

Attachment A – Draft Ordinance

ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-27-310(i) AND ADDING A NEW SECTION 27-310(j) – YARDS AND SETBACKS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES - TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-310 (i) as follows:

(i) Yards and Setbacks for Accessory Buildings in Residential Zones within the Billings city limits. The following setbacks shall be provided for accessory buildings in Residential zones:

(1) Detached garages, carports, patios, tool or storage sheds, playhouses, greenhouses or other accessory buildings shall meet the setbacks required in below Table 1.

TABLE 1 Setbacks from property lines for detached garages, carports, tool or storage sheds, greenhouses or other detached accessory structures					
	Front (b)	Side Adjacent to Street (b)	Side	Rear with Alley (c)	Rear Without Alley
BUILDINGS LESS THAN 18 FEET IN HEIGHT (a) (d) (e) (f) Approach from a street	20	20	3	0	3
Approach at right angle from an alley	20	10	3	6	N/A
All others	20	10	3	0	3
BUILDINGS GREATER THAN 18 FEET IN HEIGHT UP TO AND INCLUDING THE MAXIMUM ALLOWED HEIGHT (a) (d) (e) Approach from a street	20	20	8	6	8
Approach at right angle from an alley	20	10	8	6	N/A
All others.	20	10	8	6	8

- (a) All setbacks are denoted in feet from the property line.
- (b) In districts with Front or Side Adjacent to Street setbacks greater than those required in above Table 1, the structure shall meet the most restrictive setback requirement.
- (c) No above building or structure nor any part thereof shall protrude into or hang over the public right-of-way.
- (d) Structures located adjacent to arterial streets must meet the Arterial Setbacks as outlined in BMCC Section 27-602.
- ~~(e) Detached accessory buildings used to house, keep or shelter livestock or fowl shall meet the setbacks described in BMCC Section 27-607.~~
- (f) (e) The side wall of detached accessory buildings in the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits shall be no greater in height than the side walls, excluding a gable wall, of an existing or proposed principal structure on the property.

N/A = Not Applicable

(2) Garages, carports and other accessory buildings attached to a dwelling shall be considered to be part of the dwelling and setbacks shall be the same as those required for such dwelling. In addition, garages and carports attached to the dwelling that have their approach from a street shall be setback from that street property line a minimum of twenty (20) feet or meet the front setback in the zoning district in which it is located, whichever is greater.

~~(3) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s) greater than 200 square feet in size shall not exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated as follows or equal to the principal building first story square footage, whichever is less.~~

~~Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000, and Residential Manufactured Home zoning districts within the Billings city limits the maximum size allowed for detached accessory structures shall be based on the following criteria, based on the size of the lot:~~

- ~~- Lots containing less than .25 acres = 1,000 square feet maximum size.~~
- ~~- Lots containing .25 acres up to 1 acre shall use the following formula:
(667 x lot acreage) + 833 = maximum detached structure size~~
- ~~- Lots containing more than 1 acre = 1,500 square foot maximum size.~~

~~This provision shall not apply in the Agricultural-Open or Agricultural-Suburban zoning districts.~~

~~No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.~~

~~(4) Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits the maximum total square footage in detached accessory structures on any lot shall not exceed three thousand (3,000) square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. This three thousand (3,000) square foot limit shall not apply in the Agricultural-Open zoning district.~~

~~(5) See BMCC Section 27-607, for setbacks regarding detached structures used to house livestock or fowl.~~

~~(6) (4) For watercourse setbacks, see BMCC Section 27-616.~~

~~(7) (5) No above allowed building or structure nor any part thereof shall protrude into or hang over any public right-of-way.~~

~~(8) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s) greater than 200 square feet in size shall not~~

~~exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated in Section 3 above or equal to the principal building first story square footage, whichever is less. No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.~~

(9) (6) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits, horizontal exterior siding is required on detached accessory structures greater than 200 square feet in size, unless the principle structure has vertical siding or a combination of horizontal and vertical siding. The detached accessory structure siding shall match the design and material of the principle structure to the maximum extent practicable.

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by adding new Section 27-310 (j) as follows:

(i) **Yards and Setbacks for Accessory Buildings in Residential Zones outside the Billings city limits and within the County jurisdictional zoning area.** The following setbacks shall be provided for accessory buildings in Residential zones:

(1) Detached garages, carports, patios, tool or storage sheds, playhouses, greenhouses or other accessory buildings shall meet the setbacks required in below Table 1.

<u>TABLE 1 Setbacks from property lines for detached garages, carports, tool or storage sheds, greenhouses or other detached accessory structures</u>					
	<u>Front (b)</u>	<u>Side Adjacent to Street (b)</u>	<u>Side</u>	<u>Rear with Alley (c)</u>	<u>Rear Without Alley</u>
<u>BUILDINGS LESS THAN 18 FEET IN HEIGHT (a) (d) (e)</u> <u>Approach from a street</u>	<u>20</u>	<u>20</u>	<u>3</u>	<u>0</u>	<u>3</u>
<u>Approach at right angle from an alley</u>	<u>20</u>	<u>10</u>	<u>3</u>	<u>6</u>	<u>N/A</u>
<u>All others</u>	<u>20</u>	<u>10</u>	<u>3</u>	<u>0</u>	<u>3</u>
<u>BUILDINGS GREATER THAN 18 FEET IN HEIGHT UP TO AND INCLUDING THE MAXIMUM ALLOWED HEIGHT (a) (d) (e)</u> <u>Approach from a street</u>	<u>20</u>	<u>20</u>	<u>8</u>	<u>6</u>	<u>8</u>
<u>Approach at right angle from an alley</u>	<u>20</u>	<u>10</u>	<u>8</u>	<u>6</u>	<u>N/A</u>
<u>All others.</u>	<u>20</u>	<u>10</u>	<u>8</u>	<u>6</u>	<u>8</u>

- (a) All setbacks are denoted in feet from the property line.
- (b) In districts with Front or Side Adjacent to Street setbacks greater than those required in above Table 1, the structure shall meet the most restrictive setback requirement.
- (c) No above building or structure nor any part thereof shall protrude into or hang over the public right-of-way.
- (d) Structures located adjacent to arterial streets must meet the Arterial Setbacks as outlined in BMCC Section 27-602.

(e) Detached accessory buildings used to house, keep or shelter livestock or fowl shall meet the setbacks described in BMCC Section 27-607.

N/A = Not Applicable

(2) Garages, carports and other accessory buildings attached to a dwelling shall be considered to be part of the dwelling and setbacks shall be the same as those required for such dwelling. In addition, garages and carports attached to the dwelling that have their approach from a street shall be setback from that street property line a minimum of twenty (20) feet or meet the front setback in the zoning district in which it is located, whichever is greater.

(3) The maximum size allowed for detached accessory structures shall be based on the following criteria, based on the size of the lot:

- Lots containing less than .25 acres = 1,000 square feet maximum size.
- Lots containing .25 acres up to 1 acre shall use the following formula:
 $(667 \times \text{lot acreage}) + 833 = \text{maximum detached structure size}$
- Lots containing more than 1 acre = 1,500 square foot maximum size.

This provision shall not apply in the Agricultural-Open Space or Agricultural-Suburban zoning districts.

(4) The maximum total square footage in detached accessory structures on any lot shall not exceed three thousand (3,000) square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. This three thousand (3,000) square foot limit shall not apply in the Agricultural-Open Space zoning district.

(5) See BMCC Section 27-607, for setbacks regarding detached structures used to house livestock or fowl.

(6) For watercourse setbacks, see BMCC Section 27-616.

(7) No above allowed building or structure nor any part thereof shall protrude into or hang over any public right-of-way.

Section 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

Section 7. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading March 26, 2012.

PASSED, ADOPTED AND APPROVED on second reading April 9, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk

ZC #888 – Text – Detached Accessory Residential Structures