

## ORDINANCE 23-5836

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING Sections 27-304, 27-305, 27-306, 27-307, 27- 308 and 27-1802 related to Build-To Zones, Build-to Averaging and Building Elements in Build-to Zones, BE AMENDED

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

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1628 BMCC,* provide for amendment to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** The text of Section 27-304 be amended to allow a greater build-to range, require certain building elements to be within that build-to range, and to allow build-to zone averaging to apply as an option and not a requirement in the N1 zone district.

**Section 3. ZONE TEXT AMENDMENT.** The text of Section 27-304 is amended as follows:

**Sec. 27-304. N1 district.**

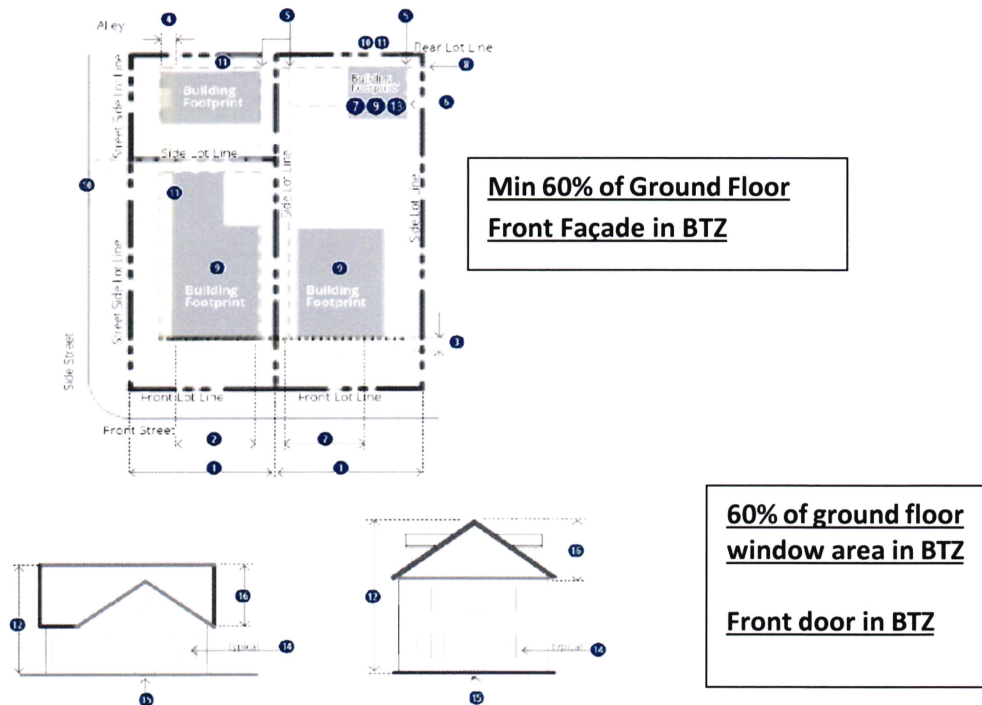
The following site and structure regulations apply to any lot in the N1 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300.3, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(1). See article 27-1800 for definitions and information on how to measure the following regulations.

**Table 27-300.3. Site and Structure Regulations.**

			REFERENCES
A.	BUILDING SITING		
3	Front Build-to Zone (feet) <u>BTZ</u>	8— <del>20</del> <u>25</u> ; match block face average <u>allowed</u>  <u>1) 60% of Front Façade width</u> <u>2) Front Door</u>	See article 27-1800 for block face averaging instructions.

	<b><u>Façade Elements Required in Build-to Zone</u></b>	<b><u>3) 60% of ground floor window area</u></b>	<b><u>See article 27-1800 for description of façade elements</u></b>
4	Street-Side Build-to Zone (feet)	5— <del>15</del> <b>20</b>	
7	Accessory Building Yard Location	Rear/ <b><u>Street Side Yard</u></b>	<b><u>Administrative Relief may be granted for side yard location</u></b> <b><u>See Sec. 27-1614</u></b>
11	Attached Garage Entrance Location	Rear, side, or street-side façade; front façade allowed maximum of no more than 40% of the facade <b><u>within the Front BTZ</u></b>	
<b>C. WINDOWS, FRONT DOOR, ROOF</b>			
15	Front Door Location Entrance Treatment	Front Façade <b><u>within the BTZ</u></b> See subsection 27-303.J for Front Entrance	See subsection 27-304.D for 2-unit buildings.
16	Permitted Roof Types	Pitched, tower permitted	See article 27-1800 for definition of roof types and exception for other allowed roof types. See article 27-1500 for existing buildings.
	<b><u>Roof Types Allowed with Administrative Relief</u></b>	<b><u>Any other Roof Type</u></b>	
	<del>— Minimum pitch, less than 2 stories</del>	<del>4:12 (rise:run)</del>	
	<del>— Minimum pitch, 2 or more stories</del>	<del>3:12 (rise:run)</del>	

**SINGLE-UNIT OR TWO-UNIT HOME**



**Figure 27-300(1). N1 district diagrammatic plans and elevations.**

**Section 4. DESCRIPTION.** The text of Section 27-305 be amended to allow a greater build-to range, require certain building elements to be within that build-to range, and to allow build-to zone averaging to apply as an option and not a requirement in the N2 zone district.

**Section 5. ZONE TEXT AMENDMENT.**

The text of Section 27-305 is amended as follows:

**Sec. 27-305. N2 district.**

The following site and structure regulations apply to any lot in the N2 district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.4, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(2). See article 27-1800 for definitions and information on how to measure the following regulations.

**Table 27-300.4. Site and Structure Regulations.**

			REFERENCES
<b>A.</b>	<b>BUILDING SITING</b>		
1	Minimum Lot Width (feet) per principal building Maximum Lot Width (feet) per principal building	50  120	See subsection 27-305.D for 2-unit buildings. See article 27-1500 existing lots of record.  <u><b>Lots on cul-de-sacs or flag lots are exempt from min lot width</b></u>
3	Front Build-to Zone (feet) <u><b>BTZ</b></u>  <u><b>Façade Elements Required in Front Build-to Zone</b></u>	10— <del>20</del> <u><b>32</b></u> ; match block face average <u><b>allowed</b></u>  <u><b>1) 60% of Front Façade width</b></u> <u><b>2) Front Door</b></u> <u><b>3) 60% of ground floor window area</b></u>	See article 27-1800 for block face averaging instructions.  <u><b>See article 27-1800 for description of façade elements</b></u>  <u><b>Lots on cul-de-sacs or flag lots are exempt from BTZ requirements</b></u>
4	Street-Side Build-to Zone (feet)	10— <del>15</del> <u><b>25</b></u>	
7	Accessory Building Yard Location	Rear/ <u><b>Street Side Yard</b></u>	<u><b>Administrative Relief may be granted for side yard location See Sec. 27-1614</b></u>
11	Attached Garage Entrance Location	Any façade; front façade limited to no more than 50% of façade <u><b>within the Front BTZ</b></u>	
<b>B.</b>	<b>HEIGHT</b>		
12	Principal Building:	1.5;	
	Maximum Height (stories)	2 stories <del>on maximum 60% of footprint except as provided in subsection 27-305.D</del>	
	Maximum Height (feet)	27	
<b>C.</b>	<b>WINDOWS, FRONT DOOR, ROOF</b>		
15	Front Door Location	Street Façade <u><b>within the Front BTZ</b></u>	See section 27-305.D for 2-unit buildings.
16	Permitted Roof Types <u><b>Roof Types Allowed with Administrative Relief</b></u>	<del>Low-p</del> Pitched, flat <u><b>Any other Roof Type</b></u>	See article 27-1800 for definition of roof types and exception for other allowed roof types.
	<del>—Maximum pitch—</del>	<del>3:12 (rise:run)</del>	
	<del>—Minimum pitch—</del>	<del>6:12 (rise:run), except as provided in subsection 27-305.D</del>	



SINGLE-UNIT OR TWO-UNIT HOME

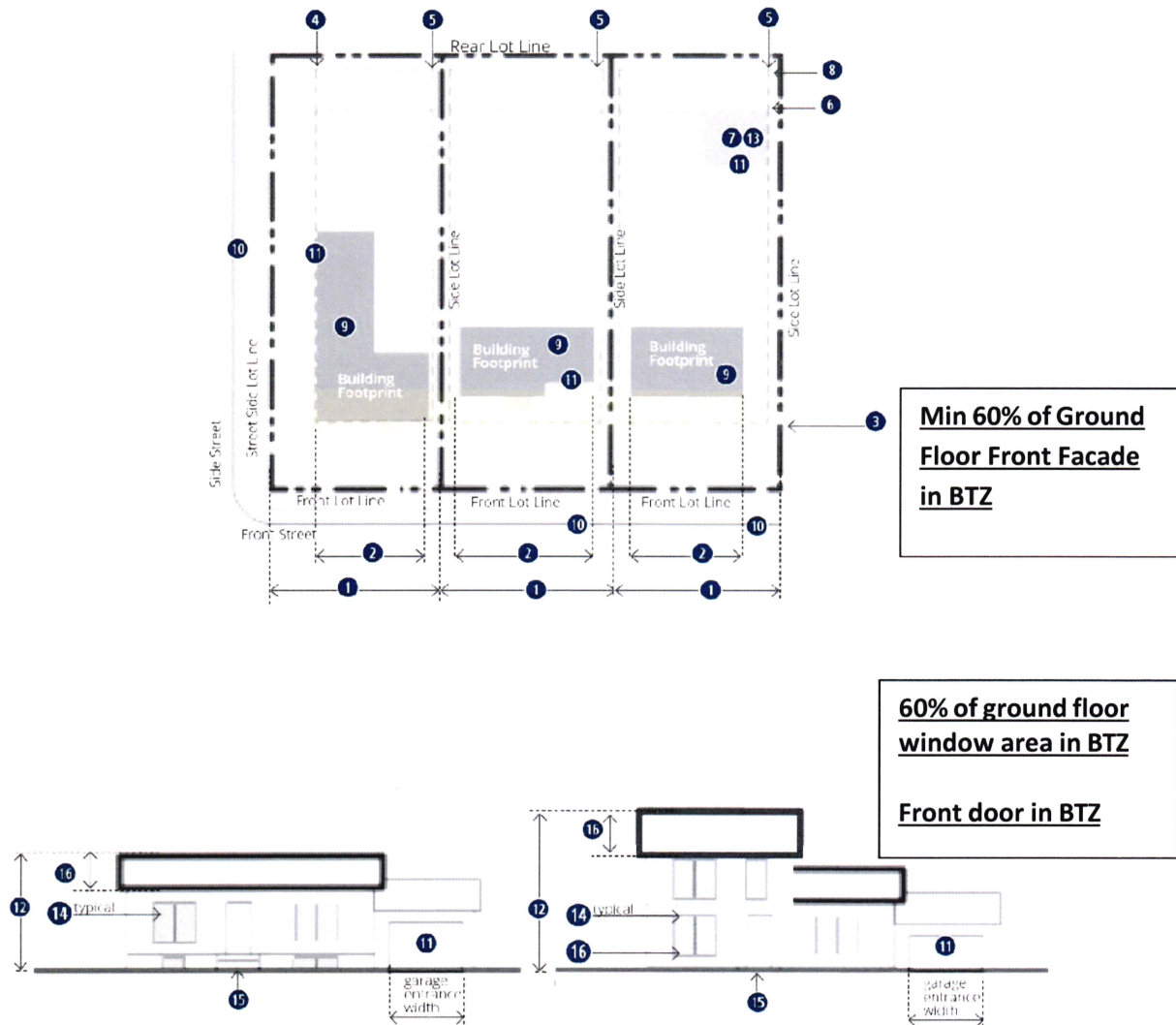


Figure 27-300(2). N2 district diagrammatic plans and elevations.

D. Supplemental regulations.

2. The following standards apply to two-unit buildings:

(a) *Configuration*. Allowed configurations include the following: side-by-side per below, stacked units, front and rear units, all located in the principal building; two (2) principal buildings on one lot; or a principal building with an accessory building (see article 27-1000).

(1) Garage entrances located on the front façade are limited to no more than fifty (50) percent of the front façade width within the Build-to Zone.

- (2) Up to two (2) front door entrances are permitted on the street façade (Table 27-300.4.C).
- (3) ~~Principal buildings may have two (2) stories for the entire footprint of the structure.~~
- (4) ~~Roofs may exceed the 6:12 maximum roof pitch.~~

**Section 6. DESCRIPTION.** The text of Section 27-306 be amended to allow an accessory building in a street side yard or in a side yard with administrative relief.

**Section 7. ZONE TEXT AMENDMENT.** The text of Section 27-306 is amended as follows:

**Sec. 27-306. N3 district.**

The following site and structure regulations apply to any lot in the N3 district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.5, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(3). See article 27-1800 for definitions and information on how to measure the following regulations:

**Table 27-300.5. Site and Structure Regulations.**

			REFERENCES
A.	BUILDING SITING		
7	Accessory Building Yard Location	Rear/ <u>Street Side Yard</u>	Administrative Relief may be granted for side yard location See Sec. 27-1614

**Section 8. DESCRIPTION.** The text of Section 27-307 be amended to allow a greater build-to range, require certain building elements to be within that build-to range, and to allow build-to zone averaging to apply as an option and not a requirement in the NX1 zone district.

**Section 9. ZONE TEXT AMENDMENT.** The text of Section 27-307 is amended as follows:

**Sec. 27-307. NX1 district.**

The following site and structure regulations apply to any lot in the NX1 district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.6, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(4). See article 27-1800 for definitions and information on how to measure the following regulations:

Table 27-300.6. Site and Structure Regulations.

		Single or Multi-Unit Building	Side-by-Side Attached Units	REFERENCES
A.	BUILDING SITING			
3	Front Build-to Zone (feet)  <b><u>Façade Elements Required in Front Build-to Zone</u></b>	8—20, <del>match</del> block face average <b><u>allowed</u></b> <b><u>1) 60% of Front Façade width</u></b> <b><u>2) Front Door</u></b> <b><u>3) 60% of ground floor window area</u></b>		See article 27-1800 for block face averaging instructions. See definitions for front and street-side. See subsection 27-307.D for through lots. Refer to subsection 27-1802 for visibility at intersections. See subsection 27-303.K for arterial setback regulations. <b><u>See article 27-1800 for description of façade elements</u></b>
4	Street-Side Build-to Zone (feet)	8—15		
7	Accessory Building Yard Location	Rear/ <b><u>Street Side Yard</u></b>	Rear/ <b><u>Street Side Yard</u></b>	<b><u>Administrative Relief may be granted for side yard location See Sec. 27-1614</u></b>
C.	WINDOWS, FRONT DOORS, ROOF			
15	Front Door Façade Location & Number of Doors	1 on street façade per building <b><u>within the Front BTZ</u></b>	1 per unit on street facade <b><u>within the Front BTZ</u></b>	See subsection 27-307.D for multiple buildings on a courtyard.
	Entrance Treatment	See subsection 27-303.J for Front Entrance		
16	Permitted Roof Types  <b><u>Roof Types Allowed with Administrative Relief</u></b>	Parapet, pitched; tower permitted  <b><u>Any other Roof Type</u></b>		See article 27-1800 for definition of roof types and exception for other allowed roof types.

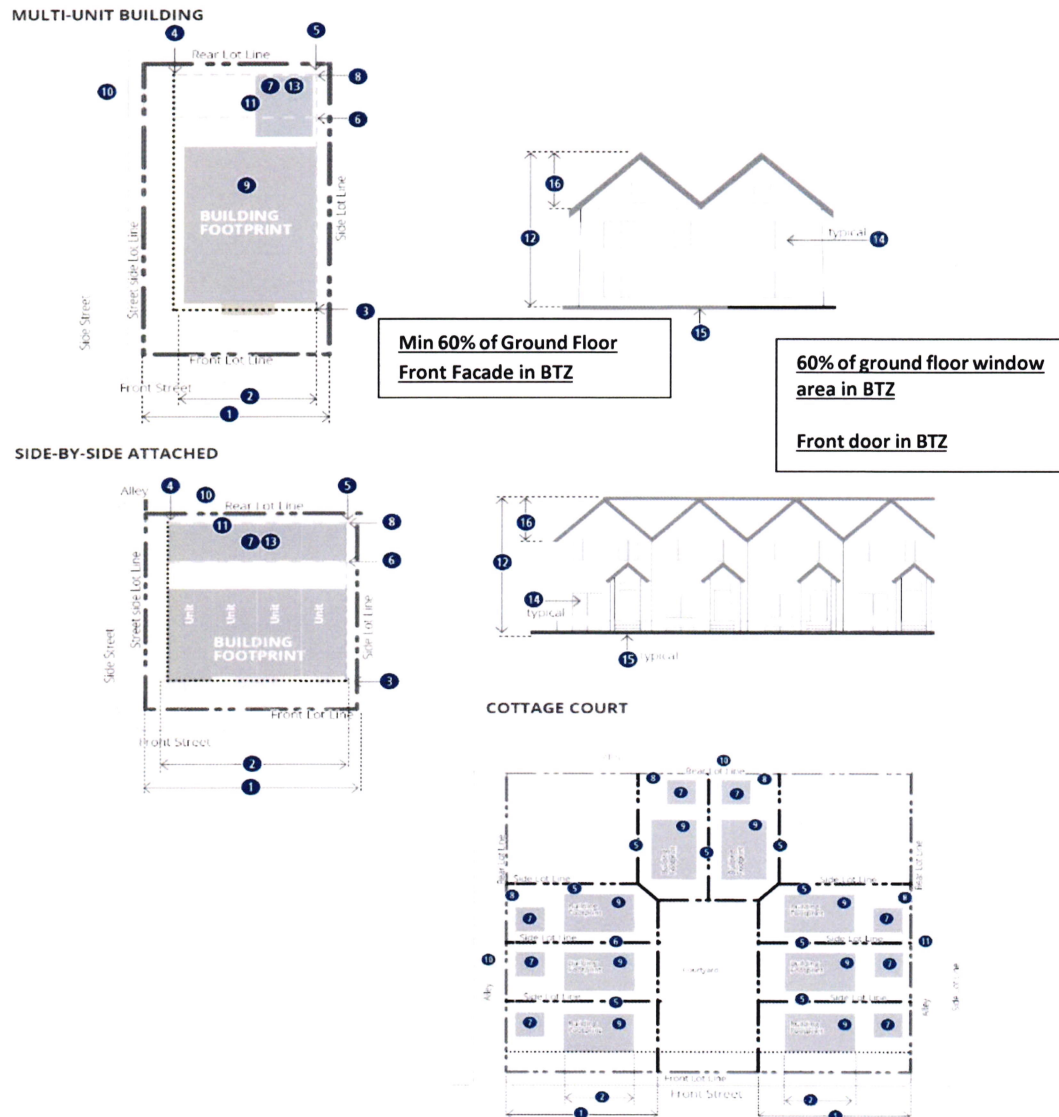


Figure 27-300(4). NX1 district diagrammatic plan.

**Section 10. DESCRIPTION.** The text of Section 27-308 be amended to allow a greater build-to range, require certain building elements to be within that build-to range, and to allow build-to zone averaging to apply as an option and not a requirement in the NX2/NX3 zone district.

**Section 11. ZONE TEXT AMENDMENT.**

The text of Section 27-308 is amended as follows:

**Sec. 27-308. NX2 and NX3 district.**

The following site and structure regulations apply to any lot in the NX2 and NX3 district. Refer to section 27-303 for general regulations applicable to all districts and



Table 27-300.7, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(5). See article 27-1800 for definitions and information on how to measure the following regulations:

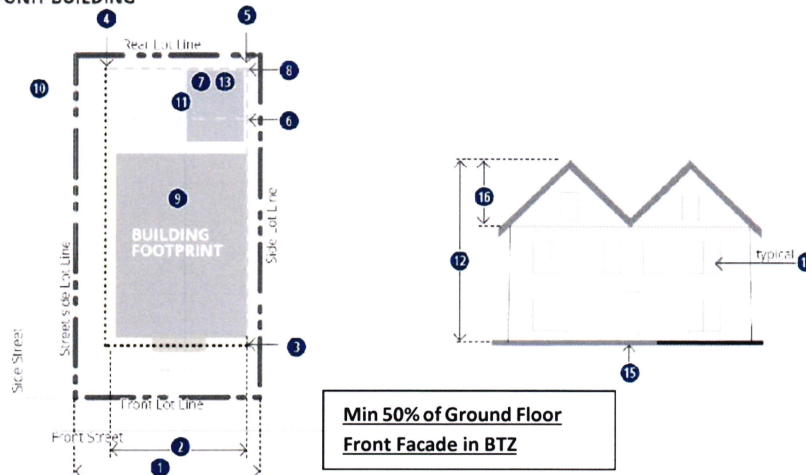
**Table 27-300.7. Site and Structure Regulations.**

		Multi-Unit Building	Side-by-Side Units	REFERENCES
A.	BUILDING SITING			
2	Maximum Building Width (feet)		172 feet on any frontage <u>in the BTZ</u>	See subsection 27-307.D for fee simple row building units
3	Front Build-to Zone (feet)  <u><b>Façade Elements Required in Front Build-to Zone</b></u>	10—20  <u><b>1) 50% of Front Façade width</b></u> <u><b>2) Front Door</b></u> <u><b>3) 60% of ground floor window area</b></u>		See definitions for front and street-side. See subsection 27-303.K for arterial setback regulations. See subsection 27-307.D for through lots. Refer to section 27-1802 for visibility at intersections.
4	Street-Side Build-to Zone (feet)	5—15		
7	Accessory Building Yard Location	Rear/ <u><b>Street Side Yard</b></u>	Rear/ <u><b>Street Side Yard</b></u>	<u><b>Administrative Relief may be granted for side yard location See Sec. 27-1614</b></u>
B.	HEIGHT			
12	Principal Building:			See article 27-1800 for definition of half story.
	Minimum Height (stories)	<del>2</del> <u><b>1</b></u>	<del>1.5</del> <u><b>1</b></u> for NX2; 2 for NX3	
	Maximum Height (stories)	3 for NX2; 4 for NX3	2.5 for NX2; 3 for NX3	
C.	WINDOWS, FRONT DOOR, ROOF			
15	Front Door Façade Location & Number of Doors	1 per building on street façade <u><b>within the Front BTZ</b></u>	1 per unit on street façade <u><b>within the Front BTZ</b></u>	See article 27-1800 for multiple buildings on a courtyard.
	Entrance Treatment	See subsection 27-303.J for Front Entrance		

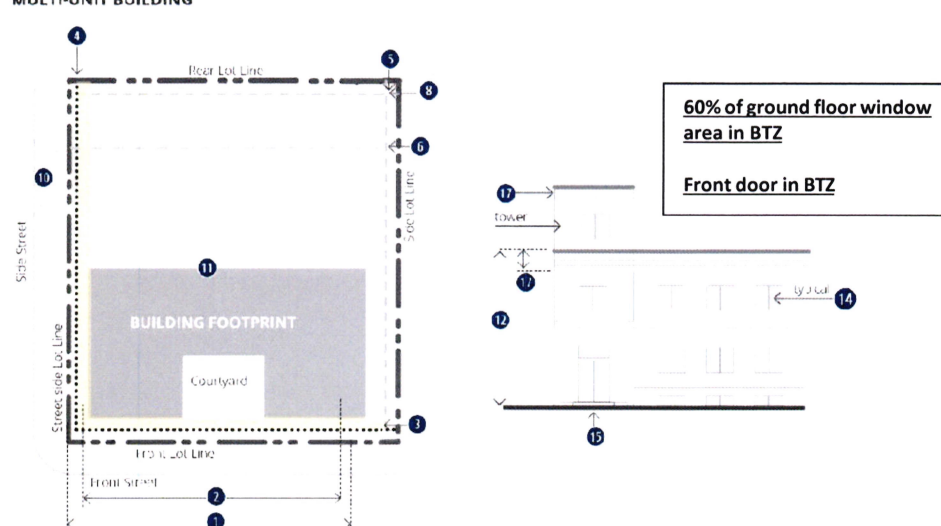


16	<p>Permitted Roof Types</p> <p><u>Roof Types Allowed with Administrative Relief</u></p>	<p>Parapet, pitched, flat; tower permitted</p> <p><u>Any other Roof Type</u></p>	<p>See article 27-1800 for definition of roof types and exception for other allowed roof types.</p>
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MULTI-UNIT BUILDING



MULTI-UNIT BUILDING



## 5+ UNIT BUILDING

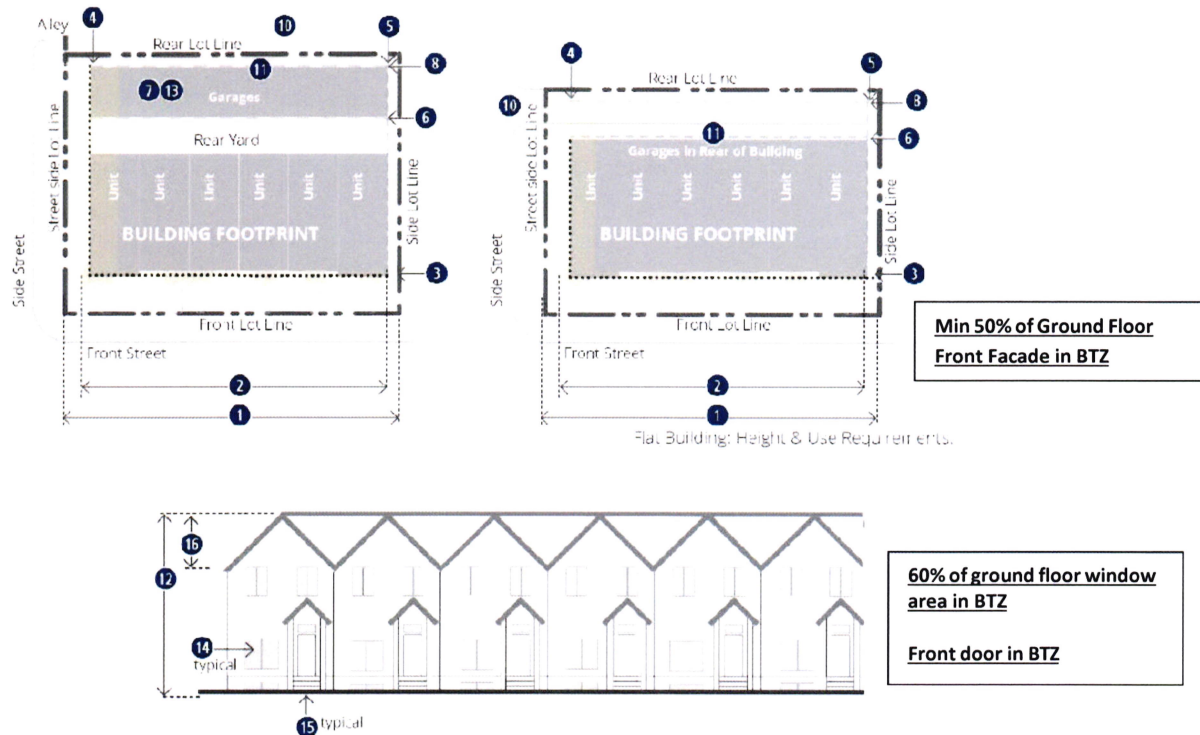


Figure 27-300(5). NX2 and NX3 district diagrammatic plans.

**Section 12. DESCRIPTION.** The text of Section 27-1802 be amended to include new language and descriptions to match the amended Sections 27-304, 27-305, 27-307 and 27-308.

**Section 13. ZONE TEXT AMENDMENT.** The text of Section 27-1802 is amended as follows:

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

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#### B. Building and parking siting measurements and terms.

1. Building coverage, maximum. The maximum percentage of a yard or lot permitted to be covered by buildings and any other structures with a roof.
2. Build to corner. Buildings are required to be located within the intersection of the front and street-side build-to zones at street corners.
3. Build-to zones. The build-to zone, when required, is designated separately for each street frontage, front and street-side, in the site and structure regulations table for each district. Facade elements such as front door(s), windows on the ground floor and a

**percentage of the front façade must be within the build-to zone as shown in the site and structure regulations table for each district. Front or side street facades setback equal to or more than twice the maximum build-to zone in the district are not considered part of the front or street side façade.**

(a) Definition. An area in which **all or a percentage of** the front or street side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. **The area between the minimum and maximum is called the Build-to Range.** Refer to Figure 27-1800-3.

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(d) Build-to zone (BTZ) averaging. **An owner may choose to increase the maximum build-to zone to better match existing development patterns.** The front setback **build-to zone** average **maximum setback** shall be calculated as follows:

(1) Measurement. The average of the front setbacks of the next two (2) lots on each side of the lot on the same side of the street. If any applicable lots are vacant, the minimum front setback or build-to zone from the site and structure regulations of the district shall be used in the calculation.

(2) Corner lots. For corner lots, the average of the front setbacks of the next two (2) lots adjacent to the lot with the same street frontage as the lot in question. If any applicable lots are vacant, the minimum front build-to zone shall be used in the calculation.

**Section 14. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 15. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 16. 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 22<sup>nd</sup> day of May, 2023.

PASSED, ADOPTED and APPROVED on second reading this 12<sup>th</sup> day of June, 2023.



CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

Zone Change 1029, Text Amendment for Build to Zones, Neighborhood Districts