

ORDINANCE 24-5885

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN SECTIONS 27-400, 27-900, 27-1000, and 27-1300, BE AMENDED TO CONFORM TO STATE LEGISLATION PASSED BY THE 68TH LEGISLATURE IN 2023, TO AMEND AND CLARIFY THE ZONING REGULATIONS

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

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

Section 2. DESCRIPTION. Sections 27-400 – Mixed-Use and Commercial Districts; 27-900 – EBURD Districts; 27-1000 – Uses and Use Standards, and 27-1300 – Off Street Parking, have been found to not conform to the recently passed state law (SB 245, Chapter 499) regarding the allowance for multiple-unit dwellings in commercial zones that are served by municipal water and sewer; and to not conform to the maximum number of off-street parking spaces required for such multiple-unit dwellings in those zone districts. This affects the substance of the zoning regulations. Local regulations must conform to the criteria and guidelines for zoning regulations as provided in MCA 76-2-304 and 76-2-309.

Section 3. ZONE REGULATION AMENDMENTS

a. Section 27-400 is amended as follows:

Sec. 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 residential, 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, ~~the upper~~ any stories could accommodate residential and/or office uses.

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, ~~the upper~~ any stories could accommodate residential and/or office uses.

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. ~~Upper~~ stories Any story can accommodate residential and/or office uses.

F. *NO: Neighborhood office.* The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.

G. *CX: Heavy commercial.* The CX district is intended for heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. Basic setback and height parameters apply.

b. Section 27-900 is amended as follows:

27-901.B. *EBURD zoning districts.* The areas and boundaries of the districts listed below are hereby established to scale as shown on the map entitled Billings Urban Zoning Jurisdiction, available at the city offices.

1. *EBURD RSV: Rail Spur Village District.* The Rail Spur Village District is intended to create a walkable neighborhood focused on residential uses with associated green spaces and commercial businesses with the appropriate form.
2. *EBURD RSVMS: Rail Spur Village Main Streets District.* The Rail Spur Village Main Streets include the extension of the Montana Avenue into the EBURD as well as the North 20th Street corridor from Montana Avenue to 6th Avenue North. This district is intended to create continuous, walkable, shopping and dining corridors ~~with upper floor~~ including residential and office uses.
3. *EBURD CW: Central Works District.* The Central Works District is intended to allow a flexible mix of uses, including commercial and light industrial uses.
4. *EBURD 13th: North 13th Street Main Street District.* The North 13th Street Main Street is intended to provide a walkable, shopping and dining corridor ~~with upper floor~~ including office and residential adjacent to the Central Works and Industrial Sanctuary districts, while allowing appropriate craftsman industrial and commercial businesses.
5. *EBURD IS: Industrial Sanctuary District.* The Industrial Sanctuary District is intended to allow a wide mix of industrial businesses within the area with limited form requirements.

c. Section 27-1002.A.2 is amended as follows:

Sec. 27-1002. - Uses by district.

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

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.

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

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial							Indust.	EBURD					Public					
	Key: P = Permitted, PL = Location Limits in Zone District, PR - Applicable Use Restrictions, SR = Special Review							NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Civ		
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Civ		
RESIDENTIAL																										
Households Living (du/structure)																										
1 du	P	P	P	P			P	P	PL	PL	PL	PL	PL				PL	P	P	PL			PR	PR	PR	27-1003
2 dus		P	P	P	P		P	P	PL	PL	PL	PL	PL				PL	P	P	PL			PR	PR	PR	27-1003
3–4 dus			P	P			P	PL	PL	PL	P	P				PL	P	P	PL			PR	PR	PR	PR	27-1003
5 dus					<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>PR</u>	<u>PR</u>	<u>PR</u>	27-1003
56–8 dus					P	P		PL	PL	PL	P	P	<u>P</u>			PL	P	P	PL			PR	PR	PR	PR	27-1003
9+ dus					P			PL	PL	P	P	<u>P</u>				PL	P	P	PL			PR	PR	PR	PR	27-1003

d. Section 27-1003 is amended as follows:

C. Household living.

~~1. In mixed-use and commercial and EBURD districts, dwelling units shall be located either above the ground floor or on the ground floor at least twenty (20) feet from the front façade;~~

~~1. 2. Where permitted in any P2 or P3 district, dwelling unit availability, regardless of ownership, is limited to residents associated with the district's primary institution. For example, a medical campus could provide dwelling units for patient families, visiting medical staff, and hospital employees.~~

~~2. 3. Residential dwellings in a P3 district that are located within one hundred fifty (150) feet of the campus perimeter shall meet the site design standards for the appropriate NX zone based on the number of units.~~

e. Sections 27-1302.B and Table 27-1300.1 Off-Street Parking Standards are amended as follows:

Sec. 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.

7. Surface parking spaces provided for multiple-unit structures shall not be assigned and shall be available to all residents unless approved through article 27-1600, Master site plan. Where surface parking is assigned, the minimum number of spaces provided shall be increased by twenty (20) percent.

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
Dwelling, multiple unit structure	1.5 per du + 1 guest space per 10 units; subsection 27-1302.B.7 also applies
Dwelling unit in a mixed-use structure	2 1 per du
Accessory dwelling unit	Section 27-10098 (ADU standards)
Manufactured Home (Class A, B, C)	2 per du

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 28th day of May, 2024.

PASSED, ADOPTED and APPROVED on second reading this 10th day of June, 2024



CITY OF BILLINGS

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

Attest:

BY: Doni Keethner Deputy for
Denise R. Bohlman, City Clerk

Zone Change 1041 - Zoning Code Amendments Phase 4 – Legislative