

ORDINANCE NO. 1408(b)

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO ADDRESS SHIPPING CONTAINERS AND TEMPORARY BUILDINGS SIMILAR TO SHIPPING CONTAINERS IN THE VARIOUS DISTRICTS, ADDING REQUIREMENTS FOR ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS TO REQUIRE A PRIMARY BUILDING TO ALLOW AN ACCESSORY BUILDING, AND PROVIDING FOR A HEARING THEREON.

WHEREAS, there have been multiple cases of shipping containers being placed within the residential zoning districts of the City of Miles City that are contrary to the purposes and intents of the residential districts and zoning code overall, and the zoning code does not specifically address this recent trend;

AND WHEREAS, to properly address the use of shipping containers and temporary buildings similar to shipping containers such that the negative effects are addressed while reasonably and appropriately accommodating shipping containers, similar buildings, and their various beneficial uses, requires text amendments that apply on a City-wide basis;

AND WHEREAS, City of Miles City staff have proposed various text amendments to the City zoning code to address these uses and administration of the code to accommodate shipping containers and similar buildings, add certain permit requirements, and miscellaneous amendments to carry out the intent of the proposed provisions;

AND WHEREAS, there have been multiple cases of accessory buildings, such as large shops, being placed on otherwise vacant lots within the residential zoning districts of the City of Miles City, which have no primary building for the buildings to be accessory to and have then become used for non-residential purposes that are contrary to the purposes and intents of the residential districts and zoning code overall, and the zoning code does not specifically address this trend;

AND WHEREAS, City of Miles City staff have proposed text amendments to the City zoning code to prohibit accessory buildings on lots in residential districts until the primary/main building is constructed or under construction concurrently with the primary building;

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, 2026, upon public hearing and deliberation, recommended to the City Council that the amendments adding requirements for accessory buildings in residential districts to require a primary building to allow an accessory building not be approved, but that the alternate version of the ordinance without that language restricting accessory buildings be approved; however, the City Council has determined that based on the above recitals, it is in the City's best interest to adopt this ordinance.

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

Section 1.

The following term and definition are added to Sec. 24-201. – Definitions, between the terms/definitions of “Setback” and “Sign permit”:

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.

The following sections are amended as follows; no other existing language is changed other than depicted below: (additions are underlined, and deletions are ~~stricken~~):

Under the “Permitted Uses” listed in the following tables of Permitted and Conditional Uses in the various residential districts, “Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63” is amended to state: “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)”:

- Sec. 24-15. - Residential A district (RA), subsection (b), Table II.1: RA District Permitted and Conditional Uses;
- Sec. 24-16. - Residential B district (RB), subsection (b), Table II.3: RB District Permitted and Conditional Uses;
- Sec. 24-17. - Residential C district (RC), subsection (b), Table II.5: RC District Permitted and Conditional Uses;
- Sec. 24-18. - Semi-rural district (SR), subsection (b), Table II.7: SR District Permitted and Conditional Uses; and

- Sec. 24-19. - Mobile home residential district (MH-A), subsection (b), Table II.9: MH-A District Permitted and Conditional Uses.

Under the “Permitted Uses” listed in Table II.11: MH-RV District Permitted and Conditional Uses, the following use is added: “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)”:

Sec. 24-63. - Accessory buildings, is amended as follows (additions are underlined, and deletions are ~~stricken~~):

(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) All accessory buildings in residential districts are prohibited until the primary/main building is constructed; concurrent construction of accessory and primary buildings is allowed.
- ~~(a)-(b)~~ (b) 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.
- ~~(b)-(c)~~ (c) 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)-(d)~~ (d) 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)-(e)~~ (e) In non-residential districts, with the exception of the CBD, accessory structures may be located in any yard, but not required yards.
- ~~(e)-(f)~~ (f) 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)~~-(g) 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.

(h) 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.

A new Sec. 24-73 is added as follows (additions for this change are underlined, and deletions are stricken):

Sec. 24-73. – Shipping containers:

(a) Shipping containers in residential districts (RA, RB, RC, SR, MH-A, and MH-RV):

(1) Except as expressly authorized by this section, shipping containers shall not be permitted as a principal use, accessory use, accessory building, storage structure, or temporary structure in the residential districts.

(2) Shipping containers used as components of a permanent permitted building(s) and subject to and in compliance with applicable building codes may be allowed if the shipping container(s) is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage.

(3) 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) and subject to all of the following requirements:

a. The container(s) shall be used solely for the temporary storage of household goods in connection with the following activities:

i. Moving into or out of a dwelling;

ii. Repair or restoration of a dwelling following fire, flood, storm damage, or similar casualty loss; or

iii. Repairs or remodeling, or new construction projects being performed under a valid permit when a permit is required by City code.

- b. No more than one container shall be located on a lot at any time.
- c. The container shall not exceed forty (40) feet in length.
- d. The storage container shall remain on the lot no longer than thirty (30) consecutive days, except as provided under (e) below. One extension not exceeding thirty (30) additional days may be approved by the administrator upon written request with information demonstrating good cause.
- e. A container may be used as temporary construction storage (equipment, tools, or construction materials) for longer than thirty (30) consecutive days on an active construction site authorized by a valid permit through the period of permitted activities. Such containers shall be removed within fourteen (14) days following final inspection, issuance of a certificate of occupancy, or cessation of construction activity, whichever occurs first.
- f. The container shall not be placed within any public street, alley, sidewalk, public easement, fire lane, required parking area, or required clear vision triangle.
- g. The container shall be placed upon a properly graded and drained surface.
- h. The container shall meet all requirements for accessory buildings, including setbacks, lot coverage, and building heights.
- i. The container shall not be connected to water, sewer, electrical, gas, or communication utilities.
- j. The container shall not be used for habitation, sleeping purposes, business activity, or retail sales.
- k. The container shall not be used for commercial storage except as otherwise provided for in this section during construction activities.
- l. The container shall not be used for the storage of hazardous, flammable, explosive, or otherwise regulated materials.
- m. The container shall be maintained in a clean condition and free of graffiti and rust.

- n. The container shall be removed prior to expiration of the approved time period.
- o. No temporary use permit shall be issued for a lot more than once within any twelve-month period for the same lot, except in the case of documented casualty loss or emergency restoration.

(b) Shipping containers in commercial and industrial districts (CBD, GC, HWC, HCLI, HI, and MC):

- (1) Except as expressly authorized by this section, shipping containers shall not be permitted as a permanent principal use, accessory use, accessory building, storage structure, or temporary structure in the commercial and industrial districts.
- (2) Shipping containers used as components of a permanent permitted building(s) and subject to and in compliance with applicable building codes may be allowed if the shipping container(s) is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage.
- (3) 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) and subject to all of the following requirements:
 - a. The container(s) shall not exceed forty (40) feet in length.
 - b. Multiple containers shall not be stacked.
 - c. A container(s) may be used as temporary construction storage (equipment, tools, or construction materials) on an active construction site authorized by a valid permit through the period of permitted activities. Such containers shall be removed within fourteen (14) days following final inspection, issuance of a certificate of occupancy, or cessation of construction activity, whichever occurs first.
 - d. The container(s) shall not be placed within any public street, alley, sidewalk, public easement, fire lane, required parking area, or required clear vision triangle.
 - e. The container(s) shall be placed upon a properly graded and drained surface.

f. The container(s) shall meet all other requirements for buildings, including setbacks, lot coverage, and building heights.

g. The container shall not be used for sleeping purposes.

(c) Shipping containers in Open Space (OS) District:

(1) Shipping containers in the OS District are allowed as accessory buildings associated with the permitted uses in the district; and

(2) Shipping containers in the OS District are allowed only on City-owned property as part of municipal activities or with written permission by the City.

~~Secs. 24-73~~Secs. 24-74—24-79. - Reserved.

Sec. 24-80. – Permits required, is amended as follows (additions are underlined, and deletions are ~~stricken~~):

Sec. 24-80. - Permits required.

A permit shall be required for any clearing, grading, excavation, construction, reconstruction, non-minor change of occupancy or use, land development, re-development or building activity, except as specifically exempted by these regulations or per section 24-81 below. These regulations include the following four kinds of permits, the procedures for administration of which are found in section 24-85 below:

(a) A building permit, where compliance with zoning is assessed, shall be required for any new building activity listed as "permitted" in the various districts adopted by these regulations (see sections 24-15 through 24-39).

(b) A conditional use permit shall be required for any land use or building activity listed as a "conditional use" in the various zoning districts (see sections 24-15 through 24-39).

(c) A fence permit is required for installation of any new fence or modifications or substantial repairs to an existing fence.

(d) A certificate of occupancy is required when a new building is completed.

(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:

(1) The use is a recurring 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

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

Building permit applications are submitted with applications for the above permits when building codes apply to the development. Building permits are then processed by the Miles City building inspector in conjunction with zoning review by the administrator and, when applicable, the board of adjustment or city council. Sign permits are authorized under separate ordinance—see Appendix H of the International Building Code for sign regulations in Miles City.

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 8th day of September, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk