the danger of future property damage or injury due to existing geologic hazards.

3. Provide a statement describing any unusual soil, topographic or geologic conditions on the property, which may limit the capability for construction or excavation using ordinary and reasonable techniques. The statement should address conditions such as shallow bedrock, high water table, unstable or expansive soil conditions, and slope. Describe the location and amount of any cut or fill three (3) or more feet in depth. Where cuts or fills are necessary, describe prevention of erosion and the promotion of revegetation, such as replacement of topsoil and grading.

4. Include soil reports obtained from the USDA, Natural Resource and Conservation Service (NRCS) containing the physical properties and engineering indexes for each soil type, the soil limitations for sanitary facilities, building site development, and water features for each soil type. Describe any special design methods planned to overcome the soil limitations.

D. **Vegetation.**

1. Indicate the distribution of the major vegetation types and identify critical plant communities as identified by the NRCS.

2. Describe measures to preserve trees and critical plant communities (e.g., design and location of roads, lots and open spaces).

E. **Wildlife**.

1. Describe species of fish and wildlife that inhabit the area affected by the proposed subdivision.

2. Identify on an exhibit map any known critical or "key" wildlife areas, such as big game winter range, migration routes, waterfowl nesting areas, habitat for rare or endangered species, and wetlands.

3. Submit the impacts of the proposed development on fish and wildlife as identified by the Montana Department of Fish, Wildlife and Parks (MFWP). Provide a written statement outlining any recommendation of MFWP and any mitigation efforts to mitigate adverse impacts.

Section 23-904. Community Impact Report Contents.

A. **Impact on agriculture and agricultural water user facilities.**

1. Describe the number of acres in crop production and whether the property is in whole or in part a viable farm unit, e.g. was the property under production during the last regular season.

2. Describe the uses of land within the vicinity of the proposed subdivision.

3. Describe existing irrigation rights on the property and whether the rights will be transferred, retained by the original owner, or severed.

4. Explain any modification or relocation of ditches or any easements to be provided with the subdivision. The subdivider shall notify the affected ditch company of the subdivision and shall obtain permission to reroute or alter the ditch in any way.

B. **Impact on local services and public health and safety.**

1. **Water Supply.**

a. Describe how water will be provided for domestic use and fire protection.

b. Indicate the number of gallons per day of water the proposed subdivision will require and whether the water supply is sufficient to meet the needs of the anticipated population of the subdivision. Describe any anticipated effects on existing water systems or wells within the area.

c. Based on available information, specify whether the proposed water supply satisfies the standards set forth by MDEQ for quality, quantity and construction criteria.

d. If connection to an existing public, community, or shared water system is proposed, identify and describe the existing system and approximate distance to the connection from the proposed subdivision.

i Provide written evidence that permission to connect to that system has been obtained.

ii Provide information regarding the capacity of the existing water system and its adequacy for serving the proposed subdivision.

e. If a new community or shared water system is proposed, identify who will install that system, and how the system will be maintained.

f. If individual water systems are proposed, describe the adequacy of supply of groundwater for individual wells or cisterns and the method used to determine adequacy.

2. **Sewage Disposal.**

a. Describe the proposed method of sewage disposal.

b. Indicate the number of gallons of effluent per day that will be generated by the proposed subdivision at full occupancy, whether the proposed method of sewage disposal is sufficient to meet the anticipated needs of the subdivision, and whether it meets the standards of MDEQ.

c. If connection to an existing public sewer system is proposed, provide a description of the system and the approximate distance from proposed subdivision.

i Provide written evidence from the appropriate sewer jurisdiction granting permission to connect to that system shall be submitted with the preliminary plat.

ii Provide information regarding the installation, maintenance and phasing of any proposed public sewage disposal system.

d. If a new community or shared sewer system is proposed, identify who will install that system, and how the system will be maintained.

e. If individual septic systems are proposed, describe the location and specifications of septic systems.

3. **Solid Waste Disposal.**

a. Provide evidence that there is an existing solid waste collection and disposal system available that can accommodate the anticipated additional volume.

b. If no existing collection and disposal system is available, describe the proposed method of solid waste collection and disposal.

c. Describe how the proposed system satisfies the standards set forth by MDEQ.

4. **Storm water**.

a. Provide calculations indicating how much storm water run-off will be generated as a result of the proposed development.

b. Provide a description of the proposed storm water collection and drainage systems that satisfy the standards set forth by Section 23-407.

5. **Roads.**

a. Describe any proposed access roads or substantial improvements to existing public or private access roads.

b. If connections to any existing roads are proposed, identify all access permits that are necessary from the city, county or state.

c. Discuss whether any of the individual lots or tracts have access directly to arterial roads.

d. Explain any proposed closure or modification of existing roads.

e. Describe provisions considered for dust control on roads.

f. Explain how road maintenance will be provided to meet MDEQ guidelines for prevention of water pollution and erosion.

g. Indicate who will pay the cost of installing and maintaining the roads.

h. Discuss how much daily traffic will be generated on existing local and neighborhood roads and main arterials when the subdivision is fully developed.

i. Indicate the capacity of existing and proposed roads and if they are capable of safely handling the increased traffic resulting from the proposed subdivision. Describe any additional maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.

j. Indicate ownership of any private access to the subdivision, including private driveway easements.

6. **Utilities.**

a. Indicate which utility companies are proposed to serve the subdivision.

b. State the method of furnishing electric, natural gas or telephone service, where provided, the extent to which these utilities will be placed underground, and the estimated completion of each utility installation.

c. Indicate if there are any existing utility lines on the property such as transmission lines, pipelines, etc. and if so, describe the impacts they may have on the proposed subdivision.

7. **Emergency Services.**

a. Describe the emergency services available to the subdivision including fire protection, police protection, ambulance, and medical services

b. Provide an estimate of the number of responses generated by the subdivision, and the method of determining those numbers.

c. Describe roads to the subdivision and provide information on compaction standards and widths that satisfy the requirements set forth for emergency vehicle access.

d. In the event that the proposed subdivision is located within the Wildland Urban Interface (WUI), the subdivider shall submit a plan to mitigate fire hazard in accordance with the fire department having jurisdiction.

e. Describe any health or safety hazards on or near the subdivision, such as mining activity, high-pressure gas lines, dilapidated structures or high voltage power lines. These conditions should be accurately described and their origin and location identified and any proposed mitigation.

8. **Schools.**

a. Describe the available educational facilities that would service this subdivision.

b. Provide an estimate of the number of school children that will be generated from the proposed subdivision and provide the basis for the estimate.

c. Provide information regarding whether increased enrollment can be accommodated by the present personnel, facilities and the existing school bus system. This should include any recommendations of the administrator(s) and plans to mitigate adverse impacts of the proposed development on the provision of educational services.

9. **Parks and Recreation Facilities.**

a. Describe any park and recreation facilities to be provided within the proposed subdivision and other recreational facilities that may serve the subdivision.

b. State how the required parkland dedication is being satisfied.

C. **Land Use.**

1. Indicate compliance with zoning encompassing all or part of the proposed subdivision.

2. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe present and anticipated uses for those lands.

3. Describe the effect of the subdivision on adjacent land uses.

4. Describe any on-site or off-site land uses creating a nuisance, such as unpleasant odors, unusual noises, dust or smoke.

D. **Historical Features.**

Provide a letter from the State Historic Preservation Office (SHPO) indicating whether any historic features such as paleontological, archeological or cultural sites, structures, or objects are present on the subject property. If such features are present, provide a written statement outlining any recommendations of SHPO and any plans for inventory, study and/or preservation and mitigation for any adverse impacts.

E. **Visual Impact.**

1. Describe any efforts to visually blend development activities with natural surroundings.

2. If the subdivision is located near the Yellowstone River or the Rimrocks, describe any potential impacts to these natural amenities. Discuss any mitigation efforts to preserve the views.

3. Provide information regarding revegetation after construction and any proposed landscaping to be provided along streetscapes.

Section 23-905. Summary of Probable Impacts

A. Describe the effects the proposed subdivision has on the following:

1. Agriculture

2. Agricultural water user facilities

3. Local services

4. The natural environment

5. Wildlife and wildlife habitat

6. Public health and safety

B. Describe how the proposed subdivision complies with the following:

1. Survey requirements provided in Part 4 of the MSPA

2. These subdivision regulations

3. The subdivision review process as described in Article 23-300 of these Regulations

C. Describe how the proposed subdivision provides for easements for the location and installation of any planned utilities.

D. Describe how the proposed subdivision provides for legal and physical access to each lot and the required notation of that access on the plat.

Article 23-1000. DEDICATION OF PARKS, TRAILS AND OPEN SPACE

Section 23-1001. Purpose.

The purpose of parkland dedication is to: Meet the objectives associated with adopted City plans and policies and comply with 76-25-404, MCA.

Section 23-1002. Park Land Dedication Requirements (76-25-404, MCA) ~~(76-3-621, MCA).~~

A. Except as provided in Sections 23-1008 and 23-1009, a subdivider shall dedicate to the City a cash or land donation equal to: 0.03 acres per dwelling unit.

~~1. 11% of the area of the net land proposed to be subdivided into parcels of one-half acre or smaller;~~

~~2. 7.5% of the area of the net land proposed to be subdivided into parcels larger than one-half acre and not larger than 1 acre;~~

~~3. 5% of the area of the net land proposed to be subdivided into parcels larger than 1 acre and not larger than 3 acres; and~~

~~4. 2.5% of the area of the net land proposed to be subdivided into parcels larger than 3 acres and not larger than 5 acres.~~

~~B. Park dedication requirements for subdivisions that provide for multi-family and condominium developments, and that provide permanent, multiple spaces for recreational camping vehicles or manufactured homes shall be in lieu of those provided in Section 23-1002(A) and are as follows:~~

~~1. 11% of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less;~~

~~2. 7.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per half acre and one dwelling unit per one acre;~~

~~3. 5% of the area of the net land proposed to be developed at a density of between one dwelling unit per one acre and one dwelling unit per 3 acres; and~~

~~4. 2.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per 3 acres and one dwelling unit per 5 acres.~~

1. A park dedication may not be required for:
    - land proposed for subdivision into parcels larger than 5 acres;
    - subdivision into parcels that are all nonresidential;
    - a subdivision in which parcels are not created, except when that subdivision provides multiple permanent spaces for recreational camping vehicles, mobile homes, or condominiums;
    - a subdivision in which only one additional parcel is created.

2. The Planning Director or designee ~~governing body, in consultation with the Planning Board,~~ Parks and Recreation Department and the subdivider may determine suitable locations for parks. Land dedicated for park purposes shall:
    a. Be usable land;
    b. Street frontage requirements for parks is 200 continuous, linear, feet for each park of one acre, and 30 feet of frontage for every acre after that. The 30 feet segments are not required to be continuous with the original 200 feet. Example: 5-acre park requires 200 linear feet for first acre and 4 x 30 =120 for the others for a total of 320 linear feet. The developer shall coordinate park street frontage openings with the City of Billings Parks Department before the preliminary plat is completed. Minimum width for additional accesses into parkland shall be 30 feet. If the parkland dedication requirement is under 1 acre the required street frontage will be a percentage of the one acre minimum. Minimum street frontage is 60 linear feet for parks less than 1 acre.

        For example: If 20,000 square feet is what is required by sub regs, 20,000 divided by 43,560 equals 46%. 200 times 46% equals 92 feet of frontage.

c. Accessible to bicycle and pedestrian facilities where possible;
    d. At least 50% of the park must have slopes under 5%.

3. Land not suitable to meet parkland dedication:

a. More than 5% of the area has grades 25% or higher;
    b. Riparian resources and areas adjacent to or within irrigation, floodway or wetlands unless it includes a programmable space.

c. Monument entry areas and central landscaped boulevards;
    d. Exclusively stormwater facilities;
    e. Street lights, cell towers, overhead power, major transmission lines, or other similar uses;

B. A Park Maintenance District shall be formed or expanded with any new parkland dedication. If a developer provides cash in lieu, but is located directly adjacent to an existing public park maintained by a PMD, the PMD shall be expanded to include the newly subdivided lots.

C. Irrigation of public and private parkland are encouraged to be provided by ditches

or wells when possible. If neither of these methods is possible, city treated water is an alternative.

Section 23-1003. School Land Dedication in lieu of Park Land Dedication (76-25-404 (6)(b), MCA) ~~(76-3-621(8), MCA).~~

Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in subsection (6)(a) to a school district to be used for school facilities or buildings.

Section 23-1004. Linear Park Land Dedication for Trail Corridors.

To be consistent with the adopted active transportation plans and parks and recreation plans, and if reviewed and approved by the review authority, linear park land can be dedicated to the city to provide corridors for trails and satisfy park land dedication requirements.

A. Maintenance of the linear park is required as per Section 23-1002.D
B. The linear park shall not be used as a substitute for sidewalks or shared use paths adjacent to streets.
C. The linear park shall serve as a connection to other parks or shared use trails.
D. A linear park cannot be dedicated over an irrigation ditch or canal easement.
E. At a minimum, any linear parkland shall be at least 30 feet in width. Privacy fencing in excess of 4'adjacent to linear park is prohibited. When applicable, wording associated with this restriction shall be included within the Subdivision Improvements Agreement.

Section 23-1005. Stormwater Detention/Retention Ponds in Parks.

Stormwater detention or retention ponds may be located within public park land, but such areas shall not count toward the park land dedication requirement unless they are designed and constructed to serve as an amenity to the park and fit into the planned uses and improvements to the park. An example of a stormwater detention area that is an amenity to a park could be several ponds with water features connecting them designed to have a trail around them with picnic shelters. The developer, at the time of preliminary plat application, shall include documents detailing the amenity improvements. The SIA shall also include language regarding the improvements and the maintenance shall occur through the use of a PMD.

A. A stormwater facility maintenance agreement as per the stormwater management manual must be submitted to the parks department for any ponds located on dedicated park land prior to this regulation.

Section 23-1006. Determining Cash Contribution for Park Land.

Upon submittal of a final plat application, the subdivider shall provide one of the following to verify the fair market value of the land being subdivided that supports the cash contribution for park land the subdivider is providing. All of the below methods shall be completed by a third party. In addition, all methods shall assume the new zoning of the property:

A. A Comparative Market Analysis performed by a licensed realtor that meets the following

criteria:

1. It provides the per acre sale price of at least three (3) comparable parcels of land.
2. The comparable sales must have occurred within one (1) year of the date of the subdivision final plat application submittal.

3. The comparable sales must be within two (2) miles of the subdivision.

B. A raw land appraisal by a licensed appraiser.

Section 23-1007. Use of Dedicated Money or Land for Parks ~~(76-3-621(5), MCA).~~

The governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision and community as follows:

A. The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas, or use the money for the purchase of public open space or conservation easements only if:

1. The park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and
2. The City Council has formally adopted a park plan that establishes the needs and procedures for use of the money.
3. The governing body may not use more than 25% of the dedicated money for park maintenance.

~~**Section 23-1008. When Park Land Dedication May Not Be Required (76-3-621(3(c), MCA).**~~

~~The following subdivisions may not require parkland dedication:~~

~~A. A minor subdivision.~~

~~B. Land proposed for subdivision into parcels larger than 5 acres.~~

~~C. Subdivision into parcels that are all nonresidential.~~

~~D. A subdivision in which parcels are not created, except for condominiums and when that subdivision provides permanent multiple spaces for recreational camping vehicles or mobile homes (See Section 23-1002.B. of this Article).~~

~~E. A subdivision in which only one additional parcel is created.~~

~~F. Cluster Developments (See Sections 703.E. and 709.E. of these Regulations).~~

Section 23-100~~8~~. Waiving Park Land Dedication Requirement ~~(76-3-621(6), MCA).~~

The Planning Director or designee ~~governing~~ may ~~body shall~~ waive the park dedication requirement if:

A. The subdivision provides for a planned development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under Section 23-1002 of this Article.

B. The subdivision provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and the area of the land proposed to be subdivided, by virtue of providing long-term protection is reduced by an amount equal to or exceeding the area of the dedication required under Section 23-1002 of this Article.

C. The area of the land proposed to be subdivided, by virtue of a combination of the provisions of Sections 23-1009.A. and B. of this Article, is reduced by an amount equal to or exceeding the area of the dedication required under Section 23-1002 of this Article.

D. The subdivider dedicates land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and the area of the land equals or exceeds the area of the dedication required under Section 23-1002 of this Article.

Article 23-1100. ADMINISTRATIVE PROVISIONS.

Section 23-1101. Variances.

The City ~~Council~~ may grant reasonable variances from the design and improvement standards of these Regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these Regulations or justifying submission of an incomplete application. The City ~~Council~~ may not approve a variance that would permit structures within the floodway of the 100-year floodplain, as defined in BMCC 23-201 ~~76-5-101, MCA~~.

A. **Requesting a Variance.** The subdivider shall include with the submission of the variance request, a written statement describing the facts of hardship upon which the request for the variance is based. Each requested variance shall be deemed a separate application, for which a fee shall be required. Information addressing each of the following findings shall accompany the application. The Planning Director or designee ~~Board~~ shall review the submitted findings and make a recommendation to the City ~~Council.~~ The City ~~Council~~ shall not approve variances unless the subdivider has demonstrated that the request satisfies the following findings:

   1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;

   2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;

   3. The variance will not result in an increase in taxpayer burden;

   4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and

   5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

B. In granting variances, the City ~~Council~~ may require conditions of approval that will, in their judgment, secure the objectives of these Regulations.

C. When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.

~~**Section 23-1102. Amendments to Subdivision Regulations.**~~

~~A. These Regulations may be amended by the City Council after it receives a recommendation by the Planning Commission by its own motion or upon recommendation of the Planning Board to the City Council.~~

~~B. Prior to amending these Regulations, the governing bodyies shall receive a recommendation from the Planning Commission and conduct a public hearing and public notice shall be given of the intent to amend these Regulations and of the public hearing by publication of the time and place of the hearing in a newspaper of general circulation in the County not less than 15 days prior to the date of the hearing.~~

Section 23-1103. Corrections or Vacations of Recorded Final Plats and Supporting Documents.

A. Corrections to recorded final plats shall be processed as exempt plats pursuant to the requirements, provided that there is evidence of at least one of the following:

1. There is a discrepancy in the map.

2. Material evidence is provided that does not appear on any map filed by the Yellowstone County Clerk and Recorder.

3. There is evidence that suggests alternate locations of lines or points.

4. The recorded plat does not positively show the location, size of lots or blocks, or the location or width of any street or alley.

B. Corrections to a recorded Subdivision Improvements Agreement (SIA) or other supporting document of the final plat to which the City Council is party, may be submitted provided that they do not significantly alter the original approval. Requests to alter a recorded SIA or supporting document shall follow these procedures:

1. A written request to amend the recorded document shall be submitted to the Planning Department.

2. The request will be circulated for review by the agencies affected by the proposed amendment. The Planning Department will, in consultation with the affected agencies, submit a recommendation to the City Council.

3. A public hearing may be required based on the information received by the reviewing agencies. Notice of the public hearing shall be given in accordance with these Regulations.

4. The City Council may approve the request if it does not significantly alter the original approval and does not conflict with the review criteria set forth in these Regulations.

C. Any plat prepared and recorded in accordance with these Regulations may be vacated, either in whole or in part in consultation with MCA76-25-411.

1. If the vacation affects five (5) or fewer lots it shall be processed as an exempt plat pursuant to the requirements.

2. If the vacation affects twelve (12) or more lots it shall be reviewed as an amended plat pursuant to Section 23-3007 of these Regulations.

~~3. If the vacation includes public rights-of-way, the applicant must first obtain approval for the right-of-way vacation from the governing body in accordance with the applicable procedures. Title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions, as determined by the City Council or designee.~~

~~4. When any utility lines or any other public or private facility are located in a vacated street or alley, at the time of the reversion of the title to the vacated street or alley, the owner of the public or private utility facility shall be granted an easement over the vacated land to continue the operation and maintenance of the public or private utility facility.~~

~~**Section 23-1104. Corrections or Adjustments to Plats, Conditions and Supporting Documents after Preliminary Plat Approval.**~~

~~A. Minor adjustments may be approved by the City Council or designee, in consultation with the appropriate agencies, prior to the filing of the final plat. Minor adjustments are those changes, which, in the opinion of the City Council or designee, does not affect the basic character of lots or blocks, does not affect the open space requirements or amount provided, and does not affect the original street design. Minor adjustments shall not change existing Conditions of Approval or require additional conditions. Minor adjustments may require that a new plat be drawn; however, they do not require that the plat be re-submitted for preliminary plat review.~~

~~B. Major adjustments are those which, in the opinion of the City Council or designee, substantially alter the basic design, or change open space requirements or amount provided for the subdivision. Changes to conditions of approval placed on the preliminary plat shall be considered major adjustments unless otherwise determined using the criteria in Section 23-1204.C., below. Any changes which constitute a major adjustment shall require that a new plat be drawn and the plat be re-submitted for preliminary plat review as specified in Article 23-300.~~

~~C. **Requested Amendments to Conditions.** Upon written request of the subdivider, the City Council may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. Requests to amend a condition of approval shall follow these procedures:~~

1. The request to amend the condition shall be submitted in writing to the Planning Department.

2. The request will be circulated for review by the agencies affected by the proposed amendment. The Planning Department will, in consultation with the affected agencies, submit a recommendation to the City Council.

3. A public hearing may be required based on the information received by the reviewing agencies. Notice of the public hearing shall be given in accordance with these Regulations.

4. The City Council may approve the request if it can be found that the original condition is unnecessary, impossible or illegal and does not conflict with the review criteria set forth in these Regulations.

D. Once the preliminary plat is approved, unless inaccurate or incomplete information has been found or a change to a condition has been requested, the City Council may not impose any additional conditions as a prerequisite to final plat approval, providing that approval is obtained within the original or extended approval period as provided in these Regulations.

Section 23-1105. Appeals.

A. A person who has filed with the City Council an application for a subdivision under these Regulations may bring an action in district court to sue the City Council to recover actual damages caused by a final action, decision, or order of the City Council or these Regulations that is arbitrary or capricious.

B. A party who is aggrieved by a decision of the City Council to approve, conditionally approve, or disapprove a proposed preliminary plat or final subdivision plat may, within thirty (30) days after the date of the written decision, appeal to the district court. The petition must specify the grounds upon which the appeal is made.

C. The following parties may appeal under the provisions of Section 23-1105.B.:

1. The subdivider;

2. A landowner with a property boundary contiguous to the proposed subdivision or a landowner with property within the county or municipality where the subdivision is proposed i f that landowner can show a likelihood of material injury to the landowner's property or its value;

~~D. For purposes of this section, "aggrieved" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.~~

Section 23-1105. Schedule of Fees.

The required fee shall accompany the preliminary plat, final plat, exempt surveys, and any proposed variances. A schedule of fees for plats shall be established by the City Council by resolution. Fee information is available online.

~~**Section 23-1106. Penalty for Violation.**~~

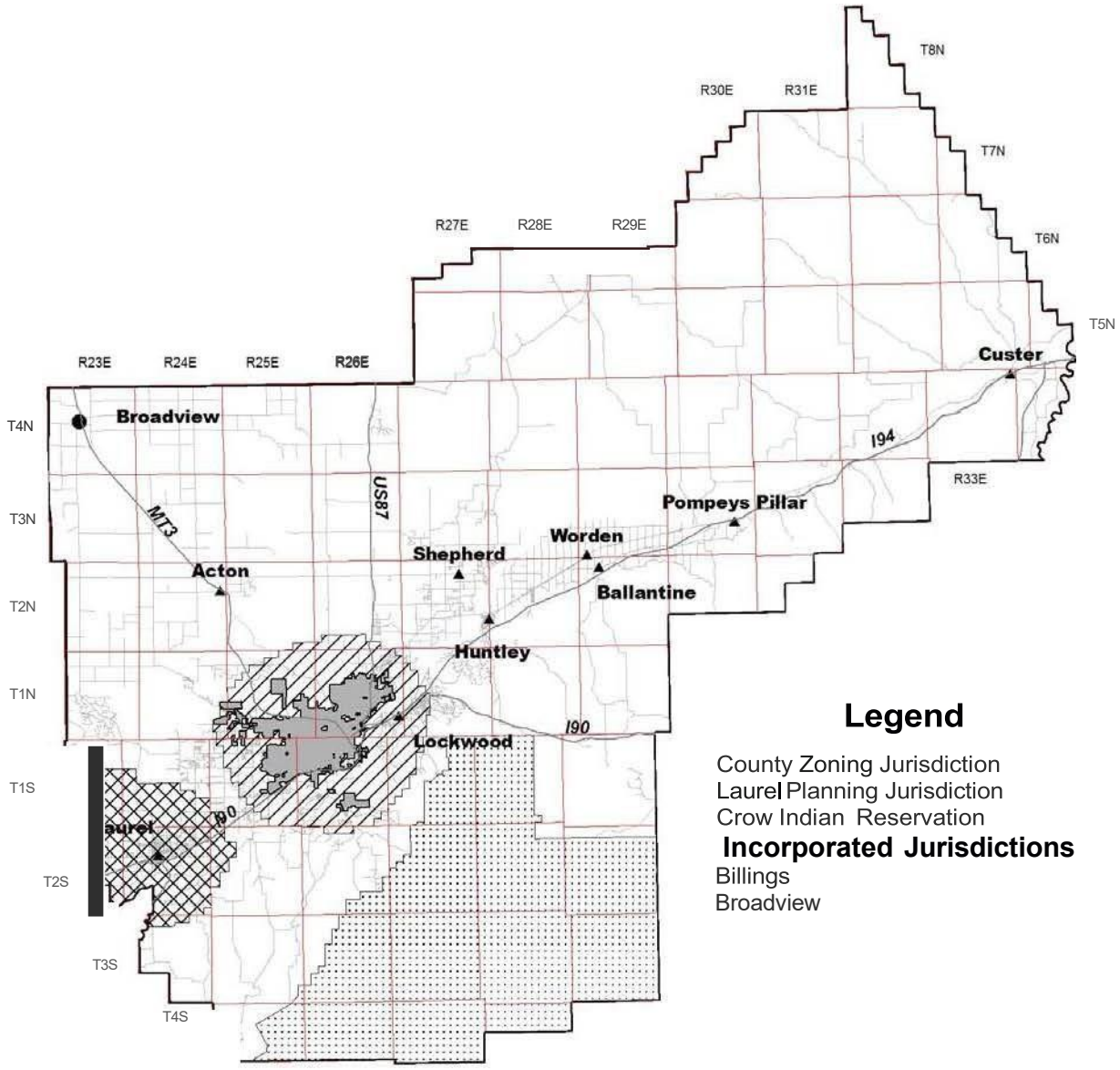
~~A. Except as provided in (76-25-4 MCA) 76-3-303, MCA, every final subdivision plat shall be filed with the County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. If illegal transfers are completed, the City Attorney shall commence action to enjoin further sales or transfers and compel compliance with the provisions of the Montana Land Use Planning Act (76-25-4 MCA) Montana Subdivision and Platting Act (76-3-101 et seq., MCA) and these Regulations. The cost of such action shall be imposed against the person transferring the property.~~

~~Each sale, lease or transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the Montana Subdivision and Platting Act or these Regulations shall be deemed a separate and distinct offense.~~

~~B. Any person who violates any of the provisions of the Montana Land Use Planning Act (76-25-4 MCA) Montana Subdivision and Platting Act (76-3-101 et seq., MCA) or these Regulations is guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment in jail for not more than three (3) months or by both fine and imprisonment.~~

~~APPENDIX A~~
~~Jurisdictional Map~~

~~Yellowstone County Board of Planning Planning Jurisdiction~~



Prepared by the Planning & Community Services Department
November, 2005 (PudServ3/Maps/Planning/Planning Jurisdiction)

APPENDIX ~~B~~ A
Evasion Criteria

City of Billings Evasion Criteria

A. Purpose.

The State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the development is an attempt to evade the Montana Land Use and Planning Act (76-25-402 MCA) ~~Montana Subdivision and Platting Act (MSPA), 76-3-101, et. seq., MCA~~.

The following procedures, criteria and requirements shall be used to review an exemption from subdivision review and to determine whether the division of land is for the purpose of evading the Montana Land Use Planning Act (MLUPA). ~~MSPA~~.

B. Procedures and General Requirements.

1. Any person seeking exemption from the requirements of MLUPA ~~the Subdivision and Platting Act (76-3-101 et. seq., MCA)~~ shall submit to the Planning Director or designee ~~Clerk and Recorder~~ (1) a certificate of survey, exempt amended plat, or where a survey is not required an instrument of conveyance, (2) evidence of, and a notarized statement affirming, entitlement to the claimed exemption signed by the landowner, and (3) all documents identified in Exhibit 3 "Exempt Plat Submittal Requirements."

2. When a certificate of survey, exempt amended plat, or instrument of conveyance is submitted to the Planning Department, the Planning Department shall cause the documents to be examined by the designated agents of the governing body: (the City ~~or County Public~~ Works Department, City ~~or County~~ Attorney, ~~Sanitarian,~~ Treasurer, and Clerk and Recorder). The agents shall examine the proposed land division to determine whether it complies with the requirements set forth in these regulations, the Montana Land Use Planning Act ~~Subdivision and Platting Act,~~ and the Montana Sanitation in Subdivisions Act (76-4-101, et seq., MCA).

3. After the review to evaluate compliance with the requirements contained in this section, the agents shall submit written comments as to whether the use of the exemption is intended to evade the purposes of the Act, after which a written recommendation will be presented to the governing body for its review.

4. If the designated agents find that the proposed use of the exemption complies with the statutes and these criteria, they shall recommend to the Clerk and Recorder to file the certificate of survey, exempt amended plat, or record the instrument of conveyance and accompanying documents. If the agents find that the proposed use of the exemption does not comply with the statutes and these criteria, they shall advise the Clerk and Recorder of their determination and recommend whether or not to file or record the documents, and upon his/her concurrence, the Clerk shall return the materials to the landowner with an explanation as to why the recordation was declined.

5. Any person whose proposed use of an exemption has been denied by the designated agents may appeal the agents' decision to the governing body. The person may request a hearing, and may submit additional evidence to show that the use of the exemption in question is not intended to evade the Act.

   If the governing body concludes that the information provided by the developer overcomes the recommendation by staff that the exemption is being used to evade the Act, they may authorize the use of the exemption in writing. A certificate of survey claiming such an exemption from subdivision review, which otherwise is in proper form, may be filed (or an exempt amended plat or an instrument of conveyance recorded) if the governing body has signed a certificate of an exemption as provided in these regulations.

6. Landowners or their representatives are encouraged to meet with the governing body's designated agents to discuss whether a proposed land division or use of an exemption is in compliance with these criteria.

   The agents may issue an advisory opinion only, and the opinion does not constitute a commitment by the local officials when the documents creating the proposed land division are submitted to the Clerk and Recorder.

7. The governing body and its agents, when determining whether an exemption is claimed for the purpose of evading ~~MSPA~~ MLUPA, shall consider all of the surrounding circumstances. These circumstances may include but are not limited to: (1) the nature of the use of the parcel, (2) the prior history of uses of the particular tract in question, (3) the proposed configuration of the tracts if the proposed exempt transaction is completed, and (4) any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review (State ex rel. Dreher v. Fuller, 50 St. Rptr. 454, 1993).

8. Exempt divisions of land that would result in a pattern of development equivalent to a subdivision shall be presumed to be adopted for purposes of evading the Act. A "pattern of development" occurs whenever three (3) or more parcels of less than 160 acres each with common covenants or facilities pertaining to each parcel have been divided from the original tract.

9. If the use of an exemption is determined to be an evasion of ~~MSPA~~ MLUPA, the landowner may submit a subdivision application for the proposed land division.

C Exemption as a Gift or Sale to a Member of the Immediate Family (76-25-402 MCA) ~~(76-3-207(1)(b), MCA).~~

1. Statement of Intent: The intention of this exemption is to allow a landowner to convey one parcel to each member of the immediate family without local subdivision review. A single parcel may be conveyed to each member of the immediate family under this exemption in each county where the landowner owns property.

2. "Immediate family" is defined as the spouse, children by blood or adoption, or parents of the grantor (76-25-402 MCA) ~~(76-3-103(7), MCA).~~

3. Any certificate of survey filed that would use this exemption to create a parcel for conveyance to a family member must clearly identify the name of the grantee, the grantee's relationship to the landowner, and the parcel to be conveyed under this exemption, and be accompanied by, or contain, the landowner's written certification of compliance. The certificate of survey or other instrument must also cite the exemption claimed and include the proper language. Also, the certificate of survey or instrument of conveyance shall be accompanied by a deed or other conveying document.

4. One conveyance of a parcel to each member of the landowner's immediate family is eligible for exemption from subdivision review. However, the use of the exemption may not result in more than one remaining parcel of less than 160 acres.

5. Any proposed use of the family conveyance exemption to divide a tract that was previously created through use of an exemption shall be presumed to be an evasion of the Act if it creates a pattern of development consistent with an overall plan with characteristics such as common roads, utility easements, restrictive covenants, open space or common marketing. This presumption will not be rebutted by previous ownership of the tracts, and pertains to remaining tracts of less than 160 acres as well as to those tracts that were previously created through the use of one or more of the exemptions.

6. The use of the family conveyance exemption to divide tracts that were created with the subdivision process are allowed as long as they can also meet the requirements of zoning.

7. An immediate family member or the spouse of an immediate family member who receives a division of land as part of a gift or sale may not transfer or otherwise convey the division of land for a period of up to 2 years after the date of the division. The governing body may authorize variances from these requirements to address hardship situations.

D. Exemption to Provide Security for a Construction Mortgage, Lien or Trust Indenture (76-25-402 MCA) ~~(76-3-201(1)(b) MCA).~~

1. Statement of Intent: Under policies of many lending institutions and federal home loan guaranty programs, a landowner who is buying a tract with financing or through a contract for deed is required to hold title to the specific site on which the residence will be built. The intended purpose of this exemption is to allow a landowner who is buying a tract using financing or a contract for deed to segregate a smaller parcel from the tract for security for financing construction of a home on the property.

2. When claiming this exemption, the landowner shall submit the following documents to the City-County Planning Department:

a. A signed statement from both the landowner and the lending institution that the creation of the exempted parcel is necessary for the owner to secure construction financing through a construction mortgage, lien or trust indenture on the exempted parcel.

b. Any certificate of survey that uses this exemption must bear the acknowledged certificate of the property owner stating that the division of land in question is exempted from review as a subdivision, cite the exemption claimed, and include the language provided in Section H. of this Chapter.

3. The use of this exemption is presumed to have been adopted for the purpose of evading MLUPA ~~MSPA~~ if:

a. It will create a site for more than one dwelling unit;

b. The loan is for someone other than the owner of record or the recorded contract purchaser of the parcel to be divided.

c. It will create a pattern of development which is equivalent to a subdivision with characteristics such as common roads, sewer, water, utility easements, restrictive covenants, open space or a common marketing or promotional plan.

E. Exemption for Agricultural Purposes (76-25-402 MCA) ~~(76-3-207 (1)(c), MCA).~~

1. Statement of Intent: The intention of this exemption is to allow a landowner to create a parcel without local review where the parcel will be used only for production of livestock or agricultural crops and where no residential, commercial, or industrial buildings will be built.

2. "Agricultural Purpose," for purposes of these evasion criteria, means the use of land for raising crops or livestock, or for the preservation of open space, and specifically excludes residential structures and facilities for commercially processing agricultural products. Agricultural lands are exempt from review by the Montana Department of Environmental Quality (MDEQ), provided the applicable exemption is properly invoked by the property owner.

3. The following conditions must be met or the use of the exemption will be presumed to have been adopted for the purposes of evading MLUPA ~~MSPA~~:

a. The parties to the transaction by gift, sale, or agreement, must enter into a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes or open space. The covenant must be signed by the property owner, the buyer or lessee and the governing body. An example of a covenant is provided in Section H. of

this Chapter.

b. The landowner must demonstrate that the planned use of the exempted parcel is for agricultural purposes and that no residential, commercial or industrial buildings will be built (e.g., a statement signed by the buyer).

c. Any change in use of the land for anything other than agricultural purposes subjects the parcel to full review as a subdivision.

d. Residential, commercial and industrial structures, including facilities for commercial processing of agricultural products are excluded uses on parcels created under this exemption unless the covenant is revoked and the land division is reviewed under ~~MCA~~ (76-25-402 MCA) ~~Chapter 3~~.

e. A certificate of survey that uses this exemption must bear the acknowledged certificate of the property owner stating that the division of land in question is exempted from review as a subdivision, cite the exemption claimed, and include the language provided in Section H. of this Chapter.

F. Relocation of Common Boundary (76-25-402 MCA) ~~(76-3-207(1) (a, d and e), MCA).~~

1. Statement of Intent: The intended purpose of this exemption is to allow a change in the location of a boundary line between two parcels and to allow a one-time transfer of a tract to affect that change in location without subdivision review.

2. If the relocation of a common boundary would result in the permanent creation of an additional parcel of land, the division of land must be reviewed as a subdivision. If a temporary tract is created, language shall be added to indicate that the temporary tract is merged forever with the adjacent tract.

3. Within a platted subdivision, a division of lots that redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the County Clerk and Recorder in accordance with Section 306 of these Regulations.

4. Certificates of survey or amended plats claiming this exemption must be clearly distinguished between the existing boundary location and the new boundary. This shall be accomplished by representing the existing boundary with a dashed line and the new boundary with a solid line. The appropriate certification must be included on the certificate of survey as provided in Section H. of this Chapter.

G. Remainder Parcels.

Statement of Intent: Any part of an original tract of record, less than 160 acres that is left following the segregation of other parcels from the tract for the purpose of transfer shall be reviewed as part of the subdivision.

APPENDIX ~~B~~ A
Evasion Criteria

H. Certification.

1. **Exemption Certificates.** The following represents examples of certificates to be used on certificates of surveys for the following types of exemptions: relocation of common boundaries, land gift or sale to family member, agricultural exemption, and security for constructions.

CERTIFICATE OF EXEMPTION
(RELOCATION OF COMMON BOUNDARY)

I (We) certify that the purpose of this survey is to relocate common boundaries between adjoining properties ~~existing outside of a platted subdivision~~. Therefore, this survey is exempt from review as subdivision pursuant to Section ~~76-2-207~~ 76-25-402 (1)(m)(~~a), (d), or (e),~~ MCA.

DATED THIS _____day of _____ , 20
.

*(Signature)*_____
Property
Owner(s)

CERTIFICATE OF EXEMPTION
(FAMILY GIFT OR SALE)

I (We) certify that the purpose of this survey is to create Tract # for transfer of ownership as a family gift or sale and that no prior family sale has been conveyed to ((name), our(my) (relationship) and that this exemption complies with all conditions imposed on its use. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-25-402(n) ~~76-3-207(1)(b),~~

DATED THIS _____day of _____, 20_____.

*(Signature)*_____
Property
Owner(s)

APPENDIX ~~B~~ A
Evasion Criteria

CERTIFICATE OF EXEMPTION
(FOR AGRICULTURAL PURPOSES)

I (We) certify that the purpose of this survey is to create Tract #_____, as shown on this certificate of survey, for gift or sale, which is to be used for agricultural purposes only, and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-25-402(f) ~~76-3-207(1)(c)~~, MCA and the City of Billings Subdivision Regulations.

I also hereby enter a covenant, to run with the land, that Tract _____ as shown hereon, will be used exclusively for agricultural purposes only. No building or structure requiring water or sewer facilities shall be utilized on Tract _____. This covenant is revocable only by the mutual consent of the governing body and the property owner.

DATED THIS _____day of _____, 20_____.

*(Signature)*_____
Property Owner(s)

CERTIFICATE OF EXEMPTION
(SECURITY FOR CONSTRUCTION)

I certify that the purpose of this survey is to create a parcel of land to provide security for construction or loan purposes and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section ~~76-3-201(1)(b)~~ 76-25-402(1)(b) MCA and from review by the Montana Department of Environmental Quality (16.16.605(1)(b)).

DATED THIS _____day of _____, 20_____.

*(Signature)*_____
Property Owner(s)

APPENDIX ~~B~~ A
Evasion Criteria

2. **Governing Body Certification.** If the exemption is approved after appeal to the Governing Body, the Governing Body shall so certify in a printed certificate on the Certificate of Survey.

I, Mayor of the City of Billings, do hereby certify that the use of the exemption claimed on the accompanying Certificate of Survey has been duly reviewed, and has been found to conform to the requirements of the ~~MSPA~~ MLUPA, Section ~~76-3-101~~ 76-25-402, et. seq., MCA, and the City of Billings Subdivision Regulations.

DATED THIS _____day of _____, 20_____.

(Signature) _____
Mayor, City of Billings

Attest: *(Signature)* _____

APPENDIX ~~C~~ B
Flood Hazard Evaluation

A. Definitions. (Sec. 76-5-103, MCA) Whenever the following words and phrases are used in this Appendix, they shall be given the meaning attributed to them by this section.

1. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

2. Flood Fringe: the identified portion of the floodplain outside of the floodway.

3. Flood of 100-year Frequency: A flood magnitude expecting to recur on the average of once every 100 years or a flood magnitude that has a 1% chance of occurring in any given year.

4. Floodplain: The area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheet flood areas that receive less than 1 foot of water per occurrence and are considered "shaded X zone" by the federal emergency management agency.

B. Floodway: The channel of a watercourse or drainway and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainway.

1. Land located within the floodway of a flood of 100-year frequency as defined by Title 76, chapter 5, MCA, may not be subdivided for building purposes, or other uses that may be prohibited by state or local floodplain regulations.

2. Where the 100-year floodway has been delineated by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), or a City- or County-approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a “No-Build Zone.”

3. Any development of land that is in the flood fringe, a Zone A as shown on a FIRM, or an identified flood prone area is subject to the requirements of the City of Billings Floodplain Regulations.

APPENDIX ~~C~~ B
Flood Hazard Evaluation

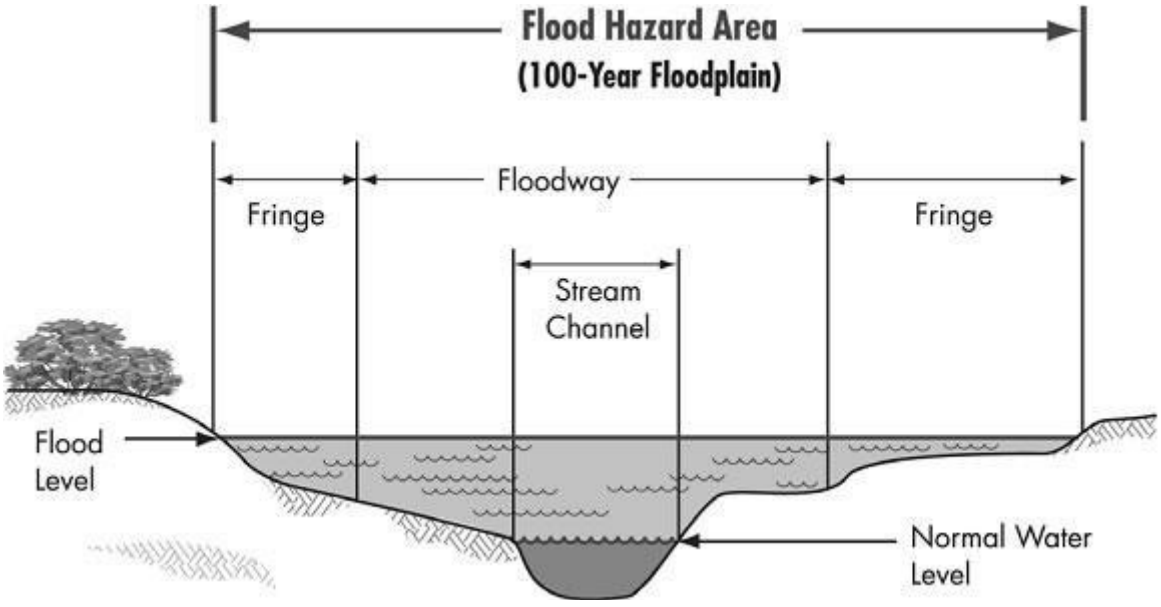


Figure 1. 100-Year Floodplain Cross-Section Diagram

APPENDIX C
Final Plat Certification

I, Mayor of the City of Billings, do hereby certify that the use of the exemption claimed on the accompanying Certificate of Survey has been duly reviewed, and has been found to conform to the requirements of the Montana Land Use Planning Act ~~MSPA~~, Section ~~76-3-101~~ 76-25-410, et. seq., MCA, and the City of Billings Subdivision Regulations.

DATED THIS _____ day of _____, 20_____.

(Signature) _____
Mayor, City of Billings

Attest: *(Signature)* _____

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, ordinance, 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 the first reading this 11th day of May, 2026.

PASSED, ADOPTED and APPROVED on second reading this 26th day of May, 2026.

CITY OF BILLINGS

By_____
Mike Nelson, Mayor

Attest:

BY: _____
Denise R. Bohman, City Clerk

ORDINANCE 26-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN ARTICLES 27-200, 27-400, 27-800, 27-1000, 27-1300, 27-1500,27-1600, and 27-1800 BE AMENDED TO CONFORM TO MONTANA LAND USE PLANNING ACT PASSED BY THE 69TH LEGISLATURE IN 2025, TO AMEND AND CLARIFY THE ZONING REGULATIONS

WHEREAS, pursuant to Section 76-25-301, MCA, a local government has the authority to and shall regulate the use of land in substantial compliance with its adopted land use plan by adopting zoning regulations; and

WHEREAS, Title 76, Chapter 25, MCA, known as the Montana Land Use Planning Act ("MLUPA"), enacted by the Montana Legislature during the 69th Legislative Session (2025), requires cities with populations of 5,000 or more to adopt new land use plans, zoning codes, and subdivision regulations. Pursuant to 76-25-201, MCA, each local government is required to adopt a land use plan and future land use map; and

WHEREAS, sections of Chapter 27 of the Billings, Montana City Code are not in compliance with MLUPA and these sections shall be amended as set forth herein to conform to current statutory requirements.

WHEREAS, MLUPA mandates ongoing public involvement in the development and adoption of land use policies and regulations, guided by a municipally adopted Public Participation Plan; and

WHEREAS, the Interim Planning Commission held public hearings on _____, 2026; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. Chapter 27 of the Billings, Montana City Code (BMCC) is amended as follows and any sections not amended herein shall remain in effect:

Sec. 27-102. Purpose.

A. The zoning code, classifications, and the districts as herein set forth are in accordance with MCA 76-25-301, et seq., Municipal Zoning.

B. This zoning code has been established in accordance with the ~~2016~~ City of Billings adopted growth policy and ancillary and related policy documents, including but not limited to adopted neighborhood plans, area plans, and city council adopted policies related to growth and development of city services. The zoning code has been deemed necessary and developed with consideration, among other things, to the character of each zoning district and its peculiar suitability for particular uses, impacts on local facilities, services, preservation of natural resources, natural environment, or natural hazards. ~~to conserve the value of buildings, to stabilize property values, to preserve recreation and agriculture lands from conflict with urban development, to promote the interest of health, safety and general welfare, to secure safety from fire and to provide adequate open space for light and air, and to facilitate the economic provision of adequate transportation, water, sewers, schools, parks and other public requirements.~~ To achieve these goals, this zoning code shall govern the height and size of buildings and structures, the percentage of lots that may be occupied, the size of yards and open space, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes within the Billings city limits.

C. The City of Billings City Council further declares these zoning regulations are adopted for the following specific purposes:

1. To promote and guide development consistent with the goals and objectives of the growth policy and area plans;
2. To prevent waste and inefficiency in land use;
3. To encourage innovations in residential development and renewal so that the needs of the community for housing may be met by greater variety in type and design of dwellings and by conservation of open space; and
4. To provide adequate land and space for the development of commercial and industrial uses and to encourage such developments in locations calculated to benefit the community at large and in a manner consistent with the goals and objectives of the growth policy and area plans.

Sec. 27-105. Effective date and archived zoning code.

This zoning code shall become effective on ~~February 25, 2021~~ July 1, 2026. The zoning code that was effective immediately prior to this zoning code shall be retained and referred to as the archived zoning code. One copy of the archived zoning code shall remain of record in the planning and community services office and one copy shall be stored in the city clerk's office, either in hard copy or electronically. An unofficial public copy may also be maintained on the city's website.

Sec. 27-107. Transitional provisions.

A. *Existing approvals.* This zoning code is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit

issued before the effective date of this zoning code. Applications and permits that have not achieved final approval as of the effective date of this zoning code shall be processed according to the provisions of this section.

B. *Approved projects.*

1. *Validity.*

(a) Except for planned developments approved prior to the effective date of this zoning code, permits and approvals issued pursuant to the archived zoning code that are valid on the effective date of this zoning code shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.

(b) Where construction has started pursuant to a building permit validly issued by the City of Billings Building Division prior to the effective date of this zoning code, it may be completed under the regulations in effect at the time of issuance without regard to this zoning code; provided, that construction is begun within six (6) months of the effective date and diligently prosecuted to completion. Upon completion, the structure may be occupied under a City of Billings certificate of occupancy by the use for which originally designated, even if the structure or use is nonconforming under the terms of this zoning code.

2. *Changes.* No provision of this zoning code shall require any change in the plans, construction, or designated use of any structure for which a building or planning permit has been issued prior to the effective date.

3. *Extensions.* The decision-making body that granted the original approval may renew or extend the time of a previous approval if the project remains in compliance with the required standards or criteria for the original approval. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in article 27-1600~~, Administrative procedures~~.

C. *Re-application.* Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

D. *Planned developments and master site plans approved prior to the effective date.*

1. Any planned development identified on the zoning map and approved prior to the effective date shall remain valid. Planned developments that refer to zone districts not included in this zoning code shall use the archived zoning code requirements. For example, a reference to an underlying zone district of "community commercial" shall refer to the use table, use standards, and other requirements for that zone district in the archived zoning code.

2. Planned development and master site plan approvals that predate the adoption of this zoning code shall be narrowly interpreted and are limited to the specified terms of approval. Where a term was not defined or a process not specified in the PD or MSP approval, the most closely similar provision of this zoning code shall be applied. For example, if a planned

development does not specify a process for amendment, the process for amending planned development approvals in this zoning code will be used.

E. *Applications in progress.*

1. *Completed applications*

(a) Complete applications submitted before the effective date and pending approval at the time of adoption of this zoning code may, at the applicant's option, be reviewed wholly under the terms of the previous zoning code. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

(b) Complete preliminary subdivision and check print certificate of survey applications submitted prior to the effective date of this zoning code shall continue to be processed as long as they are in compliance with the terms of the previous zoning code. The lots created may be conforming or nonconforming to the terms of this zoning code. The owner or agent may request written confirmation of conformance or non-conformance with this zoning code.

2. *No applications submitted.* Projects for which no application has been submitted and accepted as complete prior to the effective date shall be subject to all requirements and standards of this zoning code.

3. Lapsing. Regardless of whether a completed application has been received prior to the adoption of this zoning code, any permit or approval issued following the adoption of this Code shall be subject to the lapsing provisions of section 27-1612.

F. *Lapsing of previous approvals*. If a development permit or approval was approved prior to the effective date of this zoning code and that type of permit or approval did not have a lapsing date, but this zoning code provides a lapsing date for that type of permit or approval, then the permit or approval shall be subject to lapsing under section 27-1612, but the lapsing periods set forth in section 27-1612 shall be deemed to begin running on the effective date of this zoning code, not the date of the prior permit or approval.

G. *Special use permits deemed approved.* If (a) a use of land or structures was listed as a permitted use in a specific zone district under the previous zoning code, and (b) that use of land or structures was established on property in that district prior to the adoption of this zoning code, and (c) the same use of land or property is now listed as a special review use in the same district in Table 27-1000.1, then the established use shall be deemed to have received a special review approval and shall be a legal, conforming use of land. Upon request by the property owner and submission that the use was established prior to approval of this zoning code, the shall provide written confirmation of the legal, conforming status of the use.

Sec. 27-202. - Official zoning map

A. The boundaries of the zone districts are shown on the official zoning map which, together with all explanatory matter thereon, is ~~hereby~~ adopted separately by resolution~~ference and declared to be a part of this article~~. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the words "the official zoning map of the City of Billings". Regardless of the existence of purported copies of the official zoning map which from time to time may be made or published, a copy of the official map shall be located in the offices of both the planning division and the Billings city clerk. An electronic version of the official map may be displayed on the City of Billings website or other online venue at the discretion of the city administrator.

B. All references in this zoning code to the zoning map shall be construed as references to the official zoning map.

C. Changes made in district boundaries shall be promptly entered on the zoning map after amendment by the city council. Amendments to the zoning map shall not become effective until entered on the map.

D. No changes of any nature shall be made in the zoning map or matter shown thereon except in conformity with the provisions set forth in this zoning code. In the event the hard copy of the official zoning map is damaged or destroyed, a new version shall be printed and submitted to the city council for review. No such map shall have the effect of amending the official zoning map or any subsequent amendment thereof.

Section 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.

A. *N1: First neighborhood residential.* The N1 district is intended to continue the existing character of single- and two-family homes in the first residential neighborhoods developed in the early part of the twentieth century in the city. This district may also be used for new neighborhoods designed with similar characteristics of the first neighborhoods. These characteristics include parking/garages located in the rear of the lot, pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows. The principal residential use shall comprise not less than 50 percent of the total gross floor area on the lot or within the structure.

B. *N2: Mid-century neighborhood residential.* The N2 district is intended to continue the existing character of the residential neighborhoods with single- and two-family homes developed during the middle of the twentieth century. This district may also be used for new neighborhoods designed with similar characteristics of the mid-century neighborhoods. These characteristics include homes wide on the lot, proportionate garages located in the front façade, low pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows. The principal residential use shall comprise not less than 50 percent of the total gross floor area on the lot or within the structure.

C. *N3: Suburban neighborhood residential.* The N3 district is intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than thirty-five (35) percent of the façade. Basic setback and height parameters apply. The principal residential use shall comprise not less than 50 percent of the total gross floor area on the lot or within the structure.

D. *NX1: Mixed residential 1.* The NX1 district is intended to continue the character of the first neighborhoods with single-family, two-family, and small-scale multiple-family homes with three (3) to four (4) units. Multiple-family homes are intended to match the scale of the neighborhood single-family homes with characteristics such as building width, parking and garages location, roof design, and doors and windows on the front facades. The principal residential use shall comprise not less than 50 percent of the total gross floor area on the lot or within the structure.

E. *NX2: Mixed residential 2.* The NX2 district is intended for small- and mid-scale multiple-family homes with three (3) 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. The principal residential use shall comprise not less than 50 percent of the total gross floor area on the lot or within the structure.

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

A. *Allowed uses.* Allowed uses and accessory uses are provided in article 27-1000.

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 the downtown and commercial nodes and corridors within the city.

A. CBD: Central business district. The CBD district is the downtown mixed-use core intended to continue the existing character of the highly walkable downtown commercial corridors with storefronts and residential uses on the ground story and upper story lodging and office uses.

B. DX: Downtown support. The DX district is intended primarily for use surrounding the (CBD) district and would accommodate highly walkable, higher intensity office and residential uses in support of the CBD.

C. *CMU1: Corridor mixed-use.* The CMU1 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, any story could accommodate residential and/or office uses. CMU1 districts shall be located within one thousand three hundred twenty (1,320) feet of an arterial or collector street intersection.

D. *CMU2: Corridor mixed-use and commercial centers.* The CMU2 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, any story could accommodate residential and/or office uses. CMU2 districts shall be located within six hundred sixty (660) feet of an arterial or collector street and not adjacent to or sharing a property line with any existing city or county N, RR, RMH, RMH-R, or A district.

~~D.~~E. *NMU: Neighborhood mixed-use.* The NMU 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. Any story can accommodate residential and/or office uses. More intense uses located on blocks with less intense uses shall be located on block ends.

Section 27-802 Zoning Districts

Planned neighborhood developments (PNDs) shall include a mix of multiple zoning districts as a neighborhood development plan (site plan). The mix of zoning districts is determined by the type of PND the developer intends to build. The selection of a PND is guided by an adopted growth policy plan, preferred land use plan, neighborhood or area plan, or other city adopted land use, development, transportation or similar plans and policies.

A. Determination of PND type.

1. Table of PND types. Refer to Table 27-800.1 for available types of PNDs. The applicant must choose only one type of PND.
2. Multiple PND types. The applicant must meet the regulation for one type of PND, except as follows:

(a) For all sites up to twenty (20) acres, only one of the PND types will be allowed on the site.

(b) For developments over twenty (20) acres, multiple PND types are allowed as long as at least ten (10) acres is applied to any one type. The PND plan must show boundaries for each PND type.

B. *General layout of new districts.*

1. *Location of CMU districts.*

(a) CMU2 districts shall be located within six hundred sixty (660) feet of an arterial or collector street and not adjacent to or sharing a property line with any existing city or county N, RR, RMH, RMH-R, or A district.

(b) CMU1 districts shall be located within one thousand three hundred twenty (1,320) feet of an arterial or collector street intersection ~~and must be separated from any existing city or county N, RR or A district by a public street or alley~~.

(c) CMU districts areas shall be uninterrupted and continuous.

2. *General layout of PND districts.* ~~(a) The same districts shall face each other across streets, including existing districts. This requirement excludes existing Yellowstone County zone districts RR, A, RMH, RMH-R, or N4. Similar districts within the same district category (e.g., NX1 and NX2 districts) may be located adjacent to or across the street from the new districts.~~

~~(b)~~ (a) More intense uses located on blocks with less intense uses shall be located on block ends.

~~(c)~~(b) Changes in districts shall generally occur at a rear lot line, at an alley, or at corner parcels.

~~(d)~~(c) ~~——~~N1, N2, and N3 districts shall not be located along arterial streets.

Section 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:

1. Permitted /P/. These uses are permitted by-right in the zone districts in which they are listed. Permitted uses are required to comply with applicable use-specific standards identified in this article.

2. Permitted in a specified location, such as on upper stories or in the back of a structure /PL/. These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least twenty (20) feet from the front facade.

3. Permitted with use restrictions /PR/. These uses must comply with the use restrictions identified in this zoning code, including those restrictions included in this article and any use restrictions identified in the zone district where the uses is proposed to be located.

4. Requires a special review /SR/. These uses require special review by the city zoning commission are not permitted uses in the districts in which they are listed but may be allowed as special exceptions subject to specific conditions. Uses permitted by special review must follow any applicable development standards associated with the use as well as meet the requirements of the special review.

5. Uses that are not permitted are indicated by a blank space.

B. *Interpretation.*

1. *Classification of new or unlisted uses.* Every type of potential use cannot be addressed or foreseen in this zoning code. When a use is proposed that is not specifically listed in the applicable use table, the following procedures shall be applied.

2. *Uses not subject to use interpretation.* The following categories of uses typically impose substantial impacts on a site, adjacent sites and structures, pedestrians or cyclists, the road network, or public infrastructure. Where a new use is proposed that is not identified in the applicable use table and that can be categorized into one of these categories, the applicant shall file an application for code amendment to determine if the use will be permitted. Through this process, the city will have the opportunity to review and determine the impacts of the proposed use and establish any prescribed conditions that may be appropriate to allowing the use:

   (a) Agricultural uses.

   (b) Industrial services.

   (c) Manufacturing, processing, and assembly.

   (d) Waste and salvage.

3. *Request for use interpretation.* Requests for a use not prohibited in the previous section and not specifically addressed in any zoning district shall be submitted to the zoning coordinator for review, based on the following standards.

(a) The zoning coordinator shall determine whether the proposed use is listed in the applicable use table as a use permitted by right, with prescribed conditions, or as a special use in any zoning district.

(b) If the use is not addressed in the appropriate use table, the zoning coordinator shall select the use listed which most closely approximates the proposed use, using criteria such as:

(1) Appropriate use category in subsection 27-1001.C;

(2) Conformance with the currently adopted growth policy and purpose of the zoning district in which the use is proposed;

(3) Types of equipment and/or processes to be used;

(4) Number of employees, visitors, or customers generated;

(5) Parking demands associated with the use; and

(6) Special public utility requirements for serving the proposed use type, including, but not limited to, electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities.

(c) Once a similar use is determined, the zoning coordinator shall issue a zoning determination letter and the proposed use shall comply with any conditions and review procedures that may apply to that use.

(d) If, based on the criteria identified above, the zoning coordinator determines that a use can reasonably be determined to be similar to more than one use or category of uses, the zoning coordinator shall select the use or category of uses that provides the most exact, narrowest, and appropriate fit.

(e) The determination as to whether a proposed use is similar in nature and class to another use within a district shall be considered an expansion of the use regulations, not a variance applying to a particular situation. The zoning coordinator shall keep a log of use interpretations and shall periodically submit zoning code amendments to revise this zoning code in keeping with the use interpretations.

4. *Determination of non-similarity.*

(a) The zoning coordinator may determine that a proposed use is not substantially similar to any use identified in Table 27-1000.1 because either:

(1) The potential impacts of the use, as identified in subsection 27-1001.C.3, are significantly more impactful on the site, street, or neighborhood, than other permitted uses in the same use category

and that the use would not otherwise be permitted without prescribed conditions or through a public review process; or

(2) There are no similar uses permitted on the site or in the applicable zone district;

(b) When this is the case, the zoning coordinator shall provide the applicant with a written determination of non-similarity within fourteen (14) business days of the request for interpretation.

5. *Post-decision actions.* The zoning coordinator's decision may be appealed to the board of adjustment.

C. Table 27-1000.1 Billings Primary Use Table.

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD					Public					
	Key: P = Permitted, PL = Location Limits in Zone District, PR - Applicable Use Restrictions, SR = Special Review																										
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU 1	CMU 2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	I3	IS	P1	P2	P3Civ	P3 Ed	P3 Med	Additional Standards
RESIDENTIAL																											
Households Living (du/structure)																											
1 du	P	P	P	P			P	P	P	P	P	P	P				P	P	P	P			PR	PR	PR	PR	27-1003
2 dus		P	P	P	P			P	P	P	P	P	P				P	P	P	P			PR	PR	PR	PR	27-1003
3—4 dus				P	P			P	P	P	P	P	P				P	P	P	P			PR	PR	PR	PR	27-1003
5 dus					P	P		P	P	P	P	P	P	P			P	P	P	P			PR	PR	PR	PR	27-1003
6—8 dus					P	P			P	P	P	P	P	P			PL	P	P	PL			PR	PR	PR	PR	27-1003
9+ dus						P				P	P	P	P	P			P	P	P	P			PR	PR	PR	PR	27-1003
Manufactured Home																											
Types 1 (Jan 1, 1990, or newer) and 2 (all other) "Mobile Homes"							P																				27-1003, RMH: 27-310 Defs Section
~~Type 2 (all other)~~ Manufactured/Factory built housing (on permanent foundations) – 1 du	P	P	P	P			P	P	P	P	P	P	P				P	P	P	P			PR	PR	PR	PR	27-1003 Defs Sections
DUs less than 400 SF GFA ("Tiny Homes") on permanent foundations	P	P	P	P			P	P	P	P	P	P	P				P	P	P	P			PR	PR	PR	PR	27-1003 Defs Sections
Group Household Living																											
Groups Recognized by Montana Statute																											
Comm. Res. Facility, Large (> 8 res.)	SR	SR	SR	SR	SR	P	SR	P	PL	PL	PL	P	PL				PL	P	P	PL	PL		P			P	27-1003
Comm. Res. Facility, Small (8 or fewer res.)	P	P	P	P	P	P	P	P	PL	PL	PL	P	PL				PL	P	P	PL	PL		P			P	27-1003
Independent Groups																											

Section 27-1008. Accessory uses.

A. *General provisions.*

1. *Accessory use or structure.* Accessory use or structure must be subordinate in both function and gross floor area to the principal use.

2. *Time of construction or establishment.* No accessory structure or use shall be constructed or established more than one hundred eighty (180) days prior to the time of completion of the construction or establishment of the principal structure or use to which it is accessory.

~~2.~~3. *Interpretation of unidentified accessory uses and structures.* The zoning coordinator shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis. If the request meets the criteria identified below, the zoning coordinator is authorized to determine the most similar, and thus most appropriate accessory use category and apply the regulations for the similar accessory use to the application.

B. *Compliance with this zoning code.*

1. All accessory uses and structures shall be subject to the dimensional requirements of the zone district in which they are located except as specifically provided in this section. Accessory use or structure must be subordinate in both function and gross floor area to the principal use. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this zoning code, the more restrictive standards shall control.

C. *Location.*

1. The accessory use or structure shall be conducted or located on the same lot(s) as the principal use.

2. No accessory building shall be erected in any required setback nor within five (5) feet of any other building except as specified in this section.

D. *Detached accessory residential structures.*

1. Detached buildings for accessory residential uses (see subsection 27-1008.G for accessory dwelling unit requirements) greater than two hundred (200) square feet in size shall not exceed the principal building first story gross floor area on the lot or one thousand five hundred (1,500) square feet, whichever is less. Accessory use or structure must be subordinate in both function and gross floor area to the principal use.

2. The maximum total square footage in detached accessory structures in the N1, N2, N3 and RMH zone districts shall not exceed two thousand (2,000) square feet or the total principal building first story gross floor area on the lot, whichever is less. Accessory structure must be subordinate in both function and gross floor area to the principal use.

E. *Accessory use table.* Table 27-1000.6, Accessory Uses, identifies the accessory uses that may be permitted in each district subject to applicable standards.

1. Permitted /P/. These accessory uses are permitted by-right in the zone districts in which they are listed. Permitted accessory uses are required to comply with applicable use-specific standards identified in this article.
2. Permitted in upper stories/back of structure /PL/. These accessory uses are permitted by-right in the districts in which they are listed, provided that the accessory uses are located in the upper stories of a structure. These accessory uses may also be located in the ground story provided that they are located beyond a depth of at least twenty (20) feet from the front facade.
3. Permitted with use restrictions /PR/. These accessory uses must comply with the use restrictions identified in this zoning code, including those restrictions included in this article and any use restrictions identified in the zone district where the uses is proposed to be located.
4. Requires a special review /SR/. These accessory uses are not allowed in the district but may be allowed through the special review process. Special review uses must follow any applicable development standards associated with the accessory use as well as meet the requirements of the special review.
5. Accessory uses that are not permitted are indicated by a blank space.

Table 27-1000.6: Accessory Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD					Public		
	Key: P - Permitted, PL - Location Limits in Zone District, PR - Use Restrictions, SR - Special Review																							
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU 1	CMU 2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Ci
Residential																								
Accessory Dwelling Unit	~~SR~~ P	~~PR~~ ~~PL~~ P	~~PR~~ ~~PL~~ P	~~PR~~ ~~PL~~ P			~~PR~~ ~~PL~~ P	P	P	P	P	P	P				P	P	P	P			PR	PR
Employee/Caretaker Unit														PR	PR	PR					PR		P	P
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Short-Term Rental (Guest Home)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR			PR	PR	PR				PR	PR
Shelter (accessory to religious institution)												PR	PR				PR	PR	PR	PR	PR			
Casino																								
Limited (1—3 gambling devices)									P	P	P	P	P	P	P	P	P	P	P	P	P			
Small (4—9 gambling devices)									P	P	P	P	P	P	P	P	P	P	P	P	P			
Communication and Satellite Facilities																								
Amateur Radio Support Towers	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PL	PL	P								
Satellite Antenna and Dishes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Day Care Facilities																								
Day Care Center								P	P	P	P	P	P	P			P	P	P			P	P	P
Family Day Care Home	P	P	P	P	P	P	P																	
Group Day Care Home	P	P	P	P	P	P	P																	

F. *Accessory day care facility.* A child or adult day care facility, including nursery and preschool, may be permitted as an accessory use to a public, civic, and institutional use, subject to compliance with applicable state and city regulations.

G. *Accessory dwelling units.*

1. *Applicability.*

~~(a) Accessory dwelling units (ADUs) are permitted by right in the N1 and N2 zone districts and are allowed by special review in the N3 zone district.~~

(~~b~~a) Accessory dwelling units ~~in applicable zones~~ are permitted on any parcel where a single dwelling unit is permitted or currently exists.

(~~c~~b) The minimum lot size for a lot that has both a primary dwelling unit and an accessory dwelling unit is three thousand (3,000) square feet.

2. *Ownership and occupancy.*

~~(a) The property owner shall live in either the primary or accessory dwelling unit, with one of the units serving as their principal residency for at least six months in a year. No third-party rentals shall occur in the owner-occupied unit.~~

~~(b) The property owner shall record a deed restriction with the Yellowstone County Recorder requiring owner-occupancy of the property. Evidence of recordation of the deed restriction shall be provided to the City of Billings Planning and Community Services Department.~~

~~(c) Conditions of approval, as determined by the director, shall be filed for record with the county recorder as deed restrictions within thirty (30) days of approval of the accessory dwelling unit. Evidence of such filing shall be submitted to the director within thirty (30) days of approval.~~

~~(d)~~(a) ~~——~~The accessory dwelling unit shall not be sold separately or subdivided from the primary dwelling unit or lot.

3. *Dimensional standards and location.*

(a) One accessory dwelling unit is permitted per residential lot. The ADU shall be located on the same lot as the primary unit.

(b) Unless specifically addressed in this section, accessory dwelling units are subject to the dimensional regulations ~~for a principal building of~~ the underlying zone district; e.g., setback/yard requirements and building coverage.

~~(1) A detached accessory dwelling unit shall not cover more than thirty (30) percent of the available rear yard between the primary structure building line and the rear yard setback line.~~

~~(2) These standards do not apply to legally established detached garages that contain an accessory dwelling unit. Any expansion of a detached garage for conversion into an ADU shall comply with the appropriate setback and yard requirements for the detached garage.~~

~~(3) Maximum height for a new, detached accessory dwelling unit shall not exceed the height of the principal dwelling unit.~~

~~(4) The footprint of a detached accessory dwelling unit shall not exceed the footprint of the principal dwelling unit.~~

(c) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit, but the structure may not be altered in any manner that would increase the degree of non-conformity.

4. *Size.*

(a) The gross floor area of an accessory dwelling unit attached or internal to the primary dwelling unit shall not exceed the gross floor area of the primary dwelling unit.

(b) The maximum gross floor area of ~~a~~an ~~detached~~ accessory dwelling unit shall be no more than eighty (80) percent of the gross floor area of the principal dwelling unit or ~~seven hundred fifty (750)~~ one thousand (1,000) square feet, whichever is less.

5. *Construction.*

(a) Accessory dwelling units must contain a kitchen or a food prep area, bathroom, and sleeping area for the sole use of the unit.

(b) Water and sewer service shall be provided. The principal unit and accessory unit may share utilities.

(c) Mobile homes, ~~manufactured housing~~, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.

(d) A new street address for a new ADU is required to assist in emergency response.

6. *Design.*

(a) Accessory dwelling units may be incorporated within or added onto a principal dwelling unit, garage, or other accessory structure, or may be built as a separate, detached structure on a lot where a single-family dwelling exists or will exist.

~~(b) An ADU, either detached or an extension of an existing structure, shall be designed to maintain the architectural design, style, appearance, and character of the primary structure, including compatibility with the neighborhood.~~

~~(c)~~(b) ~~———~~Accessory dwelling units shall have a separate entrance with a clearly labeled street address. Houses with an incorporated accessory dwelling unit may not create additional entrances facing the same street.

~~7. *Parking.* The accessory dwelling unit shall have at least one dedicated off-street parking space in addition to the parking required for the primary dwelling~~

~~unit. An exception to the parking requirement may be granted if it is demonstrated to planning staff that the additional parking space for the ADU is not feasible and/or on-street parking is available.~~

~~8.~~7 *Home occupations.* Home occupations are permitted in an accessory dwelling unit.

Section 27-1009. Temporary uses

A. *Temporary uses in nonresidential zoning districts.*

4. *Group 4 temporary uses.* This group shall be defined as temporary uses continuing for up to one year and are required to obtain a temporary use permit from the planning and community services department. This group is specifically for mobile vendors, including food or retail venders ~~-~~designed to change locations frequently throughout the year.

(a) The following temporary uses may be allowed in this temporary use group, but must be located in a district that allows the use, as specified in Table 27-1000.1, Primary Uses:

(1) Uses, such as carry-out food and/or beverage service.

(2) Retail sale of goods

(b) *Location restrictions.*

(1) Any group 4 temporary use shall comply with the following criteria:

(i) Mobile venders located on private property must include written permission from the property owner to utilize the site.

(ii) Sites for these uses are subject to master site plan process and approval.~~;~~

(iii) All mobile venders are subject to local, and state requirements and must obtain all relevant licenses before a temporary use permit is issued.

(c) *Supplemental standards.*

(1) When submitting for a temporary use permit, a group 4 use shall provide the following:

i. Written confirmation of approval from the health department

ii. Proposed type of mobile vender

iii. Signed declaration to comply with all City, State and Federal requirements for mobile vending services.

iv. City Business license must be obtained when applying for a temporary use permit

Section 27-1301. General applicability.

A. *Off-street parking required.*

1. Minimum off-street parking in any district other than CBD or EBURD shall be provided pursuant to this section at the time of erection of any building or structure~~. or at the time of any change in occupancy of any building or structure.~~

2. A change in use of an existing building or structure, where such change does not include an expansion or enlargement of said building or structure, shall not require a change to its minimum off-street parking requirement. This standard also applies to vacant buildings.

~~2.~~3. No minimum off-street parking is required in the CBD or EBURD zone districts except as specifically provided in this section. Where off-street parking is provided, it shall meet the standards of this section.

~~3.~~4. Required off-street parking areas must be used for parking only. Automobile sales, storage, and other uses are prohibited unless specifically permitted by another section of this zoning code.

B. *Expansion, enlargement, and nonconformities.*

1. Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of article 27-1100, Proportionate compliance.

2. Changes to the size or location of existing off-street parking areas in NX, NO, NMU, and CMU districts shall be done in a manner that brings the parking area into greater compliance with the zone district site standards. See article 27-1500, Nonconformities.

3. Nothing in this section shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though those uses or buildings are nonconforming, provided that the new parking can be provided in compliance with this section and the requirements of the zone district.

C. *Zone district groupings.* When reference is made to a group of zone districts, the following individual districts shall be included:

District Groupings Used in this Section	
Residential	All N districts, RMH
Mixed-Use	All NX districts, NO, NMU, All CMU districts
Commercial	C3, CX
Industrial	I1, I2
Public	All P districts
EBURD	All EBURD districts

Section 27-1302. Calculation of required parking.

A. *Required parking.*

1. Required off-street parking spaces shall be provided in conformance with Table 27-1300.1, Off-Street Parking Standards, unless modified by article 27-1100, Proportionate compliance.
2. In the case of mixed uses, the total requirements for the various uses shall be computed separately unless the joint use provisions of section 27-1304 apply.

B. *Calculation of required parking.*

1. When determination of the number of parking or loading spaces results in a requirement of a fractional space, any fraction shall be rounded up and counted as one parking space.
2. When there are multiple structures on a lot or multiple uses in a structure, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
3. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time.
4. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the design capacity of the facility.
5. When the standards use seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per four (4) occupants unless otherwise specified in Table 27-1300.1, Off-Street Parking Standards.
6. When the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum occupant load, as determined by the adopted building code.

Table 27-1300.1. Off-Street Parking Standards.

Use	Required Parking
RESIDENTIAL	
Households Living (dwelling unit/structure)	
Dwelling, single unit, detached and attached	~~2 per du~~ 1 per du
Dwelling, multiple unit structure	1 per du
Dwelling unit in a mixed-use structure	1 per du
Dwelling unit under 1,200 SF GFA	~~No required minimum~~1/2 space per du
Dwelling unit, deed-restricted affordable	No required minimum
~~Accessory dwelling unit~~	~~Section 27-1008 (ADU standards)~~
Manufactured Home (Class A, B, C)	~~2 per du~~ 1 per du
Group Household Living	
Comm. Res. Facility, Large	2 + 1 per 5 beds
Comm. Res. Facility, Small	Dwelling, single unit
Comm. Res. Facility, Assisted Living Facility (Small or Large)	No required minimum

Fraternity/Sorority House	1 per 2 sleeping rooms or 1 per 3 beds, whichever is greater
Group Living Facility	2 + 1 per 5 beds
Retirement Home or Village	1 to 6 units: 0.5 space/du 7 to 18 units: 0.33 space/du Over 18 units: 0.25 spaces/du Minimum of 5 spaces
Travel Trailer Park/ Campground	1 space per campsite/RV site
PUBLIC, CIVIC, AND INSTITUTIONAL	
Assembly	
General Assembly	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Libraries and Museums	1 per 1,000 SF GFA for museum and art gallery; 1 per 333 SF GFA for library
Education	
School, College or University	1 per 400 SF GFA
School, Primary and Secondary	Elementary School: 2 per classroom Middle School: 2 per classroom High School: 6 per classroom and 1 per 300 SF GFA additional enclosed floor space
School, Trade, Business, Vo/Tech	1 per 300 SF indoor GFA
Government and Public Safety	
All	1 per 300 SF GFA of space used by the public + 1 per 600 SF GFA of space not used by the public
Health Care and Social Assistance	
Adult Day Care	1 per 400 SF GFA plus 2 stacking spaces at drop-off area for adult day care in mixed-use or non-residential districts
All Healthcare, unless otherwise specified	1 per 2 beds based on maximum capacity + 1 per 350 SF GFA for areas that are not patient rooms. Healthcare facilities without patient rooms apply the 1 per 350 SF GFA standard.
Parks and Recreation	
Arboretums/Botanic Gardens/Zoos	1 per 4 occupants at capacity
Golf Course/Swimming Pool (Public)	Golf: 4 per hole plus 2.5 per 1,000 sf GFA in clubhouse; Pool: subsection 27-1302.D
Public Parks and Playgrounds	Subsection 27-1302.D
Public Recreation Facilities	Subsection 27-1302.D; Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field
COMMERCIAL	
Amusement and Recreation	
Amusement & Recreation, Indoor	6 per 1,000 SF GFA
Amusement & Recreation, Outdoor	1 per 4 occupants at capacity
Adult Entertainment	1 per 200 SF GFA
Casino, Large	1 per 150 SF GFA
Animal Sales and Services	
Boarding/Kennel	1 per 400 SF GFA
General Sales and Services	1 per 400 SF GFA
Shelter	1 per 800 SF GFA
Veterinary, all	1 per 400 SF GFA (indoor only)
Assembly, Entertainment and Trade	

All assembly	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Child Care	
All child care	~~1 per 400 SF GFA + 2 stacking spaces at drop-off area for child care in mixed-use or non-residential districts~~ No required minimum
Commercial Service	
Broadcasting Stations and Studios	1 per 400 SF GFA
Business Service	1 per 400 SF GFA
Crematory, Funeral Services	1 per 50 SF chapel area, minimum 2
Cemetery	1 per 50 SF chapel area, minimum 2
Consumer Maintenance and Repair	1 per 400 SF GFA
Personal Service	1 per 400 SF GFA
Studio or Instruction Service	1 per 400 SF GFA
Eating and Drinking Establishment	
Restaurant	1 per 150 SF GFA
Without interior seating	As determined by the zoning coordinator
Bar or Tavern	1 per 150 SF GFA
Craft Alcohol	1 per 150 SF GFA
Financial Services	
Financial and Alternative Financial	1 per 300 SF GFA
Lodging	
Boarding	1 per guest room
Bed and Breakfast Inn	2 + 1 space for each guest room
Campground/RV Park	1 per campsite/RV site
Hotel/Motel	1 per room + 1 per 300 SF meeting or restaurant and bar area
Short-Term Rental	Parking assigned to dwelling unit
Office	
Business or Professional	1 per 350 SF GFA
Medical doctor or dental clinics	Medical, dental or optical: 1 per 222 SF GFA; Professional therapy (mental health, physical, occupational, or similar): 1 per 250 SF GFA
Research and Testing Laboratories	1 per 400 SF GFA
Parking, Commercial	
Commercial, primary use	n/a
Retail Sales	
Retail (all unless otherwise specified)	1 per 200 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft. up to 100,000 SF total GFA
Retail, large format	Retail standard up to 50,000 SF GFA then 1 per 1,000 SF GFA. If part of the structure is warehouse, apply the retail standard and Table 27-1300.2 to the areas in each use.
Retail, Extended Display Floor	1 per 1,000 SF GFA
Commercial Greenhouse/Nursery	1 per 1,000 SF GFA
Outdoor Sales Lot	1 per 1,000 SF GFA sales area
Vehicle Sales and Service, Personal	
Car Wash	
Fueling Station, with or without convenience store	1 per 200 SF GFA for the first 2,000 SF + 1 per 300 SF GFA over 2,000 sq. ft.

Vehicle Sales and Rental	Sales: 1 per 1,000 SF GFA used by general public plus storage of cars for sale Rental: 1 per 250 SF GFA used by general public plus storage of cars for rent
Vehicle Maintenance and Repair	1 per 250 SF GFA
INDUSTRIAL, WHOLESALE, AND STORAGE	
Industrial and Construction Services	
All	Table 27-1300.2
Manufacturing, Assembly, or Processing	
All	Table 27-1300.2
Natural Resource Extraction	
All	1 per site
Warehouse and Storage Services	
All	Table 27-1300.2
Waste and Salvage	
All	Table 27-1300.2
TRANSPORTATION, UTILITIES, AND COMMUNICATIONS	
Alternative Energy Production	
Solar Power Array, large/commercial	1 per site
Wind Energy Conversion Systems, large/commercial	1 per site
BioMass Conversion Systems, large/commercial	1 per site
Transportation	
Bus or Taxi Maintenance and Parking Shed	Subsection 27-1302.D
Airport Passenger Terminal	Subsection 27-1302.D
Bus/Public Transit Terminal	Subsection 27-1302.D
Train Passenger Terminal	Subsection 27-1302.D
Train/Railroad Freight Terminal, Switching Yard	Subsection 27-1302.D
Utilities and Public Facilities	
Major	Table 27-1300.2
Minor (e.g., lift stations, substations, pump stations)	Table 27-1300.2
Offices, Buildings, Yards, and Land	Table 27-1300.2
Pipelines (except natural gas)	n/a
Transmission and Distribution Lines	n/a
Wireless Communication Facilities	
Amateur Radio, greater than 100' high	1 per site
Land Mobile Radio and Broadcast Antennae	1 per site
Wireless Communication Facilities	Subsection 27-1302.D

C. *Parking for industrial and warehouse uses.* Uses that reference this subsection in Table 27-1300.1, shall provide the minimum number of parking spaces identified in Table 27-1300.2. The total number of required spaces is cumulative based on the variety of different functions present in a single structure or lot.

Table 27-1300.2. Parking for Industrial, Wholesale, and Storage Uses.

Use or Activity	Minimum Required
Office or administrative area	1 per 300 GFA
Indoor sales area	1 per 200 GFA

Retail		Table 27-1300.1
Assembly, vehicular service, or manufacturing area:	First 1—3,000 SF of floor area:	1 per 200 GFA
	Additional SF over 3,000 calculated as follows:	
	3,001—5,000 SF of floor area	1 per 500 GFA
	5,001—10,000 SF of floor area	1 per 750 GFA
	10,001 or more SF of floor area	1 per 1,250 GFA
Indoor storage or warehousing area		1 per 1,000 GFA or 1 per employee on largest shift
Outdoor sales, display, or storage area (3,000 SF or less)		1 per 750 GFA
Outdoor sales, display, or storage area (more than 3,000 SF)		1 per 1,000 GFA

D. *Uses with variable parking demand.* Uses that reference this subsection in Table 27-1300.1 have widely varying parking demand characteristics, making it difficult to establish a single parking standard. Upon receiving a development application for a use subject to this subsection, the planning and community services director, with input from the engineering division, shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum parking standards on the basis of a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) Parking Generation, or other acceptable estimates as approved by the zoning administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

E. *ADA accessible parking.* All parking lots shall provide the minimum number of accessible parking spaces required by the federal Americans with Disabilities Act (ADA). All accessible parking spaces shall meet the design and location requirements of the Americans with Disabilities Act (ADA). Accessible parking spaces shall be counted toward the minimum number of spaces required in Tables 27-1300.1. and 27-1300.2.

F. *Maximum number of parking spaces.*

1. *Calculation.* The maximum permitted number of parking spaces shall be determined as follows:

Table 27-1300.3. Maximum Parking.

Number of spaces required	Parking May not Exceed the Minimum Number of Spaces Permitted by More than:
0	20 spaces
1 to 50	20%
51—500	10%
501 or more	50 spaces

Section 27-1504. Nonconforming uses.

D. *Ambiguity in allowable uses.* Any ambiguity or uncertainty in the zoning regulations as to whether a nonconforming use is allowed or whether the use was allowed when it commenced shall be interpreted in favor of the nonconforming use.

Section 27-1601. Overview of procedural requirements.

A. *Organization.* The administration of zoning processes and permits is divided into two (2) categories: commonly applicable procedures (sections 27-1603 to 27-1613) and specific procedures (sections 27-1614 to 27-1628). Both are described in this section.

1. *Commonly applicable procedures.*

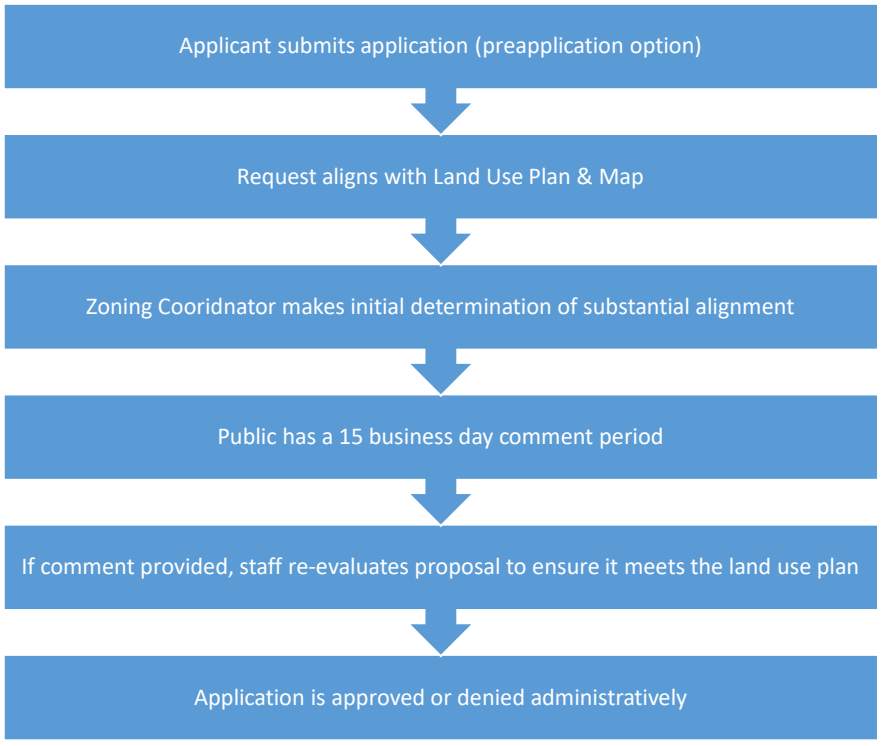


Fig. 27-1600.A. Commonly Applicable Procedures.

The following requirements are common to many of the procedures contained in this zoning code. Applications are typically processed in accordance with the steps shown in Figure 27-1600.A. Additional details may be included in each specific procedure.

Timelines for review are outlined in zoning applications. All review timelines may be extended if there are extenuating circumstances.

(a) Section 27-1603, Pre-Application meeting.

~~(b) Section 27-1604, Neighborhood meeting.~~

(c) Section 27-1605, Application submission meeting.

(d) Section 27-1606, Procedures for complete applications with changed status.

(e) Section 27-1607, Staff review~~, referral, and recommendation~~ and determination.

(f) Section 27-1608, Public notice requirements.

(g) Section 27-1609, ~~Review and d~~Decision~~ making bodies.~~

~~(h) Section 27-1610, Action by review and decision-making bodies.~~

(i) Section 27-1611, Post-review actions.

~~(j) Section 27-1612, Lapsing and extension of approvals.~~

(k) Section 27-1613, Other permits and approvals still necessary.

2. *Specific procedures.* Sections 27-1614 to 27-1628 provide the application-specific requirements for review and submission of each type of application or permit available:

(a) Section 27-1614, Administrative relief.

(b) Section 27-1615, Classification of newly annexed area.

(c) Section 27-1616, Appeal of administrative decision.

(d) Section 27-1617, Code interpretation.

(e) Section 27-1618, Landscape plan.

(f) Section 27-1619, Master site plan.

(g) Section 27-1620, Permits.

(h) Section 27-1621, Short-term rentals.

(i) Section 27-1622, Sign permit.

(j) Section 27-1623, Special review uses.

(k) Section 27-1624, Temporary use permit.

(l) Section 27-1625, Wind and solar facilities.

(m) Section 27-1626, Wireless communication facilities.

(n) Section 27-1627, Variance.

(o) Section 27-1628, Zone change.

B. *User's guide.* The zoning coordinator may compile the requirements for application contents, forms, fees, submission materials, and review schedule in a user's guide, which shall be made available to the public. The zoning coordinator may amend and update the user's guide from time to time.

~~**Section 27-1602. Summary of specific application steps.**~~

~~Table 27-1600.1 summarizes the application procedures in this zoning code, and identifies whether pre-application and neighborhood meetings are required. Exceptions to these general rules apply and may be specified in the regulations for the individual procedure.~~

Table 27-1600.1. Summary of Application Steps.

	Section	Application Process							Review and Determination			
		Pre-Application Meeting	Neighbor. Meeting	Application Submission Meeting	Referral Review	Staff Review	Public Notice Required	Public Hearing Required	Staff	Zoning Comm.	City Council	District Court (DC) or Board of Appeals (BOA)
		Key: O Optional, R Required, — Not Applicable							Key: R Review, RR Review and Recommend, D Decision, A Appeal, — Not Applicable			
Project Application Type												
Administrative Relief	27-1614	—	—	R	—	R	—	—	D	—	—	BOA
Class. Newly Annexed Area	27-1615	O	O	R	R	R	R	R	RR	RR	D	DC
Planned Development (PD)	27-700	R	R	R	R	R	R	R	RR	RR	D	DC
Planned Neighborhood Development (PND)	27-800	R	R	R	R	R	R	R	RR	RR	D	DC
Special Review	27-1623	O	R	R	R	R	R	R	RR	RR	D	DC
Variance	27-1627	O	O	R	R	R	R	R	RR	—	BOA	DC
Zone Change	27-1628	O	R	R	R	R	R	R	RR	RR	D	DC
Permits												
Fence	27-1620	O	—	R	—	R	—	—	D	—	—	BOA
Landscape Plan	27-1618	O	—	R	—	R	—	—	D	—	—	BOA

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Master Site Plan	27-1619	O	—	R	R	R	—	—	D	—	—	BOA
Proportionate Compliance	27-1620	O	—	R	—	R	—	—	D	—	—	BOA
Short-Term Rental	27-1621	O	—	R	—	R	—	—	D	—	—	BOA
Sign/Temporary Sign	27-1622	O	—	R	—	R	—	—	D	—	—	BOA
Temporary Use	27-1624	O	—	R	R	R	—	—	D	—	—	BOA
Wind and Solar Facilities	27-1625	O	—	R	—	R	—	—	D	—	—	BOA
Wireless Communication	27-1626	O	—	R	—	R	—	—	D	—	—	BOA
Code Administration												
Appeal of Admin. Decision	27-1616	—	—	R	—	R	R	R	RR	—	BOA	DC
Code Interpretation	27-1617	—	—	R	—	R	—	—	D	—	—	BOA
Zoning Text Amendment	27-1628	—	—	—	R	R	R	R	RR	RR	D	DC

Section 27-1603. Pre-application meeting.

A. *Purpose.*

1. The purpose of the pre-application meeting is to provide an opportunity for the applicant and the city to discuss the development concept prior to the application submission for a project or permit in order to:

   (a) Determine the required application(s) and, if necessary, the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);

   (b) Provide the applicant with application materials and inform the applicant of submittal requirements;

   (c) Provide the applicant with an estimated time frame for the review process;

   (d) Discuss generally compliance with the code's zoning, use, density, development, and design standards, and attempt to identify potentially significant issues regarding compliance;

   (e) ~~Discuss the need for any neighborhood meetings and public notice requirements; and~~ Discuss general compliance with the City's adopted Land Use Plan, Montana Code Annotated Title 76, Chapter 25, Part 2.

   (f) Engage the applicant in conversation with other departments or agencies to discuss potential significant issues prior to application submittal.

2. Pre-application meetings are informational for the applicant and are not open to the public.

B. *Applicability.*

1. *Pre-application meeting recommended.* Any applicant may request a pre-application meeting prior to submitting most development applications. The pre-application meeting is designed to help the applicant understand the development review and approval process.

2. *Pre-application meeting required.* Pre-application meetings are required for some application types, as noted in the specific application section.

C. *Record and effect.*

1. The city is not responsible for making or keeping a summary of the general topics discussed at the pre-application conference.

2. A pre-application meeting is advisory only and does not constitute or effect approval of any aspect or item of an application.

Section 27-1604. Reserved. ~~**Neighborhood meeting.**~~

~~A. *Purposes.* The purposes of a neighborhood meeting are to: inform neighboring property owners of the details of a proposed development, identify how the developer intends to meet the standards contained in this zoning code, and to allow the applicant to receive preliminary public comment on the proposal.~~

~~B. *Applicability.*~~

~~1. When a neighborhood meeting is required by this zoning code, the applicant or applicant's agent shall conduct a pre-application neighborhood meeting to explain the proposed development and receive comment from the surrounding property owners.~~

~~2. An applicant may voluntarily conduct a neighborhood meeting prior to submission of any application.~~

~~C. *Notice.*~~

~~1. The applicant shall provide written notice of the date, time, and location of the pre-application neighborhood meeting to:~~

~~(a) Persons on the surrounding property owner list provided by the city;~~

~~(b) Additional persons, businesses, or property owners as identified by the city; and~~

~~(c) The planning and community services department.~~

~~2. The written notification shall be mailed at least seven (7) calendar days prior to the scheduled meeting. The written notification shall include the information required for public notice as listed in subsections 27-1608.B.1, B.2, and B.3.~~

~~**3. Courtesy electronic notice of the neighborhood meeting shall also be provided to any affected neighborhood organizations that request notification from the planning and community services department. Planning staff** 3. The written summary or notes of the meeting shall be made available to the meeting attendees and the public for inspection following the filing of a complete application~~

~~**is not responsible for verifying or correcting email addresses provided by a neighborhood organization and failure of a neighborhood organization or individual member to receive notice does not affect the validity of the neighborhood meeting.**~~

~~D. *Meeting.*~~

~~1. The pre-application neighborhood meeting shall be conducted at a location that is within two (2) radius miles of the subject parcel. The meeting may be scheduled after 5:00 p.m. on a weekday or on a weekend day between 8:00 a.m. and 7:00 p.m.~~

~~2. The pre-application neighborhood meeting shall be conducted at least seven (7) calendar days but no more than sixty (60) calendar days prior to the submittal of the proposed development application to the planning and community services department.~~

~~3. The applicant shall obtain a roster of the names of the persons who attend the pre-application neighborhood meeting and make a record of the minutes of the meeting.~~

~~E. *Written summary and effect.*~~

~~1. The applicant shall provide the zoning coordinator with a written summary or minutes of the neighborhood meeting with the completed application.~~

~~2. The written summary or notes shall include a list of those in attendance, a summary of the issues discussed, comments by those in attendance and the applicant's response, and any other comments the applicant deems appropriate.~~

Section 27-1605. Application submission.

A. *Authority to file.*

1. *Property owner application.* Unless otherwise specified in this zoning code, the person having legal authority to take action according to the approval sought shall file an application for a project review or approval under this zoning code. The person is presumed to be one of the following: (1) the record owner, (2) purchaser under a sale or option to purchase, or (3) the duly authorized agent of the record owner. Agents may only submit applications where the owner indicates consent in writing on the application or other legal documentation (such as a sale contract).
2. *City application.* A request for action pursuant to the zoning code that is submitted on behalf of the city shall be initiated by the appropriate managing agency (e.g., engineering or parks department). Requests made by elected or appointed bodies with the authority to request a change or other action pursuant to this zoning code shall be initiated by a vote of that body and then processed by the zoning coordinator.

B. *Application submission requirements.* All applications for all permits and approvals, or modifications of permits or approvals, pursuant to this section ~~and article 27-1600~~ shall be submitted in accordance with the application submittal schedule, required forms, and required numbers of copies of each document (if any), established and revised from time to time by the zoning coordinator.

C. *Concurrent applications.*

1. Where an applicant seeks approval of two (2) different requests for the same parcel simultaneously, the applicant shall submit all necessary documents, plans, maps, and other required information in accordance with the provisions

relating to both of the submitted applications and pay all appropriate fees for both applications.

2. Whenever two (2) or more different application types are being processed simultaneously and this zoning code provides different time frames for review or decision-making, all related applications and approvals shall be completed within the longest time frame applicable to any of the relevant procedures.

D. *Fees.*

1. *Generally.* Application fees for each type of application shall be established by resolution from time to time by the city council to defray estimated staff costs and expenses of processing applications pursuant to this zoning code.

2. *Initial application.* The required application fee shall be paid by the applicant at the same time any application is filed. Application fees are generally non-refundable unless otherwise specified on the application form.

3. *Changes to complete applications.* In addition to fees set forth in the city fee schedule, the following fees shall apply to actions taken on a complete application:

   (a) *Withdrawn application.* All fees are forfeited in the event the city has incurred any expense related to the application. If the application is refiled within one hundred eighty (180) calendar days a resubmittal fee must be paid. The submission fee shall be paid again in full if the application is resubmitted after six (6) months.

   (b) *Continuance of application.* Payment of fees may be required to cover the cost of additional notice.

   (c) *Reapplication.* Payment of fees shall be required for a reapplication where a previous application has been denied.

   (d) *Modification or revision of approved site plan.*

      (1) *Minor modifications.* An application for administrative relief and payment of the associated fee is required.

      (2) *Major modifications.* Any requested modifications that do not qualify for administrative relief shall be considered major modifications. A new application is required along with the associated application fee.

E. *Submittal waivers.*

1. At or following an application submission meeting, the zoning coordinator may agree to waive specific project submittal requirements, in order to reduce the burden on the applicant and tailor the requirements to the information required to review a specific application.

2. The zoning coordinator may waive such requirements where the applicant has made an itemized, written request identifying the specific submission items to be waived and why, and the zoning coordinator finds the following:

   (a) The applicant shows good cause for the requested waiver;

(b) The project size, complexity, anticipated impacts, or other factors support a waiver;

(c) The waiver does not compromise a proper and complete review; and

(d) The information is not material to describing the proposal or demonstrating compliance with approval criteria.

F. *Determination of completeness.*

1. *Complete application required.* All applications must be complete prior to any processing by the city. A complete application includes all of the submittal information identified on the application form and any items or exhibits requested by the zoning coordinator that are consistent with the standards and requirements of this zoning code. A complete application is also accompanied by the applicable fee.

2. *Application submission meeting.* ~~Planning staff~~Zoning Coordinator shall ~~meet~~ confer with applicants to review all applications and permit requests to determine if the application includes all material required by the applicable application submittal schedule (including required supporting material) in sufficient detail to evaluate the application and determine whether it complies with the requirements of this zoning code. A completeness determination will be made during the application submittal meeting.

~~G. *Submission timing for public hearing schedule.* All applications to be considered in a public hearing in a specific month must be received on or before the first Monday of the previous month. For example, an applicant desiring public hearings in June would have to submit a complete application by the first Monday of May.~~

Section 27-1606. Procedures for complete applications with changed status.

A. *Inactive application.*

1. An inactive application is any application for which the city has requested additional information or revisions, and the applicant has not fully provided this information within sixty (60) calendar days.

2. Inactive applications shall not receive further review and shall be considered withdrawn by the applicant and shall be terminated by the city without further notice. Time of delay shall commence on the date on which the city requests additional information.

B. *Withdrawn application.*

1. ~~*Prior to public notice.*~~*Prior to review*

~~(a)~~ An applicant may withdraw an application by providing written notice to the zoning coordinator of the applicant's intent to withdraw the application. After such withdrawal, no further city action on the application shall take place.

2.~~(b)~~ A zone change, special review or variance application may be withdrawn at any time prior to ~~the publication of the legal advertisement for the public~~

~~hearing before the city zoning commission or city board of adjustment~~administrative review. ~~A withdrawn zone change application may be refiled after a 120-day waiting period.~~ There is no mandatory waiting period for a withdrawn ~~special review or variance.~~ application.

3.~~(c)~~ To re-initiate review, the applicant shall re-submit the application with a new application fee payment, and the application shall in all respects be treated as a new application for purposes of review and scheduling.

~~2. *Following public notice.*~~

~~(a) No application may be amended or modified after the legal advertising has been published.~~

~~(b) After legal notice for the city zoning commission or board of adjustment has been published, the request for withdrawal shall be submitted in writing to the planning and community services department office at least twenty-four (24) hours prior to the first or only public hearing.~~

~~(c) The city zoning commission or board of adjustment may allow withdrawal of an application, after advertisement of the public hearing has been published, by a majority vote of the members present. After the city zoning commission hearing, a request for withdrawal shall be submitted to the city clerk and shall be submitted by the property owner or authorized agent, as listed on the application. The city council shall have exclusive authority to act on any request for withdrawal after notice of the zoning commission recommendation has been published.~~

~~C. *Postponement.* The applicant may request an application be postponed to a future scheduled public hearing date.~~

~~1. *Request submitted prior to public notice.* The request must be in writing, either by mail or email, and the request must be received by the zoning coordinator prior to date of publication of the notice of public hearing.~~

~~2. *Request submitted following public notice.* If the request is received by the zoning coordinator on or after the date of publication of the notice of public hearing, the applicant must attend the public hearing to request the application be postponed to a future scheduled public hearing date.~~

~~D. *Application termination.* 1. If the zoning coordinator determines the applicant is not taking affirmative steps to advance a postponed application for a final determination or the applicant requests that an application be postponed for a second time, the zoning coordinator may declare the application terminated.~~

~~2. No further processing of such application shall occur and the application fees shall be forfeited.~~

~~3. Any re-submittal of the application shall be treated as a new application for purposes of review, scheduling, and payment of application fees.~~

Section 27-1607. Staff review~~, referral, and recommendation.~~ and determination.

A. *Staff review.*

1. Upon submission of an application, the zoning coordinator shall review the application and accompanying documentation to determine whether the information included in the application is sufficient for the review and decision-maker(s) to evaluate the application against the approval criteria of the procedure or permit requested.
2. The zoning coordinator, upon receiving a complete application, shall also do the following:
   (a) Consult with other departments of the city and relevant external agencies to fully evaluate the impact of the proposal upon public facilities and services including but not limited to schools, drainage, traffic and related facilities;
   (b) Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the adopted growth policy and approved land use plan and map as outlined in MCA 76-25-305.~~(c)In the case of a protest petition filed in the matter of any application for zone change, determine the validity of such petition; an~~
   (~~d~~c) Prepare written findings and conclusions ~~for submission to the city zoning commission the determination for~~in support of the approval or denial, which report shall be a matter of public record.

B. *Staff report.*

1. Staff shall make reasonable efforts to reconcile and consolidate all referral comments, including those obtained through neighborhood outreach, and shall incorporate the evaluation against applicable review criteria, as well as consistency with the adopted land use plan and map.

~~Staffhall use best efforts to reconcile and compile all referral comments, including comments collected from any neighborhood outreach, into a single written report.~~

2. The preliminary report shall incorporate the responses and comments from reviewing agencies, shall report whether the development application complies with all applicable standards, and shall specify any areas of possible noncompliance.
3. Where the application includes technical information that requires expert analysis outside of that provided by staff, the city may contract with a technical expert to review the application and charge the consultant's fees to the applicant. The city shall notify the applicant if expert analysis will be necessary and will discuss the estimated fee with the applicant prior to engaging the expert. Technical information subject to outside expert analysis shall be limited to those issues outside of the scope of typical planning and community

services department review. Outside technical experts will not be hired for routine site, structural, use, or transportation issues.

4. The preliminary report shall also identify any need for any required plan modifications, additional information, or technical reports to supplement the mandatory submittal requirements.

5. Staff may ~~recommend~~ require conditions for approvals for applicable application types (e.g., special reviews and variances) to mitigate any adverse impacts from the development proposal or any changes necessary to bring the application into compliance with the provisions of this zoning code. Zone change applications may not be conditioned.

Section 27-1608. Public notice requirements.

A. *General applicability.*

1. The provisions in this S~~s~~ection 27-1608 shall expire July 1, 2027.

2. Applications for development approval shall comply with the Montana Code Annotated and the provisions of this section with regard to public notification. The required notice for each application type is identified in Table 27-1600.2. Application-specific notification instructions are located in the section for the specific application types.

Table 27-1600.2: Required Public Notice

	Section	Mailed	Published	Posted		Website
		Key: O Optional, R Required, — Not Applicable				
Project Application Type						
Administrative Relief	27-1614	—	—	—	~~—~~	—
Classification of Newly Annexed Area	27-1615	R	R	R	~~R~~	R
Planned Development (PD)	27-700	R	R	R	~~R~~	R
Planned Neighborhood Development (PND)	27-800	R	R	R	~~R~~	R
Special Review	27-1623	R	R	R	~~R~~	R
Variance	27-1627	R	R	R	~~R~~	R
Zone Change	27-1628	R	R	R	~~R~~	R
Permits						
Fence	Public notice is not required for permit review.					
Landscape Plan						
Master Site Plan						

Proportionate Compliance						
Short-Term Rental						
Sign/Temporary Sign						
Temporary Use						
Wind and Solar						
Wireless Communication						
Zoning Compliance Permit						
~~Code Administration~~						
~~Appeal of Administrative Action~~	~~27-1616~~	~~R~~	~~R~~	~~R~~	~~R~~	~~R~~
~~Code Interpretation~~	~~27-1617~~	~~—~~	~~—~~	~~—~~	~~—~~	~~—~~
~~Zoning Text Amendment~~	~~27-1628~~	~~—~~	~~R~~	~~—~~	~~R~~	~~R~~

~~2. No public notice under this section shall be made for incomplete applications per subsection 27-1605.F, or for applications requiring additional revisions and review per subsection 27-1607.A. Applications that remain incomplete or requiring revision after the posting deadline in the sections identified in Table 27-1600.2 shall be removed from the applicable meeting agenda and placed on the next available meeting agenda.~~

B. *Content.* Notices, when required by this section or a specific application type, shall~~, whether by publication or written,~~ meet the general requirements of notice provided by the city and provide the following information:

1. Address or location of the property subject to the application and the name, address, email, and telephone number of the applicant or the applicant's agent;
2. Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought;
3. Notification about where the public may view the application.
4. Deadline for review of the application and submittal of public comments.

~~5. State that the public may appear at the public hearing;~~

~~6. All meetings are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request;~~

~~7. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three (3) calendar days prior to the hearing. Please notify the planning clerk at 406-247-8610.~~

C. *Types of notice.*

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~~1. *Agenda notice.* Agenda notice shall be posted and published on the city's website a minimum of forty-eight (48) hours prior to a meeting.~~

~~2.~~ 1. *Published notice.* Where Table 27-1600.2 requires published notice, the notice containing the content listed in subsection 27-1608.B above shall be provided in a newspaper of general circulation twice as provided in MCA 7-1-4127(7)(a). ~~at least fifteen (15) calendar days in advance of the date of the city zoning commission, board of adjustment, or city council public hearing~~twice~~.~~

~~12.3.~~ *Mailed notice.*

(a) Where ~~Table 27-1600.2~~ a project~~n~~ application type requires mailed notice, the city shall:

~~(1) Notify the applicant and/or the applicant's agent of the city zoning commission public hearing of the date, time, and place of such hearing at least five (5) calendar days prior to the date.~~

~~(2)~~(1) Notify adjacent property owners and other interested parties as provided in the specific application type. Mailed notice shall be provided to the property owner whose name appears on the last tax record of the property subject to notice. Unless otherwise specified, mailed notice shall be ~~provided~~ not less than fifteen (15) ~~calendar~~ business days. ~~in advance of the date of the hearing.~~

(b) Failure of any individual addressee of such letter of notification to receive the same shall not in any way invalidate or affect subsequent action on the application and such requirement shall not be construed as a legal precedent to the official approval.

~~(c) Written notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice shall not be required where the application is not decided at the initial public hearing.~~

~~(d) If the hearing is deferred or continued at the applicant's request, the applicant shall be responsible for paying any additional fees for the purposes of re-notifying adjacent property owners.~~

34. *Posted notice.*

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(a) Where posted notice is required, ~~the applicant~~ planning staff shall place notice of the ~~public hearing~~application on the ~~property subject~~subject property ~~to the application at least fifteen (15) calendar days in advance of the date of public hearing~~ fifteen (15) business days prior to final determination of an application.~~.~~

(b) Notice signs shall be clearly visible from the public right-of-way. On large parcels, interior parcels, or parcels that are difficult to see from the exterior boundary lines, additional posted signs, as may be necessary to reasonably ensure that notice is provided around the property, may be required by the zoning coordinator.

(c) At least one sign must be placed on the property's frontage so that it may be seen from the abutting street. If the property has two (2) street~~s~~

frontages and both frontages are more than three hundred (300) feet long, a sign shall be posted on both frontages.

~~(d) Reposting. If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the notification signs, the zoning coordinator shall update the existing signs with the new date.~~

(~~e~~d) Sign removal.

~~(1)~~ The city shall remove signs after fifteen (15) business days have been completed.~~Notice signs shall be removed by the applicant within five (5) calendar days after the meeting or public hearing for which they were required.~~

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~~(2) No person other than the applicant, applicant's agent, or city staff shall erect, remove, or alter such signs.~~

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4~~5.~~. *Courtesy notice.*

(a) The city may, as a courtesy, provide notice to any persons or organization in the city or Yellowstone County, or to any governmental, public, or quasi-public organization regarding any matter related to this zoning code that may be of interest to ~~of~~ that person or organization, or on any matter on which any such person or organization has requested notice.

(b) Courtesy notice may be provided in any appropriate manner, including electronically, and may be directed to an organization through its leadership for distribution rather than to the entire membership.

(c) The failure of the city to send courtesy notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any city action with respect to an application.

~~6.~~5. *Constructive notice.*

(a) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to errors in legal descriptions, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties.

(b) Failure of one or more individual parties to receive written notice shall not invalidate subsequent action.

~~(c) If questions arise at a review hearing regarding the adequacy of notice, the decision-making authority shall direct the zoning coordinator to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning code, and such finding shall be made available to the decision-making authority prior to final action on the request.~~

~~(d)~~(c) When city records document the publication, mailing, or posting of notices as required by this section, it shall be presumed that notice of ~~a public hearing was~~an application submittal was given as required by this section.

Section 27-1609. – Review and decision-making bodies. ~~Review and decision-making bodies.~~

~~A. City council.~~

~~1. Powers and duties. The city council shall have the following powers and duties:~~

~~(a) To review and decide on amendments to this zoning code or the future land use map, including any related PND plan.~~

~~(b) To review and decide on major amendments to approved PND preliminary plans.~~

~~(c) To review and decide on special review applications.~~

~~2. Membership and procedures. The membership and procedures for the city council are established in Chapter 2 of the Billings Montana City Code.~~

~~B. City zoning commission.~~

~~1. Created. There is hereby created a City of Billings Zoning Commission to consist of five (5) members residing on property, any part of which lies within the limits of the City of Billings. The members are to be appointed by the mayor, subject to confirmation by the city council, for a term of three (3) or four (4) years and the terms of the members shall be staggered, as determined in the discretion of the mayor, to coincide with the election cycle of city council wards so that a minimum number of terms shall expire in any one year.~~

~~2. Attendance. The members of the city zoning commission are required to attend all publicly-advertised city zoning commission meetings. Members shall notify the zoning commission chairperson and zoning coordinator of any absence in advance of the meeting that will be missed. The presence of three (3) members shall constitute a quorum.~~

~~3. Duties.~~

~~(a) The city zoning commission shall have the authority to exercise all powers granted to the commission by MCA 76-2-307 and as amended from time to time.~~

~~(b) In particular, the city zoning commission shall recommend the boundaries of the various zone districts and appropriate regulations to be enforced therein, and to hold public meetings and make recommendations to the city council on all requests to amend, supplement, change, modify or repeal the regulations, restrictions and boundaries in the zoning districts.~~

~~(c) The city council shall not hold its public hearing or take any action until it has received a final report from the zoning commission.~~

~~C. City board of adjustment.~~

~~1. Created. There is hereby created for the City of Billings, a board of adjustment as provided by statute, consisting of seven (7) members appointed by the mayor, with the consent of the city council. The terms of each member shall run concurrent to that of the mayor's term. Vacancies shall be filled for the unexpired terms of any members whose terms are interrupted for any reason.~~

~~2. Proceedings.~~

~~(a) The board of adjustment shall schedule regular meetings, along with special meetings which may also be called by the chairperson. The chairperson may cancel the regularly scheduled meeting if no matters are pending for the board's consideration. The chairperson, or in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.~~

~~(b) The board of adjustment shall keep minutes of its proceedings, showing the vote of each member, or if absent or failure to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be filed in the office of the Billings planning and community services department.~~

~~(1) The official minutes of the board's proceedings shall be signed by the chairperson or acting chairperson.~~

~~(2) The decision of the board shall become effective immediately, unless otherwise directed by the board.~~

~~3. Powers and duties. The board of adjustment shall have the following powers:~~

~~(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or interpretation of this chapter or of any ordinance adopted pursuant thereto; and~~

~~(b) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.~~

~~(c) The Billings board of adjustment does not have the authority to hear or decide on special review requests to this zoning code.~~

~~(d) If the board of adjustment fails to act on a matter that is before it or scheduled to be before it for any reason other than on motion duly continuing the matter, the applicant may deem the matter be denied and may immediately proceed by appeal.~~

~~D~~A. *Zoning coordinator*.

1. The zoning coordinator has the authority to administer the provisions of this chapter for the City of Billings and all responsibilities as assigned or delegated by the planning and community services director. The zoning coordinator may delegate this work to other personnel in the planning and community services department.

2. The zoning coordinator shall supervise and effectuate the processing of applications for amendments to the official zoning map, special review applications, requests for variances, and other applications under the terms of this chapter. ~~Further it shall be the zoning coordinator's responsibility to present any applications or requests to the appropriate board or commission.~~

~~3. The zoning coordinator shall also aid the various boards, commissions, and departments in transmitting recommendations to the city council and to otherwise promote procedural regularity in the administration of this chapter.~~

~~E~~B. *Zoning enforcement officer.* It shall be the duty of the zoning coordinator to be the enforcement officer for the zoning regulations. The zoning coordinator is hereby given the authority to enforce the provisions of this chapter for the City of Billings. The zoning coordinator may delegate this work to other personnel in the planning and community services department.

Section 27-1610. Action by review and decision-making bodies.

A. ~~*Administrative*~~ *Ministerial decisions.* For procedures where the zoning coordinator serves as the decision-making authority, the zoning coordinator shall make a decision according to the following steps:

1. *Review.*

   (a) The zoning coordinator shall review the application for conformance with all applicable provisions of this zoning code and adopted growth policy plan and map.

   (b) Within the timeframe specified by the application type, or fifteen (15) calendar days of the filing date if no timeframe is specified, the zoning coordinator shall approve or deny the application and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial.

2. *Review criteria.* ~~When the zoning coordinator has the authority to decide an application, except in the case of an interpretation, the application shall be reviewed against the applicable provisions of this zoning code. To be approved, a~~An application shall be fully consistent with the standards of this zoning code unless administrative relief is concurrently approved to allow specified deviation from applicable standards. A~~n administrative~~ ministerial approval may include instructions and clarifications regarding compliance with this zoning code, but shall not be approved with conditions that require action beyond the specific requirements of this zoning code.

~~B. *City zoning commission.* The zoning commission shall review and take action upon each application in accordance with the provisions of this article and after a public hearing at which the application has been legally advertised.~~

~~1. The zoning coordinator shall present each application, together with the staff report, to the zoning commission.~~

~~2. The zoning commission may, by a majority vote of the members present, delay action to the next available public meeting of the commission, and such delay shall be deemed to be without prejudice to the applicant.~~

~~3. A report of the commission's recommendation and the zoning coordinator's findings and conclusions shall be submitted to the city council.~~

~~4. The zoning commission shall make a written recommendation to the city council to:~~

~~(a) Zone changes: Grant or deny the application;~~

~~(b) Special review applications: Grant, condition, or deny the application;~~

~~(c) Request to withdraw an application after the zoning commission's hearing: allow or refuse withdrawal.~~

~~5. The zoning commission shall submit its recommendations and, where appropriate, conditions in writing along with a statement indicating its reasons for the recommendation to grant, condition, deny, or allow withdrawal of the amendment within fifteen (15) calendar days following the public hearing.~~

~~C. *City council action.* Before taking any action on an application, the city council shall first consider the written findings and recommendations of the zoning commission. The city council shall:~~

~~1. Approve the application, either as submitted for zone change applications, or with conditions for special review applications;~~

~~2. Deny the application;~~

~~3. Allow withdrawal of the application; or~~

~~4. Delay the application to a future council meeting date certain.~~

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Section 27-1611. Post-review actions.

A. *Successive applications.* No application for zone change, special review, or variance on the same request nor one involving the same tract shall be permitted within one year of an application denial.

B. *Amendments.*

1. All substantial changes, modifications, removal, or release of the provisions of an approved application that do not qualify for administrative relief under subsection 27-1614.C.2 shall be considered amendments of the application. Amendments shall include, but are not ~~be~~ limited to, changes in use, access, layout, any condition of approval, any change resulting in significant increased off-site impacts, and similar changes as determined by the zoning coordinator.

2. For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this article unless otherwise noted in the specific review procedures.

C. *Modification of approvals.*

1. *Application.* If, at any time, the owner of land with an existing development approval desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting such revision.

2. *Review and determination of major/minor modification status.* Applications for modification shall be reviewed by the zoning coordinator to determine whether the proposed modifications constitute a major or minor revision to the existing approval.

   (a) Minor modifications are those that qualify for administrative relief pursuant to section 27-1614 or modification to an application that was approved administratively.

   (b) Major modifications are those that do not qualify for administrative relief pursuant to section 27-1614, request for modification to a special review approval, or request for modification to a condition established by the city council.

3. ~~*Action by decision-making body.*~~

~~(a) Applications for minor modifications shall be treated as applications for administrative relief.~~

~~(b) The zoning coordinator may require that an application for administrative relief be treated as an application for a major modification if the zoning coordinator determines that the application raises a significant public controversy in which numerous parties other than the owner of the property may want to offer testimony. Applications for major modifications shall be treated as new applications for an approval of the same type being modified, unless the zoning coordinator determines that an application for modification is an issue of public policy or is not consistent with an approved preliminary plan or plat for the property, as applicable. If so, the zoning coordinator shall inform the applicant that a new application will need to be submitted.~~

~~4.~~ *Effect of modification.* If approved, the modification shall then supersede the previous approval, and subsequent development on the property shall be in accord with the amended approval.

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Section 27-1612. Lapsing and extension of approvals.

Approvals granted under this zoning code terminate if unused by the applicant after a reasonable period of time.

A. *Lapse.*

~~1. *Administrative*~~*Ministerial approval and permits.* ~~Except~~

Except where a different timeframe is provided in a specific procedure or application approval, ann ~~administrative~~ ministerial ~~-~~approval or permit granted under this zoning code shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued and construction is commenced and pursued toward completion.

~~2. *Approvals subject to public hearing.*~~

~~(a) A zone change is not subject to lapsing.~~

~~(b) Any approval made through a public hearing process shall not lapse pursuant to this section unless the approval was not a zone change and the city council, or board of adjustment established a specific time limit for the approval.~~

B. *Extension.*

1. An approval that is subject to lapsing may be extended one time by the zoning coordinator for a period of time not to exceed six (6) months. Applicants who require a second extension shall make the second extension request of the body that issued the original approval, which may also be a second request to the zoning coordinator if the zoning coordinator issued the original approval. The total time approved for extensions may not exceed one year.
2. All requests for extensions should be submitted to the zoning coordinator in writing at least thirty (30) calendar days prior to the expiration of approval.
   (a) An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the growth policy or this zoning code that have occurred since approval of the permit/plan as these changes affect the permit/plan, and the anticipated time schedule for completing the review project and/or the specific project.
   (b) Additional review of the permit/plan may result in additional conditions.
3. If an approval lapses at the end of an extension period, the applicant may re-submit a new application, subject to the fees and regulations in effect at the time of re-submittal, for the same project.

Section 27-1613. Other permits and approvals still necessary.

A. *City permits and approvals.* The approval of any application pursuant to this zoning code shall not relieve the applicant of the requirement to apply for and receive any other permits or approvals required from the city, prior to development (such as building permits, certificates of occupancy, subdivision approval, and any similar

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permits or approvals). Any such later permits and approvals shall be consistent with the terms and provisions of any approval granted pursuant to this zoning code.

B. *Other permits and approvals.* The approval of any application pursuant to this zoning code shall not relieve the applicant of the requirement to apply for and receive any and all other permits or approvals from Yellowstone County, State of Montana, or federal government or from other local entities with jurisdiction over the property.

Section 27-1614. Administrative relief.

A. *Applicability.*

1. Administrative relief allows the modification of an existing numeric dimensional standard to accommodate site-specific or minor construction issues.
2. Administrative relief is applicable to new development, redevelopment, and major façade changes.
3. Administrative relief may be requested either as part of an original application or as a modification to an existing approval.

B. *Authority.* Administrative relief may be requested by an applicant qualified to request a primary development approval or amendment.

C. *Procedures.*

1. *Common procedures.* Procedures for review and decision of an administrative relief application are established in sections 27-1602 through 27-1613. They are summarized here for applicant convenience.
2. *Specific procedures.* All applications for administrative relief shall identify the specific issue that the administrative relief is intended to address and how the administrative relief will resolve that issue:
   (a) A request for administrative relief prior to construction shall be submitted with the project site plan application. Where the site plan is submitted in conjunction with a primary application, such as a special review request, that request will be ~~is~~ decided ~~bythe city council, the request for administrative relief shall also be decided by that body. For example, if an administrative relief request is submitted with a rezoning application, the city council will also decide on the administrative relief.~~in conjunction with ~~to~~the application.
   (b) A request for administrative relief to address a minor construction issue shall be submitted with the approved project site plan, a written description of the minor construction issue, and an amended drawing of that part of the site for which the administrative relief is requested.

D. *Permitted types of administrative relief.*

1. N1-3, NX1-3, RMH, NO, NMU, CMU1, CMU2, DX, and EBURD districts. An applicant may request the following adjustments through administrative relief:

(a) The location of the building may be adjusted within a five-foot area from any minimum yard requirement or build-to zone width/location, except a side or rear yard setback may only be reduced to three (3) feet from a five-foot minimum through administrative relief.

(b) EBURD: Up to ten (10) percent increase in total impervious coverage, not to exceed the total amount of permitted impervious plus semi-pervious coverage. Compliance with stormwater regulations is required.

(c) Up to ten (10) percent decrease in front lot line coverage.

(d) Additional height of any story up to two (2) feet, as long as the overall building height does not exceed the allowable height of all floors at their maximum permitted height, or provided, that the total modification shall not increase the applicable building or structure height by more than ten (10) percent of the otherwise maximum height in the zone, nor add another habitable story or mezzanine.

(e) Up to ten (10) percent decrease in front façade window and door coverage or a ten (10) percent increase in blank wall limitation for corner side facades. Up to twenty-five (25) percent of the front façade window and door required area (square feet) may apply to use alternative materials for windows or doors, including but not limited to spandrel glass, architectural glass block, faux door/window openings or similar installations. Any approved administrative relief will not significantly reduce visibility into and out of the structure.

(f) Lot coverage. In any zone, modifications of the lot coverage requirement; provided, that the total modification shall not increase the applicable coverage to more than ten (10) percent of the otherwise maximum lot coverage in the zone.

(g) Fence heights and materials. In any zone, modifications of the maximum fence height requirement; provided, that the total modification shall not increase the applicable fence height maximum in any yard by more than ten (10) percent. Fences greater than seven (7) feet in height will need a building permit. Fence materials not listed in subsection 27-1209.E may be requested through this process.

(h) Parking. In any zone, a decrease in the number of required off-street parking spaces of not more than fifty (50) percent when total required spaces are at least ten (10) spaces. In any zone, allow more than the maximum number off-street parking stalls as provided in subsection 27-1302.F.

(i) Location of accessory structure. In any zone, allow location of an accessory structure in a side yard.

(j) Reduction or variations in required landscaping as provided in subsection 27-1618.E.4.

2. CBD, CX, I1, I2, P1-3, PD districts. An applicant may request the following adjustments through administrative relief:
   (a) Setbacks. In any zone, modifications of the front, side, or rear yard setback requirement; provided that the total modification shall not reduce the applicable setback(s) by more than ten (10) percent of the zone district requirement or five (5) feet, whichever reduction is larger.
   (b) Lot coverage. In any zone, modifications of the lot coverage requirement; provided, that the total modification shall not increase the applicable coverage to more than ten (10) percent of the otherwise maximum lot coverage in the zone.
   (c) Structure heights. In any zone, modifications of the building or structure height requirement; provided, that the total modification shall not increase the applicable building or structure height by more than ten (10) percent of the otherwise maximum height in the zone, nor add another habitable story or mezzanine.
   (d) Fence heights and materials. In any zone, modifications of the maximum fence height requirement; provided, that the total modification shall not increase the applicable fence height maximum in any yard by more than ten (10) percent. Fences greater than seven (7) feet in height will need a building permit. Fence materials not listed in subsection 27-1209.E may be requested through this process.
   (e) Parking. In any zone, a decrease in the number of required off-street parking spaces of not more than fifty (50) percent when total required spaces are at least ten (10) spaces. In any zone, allow more than the maximum number off-street parking stalls as provided in subsection 27-1302.F.
   (f) Deviations from final planned development maps. In any planned development zone, deviations to planned development maps which are consistent with the requirements of the planned development approval, conditions of approval, or development standards of the underlying zoning district.
   (g) Location of accessory structure. In any zone, allow location of an accessory structure in a side yard.
   (h) Reduction or variations in required landscaping as provided in subsection 27-1618.E.4.
3. Administrative relief may not:
   (a) Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;
   (b) Permit uses other than those permitted in the zone district;
   (c) Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space; or

(d) Expand the area or type of signage approved.

E. *Decision criteria.* To approve a request for administrative relief, the zoning coordinator shall make and record findings that all of the following provisions are met:

1. The proposed use, structure, or activity is permitted in the underlying zone district;
2. There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district;
3. The special circumstances have not been created by the applicant; and
4. The impact of the administrative relief is internal to the subject property.

F. *Review and decision-making.* Requests for administrative relief are processed as an administrative decision pursuant to subsection 27-1610.A.

Section 27-1615. Classification of newly annexed area.

A. *All procedures except annexation by petition.* Annexations of land into the City of Billings may be undertaken pursuant to several statutory procedures. When a parcel of land is annexed to the city under any procedure except annexation by petition, the appropriate zone(s) may be determined by reference to Article 27-800, Planned Neighborhood Development or by using the following criteria.

1. The zoning coordinator will determine the most appropriate zone district. If the county zone district is an identical zone district in the city, the zone district shall remain the same upon annexation. If the county zone district has an analogous city zone district, the zoning coordinator will ensure the analogous city zone district has similar allowed uses, use standards, site and building standards. For property that has an established use that will continue or expand upon annexation, the zoning coordinator will ensure the zone district selected matches the existing and continued use. The land owner shall have adequate opportunity to provide input, but the final zone district classification shall be made by the zoning coordinator.
2. Upon determination of a substantially different zone district from the county zone district that aligns with the adopted growth policy, the zoning coordinator shall follow the procedure in section 27-1628, Zone change, staff review, referral, and recommendation, except that the report, findings and conclusions shall be submitted to the city council prior to or concurrently with the services report that is required by the annexation statutes. If the development does not align with the adopted growth policy and map the process shall follow MCA76-25-305.
3. A public hearing on the substantially different zone district shall be held concurrently with the public hearing on the annexation before the city council,

provided that the hearing shall not be sooner than fifteen (15) ~~calendar~~ business days after notice of the proposed zone has been given.

4. If the substantially different zone district is not approved by the city council, the land shall not be annexed to the city.

B. *Annexation by petition.* When the proposed annexation is by petition pursuant to MCA Title 7, Chapter 2, Part 46 (Section 7-2-4601, et seq.), the zoning coordinator shall determine whether the section 27-800, Planned neighborhood development, process is applicable, in which case the petitioner shall also submit an application for PND approval. If not the zoning coordinator will use the criteria and process in subsection A.1 above to allow the petitioner to submit a zone change not using the PND process.

1. All fees shall be paid by petitioner upon filing the application for zoning.
2. Upon filing the application, the zoning coordinator shall follow the procedure set forth in subsection A.2 above.
3. If no application is filed or the application is denied, the land shall not be annexed to the city. iSection 27-1616. Appeals ~~of administrative decision~~.iii

Sec. 27-1616. - Appeal of administrative decision.

A. *Applicability.*

1. For a challenge to the adoption of or amendment to a land use plan, zoning regulation, zoning map, or subdivision regulation, a petition setting forth the basis for the challenge must be presented to the district court within 30 days of the date of the resolution or ordinance adopted by the governing body.

2. Any final administrative land use decision, including but not limited to approval or denial of a zoning permit, preliminary plat or final plat, imposition of a condition on a zoning permit or plat, approval or denial of a variance from a zoning or subdivision regulation, or interpretation of land use regulations or map may be appealed by the applicant or any aggrieved person pursuant to Section 76-25-503, MCA.

~~Any administrative decision made in the interpretation or application of this zoning code may be appealed to the board of adjustment.~~

B. *Authority.* Appeals ~~to the BOA may be taken~~made by any ~~person~~ aggrieved party as outlined within Montana Code Annotated Title 76, Chapter 25, Part 5.~~or by any officer, department, or board of the city affected by any decisions of the administrative office made under the terms of this zoning code. C. *Procedures.*~~

~~1. *Common procedures.* The procedures for appeal of an administrative decision are identified in Table 27-1600.1 and are summarized here for applicant convenience.~~

~~2. *Specific procedures.*~~

(a) Such appeal shall be taken within sixty (60) calendar days of the issuance of a final administrative decision. An applicant who wishes to appeal a verbal administrative decision may request that the decision be provided to the applicant in writing and the appeal timeframe will start on the date after the written decision has been signed.

(b) The staff member from whom the appeal is taken shall transmit the decision record to the BOA. The decision record shall include all of the information relied upon in making the decision.

(c) The BOA shall:

(1) Fix a reasonable time for the hearing of appeal, not to exceed sixty (60) calendar days; and

(2) Give public notice of the hearing, as well as mailed notice to the parties in interest.

(d) At the hearing, any party may appear in person or by agent or attorney.

D. *Stay of proceedings.*

1. An appeal stays all proceedings in furtherance of the action appealed from except as provided in section D.2. No further action will be taken by the planning division on the initial application or request while the administrative decision is being appealed.

2. The city may decide not to stay activities related to the application while the administrative decision is being appealed where a stay would cause imminent peril to life or property, determined as follows:

(a) The appeal is filed;

(b) The staff member from whom the appeal is taken certifies to the BOA that by reason of facts stated in the appeal, a stay would, in that officer's opinion, cause imminent peril to life or property;

(c) In such cases, proceedings shall not be stayed other than by a court of record upon application to same and notice to the officer from whom the appeal is taken and on due cause shown.

E. *Decision criteria.* In reviewing an administrative decision, the BOA shall have all the powers of the office from whom the appeal is taken. An appeal may be sustained only if the BOA finds that the administrative decision was made in error.

F. *Review and decision-making.*

1. The BOA may, in conformity with the provisions of this zoning code, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as ought to be made.

2. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any appeal.

3. The BOA shall render a decision within thirty-five (35) calendar days of the completion of the hearing.

~~G. *Judicial appeal.* Appeal of a BOA decision to a Montana court of record is governed by MCA 76-2-327.~~

~~1. The petition must set forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality.~~

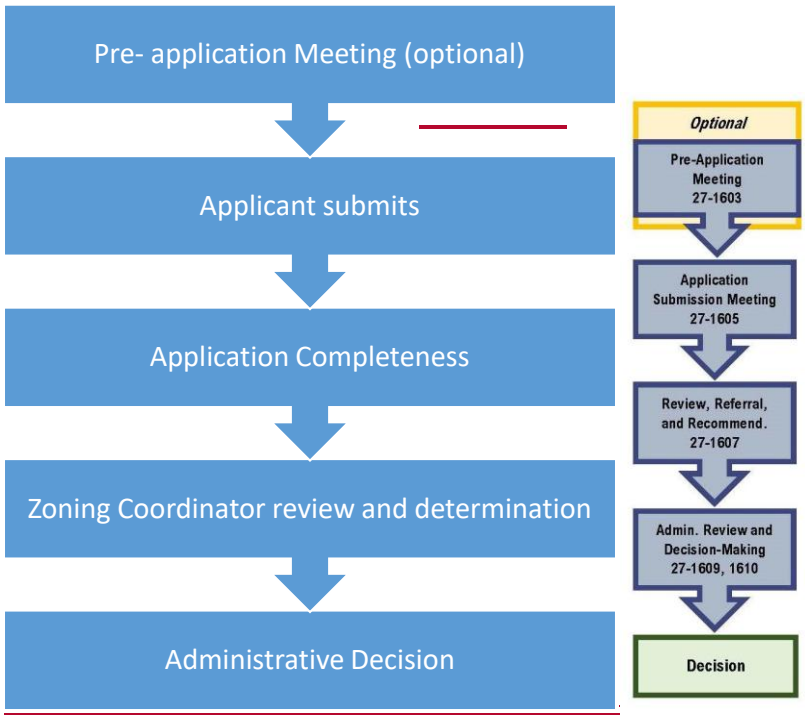
~~2. The petition shall be presented to the court within thirty (30) calendar days after the filing of the decision of the BOA.~~

~~H. *Reapplication.* If an application for an administrative review is denied by the BOA and not approved for reconsideration, another application appealing the original administrative decision shall not be filed within a period one year from the date of denial.~~

Section 27-1617. Code interpretation.

A. *Applicability.*

1. The zoning coordinator is authorized to provide a written interpretation of the contents and requirements of this zoning code.
2. Interpretations may be requested for a provision of this zoning code subject to a proposed or current application, hearing, or appeal.



3. The zoning coordinator may also provide a property-specific code interpretation in the form of a zoning code clarification that identifies whether specific regulations in this zoning code are applicable to the subject property.

B. *Authority.* An interpretation may be requested by any:

1. Applicant;
2. Person affected by an action proposed pursuant to this zoning code; or
3. Any city departments or other governmental agencies that may be subject to the provisions of this zoning code.

C. *Procedures.* Common procedures for a code interpretation are ~~identified in Table 27-1600.1 and are~~ summarized here for applicant convenience.

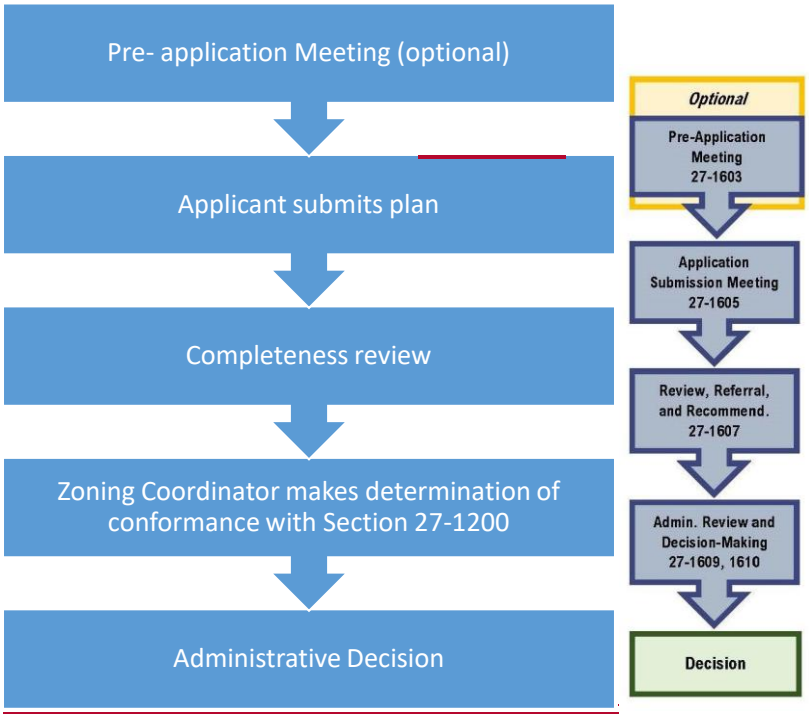
D. *Rendering of interpretation.* After the application for request for interpretation has been determined complete, the zoning coordinator shall render an interpretation pursuant to subsection 27-1610.A, Administrative determinations.

E. *Official record.* The zoning coordinator shall maintain an official record of all interpretations, which shall be available for public inspection during normal business hours.

Section 27-1618. Landscape plan.

A. *Applicability.* Landscaping in compliance with this zoning code shall be required for any new construction, and expansion of existing structures. All plans submitted in support of a building permit or zoning compliance permit shall include a landscape plan where required. No landscape plan submittal is required for any one- or two-family building permit applications except those located within a development covered by a master site plan approval (section 27-1619). Any building permit for a one- or two-family dwelling within a master site plan approved location shall indicate on the site plan the landscaping required by the approved master site plan.

B. *Authority.* A landscape plan may be submitted for review by a property owner or the property owner's agent, including the landscape professionals described in subsection 27-1618.C.



C. *Procedures.*

1. *Common procedures.* Common procedures for landscape plan review are identified in Table 27-1600.1 and are summarized here for applicant convenience.

2. *Specific procedures.* Landscape plans shall be prepared as follows:

   (a) Lots of one and one-half (1.5) acres or larger: The plan shall be prepared by a Montana licensed landscape architect.

   (b) Lots smaller than one and one-half (1.5) acres: The applicant is encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.

D. *Decision criteria.* The zoning coordinator may approve a landscape plan upon a finding that the application meets all of the following criteria, as applicable:

1. The landscape plan conforms to all requirements of this article and is consistent with the currently adopted growth policies and any other applicable plans.
2. The landscape design includes the installation of a diversity of species and sizes of vegetation with preference given to locally naturalized vegetation.
3. Preservation of existing, locally naturalized vegetation is incorporated into the landscape design.
4. No plant materials or landscape features are situated in such a manner so as to inhibit clear sight areas established in subsection 27-1802.H or otherwise create a traffic hazard.
5. The facilities for watering and drainage are adequate to ensure the landscape area is maintained and that no soil, bark, mulch, gravel, stone, or similar materials are allowed to wash off the landscape area into parking areas, driveways, public streets, sidewalks, gutters, or storm drainage facilities.

E. *Post approval.*

1. *Site specific and binding.* Approved landscape plans shall be binding upon the applicants and their successors, transferees, and assigns. No planning division approval of a certificate of occupancy shall be issued for any building or structure where landscaping has not been provided and continued in accordance with the required and approved landscape plan, or any approved modifications thereto, or the plan has not been guaranteed through a performance bond or approved security as provided below.
2. *Landscaping installed within one year of issuance of building permit.*

   (a) All landscaping and screening material, organic and inorganic, shall meet the standards of section 27-1210 and be in place prior to the issuance of a certificate of occupancy. Irrigation systems shall be fully functional at the same time as the completion of the landscape planting. This requirement shall be verified by the submission of a final, as-installed landscaping plan by the party responsible for the creation of the landscape plan that is submitted with the certificate of occupancy application.

   (b) If the timing of the project and seasonal limitations prevent planting prior to issuance of the certificate of occupancy, security as described in this

section may be provided and the planting period may be extended accordingly.

3. *Security required.*

   (a) When the timing of a project delays the installation of the landscaping, a performance bond or letter of credit in an amount of one hundred fifty (150) percent of the landscaping materials and labor costs that does not expire for at least one year from the date of issuance shall be posted with the planning and community services department to ensure the placement of the required landscaping.

   (b) The property shall be inspected by the zoning coordinator to make sure that the required landscaping has been planted before release of the security bond or letter of credit.

4. *Administrative relief.* Administrative relief is provided to add flexibility in the application of a specific landscaping regulation when a standard is inapplicable or inappropriate to a specific use or design proposal. Administrative relief may be applied up to a total of ten (10) individual landscape standards for any site. The application shall follow the procedures in section 27-1614, Administrative relief.

   (a) *Policies.*

      (1) The planning division recognizes that the specific landscape requirements in article 27-1200 cannot and do not anticipate all possible landscape situations. In addition, the planning division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the planning division may grant administrative relief in the event of these situations and proposals.

      (2) The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the planning division generally assigns the following priorities for compliance with the landscape requirements:

         i. First, adjacent residential uses should be buffered;

         ii. Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees;

         iii. Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

      (3) Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and

ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

(4) However, the granting of administrative relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

(b) *Application.*

(1) A written request for administrative relief shall be submitted following the procedures in section 27-1614. The written request shall include a justification in terms of the findings necessary to grant administrative relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate.

(2) The zoning coordinator must make all of the following findings in order to grant administrative relief:

i. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

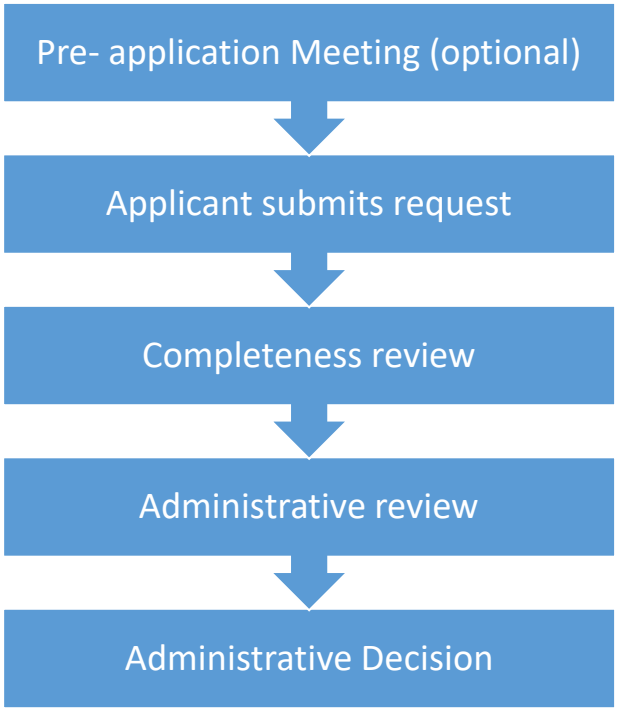
ii. The intent of the landscaping section and the specific regulation in question is preserved;

iii. The granting of the administrative relief will not result in an adverse impact upon surrounding properties; and

iv. Proportional compliance is not appropriate for the location and development planned.

(3) The zoning coordinator shall render a decision on the request within thirty (30) calendar days of receipt of the request and all required information. An appeal of the zoning coordinator's decision may be ~~made to the board of adjustment~~ PC ~~with jurisdiction over the property, within thirty (30) calendar days after the decision. At this time, the appeal will be put on the agenda for the next board of adjustment~~ PC ~~meeting which allows for the required public notice.~~ in accordance with section 27-1616.

Sec. 27-1619. Master site plan.



A. *Applicability*. The purpose of this section is to set forth the procedures and criteria for review and approval of master site plans when two (2) or more buildings share common facilities on an undivided lot. The purpose of master site plan review is to confirm that development is consistent with the requirements of this zoning code and with all previously approved plans applicable to the property.

B. *Authority.* A request for master site plan approval may be submitted by a property owner or owner's agent.

C. *Procedures.* Common procedures for master site plan review are identified in Table 27-1600.1 and are summarized here for applicant convenience.

D. *Decision criteria.* The master site plan shall be reviewed against the following criteria:

1. The master site plan is consistent with any prior approvals, including any conditions that may have been placed on such approvals, and
2. The master site plan conforms with all applicable requirements of this zoning code, or with all applicable requirements as modified by a request for a minor code adjustment.

E. *Review and decision-making.* A master site plan is subject to administrative approval and shall be reviewed as follows:

1. Within sixty (60) calendar days following the submittal of a complete application, the zoning coordinator shall approve or deny the application, unless the applicant consents in writing to an extension of the review period. The review period clock stops when corrections or revisions are required and begins again once the additional information or modified complete plans are received. Failure of the applicant to timely respond to the corrections or request for additional information does not trigger subsection 2.
2. In the event that review exceeds ninety (90) calendar days, the applicant may seek immediate approval from the planning director.

F. *Effect.*

1. Approved master site plans shall be binding upon the property owner(s) and their successors, transferees, and assigns.
2. No permit shall be issued for any building, structure, or use that does not conform to an approved master site plan.
3. No building, structure, use or other element of the approved master site plan shall be modified without amending the master site plan.
4. All buildings, structures and uses shall remain in conformance with the approved master site plan or be subject to enforcement action.

G. *An applicant who has requested review based on cured circumstances but is again denied may appeal the administrative denial in section 27-1616, Appeal of administrative decision. [~~Appeal process.~~ An appeal to the BOA may be made by any applicant aggrieved by a denial of a master site plan application.~~*

H. 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.

I. 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~~J.~~I~~. *Post-approval actions.*

1. *Expiration.*

(a) Approved master site plans shall expire one year after approval if a building permit has not been issued or the approved use has not been established. Where a master site plan expires due to the passage of this time period, new site plan review documents must be submitted for

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approval in the same manner as an original application for development review.

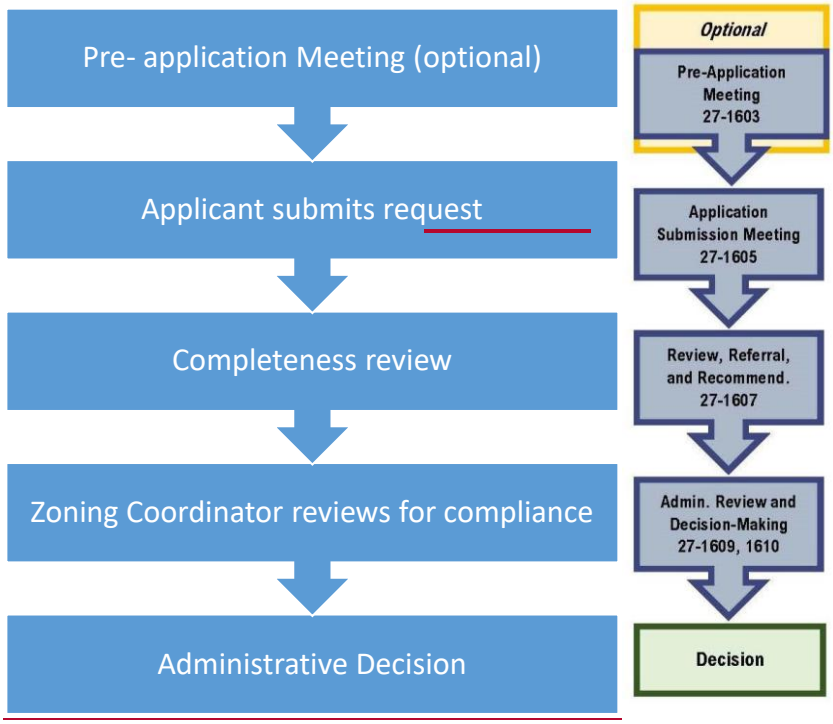
(b) An extension not to exceed one year may be granted by the zoning coordinator.

2. *Modifications to master site plans.* The holder of an approved site plan may request a minimal modification to the document, or the conditions of approval, by submitting amended documents to the zoning coordinator.

Section 27-1620. Permits.

A. *Applicability.* The zoning coordinator may review and decide upon applications for the following administrative permits. Some of these permits have additional review and approval requirements included in this section; a cross reference to those section is provided in the right column.

Permit Type	Additional Procedural Standards
Fences	None
Landscape Plan	Section 27-1618
Master Site Plan	Section 27-1619
Proportionate Compliance	None
Short-Term Rental	Section 27-1621
Sign/Temporary Sign	Section 27-1622
Temporary Use	Section 27-1624
Wind and Solar	Section 27-1625
Wireless Communication	Section 27-1626



B. *Authority.* Permit applications may be submitted by a property owner or owner's agent.

C. *Procedures.* Common procedures for permit review are identified in Table 27-1600.1 and are summarized here for applicant convenience.

D. *Review and decision-making.* Permit applications shall be decided pursuant to the requirements of subsection 27-1610.A. Permit-specific procedural requirements identified in this article shall be applicable.

Section 27-1621. Short-term rental permits.

Short-term rental (STR) permits are processed through section 27-1620, Permits, with the following additional requirements:

A. *Application contents.* In addition to any other information prescribed by the zoning coordinator, an application for a short-term rental permit shall include the following information:

1. Contact information for the owner (person, trust, or corporation) of the property.

2. Contact information for the owner's local contact person, who has authority to fix any problems or violations of this chapter, who is available twenty-four (24) hours a day, seven (7) days a week, at a phone number provided to both the city and any person staying at the property.
3. Attestation and agreement to comply with the requirements of this section.
4. Identification of all dwelling units that will be rented on a short-term basis.
5. The URL (i.e., the website address) for any and all advertisements of the short-term rental of the property.
6. Proof of building code compliance for single family attached and detached units. If seeking a short-term rental permit in a multifamily structure that is not a multi-unit attached single family structure that complies with building code standards for townhomes, proof of ownership of entire building must be provided with the application.

B. *Duration and renewal.*

1. Short-term rental permits shall be issued for one year and must be renewed annually.
2. An application to renew a short-term rental permit should be received by the zoning coordinator not less than thirty (30) calendar days prior to the expiration of the short-term rental permit.

C. *Review criteria.* The zoning coordinator shall review a new or renewal application for a short-term rental permit for compliance against the criteria listed below. The zoning coordinator may deny a short-term rental application or renewal application if any of the following issues are found:

1. The property has any unresolved code enforcement violations, including issues unrelated to the short-term rental.
2. The property is not in compliance with all applicable zoning code requirements, any permit requirements, or where applicable, any fire, building and safety, or other relevant laws and ordinances.
3. The applicant has knowingly made any false, misleading, or fraudulent statements of material fact in the application, or in any report or statement required to be filed that is related to the application.
4. The property that is the subject of the application is not available for immediate rental on a short-term basis consistent with the requirements of these regulations.
5. The property owner's business license is not current.

D. *Effect of denial.*

1. If an application for a new or renewal short-term rental permit is denied, the zoning coordinator may not approve a new application for that applicant and location for a 30-day period after the denial unless the

zoning coordinator determines that the reason for the denial has been cured or no longer exists.

2. An applicant who has requested review based on cured circumstances but is again denied, may appeal the administrative denial ~~to the board of adjustment. Please see~~in section 27-1616, Appeal of administrative decision.

E. *Revocation.*

1. The zoning coordinator may revoke a short-term rental permit if any of the issues identified in the subsection 27-1621.C review criteria are substantiated during the term of permit.

2. The zoning coordinator shall give written notice of the pending revocation to the permit holder and any named local manager or long-term tenant listed on the permit. The permit holder will have thirty (30) calendar days to bring the property into compliance.

3. A permit holder who is in violation is prohibited from taking any further or future reservations.

4. If a short-term rental permit is revoked, the short-term rental of the property must cease immediately and the unit shall not be rented for a period of thirty (30) calendar days from the date of revocation unless the zoning coordinator determines that the reason for the revocation has been cured or no longer exists.

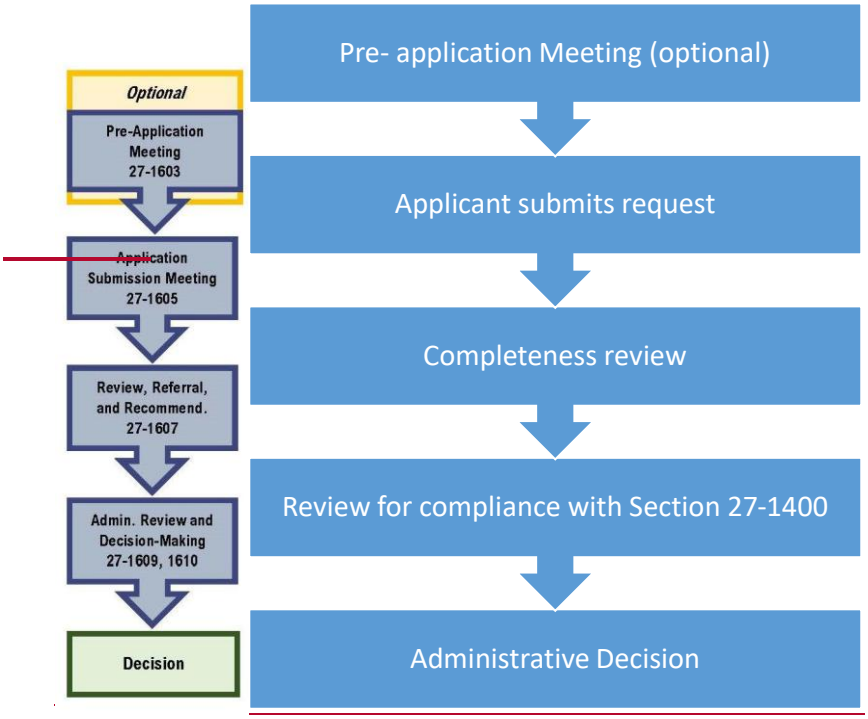
Section 27-1622. Sign permit.

A. *Applicability.*

1. *Permanent sign permit.*

(a) Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any permanent sign in the city or cause the same to be done, without first obtaining a sign permit for each sign from the zoning coordinator as required by this article.

(b) 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.



(c) These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

2. *Temporary sign permit required.* Application for a temporary sign permit shall be made to the zoning coordinator by the owner or person entitled to possession of the property or business on which the temporary sign is to be located and shall be upon the form prescribed by the zoning coordinator.

3. *Illegal signs.* No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

B. *Authority.*

1. A sign permit may be requested by a property owner, tenant, or an owner or tenant's agent.

2. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

C. *Procedures.* Common procedures for sign permit review are identified in Table 27-1600.1 and are summarized here for applicant convenience.

D. *Decision criteria.* The sign permit shall be reviewed against the following criteria:

1. The sign permit is consistent with any prior approvals, including any conditions that may have been placed on such approvals; and

2. The sign permit conforms with all applicable requirements of this zoning code, specifically article 27-1400, Signs, or with all applicable requirements as modified by a request for administrative relief or variance.

E. *Review and decision-making.*

1. The zoning coordinator shall issue a permit for the erection, construction, enlargement, or relocation of a sign within the city when an application has been properly made and the sign complied with all appropriate laws and regulations.

2. For temporary signs, the zoning coordinator shall establish area/height allowance and shall specify where the temporary sign is to be located, taking into consideration the required clear vision triangle in subsection 27-1802.H and the applicable zone district setback requirements.

F. *Appeal.*

~~1. Appeal may be taken to the board of adjustment from the zoning coordinator's denial of a sign permit.~~An applicant who has requested review based on cured circumstances but is again denied, may appeal the administrative denial in section 27-1616, Appeal of administrative decision.

~~2. The zoning coordinator's failure to either formally grant or deny a sign application within twenty (20) calendar days of the determination of a complete application shall be grounds for appeal to the board of adjustment.~~

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G. *Post-approval action.*

1. *Revocation.* The zoning coordinator may, in writing, suspend or revoke a permit under provisions of this section whenever the permit was issued on the basis of a misstatement of fact or fraud.

2. *Permit expiration.* Every sign permit issued by the zoning coordinator shall become null and void if installation is not commenced within 120 calendar days from the date of permit issuance.

Section 27-1623. Special review uses.

A. *Applicability.*

1. Each zoning district is primarily intended for a predominant type of use as identified in Table 27-1000.1. There are also a limited number of specific uses subject to special review that may or may not be appropriate in a particular district, depending upon all the circumstances of the individual use on the site and in context with surrounding development. Consideration of these uses includes examination of the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, and whether specific conditions can be applied to mitigate the potential negative impacts of the use. Special review uses are special exceptions to the general terms of this zoning code.

2. It is the intent of this section to provide a system of special review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this zoning code and the objectives of the city growth policies.

3. Only those uses identified as special review uses in Table 27-1000.1 may be approved pursuant to these procedures. If the zoning coordinator determines that a desired use is not included within the definition of a use listed as a special review use in Table 27-1000.1, and the use is not otherwise authorized by another provision of the zoning code, then the desired use may only be approved if:

   (a) This zoning code is amended to add the specific use to the district containing the subject property, or

   (b) The subject property is rezoned to a district where the use is listed as a permitted or special review use.

B. *Authority.* An application for a special review may be filed by the property owner, contract purchaser, or an owner or applicant's authorized agent.

C. *Procedures.*

1. *Common procedures.* Common procedures for special review are identified in Table 27-1600.1 and are summarized here for applicant convenience.

2. *Specific procedures.*

~~(a) A neighborhood meeting is required per section 27-1604.~~

~~(b) Notice shall be provided as follows:~~

~~(1) *Publication.* Notice of the application shall be advertised in a newspaper of general circulation at least fifteen (15) calendar days in advance of the date of the public hearing.~~

(~~2~~1) Mail.

a. The applicant and/or applicant's authorized agent shall be mailed notice of the public hearing date, time and place at least five (5) calendar days prior to the date;

b. All the property owners within three hundred (300) feet of the exterior boundaries of the tract subject to the special review shall be mailed notice at least fifteen (15) calendar days in advance of the time, date, place and proposed use.

i. Where the subject property is within three hundred (300) feet of the city limits, the mailed notice area will be six hundred (600) feet.

ii. Where special review uses are subject to a separation requirement from other uses, the maximum separation distance will be the mail notice area.

iii. The zoning coordinator may notify property owners within a radius of more than three hundred (300) feet if the zoning coordinator determines that the proposed use would be such as to have a substantial environmental impact on the surrounding land uses;

(3) *Posted.* ~~Place notice of the public hearing on the property subject to the special review at least fifteen (15) calendar days in advance of the public hearing. Additional posting may be required by the zoning coordinator for large parcels. t~~twice. ~~-~~Notice of the application shall be advertised in a newspaper of general circulation twice as provided in MCA 7-1-4127(7)(a).

(c) The staff report for a special review use shall contain the following information:

(1) A summary of the comments received from the interdepartmental/agency review;

(2) Findings for each of the decision criteria listed in this section;

(3) A preliminary list of conditions if approval is recommended; and

(4) A recommendation to approve the application, approve it with conditions, or deny the application.

D. *Decision criteria.* The planning~~dg~~ administrator ~~zoning commission~~ shall only recommend approval or conditional approval ~~and the city council shall only approve or conditionally~~ for ~~approve~~ a special review request if:

1. The special review use is consistent with the city's growth policy and applicable neighborhood plans, if any;
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this zoning code, including zone district dimensions, landscaping requirements, and parking;
4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:

(a) Regulation of the use;

(b) Special setbacks, buffers, or screening;

(c) Surfacing of parking areas;

(d) Street, alley, or service road dedications, improvements, or bonds;

(e) Regulation of points of vehicular ingress and egress;

(f) Regulation of signs;

(g) Regulation on the performance of the site, including noise, vibration, and odors;

(h) Regulation of the hours of activities;

(i) Timeframe for development;

(j) Duration of use;

(k) Update to existing structures or sites to bring the facility closer to compliance with the current building or site development standards including but not limited to signage, landscaping, parking lot landscaping, doors and windows on the street facades of buildings, or other site and building standards; and

(l) Other relevant conditions that will ensure the orderly development of the site.

7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets; and

9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

E. *Review and decision-making.*

1. *City ~~zoning commission~~* Zoning Coordinator.

(a) The ~~zoning commission~~ Zoning Coordinator shall consider each application in accordance with the provisions of this section~~, and at a public hearing at which time the application has been legally advertised.~~

(b) The ~~zoning commission~~ Zoning Coordinator shall~~ make a recommendation to the city council to~~:

(1) Approve the application;

(2) Conditionally approve the application;

(3) Deny the application.

~~(c) Prior to closure of the public hearing, the zoning commission may also grant a request of the applicant to:~~

~~(1) Allow the withdrawal of the application; or~~

~~(2) Allow a delay not to exceed sixty (60) days.~~

~~(3) Only one delay request from the applicant will be granted by the zoning commission.~~

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~~(d) The zoning commission on its own motion, may continue the public hearing to a date certain, in response to a finding for any of the decision criteria in subsection 27-1623.D., that requires additional information from the applicant. Only one continuance, not to exceed sixty (60) days, on its own motion can be considered by the zoning commission.~~

~~(e) Recommendations from the zoning commission shall be based on findings of fact for each criterion and shall be transmitted to the applicant or applicant's agent, and the city council within fifteen (15) calendar days of the conclusion date of the public hearing before the commission.~~

~~(f) The recommendation of the zoning commission shall be published in a newspaper of general circulation.~~

~~2. *City council action.*~~

~~(a) At least fifteen (15) calendar days after the first publication of notice of the zoning commission recommendations, a public hearing shall be held by the city council.~~

~~(b) Before taking any action on an application for a special review use, the city council shall first consider the findings and recommendations of the zoning commission.~~

~~(c) The city council shall:~~

~~(1) Approve the application;~~

~~(2) Conditionally approve the application;~~

~~(3) Deny the application;~~

~~(4) Allow withdrawal of the application;~~

~~(5) Delay the application for a period not to exceed thirty (30) calendar days; or~~

~~(6) Refer the application back to the zoning commission for an additional public hearing based on a determination that 1) new information has been submitted that the applicant and public has not had a reasonable opportunity to examine and comment on, or 2) new information has been presented that was never submitted or considered by the zoning commission or staff. A city council referral back to the zoning commission will require publication of a new legal ad, posting of the property and mailing to the surrounding property. A referral back to the commission under this section requires a sixty (60) percent majority vote of the present and voting members of the council and may only be done once by the city council.~~

(d) Administrative determination shall be based on findings of fact for each criterion. If the application is approved, the applicant shall be notified in writing within ten (10) ~~calendar~~ business days of the approval. The notification shall include:

(1) Identification of any conditions of approval;

(2) Automatic termination date; and

(3) Notification that permit issuance is contingent upon compliance with the conditions of approval.

(e) If the application is denied, it shall constitute a determination that the applicant has not shown that the decision criteria required for special review use approval have been satisfied. A decision to deny shall include the following:

(1) A statement that the application is denied;

(2) A description of the project, including acreage and proposed use characteristics;

(3) Findings for each of the decision criteria;

(4) A statement indicating that a denial does not limit the applicant's ability to resubmit a revised application for consideration;

(5) A statement that the decision may be appealed to a court of competent jurisdiction; and

(6) The date of the decision.

F. *Requirements of approval.*

1. All of the conditions imposed by the special review use approval:

(a) Constitute restrictions running with the land use;

(b) Apply, are binding upon, and must be adhered to by the property owner and any successors, transferees, or assigns;

2. The right to building and occupancy permits are contingent upon the fulfilment of all conditions imposed by the special review use approval.

G. *Amendment to approved special review uses.* Uses that have been approved pursuant to a special review ~~by the city council~~, may be allowed to expand or remodel without an additional special review, provided that the expansion or remodeling meets all of the following criteria:

1. The gross floor area of the remodeled or expanded establishment is not over ten (10) percent greater than the gross floor area originally occupied by the special review use;

2. The number of potential occupants is not increased by more than ten (10) percent over the number that is currently allowed;

3. The number of new parking stalls is not more than ten (10) percent greater than the original number of spaces; and

4. All other requirements of this zoning code and/or the BMCC are met.

H. *Expiration of approval.*

1. *Non-establishment.* A special review use shall expire one year after the date of issuance unless substantial work has commenced pursuant to the approval and continues in good faith to completion.
2. *Non-use.* If a special review use has been established but ceases to operate for more than six (6) months, the special review approval shall expire.

Section 27-1624. Temporary use permit.

Temporary uses are processed through section 27-1620, Permits.

Section 27-1625. Wind and solar facilities.

A. *Application types.* Tier 2 wind and solar facilities are processed through section 27-1620, Permits. Tier 3 wind and solar facilities are processed through section 27-1623, Special review use.

B. *Additional information.* Both applications shall include the following information:

1. Approved net metering agreement(s) and copies of applications to or approved permit from applicable state and federal agencies.
2. A landscape plan showing that all areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the zoning coordinator.
3. A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff.
4. A preliminary transportation plan describing ingress and egress to the proposed project site to deliver equipment and provide access during and after construction. Such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, as well as measures which will be taken to restore damaged or disturbed access routes following construction.
5. An environmental assessment that analyzes the impact of the proposed project regarding on-site and site-adjacent floodways, riparian corridors, open water, wildlife migration routes, protected habitat, protected plant species, and other environmentally sensitive areas as identified by the county, city, state, or federal government, along with proposed mitigation recommendations.
6. A decommissioning plan, compliant with MCA 75-26-301 where applicable, shall be prepared and submitted with zoning compliance permit or special review application. The plan shall address the following:
    (a) Defined conditions upon which decommissioning will be initiated (e.g., end of land lease, no power production for twelve (12) months, etc.).
    (b) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations and restoration of property to condition prior to development of the WECS. This shall include a revegetation plan. The

applicant may propose retaining some site improvements, such as roads and infrastructure, subject to landowner consent and city approval.

(c) Timeframe for completion of decommissioning activities, not to exceed one year.

(d) Description and copy of any lease or any other agreement with landowner regarding decommissioning.

(e) Name and address of person or party responsible for decommissioning.

(f) Plans and schedule for updating this decommissioning plan.

(g) A professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the city that:

(1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit to be deposited in an escrow account with an escrow agent acceptable to the city.

(2) The city shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one year of the end of project life, inoperability of individual WECS turbine, or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.

(3) The city is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

(4) The city is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the city's right to seek reimbursement from applicant, operator, or their successor(s) for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant, operator, or their successor(s), or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.

7. Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Billings city clerk.

C. *Annual activity statement.* Following approval, all permit holders are required to submit an annual activity statement that confirms that the system is still active and compliant with the permit and that provides current owner and emergency contact information. This requirement shall not preclude the city from undertaking a separate compliance report where confirmation of data provided by the facility's operator is desired.

Section 27-1626. Wireless communication facilities.

A. *Application types.* Wireless communication facilities are processed through section 27-1620, Permits.

B. *Minor modification procedures.*

1. Minor modifications to facilities permitted under these regulations shall be approved by the planning division so long as they comply with the original approved design.

2. *Timeframe for review.* Subject to the tolling provisions of subparagraph 3. below, within sixty (60) calendar days of the date on which an applicant submits an application seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by this subsection, or otherwise in non-conformance with applicable codes.

3. *Tolling of the timeframe for review.* The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the city and the applicant, or in cases where the zoning coordinator determines that the application is incomplete:

   (a) To toll the timeframe for incompleteness, the city must provide written notice to the applicant within thirty (30) calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;

   (b) The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the city's notice of incompleteness;

   (c) Following a supplemental submission, the city will notify the applicant within ten (10) calendar days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection 14.(c)(1). In the case of a second or subsequent notice of incompleteness, the city may not specify missing information or documents that were not delineated in the original notice of incompleteness;

   (d) Failure to act. In the event the city fails to act on a request for minor modification, within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The request becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted;

   (e) Interaction with Telecommunications Act Section 332(c)(7). If the city determines that the applicant's request is not a request for minor modification, the presumptively reasonable timeframe under Section

332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the city's decision that the application is not a request for minor modification. To the extent such information is necessary, the city may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews; and

(f) In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided that, applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the city to request additional submittals and additional time that may be reasonably necessary for review of the modified application.

4. *Decision.* The approval authority shall review a minor modification application to determine if the proposed facilities modification is subject to this section, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

   (a) Within sixty (60) calendar days of the date on which the city receives a minor modification application, less any time period that may be excluded under the tolling provisions of this section or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue a minor modification permit unless the approval authority determines that the application is not subject to this section, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

   (b) Denial. A minor modification application shall be denied upon determination by the approval authority that the proposed facilities modification is not subject to this section or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria. A denial of a minor modification application shall set forth in writing the reasons for the denial and shall be provided to the applicant.

   (c) Deemed approved application. An application that has been deemed approved shall be and constitute the equivalent of a minor modification permit, except as may be otherwise determined by a court of competent jurisdiction, and shall be subject to generally applicable enforcement and compliance requirements in the same manner as a minor modification permit issued pursuant to this section.

5. *Term of minor modification permit.* A minor modification permit issued pursuant to this section, and any deemed approve application, shall be valid for a term

of one hundred eighty (180) calendar days from the date of issuance, or the date the application is deemed approved.

C. *New support structure and major modification procedures.* Applications for new support structures and major modifications to existing antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any modifications that exceed the definition of minor modifications and constitute a substantial change per subsection 27-1007.C.3.

Section 27-1627. Variances.

A. *Applicability.*

1. The ~~board of adjustment (BOA)~~ Zoning Coordinator shall have the authority to grant a variance from the terms of this zoning code in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to the lot shape or topography, a literal enforcement of the provisions of the Code would result in unnecessary hardship.

2. The variance process may not be used to:

(a) Waive, modify or amend any definition or use classification;

(b) Waive, modify or otherwise vary any of the review and approval procedures of this zoning code; or;

(c) Waive, vary, modify or otherwise override a condition of approval or requirement imposed by another authorized board or commission.

B. *Authority.* A request for variance may be filed by a property owner or the owner's agent.

C. *Procedures.*

1. *Common procedures.* Common procedures for variances are identified in Table 27-1600.1 and are summarized here for applicant convenience.

2. *Specific procedures.*

(a) Notice shall be provided as follows:

(1) *Published.* ~~(Place notice in a newspaper of general circulation at least fifteen (15) calendar days in advance of the date set for the public hearing; twice.~~ Notice of the application shall be advertised in a newspaper of general circulation twice as provided in MCA 7-1-4127(7)(a).

(2) *Mailed.*

~~a. Notify the owner of the property and/or owner's agent at least five (5) calendar days in advance of the hearing date;~~

~~b~~a. Notify the property owners within one hundred fifty (150) feet of the exterior boundaries of the subject property;

(3) *Posted.* Place a notice on the property at least fifteen (15) calendar days prior to the hearing date.

D. *Decision criteria.* Before the ~~BOA~~ Zoning Coordinator grants a variance, it shall determine:

1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;
2. That a literal interpretation of the provisions of this zoning code would deprive the applicant of rights commonly enjoyed by other tracts in the same district;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district;
4. That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the growth policies;

E. *Review and decision-making.*

~~1. Whenever the city board of adjustment grants an application for a variance, the minutes shall specifically state the criteria upon which the variance is granted.~~

~~2.~~1. In granting any variance, the ~~BOA~~ Zoning Coordinator may prescribe appropriate conditions and safeguards in conformity with this zoning code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this zoning code.

~~3.~~2. The ~~BOA~~ Zoning Coordinator shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

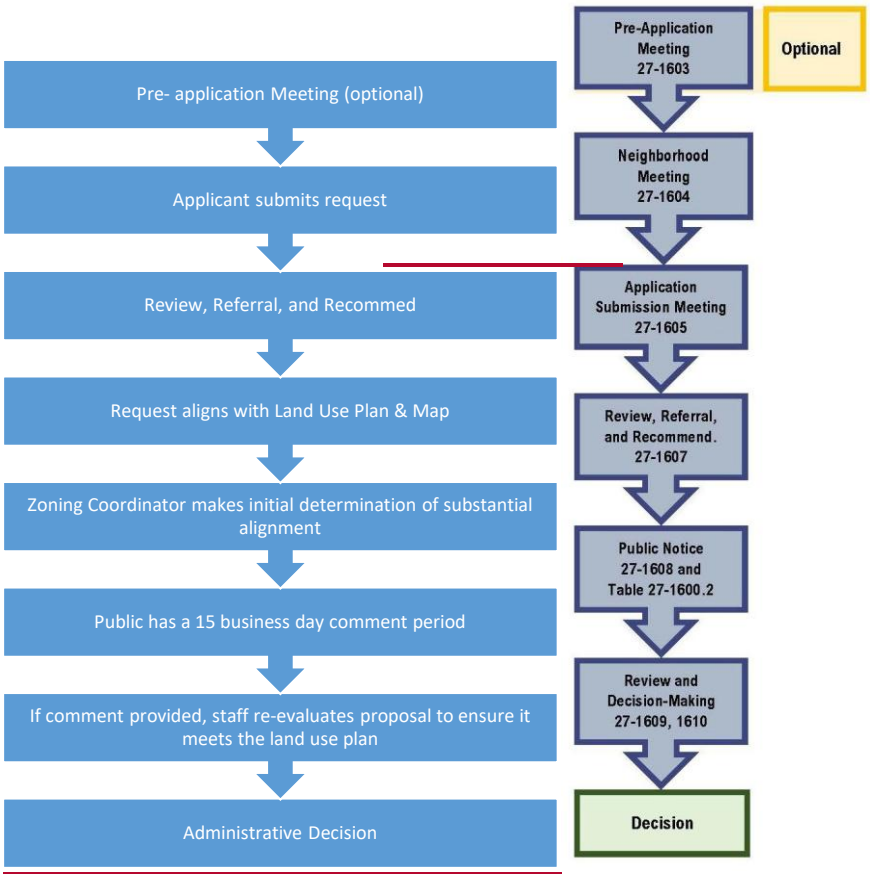
~~4.~~3. Under no circumstances shall the Zoning Coordinator ~~BOA~~ grant a variance to allow a use not permissible under the terms of this chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

F. *Post-approval action.* A request for changes in conditions of approval of a zoning variance must be processed as a new variance application, including the requirements for fees and notices ~~and hearings~~.

G. *Transferability.* Zoning variance approval runs with the land and is not affected by changes of tenancy, ownership, or management.

H. *Reapplication.* If an application for a variance is denied by the Zoning Coordinator ~~BOA~~ and not approved for reconsideration, another application shall not be filed within a period one year from the date of denial.

Section 27-1628 Zone change



A. *Purpose.* This zoning code, including the official zoning map, may be amended by the city council.

B. *Initiation of zone change.*

~~1. *Text and map amendments.*~~ Proposals to amend the text of this zoning code (text amendment) or zoning map, may ~~be initiated by the city council, the Planning Commission, or the Yellowstone County Board of Planning.~~be made in accordance with MCA 76-25-304 or as it is amended from time to time.

~~2. *Zone change (map amendment).* Unless initiated by the city council, all applications for zone change must be submitted by the owner of the subject property, the contract purchaser, or the authorized agent of the owner.~~

C. *Procedures.*

1. *Common procedures.* Common procedures for review and decision of a zone change application are identified in Table 27-1600.1 and are summarized here for applicant convenience.

2. *Specific procedures.*

~~(a) A pre-application neighborhood meeting is required per section 27-1604.~~

~~(1) The applicant shall provide a signed statement affirming the pre-application neighborhood meeting was conducted in conformance with the requirements of subsection 27-1604(b)(3), and the zone change application is based on material presented at the meeting. The signed statement shall include a copy of the meeting notice, any written materials provided to the surrounding property owners, a brief synopsis of the meeting results, a roster of the persons attending the meeting and audio or written minutes of the meeting.~~

(~~b~~a) Until July 1, 2027, ~~N~~notice of a zone change application shall be provided as follows:

(1) *Publication.* Notice of the application shall be advertised in a newspaper of general circulation ~~at least fifteen (15) calendar days in advance of the date of the public hearing.~~ twice as provided in MCA 7-1-4127(7)(a).

(2) Mailed notice shall be provided to the applicant and/or applicant's authorized agent; and

a. Where the subject property is equal to or more than six hundred (600) feet to exterior coterminous city limits: All property owners within a 300-foot radius. Where the subject property is less than six hundred (600) feet to exterior coterminous city limits: All property owners within one thousand three hundred twenty (1,320) feet. Coterminous city limits do not include unincorporated islands within the city limits.

b. PD zone change: All property owners within one thousand three hundred twenty (1,320) feet. fc. PND zone change: All property owners within one thousand three hundred twenty (1,320) feet. ~~d. In addition to the notice above and before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall~~

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~~include what the proposed map amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made at least fifteen (15) calendar days in advance of the date of public hearing.~~

(3) *Posted.* Place notice of the public hearing on the property subject to the zone change fifteen (15) ~~calendar~~ business days in advance of the public hearing.

(4) Notice of a text amendment shall be published in the same manner as the publication requirement of a zone change application. ~~Public hearings shall be held for both the city Planning Commission review and city council review of the request for zone change or text amendment.~~

D. *Decision criteria.* The review and decision-making bodies shall consider the following statutory criteria in making a recommendation or decision regarding a zone change application:

1. Whether the proposed zoning regulation, map, or amendment ; ~~new zoning~~ is designed in ~~accordance~~ alignment with the growth policy plan and and map~~;~~
2. Whether the new zoning is designed to secure from fire and other dangers;
3. Whether the new zoning will promote public health, public safety and general welfare;
4. Whether the new zoning will facilitate the adequate provision of transportation both motorized and nonmotorized, water, sewerage, schools, parks and other public requirements;
5. Whether the zoning protects natural resources, the natural environment within the area; ~~5. Whether the new zoning will provide adequate light and air;~~
6. ~~Whether the new zoning will affect motorized and nonmotorized transportation;~~
7. ~~Whether the new zoning will promote compatible urban growth;~~
8. ~~Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;~~
9. ~~Whether the new zoning will conserve the value of buildings; and~~
10. ~~Whether the new zoning will encourage the most appropriate use of land throughout the city.~~

E. *Review and decision-making.*

1. ~~City Zoning Commission recommendation~~Zoning Coordinator.

(a) The Zoning Coordinator shall consider each application in accordance with the provisions of this section, should the application be found to have a new or increased impact or not align with the adopted growth policy or map then the applicant shall provide additional analysis as determined by

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the zoning coordinator shall follow and the process outlined in MCA 76-25-305 shall be followed.

(b) The Zoning Coordinator shall:

(1) Approve the application;

(2) Deny the application.

~~(a) The city Zoning Commission shall make a recommendation to the city council to:~~

~~(1) Deny the application;~~

~~(2) Approve the application.~~

~~(b) Prior to closure of the public hearing, the Zoning Commission may also grant a request, without prejudice to the applicant, to allow:~~

~~(1) Withdrawal of the application; or~~

~~(2) A delay of the public hearing not to exceed sixty (60) days.~~

~~(3) Only one delay request by the applicant will be granted by the Zoning Commission.~~

~~(c) The Zoning Commission on its own motion, may continue the public hearing to a date certain, in response to a finding for any of the decision criteria in subsection 27-1628.D., that requires additional information from the applicant. Only one continuance, not to exceed sixty (60) days, on its own motion can be considered by the Zoning Commission.~~

~~(d) Recommendations from the Zoning Commission shall be based on findings of fact and shall be transmitted to the applicant or applicant's agent, and the city council within fifteen (15) calendar days of the conclusion date of the public hearing before the Zoning Commission.~~

~~(e) The recommendation of the Zoning Commission shall be published in a newspaper of general circulation.~~

~~(f) A report of the commission's recommendation, findings and conclusions shall be submitted to the city council.~~

~~2. *City council action.*~~

~~(a) The city council shall hold a public hearing within thirty (30) calendar days after the publication of the Zoning Commission recommendation.~~

~~(b) Before taking action on a zone change application, and after presentation of the Zoning Commission report, the city council shall hold a public hearing on the application.~~

~~(c) A second reading of the ordinance is required by BMCC section 2-232.~~

~~(d) The city council shall:~~

~~(1) Approve the application;~~

(2) Deny the application;

(3) Allow withdrawal of the application;

(4) Delay the application for a period not to exceed thirty (30) calendar days; or

(5) Refer the application back to the Zoning Commission for an additional public hearing based on a determination that 1) new information has been submitted that the applicant and public has not had a reasonable opportunity to examine and comment on, or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff. A city council referral back to the Zoning Commission will require publication of a new legal ad, posting of the property and mailing to the surrounding property. A referral back to the commission under this section requires a sixty (60) percent majority vote of the present and voting members of the council and may only be done once by the city council.

3. *Protest petition triggers supermajority vote requirement.* As provided in MCA 76-2-305(2), in the event of a protest petition against such zone change signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, one hundred fifty (150) feet from a lot included in a proposed change, such proposed amendment shall not become effective except by the favorable vote of two-thirds (⅔) of the present and voting members of the city council.

(a) For purposes of this protest provision, each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest.

(b) If the property, as defined in MCA 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located.

(c) The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners.

(d) The protest petition must be received in the planning and community services department office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the city council.

Section 27-1803. Definitions.

A. *A terms.*

. . .

Accessory: A use, building or structure, part of a building or other structure, which is subordinate to the principal use in both function and gross floor area, and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage.

Attached accessory structure: Any structure or building which has any roof or wall in common with the principal structure. For purposes of zoning, an attached accessory structure is considered part of the principal structure which is subordinate in both function and gross floor area.

Detached accessory structure: Any structure or building which does not have any roof or wall in common with any principal structure or building. For purposes of zoning, a detached accessory structure must maintain a minimum distance of six (6) feet from any other building or structure.

. . .

F terms.

. . .

Facade: The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements. The front facade is any building face adjacent to the front lot line.

Factory-built housing: see manufactured homes

Family day care home: See Child care facilities.

Farm stand: A temporary structure not permanently affixed to the ground and readily removable in its entirety, that is used solely for the display or sale of agricultural products.

Fence: A barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space to separate parcels of land. This term also includes a masonry wall.

Financial institution: Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

Flag: A flexible piece of fabric that is attached along one edge to a straight, rigid flagpole permanently affixed to the ground or building (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Flashing sign: An electronic message display, portion thereof, or non-EMD lighting that 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. Neon and incandescent lamps may flash in the following ways.

1. *Alternating:* One section comes on as another goes off.

2. *Scintillating:* Random sections go on and off with part of the lighting on at all times.
3. *Chasing:* One section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
4. *Sweeping (filling):* The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.
5. *On-off action:* Lighting that goes all on and then all off.

. . .

M. *M terms.*

. . .

Maintenance (sign): The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign. Replacement of a static sign with an EMD is considered a sign change that requires a permit.

Manufactured home~~:~~ (factory-built housing): ~~(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. "~~

1. Manufactured housing means a dwelling for a single household, built offsite in a factory, that is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or ~~housetrailer~~house trailer, as defined in 15-1-101.

Factory-built housing means a factory-assembled structure intended for residential use that is equipped with the necessary service connections but not made to be readily movable as a unit or units and is designed to be used with a permanent foundation; and is not certified by the United States department of housing and urban development but meets the inspection requirement of Title 50, chapter 60, part 4.

. . .

Mobile home: (See MCA 15-1-101(p~~e~~)) Forms of housing known as "trailers", "house-trailers", or "trailer coaches" exceeding eight (8) feet in width or forty-five (45) feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house-trailer, or trailer coach up to eight (8) feet in width or forty-five (45) feet in length used as a principal residence.

~~*Modular home:* (See ARM 42.4.201(14)) A home built in a factory setting in units, transported to the home site, placed on a permanent foundation, and joined. Modular homes are required to meet the Building Code adopted by the State of Montana.~~

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P. *P terms.*

. . .

Principal use: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory. The principal use must constitute the greater share of gross floor area on the lot or structure, exceeding the total square footage of any single accessory use.

. . .

T. Terms.

. . .

Theater: A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators.

Tiny dwelling unit (tiny home): means a residential dwelling unit that is 350 to 750 square feet, is on a permanent foundation, and is used as a single-family dwelling.

Toll and *tolling:* To delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

. . .

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 11th day of May 2026.

PASSED, ADOPTED and APPROVED on second reading this ___day of _____ 2026.

CITY OF BILLINGS

BY:_____

Mike Nelson, Mayor

Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 1083 - Zoning Code Amendments Legislative