

ARTICLE 27-100: GENERAL PROVISIONS

SECTION 27-101 TITLE

This chapter and maps shall be known and cited as the City of Billings Zoning Code and is referred to herein as the "Zoning Code."

SECTION 27-102 PURPOSE

- A. The Zoning Code, classifications, and the districts as herein set forth are in accordance with MCA 76-2-301, et seq., Municipal Zoning.
- B. This Zoning Code has been established in accordance with the 2016 City of Billings 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, 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.

SECTION 27-103 SCOPE

- A. This chapter applies to all lands within the City of Billings.
- B. In their interpretation and application, the provisions of this Zoning Code may be regarded as the minimum requirements for the protection of the public health, safety, comfort, prosperity, and welfare.

- C. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern. Applicants are responsible for complying with private restrictions, such as covenants and deed restrictions, applicable to their property. The City does not enforce private restrictions.

SECTION 27-104 SEPARABILITY CLAUSE

If any provision of this Zoning Code or its application to any person or circumstances is held invalid, the remainder of the Zoning Code or the application of the provision to other persons or circumstances is not affected.

SECTION 27-105 EFFECTIVE DATE AND ARCHIVED ZONING CODE

This Zoning Code shall become effective on February 25, 2021. 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.

SECTION 27-106 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The city council shall establish a schedule of fees, charges and expenses and a collection procedure for appeals and other matters pertaining to this chapter. This schedule may be amended from time to time by resolution of the city council.

SECTION 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 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 Art. 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 zoning coordinator shall provide written confirmation of the legal, conforming status of the use.

SECTION 27-108 VIOLATIONS CONTINUE

Any violation occurring under the previous Zoning Code will continue to be a violation under this Zoning Code and be subject to penalties and enforcement pursuant to Sec. 27-1700, Violations, Enforcement, and Remedies, unless the use, development, construction, or other activity currently complies with the provisions of this Zoning Code.