

ORDINANCE NO. 1409

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO COMPLY WITH AND REFLECT STATE LAW, LEGISLATIVE CHANGES SINCE 2017, AND THE MILES CITY GROWTH POLICY 2025; AND PROVIDING FOR A HEARING THEREON.

WHEREAS, the Montana Legislature has passed a significant number of changes to state law and the municipal zoning statutes that require amendments to the City zoning code for the City of Miles City;

AND WHEREAS, City staff have identified administrative changes to include in the zoning code updates;

AND WHEREAS, City of Miles City staff have proposed various text amendments to the City zoning code to better reflect state law, legislative changes since 2017, and the Miles City Growth Policy 2025, and miscellaneous amendments to carry out the intent of the proposed provisions and improve City administration of the zoning code;

AND WHEREAS, Section 24-96 of the Code of Ordinances of Miles City, Montana requires that such zoning amendments be referred to the City Zoning Commission for public hearing and recommendation to the City Council prior to any action by the City Council upon such amendments;

AND WHEREAS, the Miles City Zoning Commission, on the 13th day of August, upon public hearing and deliberation, recommended to the City Council that such amendments be approved.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. The following provisions are amended as follows; no other existing language is changed other than depicted below:

Notes:

- A. Additions are underlined, and deletions are ~~stricken~~.
- B. Plain text of unaltered language and bold section titles are included for context and for navigating the proposed amendments.
- C. **Highlighting** is included for navigating the proposed amendments.
- D. Amendments proposed by Ordinance No. 1408(a) (the 'shipping container' ordinance as recommended by the Zoning Commission), which is in process at the same time of this

proposed ordinance, are also denoted below. Additions from that ordinance (as of 8-20-2026) within the sections to be changed by this ordinance **only** are double underlined, and deletions are ~~double stricken~~.

Sec. 24-4. Purposes of chapter.

The purposes of these regulations are to:

- (a) Promote the public health, safety, ~~morals and~~ general welfare of the community (MCA ~~76-2-304~~ 76-2-301 and 76-2-304(1)(b)(ii));

Sec. 24-14. Zoning upon annexation.

All territory which may hereafter be annexed into the City of Miles City shall be zoned at the time of annexation, through long-term zoning or interim zoning. ~~Prior to such annexation and zoning, the administrator shall have made a zoning recommendation to the zoning commission, and the zoning commission shall have made its investigation and shall make a recommendation and report to the city council on the question of zoning.~~ City council public hearings on the question of zoning, long-term or interim, shall be held in conjunction with the necessary annexation procedures to the extent possible.

Sec. 24-15. Residential ~~A~~ district (RA).

- (a) *Intent*. It is the intent of the RA district to provide for residential neighborhoods of single family dwellings, duplex housing, ~~and~~ multifamily dwellings up to four units, and complimentary uses.
- (b) *Allowed uses*. The permitted and conditional uses allowed in the RA district are shown in Table II.1. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.1: RA District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Single-family dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
<u>Accessory dwelling units – one per lot developed with a primary single-family dwelling</u>	<u>Day care centers in excess of 1215 children</u>
<u>Two-family dwellings (also known as “duplex housing” or “duplexes”)</u>	Bed and breakfasts
Multifamily dwellings not in excess of four units	<u>Accessory dwelling units</u>
Schools	
Public parks, buildings, and playgrounds	

Religious institutions	
Home occupations with no more than one on site employee (in addition to a homeowner or renter)	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
Home day cares up to 15 children	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with section 24-70(c).	
Minor utility installations	

(c) *District regulations.* Specifications for the RA district are shown in Table II.2.

Table II.2: RA District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	The average size of the lots within the addition in which the lot is located
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots—10 feet for side yard adjacent to street
Minimum rear yard setback	10 feet for backyards not abutting an alleyway
	7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley 10 feet for lots abutting an alleyway with garage doors parallel to alley.
Maximum lot coverage	45%
Maximum building height	Primary buildings and accessory dwelling units—35 feet

	Other Accessory buildings—24 feet
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Sec. 24-16. Residential B district (RB).

- (a) *Intent.* It is the intent of the RB district to provide for residential neighborhoods of single family dwellings, duplex housing, and multifamily dwellings up to eight units, and complimentary uses.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the RB district are shown in Table II.3. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.3: RB District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Single-family dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Accessory dwelling units – one per lot developed with a primary single-family dwelling	Day care centers in excess of 1215 children
Two-family dwellings (also known as “duplex housing” or “duplexes”)	Bed and breakfasts
Multifamily dwellings not in excess of eight units	Home occupations with up to two on site employees (in addition to the homeowner or renter)
Schools	Accessory dwelling units
Public parks, buildings, and playgrounds	Bed and breakfast
Religious institutions	
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Home day cares up to 1215 children	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and	

amateur radio antennae in compliance with section 24-70(c)	
Minor utility installations	

(c) *District regulations.* Specifications for the RB district are shown in Table II.4.

Table II.4: RB District Specifications

Regulations	Specifications
Minimum lot width	50 feet
	Multifamily dwellings in excess of four units—75 feet
Minimum lot size	5,500 square feet Single family homes up to multifamily dwellings not in excess of four units—the average size of the lots within the addition in which the lot is located
	Multifamily dwellings in excess of four units—8,000 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots—10 feet for side yard adjacent to street
	Multifamily dwellings in excess of four units—10 feet
Minimum rear yard setback	15 feet Single family homes up to multifamily dwellings not in excess of four units—10 feet for backyards not abutting an alleyway
	7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley
	10 feet for lots abutting an alleyway with garage doors parallel to alley.
	Multifamily dwellings in excess of four units—20 feet
Maximum lot coverage	60%
Maximum building height	Primary buildings and accessory dwelling units—40 feet
	Other Accessory buildings—24 feet

Sec. 24-17. Residential C district (RC).

- (a) *Intent.* It is the intent of the RC district to provide for multifamily residential uses, three or more units per building; particularly those in excess of eight unit, and complimentary uses.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the RC district are shown in Table II.5. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.5: RC District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Multifamily dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Public parks, buildings, and playgrounds	Home occupations with up to two on site employees (in addition to a homeowner or renter)
Religious Institutions	Bed and breakfasts
Home day cares up to 15 children	Day care centers in excess of 15 children
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with section 24-70(c).	
Minor utility installations	

- (c) *District regulations.* Specifications for the RC district are shown in Table II.6.

Table II.6: RC District Specifications

Regulations	Specifications
Minimum lot width	50 feet

	Multifamily dwellings four <u>three to eight units—75 feet</u>
	Multifamily dwellings in excess of eight units—100 feet
Minimum lot size	5,500 square feet <u>Multifamily dwellings of three units—the average size of the lots within the addition in which the lot is located</u>
	Multifamily dwellings four to eight units—8,000 square feet
	Multifamily dwellings in excess of eight units—10,000 square feet
Minimum front yard setback	20 feet
	Multifamily dwellings in excess of eight units—25 feet
Minimum side yard setback	5 feet
	Multifamily dwellings in excess of eight units—10 feet
Minimum rear yard setback	15 feet <u>Multifamily dwellings not in excess of eight units:</u>
	<u>10 feet for backyards not abutting an alleyway</u>
	<u>7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley</u>
	<u>10 feet for lots abutting an alleyway with garage doors parallel to alley.</u>
	Multifamily dwellings in excess of eight units—20 feet
Maximum lot coverage	70%
Maximum building height	60 feet

Sec. 24-18. Semi-rural district (SR).

- (a) *Intent.* It is the intent of the SR district to provide for low density residential uses where small scale agricultural ~~practices~~ growing of crops may occur.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the SR district are shown in Table II.7. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.7: SR District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Single-family dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
<u>Accessory dwelling units – one per lot developed with a primary single-family dwelling</u>	Home occupations with up to four on site employees (in addition to a homeowner or renter)
<u>Two-family dwellings (also known as “duplex housing” or “duplexes”)</u>	<u>Bed and breakfasts</u>
Mobile homes	Wireless communication facilities
Public parks	<u>Day care centers in excess of 15 children</u>
Religious institutions	
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Home day cares and day care centers	
<u>Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)</u>	
Animal rescue shelters (up to 8 animals)	
Growing of crops	
<u>Home day cares up to 15 children</u>	
<u>Stables</u>	
<u>Grazing</u>	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with section 24-70(c).	
Minor utility installations	

(c) *District regulations.* Specifications for the SR district are shown in Table II.8.

Table II.8: SR District Specifications

Regulations	Specifications
Minimum lot width	100 feet
Minimum lot size	20,000 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	20 feet
Maximum lot coverage	45%
Maximum building height	Primary buildings and accessory dwelling units—35 feet
	Other Accessory buildings—24 feet

Sec. 24-19. Mobile home residential district (MH-A).

- (a) *Intent.* It is the intent of the MH-A district to provide for residential neighborhoods of mobile homes, single family dwellings, duplex housing, and multifamily dwellings up to four units, and complimentary uses.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the MH-A district are shown in Table II.9. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.9: MH-A District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Mobile homes	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Single-family dwellings	Day care centers in excess of 12 15 children
Accessory dwelling units – one per lot developed with a primary single-family dwelling	Home occupations with up to two on site employees (in addition to a homeowner or renter)
Two-family dwellings (also known as “duplex housing” or “duplexes”)	Bed and Breakfasts
Multifamily dwellings not in excess of four units	Accessory dwelling units
Schools	
Public parks, buildings, and playgrounds	
Religious institutions	

Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
Home day cares up to 15 children	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with section 24-70(c).	
Minor utility installations	
One recreational vehicle per lot as a principal use in accordance with Sec. 24-62(c)	

(c) *District regulations.* Specifications for the MH-A district are shown in Table II.10.

Table II.10: MH-A District Specifications

Regulations	Specifications
Minimum lot width	40 feet
Minimum lot size	4,800 square feet The average size of the lots within the addition in which the lot is located
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots—10 feet for side yard adjacent to street
Minimum rear yard setback	15 feet 10 feet for backyards not abutting an alleyway
	7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley
	10 feet for lots abutting an alleyway with garage doors parallel to alley.

Maximum lot coverage	50%
Maximum building height	Primary buildings and accessory dwelling units—35 feet
	Other Accessory buildings—24 feet
Skirting	Within 60 days siting, a mobile home shall be skirted with material similar to its siding material or better.

Sec. 24-20. Mobile Home—RV Park district (MH-RV).

- (a) *Intent.* It is the intent of the MH-RV district to provide for a mobile home parks to be developed for residential use and recreational vehicle parks for transient recreational use. Such developments shall comply with the Montana Subdivision and Platting Act and Miles City subdivision regulations.

Sec. 24-22. General commercial district (GC).

- (c) *District regulations.* Specifications for the GC district are shown in Table II.16.

Table II.16: GC District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	15 feet
Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—5 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—15 feet
Maximum lot coverage	80%
Maximum building height	Primary building—40 feet
	Accessory buildings—24 feet

Sec. 24-23. Highway commercial district (HWC).

- (a) *Intent.* It is the intent of the HWC district to provide for commercial oriented uses around highways and arterials that rely on convenient automobile access. Examples of highway oriented businesses include overnight accommodations, casinos, gas stations, eating and drinking establishments, hardware stores, grocery stores, vehicle and equipment sales, and retail.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the HWC district are shown in Table II.17. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.17: HWC District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Highway oriented commercial uses up to 30,000 square feet	Highway oriented commercial uses in excess of 30,000 square feet
<u>Multifamily dwellings and mixed-use developments that include multiple-unit dwellings containing five or more dwelling units in a building on a parcel or lot that has a will-serve letter from both municipal water and sewer systems</u>	Wholesale
Accessory uses associated with primary use	Wireless communication facilities
<u>Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)</u>	Day care centers
Schools	Medical marijuana providers
Public parks, buildings, and playgrounds	
Religious institutions	
Animal rescue shelters	
Recreational vehicle parks	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and	

amateur radio antennae in compliance with section 24-70(c).	
Minor utility installations	

(c) *District regulations.* Specifications for the HWC district are shown in Table II.18.

Table II.18: HWC District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet
Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—5 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—15 feet
Maximum lot coverage	80%
Maximum building height	45-60 feet

Sec. 24-24. Heavy commercial/light industrial district (HCLI).

(c) *District regulations.* Specifications for the HCLI district are shown in Table II.20.

Table II.20: HCLI District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet

Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—50 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—50 feet
Maximum lot coverage	80%
Maximum building height	45-60 feet

Sec. 24-25. Heavy industrial district (HI).

(c) *District regulations.* Specifications for the HI district are shown in Table II.22.

Table II.22: HI District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet
Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—100 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—100 feet
Maximum lot coverage	80%
Maximum building height	45-60 feet

Sec. 24-26. Open space district (OS).

- (a) *Intent.* It is the intent of the OS district to provide land without physical structures and buildings except where accessory to the provision of open space and recreational opportunities.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the OS district are shown in Table II.23. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.23: OS District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Public parks	None
Accessory buildings and signs	
Non-motorized trails and trails for small-scale electric vehicles	
Sports facilities	
Easements for public utilities	
Cemeteries	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with section 24-70(c).	
Minor utility installations	

Sec. 24-49. Landscaping requirements.

- (b) *Scope.*
- (1) *Applicability.* All new land uses, redevelopment projects, and expanded land uses listed below require installation and maintenance of landscaped areas on the lot in compliance with this section, except as provided in subsection (2) below.
- a. All commercial and industrial uses, including offices.
- b. Day care centers in excess of 12-15 children.

Sec. 24-50. Off-street parking and loading.

Unless otherwise indicated in these regulations, all new developments shall provide off-street parking and loading areas in compliance with the following standards for off-street parking and loading areas. Driveways must adhere to Americans with Disabilities Act standards as applicable. The required number of disabled parking spaces with the required dimensions shall be provided pursuant to federal law.

- (a) *Purpose.* These standards are intended to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.
- (b) *Off-street parking required.* Except as follows and as indicated in (f), (g), (h), and (i) below, all uses and buildings shall provide at least the minimum number of off-street parking spaces required by Table III.2.

No minimum number of off-street parking spaces are required for:

- (1) existing buildings, including vacant buildings, undergoing a change of use;
- (2) accessory dwelling units as defined by Sec. 24-65 and Sec. 24-201 of these regulations;
- (2) child-care facilities licensed or registered by the department of public health and human services;
- (3) deed-restricted affordable housing; or
- (4) assisted living facilities.

Projects may be required to provide accessible parking spaces as required by the Americans With Disabilities Act (ADA) of 1990, 42 U.S.C. 12101, et seq. The administrator is not required to enforce the ADA requirements.

Off street parking for different uses in the same building shall be calculated separately. Parking areas shall have properly graded and drained surfaces. Each standard off-street parking space shall be located outside any public right-of-way, be designed at least nine feet by 20 feet in size with vertical clearance of seven feet, for parking of typical passenger vehicles with room to get out on either side of the vehicle, with adequate maneuvering space and accessible to public streets or alleys.

Nothing in this section restricts a property owner, developer, or builder from providing more parking spaces than the minimum number of parking spaces required by these regulations.

- (c) *Off-street parking requirements for uses not listed.* The classification of uses and the off-street parking requirements for uses not listed in Table III.2 shall be determined by the administrator based on:
- (1) The most similar land use listed in Table III.2; and
 - (2) Published sources of parking information such as those produced by the Institute of Transportation Engineers, the American Planning Association or the International Building Code.
- (d) *Location of off-street parking.* Required off-street parking spaces shall be within 600 feet of a main entrance of the use or building served, except for spaces serving a dwelling, which shall be within 200 feet of the main entrance of the dwelling unit served.
- (e) *Control of parking.* Off-street parking shall generally be provided on the same lot or parcel, and under the same ownership as the use it serves, but two or more uses may share parking where:

- (1) The total number of spaces provided meets the minimum standards for the number of spaces required for all buildings or uses served, and
- (2) A contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a certificate of occupancy.

In such cases, the required off-street parking may be located on the lot or parcel serving one of the uses.

- (f) *Exception: Commercial parking requirements in the central business district.* In the CBD commercial enterprises are granted a 100 percent reduction in off-street parking spaces required in Table III.2. This exceptions does not apply to residential uses in the CBD, which shall meet the full parking space requirements in Table III.2.
- (g) *Exception: Commercial parking requirements in the general commercial district.* In the GC district commercial enterprises are granted a 40 percent reduction in off-street parking spaces required in Table III.2. Additionally, the administrator may grant commercial enterprises up to a 60 percent reduction in off-street parking spaces required in Table III.2, provided the applicant demonstrates sufficient on-street and/or shared parking is available to meet the demand of the particular use. These exceptions do not apply to residential uses in the GC district, which shall meet the full parking space requirements in Table III.2.
- (h) *Exception: Commercial parking requirements in residential districts.* In all residential districts, commercial enterprises, permitted through the issuance of a conditional use permit, are granted a 20 percent reduction in off-street parking spaces required in Table III.2. Additionally, the administrator may grant commercial enterprises up to a 40 percent reduction in off-street parking spaces required in Table III.2, provided the applicant demonstrates sufficient on-street and/or shared parking is available to meet the demand of the particular use. These exceptions do not apply to residential uses, day care centers, or bed and breakfasts in residential districts, which shall meet the full parking space requirements in Table III.2.
- (i) *Exception: Reduction in shared off-street parking spaces.* The administrator may authorize the joint use of parking facilities under the following circumstances:
 - (1) When at least 50 percent of the parking spaces required by this section are for primarily "night-time" uses such as theatres, bowling alleys, bars and related uses, and the parking spaces to serve those uses are provided by "day-time" uses such as banks, offices, furniture stores, manufacturing, large-scale retail, wholesale and related uses;
 - (2) When at least 50 percent of the parking spaces required by this section for primarily "day-time" uses may be supplied primarily by "night-time" uses;
 - (3) When at least 60 percent of the parking spaces required by this section for a religious institution, an auditorium incidental to a school, or a similar use, may be supplied by the off-street parking facilities provided by uses primarily of a "day-time" or complimentary nature;

- (4) The joint parking facility shall be located within 600 of a main entrance of the use or building served, except for spaces serving a dwelling, which shall be within 200 feet of the main entrance of the dwelling unit served;
 - (5) The applicant for the joint use parking facility shall show there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of the off-street parking facilities is proposed;
 - (6) A contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a certificate of occupancy.
- (j) *Passenger loading areas.* Schools, community residential facilities, places for public assembly and similar uses located on arterial roads shall provide at least one safe, properly signed off-street passenger loading area.
 - (k) *Freight loading areas.* Commercial and industrial buildings and uses shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area, except in the CBD, where reliance on on-street or alley loading areas may be permitted. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions:
 - (1) Vertical clearance: 14 feet;
 - (2) Width: 12 feet; and
 - (3) Depth or length: 35 feet. No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.
 - (l) *Driveways.* Properly graded and drained driveways shall be provided for safe access to off-street parking and loading areas, including the off-street parking for single family dwellings.
 - (1) No parking or loading area shall create a situation in which vehicles are required to back onto a public street. Parking areas for single family dwellings with access to minor and collector streets are exempt from this requirement.
 - (2) Continuous curb cuts shall be prohibited. All access to public streets shall be via driveways that comply with these standards.
 - (3) Driveways accessing an arterial shall be at least 200 feet from any other point of access (other driveways or intersections).
 - (4) Driveways to roads intersecting an arterial shall be located at least 150 feet from the arterial or, where that distance cannot be attained, at the property line most distant from the arterial.
 - (5) Driveway clear vision triangles shall be provided on both sides of driveways pursuant to section 24-48. See section 24-48 and figure III.C.

- (m) *Circulation in off-street parking areas.* The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

(1) Minimum aisle widths shall be:

- a. 90° parking: 24 feet for two-way circulation;
- b. 60° angle parking: 18 feet for one-way circulation; 22 feet for two-way circulation; and
- c. 45° angle parking: 15 feet for one-way circulation; 20 feet for two-way circulation.

TABLE III.2: OFF-STREET PARKING REQUIREMENTS BASED ON USES

Use	Required Parking
Single-family dwellings	2-1 per DU* 1,200 sf or larger 0.5 per DU under 1,200 sf**
Two-family dwellings	1 per DU 1,200 sf or larger 0.5 per DU under 1,200 sf**
Multi-family dwellings	1-5-1 per DU 1,200 sf or larger 0.5 per DU under 1,200 sf**
Dwelling units exclusively for seniors age 65+ and individuals with a disability	1 per 3 DU
Bed and breakfasts	2-1 for the residents and 1 per guest room
Community residential facilities	1 per employee on maximum shift and 1 per 5 residents and 1 per vehicle operated by the facility
Retirement homes	1 per employee on maximum shift and 1 per 3 DU
Convalescent homes, nursing homes, rest homes	1 per employee on maximum shift and 1 per 6 beds
Day care centers	1 per employee on maximum shift and 1 pick up/drop off space and 1 per 10 children
Home day care	Same as residential requirements
Full service restaurants, taverns, and bars	1 per 100 sf*** of floor area for the first 3,000 sf with 6 spaces minimum and 1 for each additional 300 sf of floor area

Drive through restaurants	1 per 150 sf of floor area, minimum of 6 spaces
Libraries/Museums/Art galleries	1 per 500 sf of floor area
Schools—Elementary and junior high school	1 per employee
Schools—High school	1 per employee and 1 per 5 students
Schools—Trade school and community college	1 per employee and 1 per 3 students
Fraternal/Civic organizations/Clubs/Lodges	1 per 250 sf of floor area and 1 per 4 employees
Religious institutions/theaters/auditoriums/places of assembly	1 per 4 seats
Hospitals	1 per employee and 1 per 4 beds
Medical and dental clinics	1 per employee and 1 per 250 sf of floor area
Professional offices not providing on-site customer service	1 per employee
Banks, financial institutions and professional offices providing on-site customer service	1 per 500 sf of floor area, minimum of 5 spaces
Bowling alley	2 per lane
Fitness, recreational sports, gym	3 per 1,000 sf of floor area
Go cart, driving range, shooting range, and similar use requiring large, uninhabited areas	1 per each unit of activity (each go cart, tee box, firing position, etc.)
Utilities	One per employee on maximum shift and 2 additional spaces
Manufacturing, production, and fabrication, processing, assembly	One per employee on maximum shift and 3 additional spaces
Auto wrecking yard	11 for sites up to 10 acres and 1 for each additional acre up to 25 acres
Recycling center	1 per employee on maximum shift
Grocery and general merchandise stores	4 per 1,000 sf of floor area
Animal shelter and boarding	1 per 1,000 sf of floor area
Laundromat	1 per 4 machines
Storage facilities	1 space per employee on maximum shift and 1 space for every 50 storage units.

Vehicle sales	1 per employee on maximum shift and 1 per 1,000 sf of floor area
Furniture, appliance and other large item retail	1 per 1,000 sf of floor area
Automotive services	1 per employee on maximum shift and 2 for each service bay
Convenience store	3 per 1,000 sf of floor area
Gasoline sales	1 per 400 sf of floor area
Salons, barber shops, and spas	6 per 1,000 sf of floor area
Beverage retail stores	3 per 1,000 sf of floor area
Equipment sales and rental	1 per employee on maximum shift and 1 per 1,000 sf of floor area
Hardware stores	4 per 1,000 sf of floor area
Warehousing, wholesale, and freight terminals	1 per 2,000 sf of floor area
Car wash	1 per cleaning bay
Retail stores or services businesses not otherwise named.	One per 500 sf of floor area.

*DU = Dwelling unit

**** No more than one-half parking space will be required for each residential unit under 1,200 square feet; one residential dwelling unit under 1,200 square feet as a stand-alone use requires zero (0) off-street parking spaces, while 10 such dwelling units would require 5 off-street parking spaces, and 5 such dwelling units would require 2 off-street parking spaces.**

*****sq sf = square feet**

Secs. 24-51—24-59 24-58. Reserved.

[Sec. 24-59 below is language relocated from Sec. 24-72]

Sec. 24-59. Administration of zoning in cases of multiple lots.

- (a) When a property proposed for use or development is or may be comprised of more than one lot or tract of record, the owner(s) may be required to aggregate lots or otherwise modify the tracts of record and/or boundaries to achieve zoning compliance.**
- (b) The city may administer the zoning code in a manner that provides for multiple lots or tracts of record to be considered one tract of record for zoning purposes if (1) the lots are taxed as a single property, (2) the proposed development would preclude the transfer of the individual lots/tracts separately, or (3) through agreement with the Zoning Administrator**

that the lots/tracts will not be transferred separately to result in non-conformance with the zoning code.

Sec. 24-63. Accessory buildings.

(Also see accessory dwelling units, section 24-65 and shipping containers, section 24-73)

Accessory buildings are allowed in all zoning districts subject to permitting requirements except as exempted under section 24-81 and the following standards:

- (a) No accessory building shall be located within five feet of any principal residential building, or have a height over 24' as measured from the highest peak of the building. This height limitation does not apply to accessory dwelling units, which are subject to the same height limitations as those for primary buildings.
- (b) On residential lots, accessory buildings may be located in rear yards, but not in the required rear yard setback. See Figure III.A, setbacks and yards.
- (c) No accessory building shall be located in any required side or front yard in residential districts, with the following exceptions: Storm shelters, fallout shelters and similar shelters to protect human life during periods of danger may be constructed in the required front or side yard, but no part of the building may protrude above the average grade of the lot. In addition, such buildings with impervious surfaces shall be calculated against the permitted lot coverage.
- (d) In non-residential districts, with the exception of the CBD, accessory structures may be located in any yard, but not required yards.
- (e) For those uses listed as a conditional use, the addition of accessory buildings that expand a conditional use beyond what may have been reviewed under a conditional use permit process require review as a conditional use.
- (f) For nonconforming uses, the addition of accessory buildings that expand the nonconformity shall not be permitted without approval of a variance. For purposes of this requirement, nonconformity is increased if any portion of a required yard would be diminished by the proposed activity.
- (g) For regulations on shipping containers as defined by Sec. 24-201, similar buildings/structures, and temporary buildings that fall under the definition of shipping containers, see Sec. 24-73.

Sec. 24-65. Accessory dwelling units.

- (a) *Purpose.* The purposes of these performance standards is to allow efficient use of the existing housing stock and infrastructure, provide housing options that respond to changing household sizes and needs, provide a means for residents—particularly seniors, single parents and empty nesters—to remain in their homes and neighborhoods, obtain extra income, security, companionship and assistance, and to provide a broader range of affordable housing options. provisions are to comply with MCA 76-2-345, promote housing availability, and provide for security in certain industrial areas.

(b) *Applicability.* The following are considered accessory dwelling units or uses:

- (1) A single dwelling unit occupied by the owner, a manager, or a guard is a customary accessory use on commercial and industrial properties in the HCLI and HI districts.
- (2) An accessory apartment (an attached, single, functionally separate dwelling unit) is a customary accessory use in all buildings that are primary single family dwellings.
- (3) A detached accessory dwelling unit (a single, fully functional dwelling unit physically separated from the primary dwelling on a lot), including an apartment above a garage, is a customary accessory residential use in the RA, RB, RC, and SR, and MH-A districts.
- (4) One attached or detached accessory dwelling unit is a customary accessory use on a lot or parcel in any zoning district that contains a primary single-family dwelling.

(c) *Specification standards.*

- (1) Only one accessory dwelling is permitted per lot;
- (2) Except for an accessory dwelling provided for a manager or guard on a commercial or industrial property in the HCLI or HI districts, accessory dwelling units are only allowed on lots developed with single family residences.
- (3) An accessory dwelling shall not contain more than two bedrooms (rooms used primarily for sleeping purposes); For a building to qualify as an accessory dwelling unit to a single-family dwelling unit under the provisions of this section, whether detached from or attached to the single-family dwelling, it may not be more than 75% of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less; for purposes of this requirement, "gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit;
- (4) In the residential districts, the lot must meet the minimum size requirement of the district; Other dwelling units that do not comply with the size limitations stated above shall be deemed single-family dwelling units or other defined use(s) as outlined by these regulations;
- (5) The ground floor area of the accessory unit shall not exceed 50 percent of the ground floor area of the principal dwelling or structure;
- (6) An accessory dwelling shall not exceed the district's maximum height limitation for accessory primary buildings;
- (7) The accessory dwelling shall have a roof pitch, siding, trim and window proportions similar to that of the principal dwelling or structure to the extent feasible, as determined by the administrator;
- (8) (6) The accessory dwelling shall comply with all other standards for principal dwellings or structures such as setbacks, lot coverage and height;
- (9) The accessory dwelling unit shall not require a separate access approach to the adjacent public street, with the exceptions that the alley may serve the accessory dwelling and existing driveway approaches may serve the accessory dwelling unit;

~~(10) At least one off-street parking space must be provided for an accessory dwelling unit; and~~

~~(11)-(7) Approval from the Montana Department of Environmental Quality may be required prior to issuance of a permit; and~~

~~(8) The city may not assess impact fees on the construction of an accessory dwelling unit.~~

- (d) *Renting an accessory dwelling unit.* Renting of either a primary or accessory dwelling is allowed.
- (e) *Tiny homes.* All tiny homes must comply with regulations set forth in state and local building regulations. See International Residential Code Appendix Q. No more than two tiny homes per RA zoned lot shall be allowed, with one being accessory dwelling unit. To qualify as a tiny home square footage must be between 320 and 600 square feet. State of Montana RVIA-certified built structures shall be deemed compliant.

Sec. 24-67. Multiple-family dwellings, two-family dwellings, townhouses and townhomes.

Multiple-family dwellings, ~~two-family dwellings (duplexes), townhouses and townhomes~~ are subject to all applicable regulations of the Miles City Codes except as modified or supplemented by these standards. These standards apply to multiple-family and two-family dwelling structures, including apartments, condominiums and retirement homes that contain more than two living units. ~~They also apply to townhouse structures, and when a single parcel contains either multiple two-family dwellings or a combination of multifamily dwellings and two-family dwellings.~~

- (a) *Pedestrian access.* Such developments must provide a system of walkways connecting each dwelling to the following when applicable: adjacent public sidewalks, on-site parking lots or parking structures, other on-site multiple-family dwelling buildings, garages, disposal and recycling containers, mail boxes, recreation areas and storage areas.

- (b) *Parking and vehicle access.*

- (1) Off-street parking shall be provided in compliance with section 24-50.

- (2) No more than 30 percent of the parking area may be located between the principal building and the front street.

~~(3) Parking may not be located within any required side setback area.~~

~~(4)~~ Access and access routes meeting the requirements of the Miles City Fire Department may be required to ensure residents have adequate means of escape in the event of an emergency and that the fire department has sufficient access.

- (c) *Design features.* The developer shall provide at least ~~three~~ two of the following (at the developer's discretion):

- (1) Modulated building wall planes on the front façade through the use of projections, recesses and offset planes with a minimum depth of two feet;
 - (2) Balconies or bay windows on the front building facade;
 - (3) Varied rooflines;
 - (4) Visual diversity on all building façades by varying materials, texture, or color; and

- (5) Windows or glazed area equal to at least 15 percent of the combined total of all the building façades.
- (d) *Utilities*. Each unit shall be provided with separate utility connections and meters.
- (e) ~~*Townhouses and townhomes unit access*. Each unit of townhouse/townhome developments shall be provided with at least two separate and private outdoor access doors.~~
- (f) ~~*Landscaping*. For multifamily dwellings in excess of eight units, Landscaping landscaping shall be installed in accordance with section 24-49.~~

Sec. 24-71. Medical marijuana.

The following requirements apply to medical marijuana providers.

- (a) Medical marijuana providers shall not display, in an open or visible manner to the general public, any medical marijuana plant, marijuana infused product, or any depictions, caricatures, or other artistic renditions of a marijuana plant, leaf, bud or parts in a manner visible from the exterior of the establishment, structure or building in which the provider does business.
- (b) Medical marijuana providers shall not be located within 1,000 feet of a public or private school, park, playground or a religious institution. This measurement shall be a horizontal distance from the tract of record containing the school, park, playground, or religious institution to the tract of record containing the proposed medical marijuana provider.

Sec. 24-72. Administration of zoning in cases of multiple lots.

- (a) ~~When a property proposed for use or development is or may be comprised of more than one lot or tract of record, the owner(s) may be required to aggregate lots or otherwise modify the tracts of record and/or boundaries to achieve zoning compliance.~~
- (b) ~~The city may administer the zoning code in a manner that provides for multiple lots or tracts of record to be considered one tract of record for zoning purposes if (1) the lots are taxed as a single property, (2) the proposed development would preclude the transfer of the individual lots/tracts separately, or (3) through agreement with the Zoning Administrator that the lots/tracts will not be transferred separately to result in non-conformance with the zoning code.~~

(Ord. No. 1387, § 1, 1-14-25)

[section relocated to 24-59]

Secs. 24-73-24-72 —24-79. Reserved.

Sec. 24-86. Interpretation of use.

It is the intent of this section to group similar or compatible land uses into specific zoning districts, either as permitted or conditional uses. Evaluation of uses shall be as follows:

- (a) The administrator shall determine if a use not listed is materially similar to a permitted or conditional use listed in the applicable district. Interpretations may be appealed to

the board of adjustment per section 24-93. In interpreting a use and in determining whether a use violates these regulations, any ambiguity or uncertainty in the zoning regulations as to whether the use is in violation must be interpreted in favor of the use in question.

Sec. 24-88. Application of zoning regulations to state and local government agencies. (MCA 76-2-402)

For purposes of this section, an "agency" means a board, bureau, commission, department, district, an authority, or other entity of state or local government, including but not limited to the City of Miles City, its city council, and city departments.

- (a) If an agency proposes to develop or use public land contrary to these zoning regulations, the agency shall first notify the ~~board of adjustment~~ city council of its intent to develop land contrary to these zoning regulations.
- (b) Whenever an agency proposes to use land contrary to these zoning regulations, a public hearing shall be held by the ~~board of adjustment~~ city council, and the agency shall attend the hearing.
- (c) The administrator shall give notice of the public hearing in accordance with section 24-97.
- (d) The board of adjustment shall hold a public hearing within 30 days of the date the agency gives notice to the ~~board of adjustment~~ city council of its intent to develop or use land contrary to these zoning regulations.
- (e) The ~~board of adjustment~~ city council shall have no power to deny the proposed use but shall ~~act only to~~ allow a public forum for comment on the proposed use.

Sec. 24-89. Nonconforming uses.

Except as may be allowed by variance, the following apply to lawful nonconforming uses and structures existing at the time of the adoption of this chapter and/or effectiveness of a provision of these regulations:

- (a) The nonconforming use of a building or premises may be continued, but the degree of nonconformity shall not be expanded.
- (b) There shall be no limit on the maintenance and repairs of nonconforming uses or buildings, provided all such activities comply with applicable fire and building codes.
- (c) No building which has been damaged by fire or other catastrophic event to the extent of more than 50 percent of its assessed value exclusive of foundations shall be repaired or rebuilt except in conformity with these regulations.
- (d) Any nonconforming use abandoned for more than 12 months shall be terminated. Abandonment shall not be measured by the owner's intent, but solely by the fact that use ceases for a period of 12 or more months.
- (e) Temporary nonconforming uses or structures shall not be made permanent without full compliance with these regulations. For example, a building of a temporary character or low-grade construction in a location that does not comply with a setback requirement

may not be enhanced with permanent construction features that would make it a permanent structure.

(f) Natural expansion clause: Nonconforming uses are not defined or limited by the number of employees, business revenue, transaction volume, or similar measures of operational intensity. Rather, changes in those measures that reflect the natural growth or ordinary expansion of a lawful nonconforming use are intended to be permitted, provided the character of the use itself does not change.

(e) Any ambiguity or uncertainty in these regulations as to whether a nonconforming use is allowed or whether the use was allowed when it was commenced must be interpreted in favor of the use in question.

Sec. 24-96. Zone changes and zoning amendments.

(b) Amendment process.

(11) If approved or approved with modifications, the city council shall pass an ordinance or resolution effectuating the amendment to the zoning map or regulations, as applicable.

a. Per MCA 76-2-303(2)(b), if a zone map boundary only is proposed to be amended, supplemented, changed, modified, or repealed, the city council shall adopt the boundary change by resolution. The adoption of the zoning district map boundary/zone change by resolution is effective immediately.

b. Zoning ordinances, except interim zoning ordinances, passed by the council shall not become effective until 30 days after its final passage and adoption, or such later effective date as may be set forth in the ordinance. Interim zoning ordinances may become effective immediately.

(12) An amendment to the zoning may not become effective except upon favorable vote of two-thirds of the present and voting members of the city council if a protest against a change is signed by the owners of 25 percent or more of:

a. The area of the lots included in the proposed change; or

b. Those lots or units, as defined in MCA 70-23-102, 150 feet from a lot included in a proposed change. For purposes of this protest provision, each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in MCA 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest or by the presiding officer of the association of unit owners.

(13) At the conclusion of the amendment process, the administrator shall notify the applicant of the city council decision within ten days.

Sec. 24-97. Public hearing notices.

- (a) All required public hearing notices shall provide the following information:
- (1) Name of the applicant and the landowner (if different);
 - (2) Legal description of the site and its address or another general description by which the public can locate it;
 - (3) Present land use at the site, if the application is site-specific;
 - (4) The proposed use, if known;
 - (5) That a public hearing is to be held to accept public comment and what board or body will conduct a public hearing;
 - (6) The date, time and place of the hearing; ~~and~~
 - (7) A brief statement of the action to be taken; and
 - (8) Where applications are available for review, or who to contact for the same. The address and telephone number of the person who may be contacted for further information on the action to be taken.
- (b) Notice of the hearing shall be provided as follows:
- (1) By ~~certified~~ first class mail, at least 15 calendar days before the hearing, to the applicant, landowner, and all adjoining property owners and owners of land within 150 feet of the subject property. For zone changes and zoning amendments, which have had the zoning commission's public hearing noticed by ~~certified~~ mail, the mail notice of the city council's public hearing may be done by first class mail seven calendar days before the hearing instead of ~~certified~~ mail and 15 calendar days before;
 - (2) By newspaper publication, at least calendar 15 days before the hearing, one legal notice in the official newspaper notice must be published twice, with the first notice published at least 15 business days before the hearing;
 - (3) When a zoning amendment is not specific to a subject property and is an amendment to the text or a zoning amendment or update to the map and/or regulations initiated by the City of Miles City staff, zoning commission, or other city official, the mailing notice requirement of (1) above does not apply;
 - (4) All notices shall comply with (a) above.

Sec. 24-98. Violations/enforcement.

- (a) *Violations.* Any person, partnership, association, company, corporation or individual who violates, disobeys, omits, neglects or refuses to comply with the provisions of these regulations shall be deemed guilty of a misdemeanor offense, and upon conviction thereof, shall be punished as prescribed below. Each day a violation of these regulations remains after notice to the offending party, as described below, shall constitute a separate misdemeanor offense. A person violates these regulations whenever he or she:
- (1) Proceeds with an activity for which a permit is required by these regulations without having obtained a permit;

- (2) Makes any misrepresentation in any application for a permit required by these regulations;
- (3) Fails to fulfill any condition imposed on the approval of a permit;
- (4) Fails to maintain any improvement required for compliance with these regulations or any permit granted under these regulations;
- (5) Engages in the development of land in any way not consistent with the requirements of these regulations;
- (6) Obscures, obstructs, removes or destroys any notice required to be posted or otherwise given under the terms of these regulations;
- (7) Fails to comply with any lawful order issued under the authority of these regulations; or
- (8) Disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of these regulations.

In interpreting a use and in determining whether a use violates these regulations, any ambiguity or uncertainty in the zoning regulations as to whether the use is in violation must be interpreted in favor of the use in question.

Sec. 24-201. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning. The word "building" includes the word "structure," and the word "lot" includes the words "plot," "parcel" and "tract;" the word "signature" includes the word "mark" when the person cannot write. The word "shall" is mandatory; the word "may" is permissive.

Accessory building: A subordinate building or portion of the main building which is located on the lot occupied by the main building, and the use of which is clearly incidental to the use of the main building.

Accessory dwelling unit: For purposes of accessory dwelling units in residential districts or on other lots developed with a single-family dwelling, an accessory dwelling unit is a self-contained living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations adopted pursuant to MCA Title 50, chapter 2. For purposes of accessory dwelling units in the HCLI and HI districts, an accessory dwelling unit is a self-contained living unit on the same parcel as a permitted, primary use, and that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations adopted pursuant to MCA Title 50, chapter 2. All accessory dwelling units are a form of accessory building.

Accessory use: A use occurring on the same lot either in the same building or in a separate accessory structure which is clearly incidental to the primary allowed use.

Duplex housing: A parcel or lot with two dwelling units that are designed for residential occupancy by not more than two family units living independently from each other.

Dwelling, multifamily: A residential building designed for and occupied exclusively by more than two families. Multiple-unit dwelling" means a building designed for five or more dwelling units in which the dwelling units share a common separation like a ceiling or wall and in which access cannot be gained between units through an internal doorway, excluding common hallways. For purposes of the provisions of MCA 76-2-304(4)(a) as effective October 1, 2026, and the provisions for multifamily dwellings and mixed-use developments in the HWC District, "Multiple-unit dwelling" is a form of multifamily dwelling that means a building designed for five or more dwelling units in which the dwelling units share a common separation like a ceiling or wall and in which access cannot be gained between units through an internal doorway, excluding common hallways.

Dwelling, single-family: A-For purposes of these regulations, a single-family dwelling is a detached residential living unit, other than a mobile home, designed for and occupied by one family, which may include manufactured housing. For purposes of determining whether a dwelling is a single-family dwelling, the term further means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.

Dwelling, two-family: A residential building designed for and occupied exclusively by two families, also known as a duplex. This term is distinct from a single-family dwelling with an apartment that is used as an accessory dwelling unit. *See also "Duplex housing".*

Family unit: ~~One or more persons occupying the premises and living as a single housekeeping unit.~~ A single person living or residing in a dwelling or place of residence; or two or more persons living together or residing in the same dwelling or place of residence.

Living unit: A residential unit providing complete, independent living facilities for one family unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Manufactured housing: A building that serves as a single-family dwelling, built off site in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily used on site built homes, and, that is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or house trailer, as defined in MCA 15-1-101 and below. [MCA 76-2-302(4)]

Mixed-use development: A development consisting of residential and nonresidential uses, such as residential and commercial. For purposes of the provisions of MCA 76-2-304(4)(a) as effective October 1, 2026, and the provisions for multifamily dwellings and mixed-use developments in the HWC District, a mixed-use development is a development consisting of residential and nonresidential uses in which the nonresidential uses are less than 50% of the total square footage of the development and are limited to the first floor of buildings that are two or more stories.

Mobile home: A form of housing known as "trailers", "housetrailer", or "trailer coaches" exceeding eight feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to eight feet in width or 45 feet in length used as a principal residence (MCA 15-1-101(mp)). Mobile homes are distinct from manufactured housing and single family dwellings.

Mobile home park: A tract of land designed and developed to accommodate two or more mobile homes, each occupying a portion of the site on a purchase, lease or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy. Such parks are regulated by the Montana Subdivision and Platting Act.

Shipping container: A steel intermodal freight container, cargo container, Conex container, PODS container, or similar structure originally designed and manufactured for the transportation of goods by ship, rail, or truck. The term also includes any purpose-built storage container similar to or resembling the above, manufactured for storage rather than ocean shipping and not certified for international maritime transport, which are commonly used for construction sites, storage, and commercial uses. The term does not include refuse containers, mobile offices, recreational vehicles, and other similar items originally constructed for purposes other than the above.

Subdivision: A division of land so divided, which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased or otherwise conveyed, and shall include any resubdivision, and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles or mobile homes. A subdivision shall comprise only those parcels less than 20 acres which have been segregated from the original tract, and the plat thereof shall show all such parcels, whether contiguous or not; provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the act. A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium.

Section 2. The Final Report of the Zoning Commission of the City of Miles City, prepared as part of the review of these amendments, and attached hereto as Exhibit “A,” is hereby adopted as Findings of Fact to support the Council’s decision.

Section 3. Prior to final passage, a public hearing shall be held upon this proposed zoning amendments before the City Council at 6:00 P.M. on the 8th day of September, 2026, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk and/or zoning Administrator shall give notice of the date, time and place of such hearing in accordance with Sections 76-2-303 and 7-1-4127(7)(b), MCA, as well as Section 24-97 of the Code of Ordinances of Miles City, Montana. Said notice shall include publication twice in the Miles City Star, with the first notice published at least 15 business days prior to the date of such hearing.

Section 5. This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

Said Ordinance first read and put on its passage this 25th day of August, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this this 8th day of September, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk