

Attachment D
Existing PD Agreement

PLANNED UNIT DEVELOPMENT AGREEMENT

KING WEST PARTNERS

Dated: May 24, 1982

TO

Recorded: June 9, 1982

CITY OF BILLINGS

Book 1237, Page

Document #1231501

WHEREAS, the undersigned are the owners of at least 75% of all lots in Harvest Subdivision 1st, 2nd, 3rd and 4th Filings, as required by the Declaration of Restrictions to be altered or amended and being of a Planned Development as outlined within the City Zoning Ordinance;

WHEREAS, the aforesaid owners and the City of Billings desire to place building and use restrictions on the above-described premises;

NOW, THEREFORE, in consideration of the premises, the undersigned hereby establish and declare the following building restrictions which shall be applicable to all the above described real estate.

I. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations or other entities, who shall hereafter acquire any interest in and to the above described real estate shall be taken and held to agree, to conform to and observe the following building restrictions, and stipulations as to the use thereof, and as to the construction of improvements thereon.

II. BUILDING AND USE RESTRICTIONS

Unless expressly designated below all other standards or requirements of the City of Billings Zoning Ordinance shall be followed for the type of use within each area.

A. LAND USES

1. Single Family or School Area - Area #1 (R-9600)

Blocks 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19,
20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 37, 39, 43,
44, 45, & 46
School Use Block 17

2. Residential Multi-Family or Church - Area #2 (RMF-R)

Blocks 2, 6, 18, 28, 35, 36, 38, 41 & 42
Church Use Blocks 6 & 28

3. Neighborhood Commercial - Area #3 (NC)

Blocks 34 & 40

B. Supplemental Area, Yard and Height Requirements

1. Single Family or School - Area #1 (R-9600)

Minimum Lot Area Per One Dwelling 6,957 sq. ft.

Minimum Yard Requirements:

Front	20 ft.
Side	5 ft.
Side Adjacent to Street	10 ft.
Rear	5 ft.

Garage Entrance at Street 20 ft.

Maximum Height of all Buildings 25 ft.

Maximum Lot Coverage in Percent 40 Percent

Maximum Height all Fences:

Front	0 ft.
Rear	6 ft.

2. Residential Multi-Family or Church - Area (RMF-R)

Maximum Dwelling Units Per Block:

Block # 2 - 152 Units	Block #35 - 41 Units
Block # 6 - 48 Units	Block #36 - 71 Units
Block #18 - 215 Units	Block #38 - 102 Units
Block #28 - 102 Units	Block #41 - 83 Units
	Block #42 - 59 Units

Minimum Lot Area Per Dwelling Unit 1,900 sq. ft.

Minimum Yard Requirements

Front	20 ft.
Side: 1 story	5 ft.
2 or more stories	10 ft.
Side Adjacent to Street	10 ft.
Rear	5 ft.

Garage Entrance at Street 20 ft.

Maximum Height of all Buildings 2 Stories
 Except Block 18 5 Stories

Maximum Lot Coverage in Percent 55 Percent

Maximum Height of all Fences
Front 0 ft.
Rear 6 ft.

3. Neighborhood Commercial Area #3 (NC)

Minimum Lot Area Per Site N / A

Minimum Yard Requirement
Front 20 ft.
Side 0 ft.
Side Adjacent Street 10 ft.
Rear 0 ft.

Garage Entrance at Street 20 ft.

Maximum Height of all Buildings 25 ft.

Maximum Lot Coverage Percent 50 Percent

Maximum Height of all Fences
Front 0 ft.
Rear 6 ft.

C. Development Schedule

Phase 2 Dec. 31, 1984

See attached map for phase outline

D. Other Special Agreements

1. Building Location and Site Plan

The building location and site plan, as submitted, is not to be used to determine the size or location of building. The location and size shall be determined upon application for building permit based on all the standards outlined above and within the City of Billings Zoning Ordinance.

2. Landscape Plan

The subdivider shall cause construction and furnish the public mall parks by either private contract or SID at the time of each phase to the present day operation and maintenance standards used by the City of Billings Park Department which are:

- (a) City water used for irrigation;
- (b) Complete automatic underground irrigation systems;
- (c) Safe, sturdy, low to the ground playground equipment;
- (d) Ample litter control receptacles;
- (e) Bike rack; and
- (f) Specialized recreation areas, such as ice rinks, Little League fields, football fields, ect., will be according to present City space standards found in public parks.

Development schedule shall be as follows:

Phase 1; Parks 1 - 5	July 1982
Phase 2; Parks 6 - 8, 11 - 13 & 16	Dec. 31, 1984
Phase 3; Parks 9, 10, 14 & 15	Dec. 31, 1986

Map identifying parks is attached.

Within said Public mall parks subdivider shall construct bikeway-walkways within the parks. Said bikeway-walkways shall be in accordance with the state of art manuals and as approved by the City Engineer.

A maintenance district to include all nonpublic land within the subdivision of providing necessary funds for utilities, machinery, tools, manpower, supplies to maintain the public mall parks, sidewalks adjacent to parks located in the street right-of-ways, and all recreation facilities installed in the public mall parks within Harvest Subdivision. The City of Billings Park Department shall administer the maintenance district.

3. Drainage Swales

It should be the responsibility of the owner of the premises whereon grass swales, water courses, holding basins or other plantings within the grass swales, water courses, holding basins or other suitable structures trimmed within five (5) inches of the ground and to keep them free from debris and other obstructions.

4. Drive Approaches

Anytime the swale slope is 10 to 1 or less the drive approach shall be constructed as per "Construction Standards Swale Crossing" (see attachment).

III. PLANNED DEVELOPMENT AGREEMENT AMENDMENTS OR CHANGES

Amendments or changes in the Planned Development Agreement or other documents similarly approved and recorded shall be deemed a major change and considered the same as a new petition and reapplication shall be made in accordance with the procedures for an new application under Articale V of the City of Billings Zoning Ordinance.

IV. RIGHT TO ENFORCE

The provisions of this Planned Development Agreement Shall be enforced as provided for in Article VIII of the City of Billings Zoning Ordinance.

"Subdivider"

King West Partners

By: H. Thomas Llewellyn
Managing General Partner

"City"

By: William B. Fox
Mayor, City of Billings

Attest:

Bonnie J. Stark
City Clerk, City of Billings

Acknowledged.

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