

## ORDINANCE NO. 04-5292

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-305; ELIMINATING DUPLEXES AS PERMITTED USES IN THE RESIDENTIAL MANUFACTURED HOME ZONE; REVISING SECTION 27-601; PROHIBITING OPEN STORAGE OF SALVAGE OR OLD APPLIANCES, DEFINING TERMS, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING A SEVERABILITY CLAUSE; REVISING SECTION 27-201; PROVIDING A NEW DEFINITION OF FAMILY; REVISING SECTIONS 27-308 THROUGH 27-310; PROVIDING THAT THE MAXIMUM ALLOWABLE HEIGHT IN RESIDENTIAL AND CERTAIN COMMERCIAL ZONING DISTRICTS BE INCREASED TO 34 FEET; AND THAT THE MAXIMUM HEIGHT MAY BE INCREASED BY 10% IN CERTAIN CIRCUMSTANCES IN ALL ZONING DISTRICTS; REVISING SECTIONS 27-301, 305, 308 and 611; PROVIDING TWO NEW SINGLE FAMILY ZONING DISTRICTS ALLOWING MINIMUMS OF 6,000 SQUARE FEET AND MINIMUM 7,000 SQUARE FEET TO BE RESTRICTED TO SINGLE FAMILY USE ONLY, WITH SOME ADDITIONAL USES ALLOWED BY SPECIAL REVIEW. REVISING SECTION 27-604; PROVIDING THAT THE ALLOWABLE MATERIALS USED FOR FENCES BE CLARIFIED AND DEFINED, AND THAT THE FENCE REGULATIONS AS A WHOLE BE CLARIFIED; REVISING SECTIONS 27-301, 305, 308 AND 611.

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

**Section 1.** That the Billings, Montana City Code be amended by revising Sections 27-201, 27-301, 27-305, 27-308, 27-309, 27-310, 27-601, 27-604, and 27-611 to read as follows:

**SEC. 27-201. DEFINITIONS.**

**FAMILY:** Any number of individuals, related by blood, marriage, adoption or other legal means, including any number of minor children in foster care, and/or any number of unrelated persons (including any domestic servants or caregivers) living together in a dwelling unit. The total number of persons living together in the dwelling unit cannot exceed the recommended guidelines, as amended time to time by HUD, of two (2) persons per bedroom (24 CFR Part 4, Section 982.401). A “family” is distinguished from a group occupying a boarding house, lodging house, bed and breakfast inn, fraternity/sorority house, hotel or clubhouse.

**SEC. 27-301. ZONING DISTRICTS.**

It is the intent of this Section to establish zones wherein compatible uses of land may be located to create, protect and maintain a desirable living environment, to stabilize and protect residential harmony and to conduct profitable businesses. It is also the intent of this Chapter to make it possible to efficiently and economically design and install public facilities in terms of size and capacity to adequately meet the needs resulting from a defined intensity of land use.

To carry out the provisions of this Resolution/Ordinance, the City and County 4½ Mile Jurisdictional Area is hereby divided into the following zoning districts in which the erection, construction, alteration, reconstruction, repair or use of buildings, structures and land shall be regulated and restricted. The regulations in each district shall be uniform throughout each district but may differ from those in other districts.

A-1	Agricultural-Open Space (County Only)
A-S	Agricultural-Suburban (County Only)
R-150	Residential 15,000 (County Only)
R-96	Residential 9,600
R-80	Residential 8,000
R-70R	Residential 7,000 Restricted
R-70	Residential 7,000
R-60R	Residential 6,000 Restricted
R-60	Residential 6,000
R-50	Residential 5,000
RMF	Residential Multi-Family
RMF-R	Residential Multi-Family - Restricted
RMH	Residential Manufactured Home
RP	Residential Professional
NC	Neighborhood Commercial

CC	Community Commercial
HC	Highway Commercial
CBD	Central Business District
CI	Controlled Industrial
HI	Heavy Industrial
P	Public
ELC	Entryway Light Commercial
EGC	Entryway General Commercial
EMU	Entryway Mixed Use
ELI	Entryway Light Industrial
	South 27th Street Corridor Zoning District
	Medical Corridor Permit Zoning District

- A-1 AGRICULTURAL-OPEN SPACE (COUNTY ONLY):* A district to protect and preserve agricultural lands for the performance of a wide range of agricultural functions. The intent is to limit the scattered intrusion of uses not compatible with an agricultural environment; to encourage agricultural pursuits and protect environmental concerns.
- A-S AGRICULTURAL-SUBURBAN (COUNTY ONLY):* A district to protect and preserve agricultural lands for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses and to encourage concentration of such uses in areas so that potential conflict between uses will be minimized.
- R-150 RESIDENTIAL 15,000 (COUNTY ONLY):* A zone intended to provide for low density, single-family residential developments in areas which may or may not be serviced by a public water and/or sewer system.
- R-96 RESIDENTIAL 9,600:* A zone intended to promote primarily a single-family residential environment on lots that are served by public water and sewer service.
- R-80 RESIDENTIAL 8,000:* A residential zone intended to primarily provide a single-family residential environment with provisions for duplexes that are served by public water and sewer service.
- R-70R RESIDENTIAL 7,000 RESTRICTED* A residential zone intended to primarily provide a single family residential environment on smaller lots at a medium density that are served by a public water and sewer service.
- R-70 RESIDENTIAL 7,000:* Primarily a single-family residence district, with provisions for duplexes on lots that are served by public water and sewer services.
- R-60R RESIDENTIAL 6,000 RESTRICTED* A residential zone intended to primarily provide a single family residential environment on smaller lots at a medium density that are served by a public water and sewer service.

*R-60 RESIDENTIAL 6,000:* A zone intended to provide for medium density residential dwellings on lots served by public water and sewer services, with provisions for multi-family dwellings with a maximum of ten (10) dwelling units per structure.

**SEC. 27-305. DISTRICT REGULATIONS: RESIDENTIAL USES.**

<b>TITLES AND DESCRIPTION OF INDUSTRIES</b>  <b>SR - SPECIAL REVIEW</b> <b>A - ALLOWED</b>	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential - 7,000 Restricted	Residential - 7,000	Residential - 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential - Multi-Family Restricted	Residential Manufactured Home
ACCESSORY USES AND STRUCTURES ASSOCIATED WITH A PERMITTED PRINCIPAL STRUCTURE	A	A	A	A	A	A	A	A	A	A	A	A	A
AGRICULTURAL USES	A	A											
AMATEUR RADIO ANTENNA SUPPORT STRUCTURES: – 100 FEET OR LESS IN HEIGHT (SEE SECTION 27-619 FOR ADDITIONAL REQUIREMENTS) – GREATER THAN 100 FEET IN HEIGHT	A SR	A SR	A SR	A SR	A SR	A SR	A SR	A SR	A SR	A SR	A SR	A SR	A SR
AUCTION HOUSES (EXCLUDING LIVESTOCK)	SR												
AUCTION YARDS (INCLUDING LIVESTOCK)	SR												
BLACKSMITHS	A												
BOARDING, LODGING, AND BED AND BREAKFAST HOUSES	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
BROADCASTING (RADIO AND TELEVISION) STATIONS AND STUDIOS AND ANTENNA SUPPORT STRUCTURES (SEE SECTION 27-621 FOR ADDITIONAL REQUIREMENTS). – ALTERNATIVE ANTENNA SUPPORT STRUCTURES LOCATED ON SCHOOL, GOVERNMENT-OWNED UTILITY AND OTHER GOVERNMENT SITES.	A	A	A	A	A	A	A	A	A	A	A	A	A

TITLES AND DESCRIPTION OF INDUSTRIES													
SR - SPECIAL REVIEW A - ALLOWED	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential – 7,000 Restricted	Residential - 7,000	Residential – 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential - Multi-Family Restricted	Residential Manufactured Home
– ROOF-MOUNTED ANTENNAE LOCATED ON SCHOOL, GOVERNMENT-OWNED UTILITY AND OTHER GOVERNMENT SITES.	A	A	A	A	A	A	A	A	A	A	A	A	A
– ANTENNAE CO-LOCATED ON EXISTING OR APPROVED ALTERNATIVE ANTENNA SUPPORT STRUCTURES OR ANTENNA SUPPORT STRUCTURES.	A	A	A	A	A	A	A	A	A	A	A	A	A
– ANTENNA SUPPORT STRUCTURES 50 FEET OR LESS IN HEIGHT (SEE ADDITIONAL REQUIREMENTS IN SECTION 27-621).	A												
– ANTENNA SUPPORT STRUCTURES GREATER THAN 50 FEET IN HEIGHT	SR												
– BROADCAST ANTENNA OR TOWER FARM	SR												
CAMPGROUNDS, PUBLIC OR PRIVATE	SR	SR											
CEMETERIES	A	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
CHILD CARE FACILITIES: – Family day care home	A	A	A	A	A	A	A	A	A	A	A	A	A
– Group day care home	A	A	A	A	A	A	A	A	A	A	A	A	A
– Day care center	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
CHURCHES AND OTHER PLACES OF WORSHIP, INCLUDING SUNDAY SCHOOL BUILDINGS	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
COMMUNITY RESIDENTIAL FACILITIES SERVING EIGHT (8) OR FEWER PERSONS, PROVIDING CARE ON A 24-HOUR-A-DAY BASIS	A	A	A	A	A	A	A	A	A	A	A	A	A

TITLES AND DESCRIPTION OF INDUSTRIES													
	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential - 7,000 Restricted	Residential - 7,000	Residential - 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential Multi-Family Restricted	Residential Manufactured Home
SR - SPECIAL REVIEW A - ALLOWED													
COMMUNITY RESIDENTIAL FACILITIES SERVING NINE (9) OR MORE PERSONS	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
COMMUNITY RESIDENTIAL FACILITIES NOT PROVIDING CARE ON A 24-HOUR-A-DAY BASIS	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
COMMERCIAL ANTENNA SUPPORT STRUCTURES: – ALTERNATIVE ANTENNA SUPPORT STRUCTURES LOCATED ON SCHOOL, GOVERNMENT-OWNED UTILITY AND OTHER GOVERNMENT SITES. – ROOF-MOUNTED ANTENNAE LOCATED ON SCHOOL, GOVERNMENT-OWNED UTILITY AND OTHER GOVERNMENT SITES. – ANTENNAE CO-LOCATED ON EXISTING OR APPROVED ALTERNATIVE ANTENNA SUPPORT STRUCTURES OR ANTENNA SUPPORT STRUCTURES. – ANTENNA SUPPORT STRUCTURES 50 FEET OR LESS IN HEIGHT (SEE ADDITIONAL REQUIREMENTS IN SECTION 27-620). – ANTENNA SUPPORT STRUCTURES GREATER THAN 50 FEET IN HEIGHT. – TOWER FARMS.	A A A A SR SR	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A	A A A A A A
CONVALESCENT NURSING HOMES, RETIREMENT HOMES, ORPHANAGES, AND CHARITABLE INSTITUTIONS	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR

TITLES AND DESCRIPTION OF INDUSTRIES  SR - SPECIAL REVIEW A - ALLOWED	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential - 7,000 Restricted	Residential - 7,000	Residential - 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential Multi-Family Restricted	Residential Manufactured Home
CONVENTS	SR	SR	SR	SR	SR		SR		SR	SR	A	A	SR
DWELLINGS: – Single-family – Two-family – Multiple-family – Manufactured Homes – Class A – Class B – Class C – Modular Homes – Townhouses (minimum 2,500 square feet) – Farm Tenant Houses	A     A A SR A   A	A     A SR SR A     A	A     A SR SR A     A	A        A        A	A A      A        SR	A        A        A	A A      A        SR	A        A        A	A A SR     A     SR	A A      A     SR	A A A     A     SR	A A A     A     SR	A        A A A A A
EMERGENCY SERVICES, INCLUDING FIRE STATIONS AND AMBULANCE SERVICES	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
EXTRACTIVE INDUSTRIES: – Excavation of sand and gravel (county) – Excavation of sand and gravel (city)	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
FRATERNITY/SORORITY HOUSE									SR		A	A	
FUR FARMS	SR												
GRAIN ELEVATORS: – Commercial – Private	SR A												
GREENHOUSES: – Commercial – Domestic	A A	SR A	SR A	A	A	A	A	A	A	A	A	A	A
GUN AND ARCHERY RANGE: INDOOR AND/OR OUTDOOR	SR												
HOME OCCUPATIONS	A	A	A	A	A	A	A	A	A	A	A	A	A



TITLES AND DESCRIPTION OF INDUSTRIES  SR - SPECIAL REVIEW A - ALLOWED	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential – 7,000 Restricted	Residential - 7,000	Residential – 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential - Multi-Family Restricted	Residential Manufactured Home
KENNELS: – Commercial – Noncommercial	A A	SR A	A	A	A	A	A	A	A	A	A	A	A
LANDFILLS: RECLAMATION, SANITARY DUMP SITES AND SANITARY INCINERATORS	SR												
LIBRARIES, MUSEUMS AND ART GALLERIES	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
LIVESTOCK: COMMERCIAL FEEDING YARDS AND AUCTION HOUSES	SR												
LIVESTOCK AND FOWL * (County Only)  * See BMCC Section 27-607 for Minimum Area Requirements	A*	A*	A*	A*			A*				A*		
LUMBER, PLYWOOD AND SHINGLE MILLS	SR												
MANUFACTURED HOME PARKS	SR	SR	SR								A		
PARKING, PUBLIC	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
PIPELINES AND DISTRIBUTION LINES (OIL AND GAS) AND ACCESSORY STRUCTURES	SR												
PUBLICLY-OWNED OR GOVERNMENT OPERATED BUILDINGS AND USES	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
RECREATION: – Commercial – Noncommercial	SR A	SR A	SR A	SR A	SR A	SR A	SR A	SR A	SR A	SR A	SR A	SR A	SR A
REHABILITATIVE CENTERS	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR

TITLES AND DESCRIPTION OF INDUSTRIES  SR - SPECIAL REVIEW A - ALLOWED	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential – 7,000 Restricted	Residential - 7,000	Residential – 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential Multi-Family Restricted	Residential Manufactured Home
RODEOS AND INDOOR AND/OR OUTDOOR ROPING ARENAS	SR												
SCHOOLS (PUBLIC OR PRIVATE): – Preschool, elementary, junior or senior high – Colleges and universities – Trade or vocational-technical	SR SR SR	SR SR SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
STABLES: – Commercial – Private *  * See BMCC Section 27-607 for minimum Area Requirements	A A*	SR A*	A*	A*			A*						A*
TRANSMISSION AND DISTRIBUTION LINES (ELECTRIC) AND ACCESSORY STRUCTURES	SR												
TRAVEL TRAILER PARKS	SR	SR											
UTILITIES (PUBLIC SERVICE INSTALLATIONS): – Station only – Storage yard	A SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
VETERINARY CLINICS: – Boarding – Outpatient only	A A	SR SR											

**SEC. 27-308. AREA, YARD AND HEIGHT REQUIREMENTS – RESIDENTIAL**

	ZONING CLASSIFICATION DISTRICTS												
ZONING REQUIREMENTS	Agricultural- Open Space	Agricultural- Suburban	Residential- 15,000	Residential- 9,600	Residential- 8,000	Residential-7,000 Restricted	Residential 7,000	Residential-6,000 Restricted	Residential-6,000	Residential- 5,000	Residential Multi- Family	Residential Multi- Family – Restricted	Residential Manufactured Home
MINIMUM LOT AREA PER DWELLING UNIT: (a) (b) (c)	10A	1A	15,000	9,600	8,000 10,000	7,000	7,000 9,600	6,000	6,000 7,000 8,500 10,000 11,500 13,000 14,500 16,000 17,500	5,000 8,000	6,000		6,000
One Unit											7,000		
Two Units											8,500		
Three Units											10,000		
Four Units											11,500		
Five Units											13,000		
Six Units											14,500		
Seven Units											16,000		
Eight Units											17,500		
Nine Units													
Ten Units	400 each add. unit	1,500 each add. unit											
MINIMUM YARD REQUIREMENTS: (d) (e)													
Front (f)	35	25	25	20	20	20	20	15	15	15	15		20
Side (h) (i) (j) (k)	15	10	10	5	5	5	5	5	5	5	5		8
Side Adjacent to Street (l)	35	25	25	10	10	10	10	10	10	10	10		10
Rear	35	25	25	20	20	20	20	20	20	20	15		20
MAXIMUM HEIGHT (m) (n)	3034	3034	3034	3034	3034	34	3034	34	3034	3034	N/A	40	3034

MAXIMUM LOT COVERAGE IN PERCENT	15	25	30	30	30	30	30	40	40	40	55	30
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- (a) In the A-1 & A-S districts, minimum lot area figures are in Acres. All other minimum lot area figures denote square footage.
- (b) The above requirements are applicable to all structures located on a single lot. For building groups see BMCC Section 27-310(B).
- (c) In the Residential-6,000 zone, three-plexes up through ten-plexes up through ten-plexes require Special Review approval, see BMCC Section 27-1503 or 27-1509.
- (d) For arterial setback and watercourse setback requirements, See BMCC Sections 27-602 and 27-616, respectively.
- (e) For yard setbacks on corner lots, refer to definitions of lot frontage and yard (side) in BMCC Section 27-201.
- (f) Block frontages which have buildings constructed prior to the effective date of this Resolution/Ordinance shall have a minimum twenty (20) foot front setback for all districts.
- (g) Garages and carports that have their approach from a street shall be setback a minimum of twenty (20) feet.
- (h) Required side yards shall be increased to eight (8) feet in distance from the nearest second story portion of the building, plus one (1) foot for each story in excess of two (2).
- (i) Townhouses are exempt from the side yard requirements in the Residential-5,000, Residential-6,000, Residential-7,000, Residential-8,000, RMF-R and RMF zoning districts. In addition, townhouses require approval Special Review approval, as delineated in BMCC Section 27-1503 or 27-1509.
- (j) In the Residential-5,000 district, if no alley exists as a secondary means of access, one (1) side yard shall be increased to ten (10) feet.
- (k) In the Residential Manufactured Home district, a site built structure complying with the CABO One and Two Family Dwelling code, may be setback a minimum of five (5) feet from the side property line, unless the structure contains two (2) or more stories.
- (l) Front yard setbacks as required in the district shall be provided on side streets when a side street frontage exceeds one hundred and fifty (150) feet.
- (m) In the A-1 district, maximum height restrictions apply to buildings designed and constructed for human occupancy.
- (n) Where there is a change in the adjacent grade of three (3) feet or more the height of the structure shall be determined by taking an average of the height at the lowest grade and the height of the side opposite the lowest grade.

**NOTE:**

- All height and setback requirements denote feet.
- For height exceptions, see BMCC Section 27-310(F).
- For permitted projections, see BMCC Section 27-31(G)
- For setbacks for detached accessory structures, see BMCC Section 27-310(I)
- N/A = Not Applicable

**SEC. 27-309. AREA, YARD AND HEIGHT REQUIREMENTS – COMMERCIAL AND INDUSTRIAL**

	<b>ZONING CLASSIFICATION DISTRICTS</b>								
<b>ZONING REQUIREMENTS</b>	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Business Central District	Controlled Industrial	Heavy Industrial	Public	27 <sup>th</sup> Street Corridor
MINIMUM LOT AREA REQUIREMENT IN SQUARE FEET: (a)	10,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MINIMUM YARD REQUIREMENTS: (a) (b)									
Front	20	20	20	20	N/A	20	20	20	(d)
Side (c)	10	0	0	0	N/A	0	0	0	(d)
Side Adjacent to Street	10	10	10	10	N/A	10	10	10	(d)
Rear (c)	0	0	0	0	N/A	0	0	0	(d)
MAXIMUM HEIGHT	34	34	45	45	N/A	70	N/A	N/A	(d)
MAXIMUM LOT COVERAGE IN PERCENT (a)	50	50	50	75	N/A	75	75	50	50

(a) For minimum lot size, yard and lot coverage requirements for residential dwellings in Commercial or Industrial zones, see BMCC Section 27-310.

(b) For arterial setback and watercourse setback requirements, see BMCC Sections 27-602 and 27-616, respectively.

(c) Side and rear setbacks shall be increased to fifteen (15) feet when contiguous to residentially zoned property.

(d) Minimum yard requirements and maximum height for property located in the South 27<sup>th</sup> Street Corridor Zoning District are located in BMCC Sections 27-810 and 27-811, respectively.

**NOTE:**

- All height and setback requirements denote feet; all minimum lot area figures denote square footage.
- For height exceptions, see BMCC Section 27-310(F).
- For permitted projections, see BMCC Section 27-310(G).

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- N/A = Not Applicable

**SEC. 27-310. SUPPLEMENTAL AREA, YARD AND HEIGHT RESTRICTIONS.**

- F. **Height Exceptions.** The following requirements supplement those specific district regulations set forth in BMCC Sections 27-308 and 27-309:
1. The height limitations shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers or similar and necessary appurtenances not used for human occupancy.
  2. Churches, schools, hospitals, nursing or retirement homes, or public buildings may exceed the height limitations of the district if the minimum depth of the front, side and rear yard setbacks are increased two (2) feet for every one (1) foot by which the structure exceeds the height limitation of the district. This allowed height shall not exceed two (2) times the allowed height in the zoning district in which it is located, without approval through the Variance procedure, as described in BMCC Sections 27-1506 (City) and 27-1511 (County).
  3. The maximum building height may be increased by up to 10% in all zoning districts when the majority of the roof pitch is 7:12 or steeper.



## **SEC. 27-601. ABANDONED VEHICLES AND STORAGE RESTRICTIONS.**

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

1. **AUTOMOBILE:** 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.
2. **ENCLOSED STRUCTURE:** A building that protects the contents thereof from the elements, including sight obscuring walls on all sides and a roof.
3. **INOPERABLE VEHICLE:** 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.
4. .
5. **JUNK:** 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.
6. **JUNK VEHICLE:** Any automobile which is ruined, wrecked, partially dismantled and which is not lawfully and validly licensed.
7. **MERCHANDISE:** 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 of Montana.
8. **OPEN STORAGE:** 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.
9. **PERMANENT STORAGE:** Storage of chattel, salvage, rubbish or junk for a period exceeding five (5) days without moving

B. **Storage and Display of Merchandise in Residential Districts.** Outside display of merchandise is prohibited in all residential zoning districts.

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.**<sup>2</sup> 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.

**SEC. 27-604. FENCES, WALLS AND HEDGES**

- A. Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured. “Fence” for the purposes of this section means any fence wall or hedge. No fence shall be erected or maintained in a public right-of-way.
- B. Height. Height for the purposes of this section shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.
- C. Setbacks Required. Fences, walls or hedges of up to three (3) feet may be erected or maintained in the required front yard setback as defined in Sections 27-308 or 27-309. Fences, walls or hedges between a height of three (3) and six (6) feet may be erected or maintained anywhere outside of the front yard setback, except as described in subsection D. below. (See Figure 6, Section 27-618). Any fence, wall or hedge in excess of six (6) feet shall meet all of the yard setback requirements for structures as defined in Sections 27-308 or 27-309. None of the above setback requirements shall apply to lands located in the Agricultural-Open Space (A-1), Central Business District (CBD), Controlled Industrial (CI), or Heavy Industrial (HI) zones.
- D. Setbacks for Clear Vision Zones. No fence, wall or hedge greater than three (3) feet in height may be erected or maintained in any zoning district within a clear vision zone pursuant to Section 27-615 and as illustrated in Figures 1, 2, and 3 of Section 27-618.
- E. Material Permitted—Residential and Commercial Zones. All fences in residential, agricultural and commercial zoning districts shall be constructed from materials which are commonly used for fencing and shall not be constructed from railroad ties, wood pallets, tires, rubble or salvaged material. Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work. Materials not listed are subject to Special Review.
- F. Material Permitted –Industrial Zones. All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, wood pallets, rubble, or salvaged material. Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels. Materials not listed are subject to Special Review.
- G. Material Exception – Barbed Wire or Electric Fence. In the Billings City Limits, no barbed wire or electrical fencing shall be permitted in any residential zoning district. Barbed wire and electrically charged fencing is allowed in the A-1 and A-S districts within Yellowstone County. When electrically charged fences are used in an A-1 or A-S district, such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed one hundred and fifty (150) feet, where such fences are adjacent to public rights-of-way.

In the Billings City Limits, no electrical fencing shall be permitted in any commercial or industrial zoning district. Electrically charged fencing is allowed in commercial or industrial districts within Yellowstone County provided that such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed one hundred and fifty (150) feet, where such fences are adjacent to public rights-of-way. Barbed wire fencing is allowed in commercial or industrial zoning districts both within the Billings City Limits and Yellowstone County when such material is located not less than eight (8) feet above grade.

- H. Permit Required. Any fence between a height of three (3) feet and six (6) feet shall require a permit from the Planning Department. Any retaining wall exceeding a height of four (4) feet or any fence exceeding a height of six (6) feet shall require a permit from the Building Department.

**SEC. 27-611. SEXUALLY ORIENTED BUSINESSES.**

**E. Location of Sexually Oriented Business.**

1. No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any sexually oriented business within one thousand (1,000) feet of the following residential zones:
  - a. Agricultural Suburban (A-S) Zone;
  - b. Residential 15,000 (R-150) Zone;
  - c. Residential 9,600 (R-96) Zone;
  - d. Residential 8,000 (R-80) Zone;
  - e. Residential 7,000 Restricted (R-70R) Zone
  - f. Residential 7,000 (R-70) Zone;
  - g. Residential 6,000 Restricted (R-60R) Zone
  - h. Residential 6,000 (R-60) Zone;
  - i. Residential 5,000 (R-50) Zone;
  - j. Residential Multi-Family (RMF) Zone;
  - k. Residential Multi-Family - Restricted (RMF-R) Zone;
  - l. Residential Manufactured Home (RMH) Zone; or
  - m. Entryway Mixed Use (EMU) Zone.

**Section 2.**     **REPEALER.** All resolutions, ordinances and sections of the City Code in conflict herewith are hereby repealed.

**Section 3.**     **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 4.**     **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 14, 2004.

PASSED, ADOPTED AND APPROVED on second reading July 26, 2004.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley, Mayor

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE, City Clerk