



CITY OF MILES CITY

PLANNING & COMMUNITY SERVICES

17 S. 8th Street, PO Box 910
Miles City, MT 59301-0910

Telephone: 406-234-3493
Fax: 406-234-6392

Date: September 3, 2026

To: City Council, Mayor

From: Joel Nelson, Contract City Planner

Re: Zoning Updates for 'Shipping Containers' and Ordinance No. 1408(a) (or (b)) for City Council consideration on September 8, 2026

On August 25, 2026, the City Council approved the first reading of Ordinance No. 1408(a), but not Ordinance No. 1408(b). For the September 8 meeting and public hearing, the focus will therefore be Ordinance No. 1408(a) with the findings of fact in the Zoning Commission's final report.

However, if the regulations in Ordinance No. 1408(b) are deemed to be preferred, the Council could consider that language and associated stricken findings of fact in the report, to modify Ordinance No. 1408(a) for adoption similar to 1408(b). The main difference between the regulations in the two versions of the ordinances is that Ordinance No. 1408(b) would add the following to Sec. 24-63 as (a): "*All accessory buildings in residential districts are prohibited until the primary/main building is constructed; concurrent construction of accessory and primary buildings is allowed.*" Restoring the stricken language from the Zoning Commission's recommended findings of fact would support adding that restriction and essentially adopting the ordinance as stated in Ordinance No. 1408(b).

As another matter, as I mentioned during the August 25 meeting, since completion of Ordinance No. 1408(a) with the language as reviewed and recommended by the Zoning Commission, I have considered additional discussion with the City Attorney and what was discussed at the August 25th Council meeting. Based on those discussions, I believe a number of minor modifications to the proposed text would better meet the intent of what the Zoning Commission recommended approval of. Those are as follows, with potential now language underlined; administrative notes that would not be part of the ordinance are in *[brackets and italics]*:

1. **Sec. 24-73(a)(2):** *[applies to Shipping containers in residential districts (RA, RB, RC, SR, MH-A, and MH-RV)]* Shipping containers used as components of a permanent permitted

building(s) and subject to and in compliance with applicable building codes, or exempt from building codes due to size, may be allowed if the shipping container(s) complies with these regulations, such as those for setbacks, lot coverage, and building height, and is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage.

2. **Sec. 24-73(b)(3):** *[applies to Shipping containers in commercial and industrial districts (CBD, GC, HWC, HCLI, HI, and MC)]* Temporary portable shipping containers may be permitted as a temporary storage use only upon issuance of a temporary use permit pursuant to Section 24-80(e), if required, and subject to all of the following requirements:...

3. **Sec. 24-80(e)** *[establishes an exemption from permit requirements]:*...

(e) A temporary use permit is required for placement and/or use of shipping containers and similar structures, buildings, or objects in any zoning district within the City limits, except as follows: *[note that numbering would need to be modified accordingly]*

(1) The use is a grandfathered, non-conforming use per Sec. 24-89 of these regulations;
or

(2) The use is a typical subordinate use for freight and inventory management on a commercial or industrial property in one of the commercial and/or industrial districts (CBD, GC, HWC, HCLI, HI, and MC); or

(3) The use is a recurring or seasonal use that was previously established as demonstrated to the administrator, the temporary/seasonal use was in place for at least the prior two consecutive years, the use and object conformed to City codes, and the building for the use is to be in the same location as, and of the same use as previously established; and

(4) The building complies with all other requirements of these regulations.