

ORDINANCE NO. 07-5421

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-201; DEFINITIONS AND SECTION 27-601; ABANDONED VEHICLES AND STORAGE, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.*

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. That the Billings, Montana City Code be amended by revising Section 27-201 to add new language in alphanumeric order to the existing list of definitions to read as follows:

SEC. 27-201. DEFINITIONS.

Enclosed structure means a building that protects the contents thereof from the elements, including sight obscuring walls on all sides and a roof.

Inoperable vehicle means any vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes or any vehicle not having current license plates lawfully affixed thereto.

Junk means any worn out cast off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

Merchandise means all items of movable personal property offered for sale to the public for which no title is required to be registered with or issued by the state.

Motor Vehicle means a two (2) or more wheeled or track vehicle designed to transport one (1) or more persons or properties from one (1) location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

Open storage means the storage for a period of five (5) consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

Salvage means something saved as valuable or useful from trash, rubbish, worn out equipment, or junk.

Trash means something worth little or nothing.

Section 4. That the Billings, Montana City Code be amended by revising Section 27-601 to delete existing language and add new language as follows:

Sec. 27-601. Abandoned Vehicles Parking and Storage Restrictions.

(a) **Definitions.** For the purposes of this section, the terms used above shall be defined as follows:

Automobile means a two (2) or more wheeled or track vehicle designed to transport one (1) or more persons or properties from one (1) location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

Enclosed structure means a building that protects the contents thereof from the elements, including sight obscuring walls on all sides and a roof.

Inoperable vehicle means any automobile incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes or any automobile not having current license plates lawfully affixed thereto.

Junk means any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

Junk vehicle means any automobile which is ruined, wrecked, partially dismantled and which is not lawfully and validly licensed.

Merchandise means all items of movable personal property offered for sale to the public for which no title is required to be registered with, or issued by, the state.

Open storage means the storage for a period of five (5) days or more of an unlicensed or inoperable vehicle, appliance, implement or machinery, or any part thereof, outside of an enclosed structure.

Permanent storage means storage of chattel, salvage, rubbish or junk for a period exceeding five (5) days without moving.

(a) **Residential.** The following standards for off-street parking and storage shall apply in all residential zoning districts and on property that is developed for residential use.

- (1) **Open storage and off-street parking of licensed and operable motor vehicles is an allowed accessory use as defined in Section 27-201.**
- (2) **Open storage and off-street parking of inoperable motor vehicles for more than five (5) consecutive days is a prohibited use.**

- (3) Within the Billings city limits open storage and off-street parking of licensed and operable motor vehicles in any front or side yard shall be on a surface prepared with asphalt or concrete. Open storage and off-street parking of licensed and operable motor vehicles in any rear yard may be on any type of surface. (See also BMCC Sections 6-1203, 24-401 and 27-1201)
- (4) Open storage and off-street parking of one (1) licensed and operable motor vehicle used for commercial or business purposes is an allowed accessory use provided it does not exceed twelve thousand (12,000) pounds in G.V.W. (gross vehicle weight). Outside the Billings city limits on property **zoned Agriculture Open Space or Agriculture Suburban** this motor vehicle weight limitation shall not apply.
- (5) Display of merchandise other than for a garage sale or a use allowed by permit under the Temporary Use section of this code (Section 27-614) is prohibited.
- (6) Open storage and off-street parking of licensed and operable recreational vehicles including but not limited to snowmobiles, boats, and campers, all-terrain vehicles, off-road motorcycles, and sport/utility trailers is an allowed accessory use in any rear yard. Open storage and off-street parking of licensed and operable recreational vehicles is an allowed accessory use in a front or side yard only if there is no access to a rear yard. Within the Billings city limits open storage and off-street parking of licensed and operable recreational vehicles in a front or side yard shall be on a surface prepared with asphalt or concrete. Open storage of licensed and operable recreational vehicles in a rear yard may be on any type of surface. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide at least a five (5) foot separation between such recreational vehicle and any door, window or other opening of a dwelling or accessory building that provides ventilation or access to the structure. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide setbacks to property lines equal to or greater than accessory building zoning code setback requirements.
- (7) The use of any recreational vehicle for living or sleeping purposes for more than five (5) consecutive days is prohibited when parked off-street or stored in any residential zoning district or in an area developed for residential use.
- (8) Open storage for more than five (5) consecutive days of junk, salvage and trash is prohibited.

(b) **Storage and display of merchandise in residential districts.** Outside display of merchandise is prohibited in all residential zoning districts.

(b) **Commercial and Industrial** The following standards for off-street parking and storage shall apply in all commercial and industrial zoning districts.

- (1) Open storage for more than five (5) consecutive days of junk, salvage and trash is prohibited.
- (2) Open storage for more than five (5) consecutive days of material collected as salvage for recycling, re-use, dismantling to remove parts for re-use or for separation prior to recycling or destruction is a Special Review use of property only in Highway Commercial (SIC 5015), Controlled Industrial (SIC 5093) and Heavy Industrial (SIC 5093).

- (3) Open storage and off-street parking of inoperable motor vehicles for more than five (5) consecutive days is a Special Review use of property only in Highway Commercial (SIC 5015), Controlled Industrial (SIC 5093) and Heavy Industrial (SIC5093).
- (4) Open storage and off-street parking of inoperable motor vehicles for more than five (5) consecutive days is an allowed accessory use of property for principal uses classified as Automotive Repair Shops (SIC 753). The open storage and off-street parking area shall be located in the rear or side yard, and inoperable motor vehicles or vehicle parts shall not be visible from any right of way or adjoining property. A sight obscuring fence of at least six (6) feet in height from grade shall be required to enclose the storage or off-street parking area for inoperable motor vehicles. Chain link fence may be allowed as a sight obscuring fence if opaque slat inserts are used.
- (5) Outside display of merchandise is permitted in residential professional, neighborhood commercial, community commercial, highway commercial, and controlled industrial zoning districts only if the merchandise is related to the principal use of the property, and such merchandise is removed each night into an enclosed structure. The continuous outside display of merchandise is permitted when the principal use of property is for lumber and construction materials (SIC 503, 521 and 525), wholesale and retail nurseries, lawn and garden supply (SIC 078, 081, 5191, 5193, and 526) or for temporary uses and structures regulated by section 27-614.
- (6) Bufferyards and required landscaping shall not be used for the displaying of merchandise in any commercial or industrial zoning district.
- (7) Outside the city limits, The use of any recreational vehicle for living or sleeping purposes for more than five (5) consecutive days is prohibited when parked off-street or stored on property zoned for commercial or industrial uses or on property developed for commercial or industrial uses.

- (c) Storage and display of merchandise in certain commercial districts.** Outside display of merchandise is permitted in residential professional, neighborhood commercial, community commercial, highway commercial, and controlled industrial zoning districts only if the merchandise is new and not used, is related to the principal use of the property, and such merchandise is removed each night into an enclosed structure. This section shall not apply to retail nurseries or temporary uses and structures regulated by section 27-614. Bufferyards and required landscaping shall not be used for the displaying of merchandise in any zoning districts.
- (d) Storage or parking of vehicles.** In all residential zoning districts, storage or parking of commercial vehicles shall be limited to one (1) delivery vehicle not to exceed eight thousand (8,000) pounds G.V.W. (gross vehicle weight).
- (e) Abandoned vehicles.** All inoperable automobiles, or parts thereof, parked or stored for a period exceeding five (5) days shall be considered abandoned. Any such automobile that in the judgment of the zoning enforcement officer appears to

be abandoned, including parts thereto, shall be removed and disposed of in a manner set forth by the zoning enforcement officer.

(f) ***Storage of trailers and recreational vehicles.*** Snowmobiles, boats, or other recreational vehicles and campers, camper trailers or motor homes, and utility/sport trailers may be parked or stored on private property provided that all current accessory building zoning code setback requirements are observed. In addition to accessory building setback requirements, such items shall not be parked any nearer than five (5) feet from any door, window or other opening of a dwelling which provides light, air, entrance to, or exit from the dwelling as needed to preserve the health, safety and general welfare of the occupants of the dwelling.

However, it shall be unlawful for any person or firm to park or store such vehicles in any front yard or to occupy campers, camping trailers or motor homes for living or sleeping purposes.

(g) ***Storage of salvage.*** Permanent open storage of salvage, inoperable vehicles, rubbish or other chattel shall not be permitted in any zoning district. Exceptions to this restriction are principal uses of property (e.g., auto wrecking) which may be permitted in the highway commercial, controlled industrial or heavy industrial zoning districts, as regulated by the commercial/industrial district regulations in BMCC section 27-306.

(h) ***Inoperable vehicle or junk vehicle.*** Storage, parking or leaving any inoperable vehicle or junk vehicle shall not be permitted in any district. This section shall not apply to:

1. Automobiles stored in commercial or industrial districts which are regulated by BMCC sections 27-301, et seq.; or
2. An automobile or part thereof which is completely enclosed within a building in a lawful manner and where it is not visible from the street or other public or private property.

Section 5. REPEALER. All ordinances or parts of ordinances in conflict 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.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading June 25, 2007.

PASSED, ADOPTED AND APPROVED on second reading July 9, 2007.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

ZC#810 – Amending Section 27-201 Definitions and Section 27-601 Abandoned Vehicles and Storage Restrictions