

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 27-308 – AREA, YARD AND HEIGHT REQUIREMENTS – RESIDENTIAL; SECTION 27-305 – DISTRICT REGULATIONS – RESIDENTIAL; SECTION 27-617 – ZERO LOT LINE CONDITIONS; AND SECTION 27-618 ILLUSTRATION – FIGURE 5. ZERO LOT LINES – TO DELETE LANGUAGE AND TO 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 27-308 as follows:

ZONING REQUIREMENTS	ZONING CLASSIFICATION DISTRICTS												
	Agricultural-Open Space	Agricultural-Suburban	Residential-15,000	Residential-9,600	Residential-8,000	Residential-7,000 Restricted	Residential-7,000	Residential-6,000 Restricted	Residential-6,000 (c)	Residential-5,000	Residential Multi-Family	Residential Multi-Family – Restricted	Residential Manufactured Home
MINIMUM LOT AREA PER DWELLING UNIT: (a) (b) (e)													
One Unit	10A	1A	15,000	9,600	8,000	7,000	7,000	6,000	6,000	5,000	6,000		6,000
Two Units (attached or detached)					10,000		9,600		7,000	8,000	7,000		
Three Units (attached)									8,500		8,500		
Four Units (attached)									10,000		10,000		
Five Units (attached)									11,500		11,500		
Six Units (attached)									13,000		13,000		
Seven Units (attached)									14,500		14,500		
Eight Units (attached)									16,000		16,000		
Nine Units (attached)									17,500				
Ten Units (attached)									19,000		400 each add. (attached) unit	1,500 each add. (attached) unit	
MINIMUM YARD REQUIREMENTS: (d) (e)													
Front (f)(g)	35	25	25	20	20	20	20	15	15	15	15		20
Side (h) (i) (j) (k)	15	10	10	5	5	5	5	5	5	5	5		8
Side Adjacent to Street (l)	35	25	25	10	10	10	10	10	10	10	10		10
Rear	35	25	25	20	20	20	20	20	20	20	15		20
MAXIMUM HEIGHT (m) (n)	34	34	34	34	34	34	34	34	34	34	N/A		40
MAXIMUM LOT COVERAGE IN PERCENT	15	25	30	30	30	30	30	40	40	40	55		30

(a) In the A-1 & A-S districts, minimum lot area figures are in Acres. All other minimum lot area figures denote square footage.

- (b) The above requirements are applicable to all structures located on a single lot. For building groups see BMCC Section 27-310(B).
- (c) In the Residential-6,000 zone, three-plexes up through ten-plexes up require Special Review approval, see BMCC Section 27-1503 or 27-1509.
- (d) For arterial setback and watercourse setback requirements, See BMCC Sections 27-602 and 27-616, respectively.
- (e) For yard setbacks on corner lots, refer to definitions of lot frontage and yard (side) in BMCC Section 27-201.
- (f) Block frontages which have buildings constructed prior to the effective date of this Resolution/Ordinance shall have a minimum twenty (20) foot front setback for all districts.
- (g) Garages and carports that have their approach from a street shall be setback a minimum of twenty (20) feet.
- (h) Required side yards shall be increased to eight (8) feet in distance from the nearest second story portion of the building, plus one (1) foot for each story in excess of two (2).
- (i) ~~Townhouses are exempt from the side yard requirements in the Residential 5,000, Residential 6,000, Residential 7,000, Residential 8,000, RMF R and RMF zoning districts. In addition, townhouses require Special Review approval, as delineated in BMCC Section 27-1503 or 27-1509.~~
- (j) ~~In the Residential 5,000 district, if no alley exists as a secondary means of access, one (1) side yard shall be increased to ten (10) feet.~~
- (k) In the Residential Manufactured Home district, a site built structure complying with the CABO One and Two Family Dwelling code, may be setback a minimum of five (5) feet from the side property line, unless the structure contains two (2) or more stories.
- (l) Front yard setbacks as required in the district shall be provided on side streets when a side street frontage exceeds one hundred and fifty (150) feet.
- (m) In the A-1 district, maximum height restrictions apply to buildings designed and constructed for human occupancy.
- (n) Where there is a change in the adjacent grade of three (3) feet or more the maximum height will be increased one (1) foot for each two (2) feet of grade change.

NOTE:

- All height and setback requirements denote feet.
- For height exceptions, see BMCC Section 27-310(F).
- For permitted projections, see BMCC Section 27-310(G)
- For setbacks for detached accessory structures, see BMCC Section 27-310(I)
- N/A = Not Applicable

Section 4. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-305 as follows:

That the Billings, Montana City Code be amended by

TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A – ALLOWED	Agricultural - Open Space	Agricultural - Suburban	Residential - 15,000	Residential - 9,600	Residential - 8,000	Residential - 7,000 Restricted	Residential - 7,000	Residential - 6,000 Restricted	Residential - 6,000	Residential - 5,000	Residential Multi-Family	Residential Multi-Family Restricted	Residential Manufactured Home
CONVENTS	SR	SR	SR	SR	SR		SR		SR	SR	A	A	SR
DWELLINGS: – Single-family – Two-family – Multiple-family – Manufactured Homes – Class A – Class B – Class C – Modular Homes – Townhouses (minimum 2,500 square feet) – Farm Tenant Houses	A A A SR A	A A SR SR A	A A SR SR A	A A A	A A A SR	A A A	A A A SR	A A A	A A SR A SR	A A A SR	A A A A SR	A A A A SR	A A A A A

Section 5. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-617 as follows:

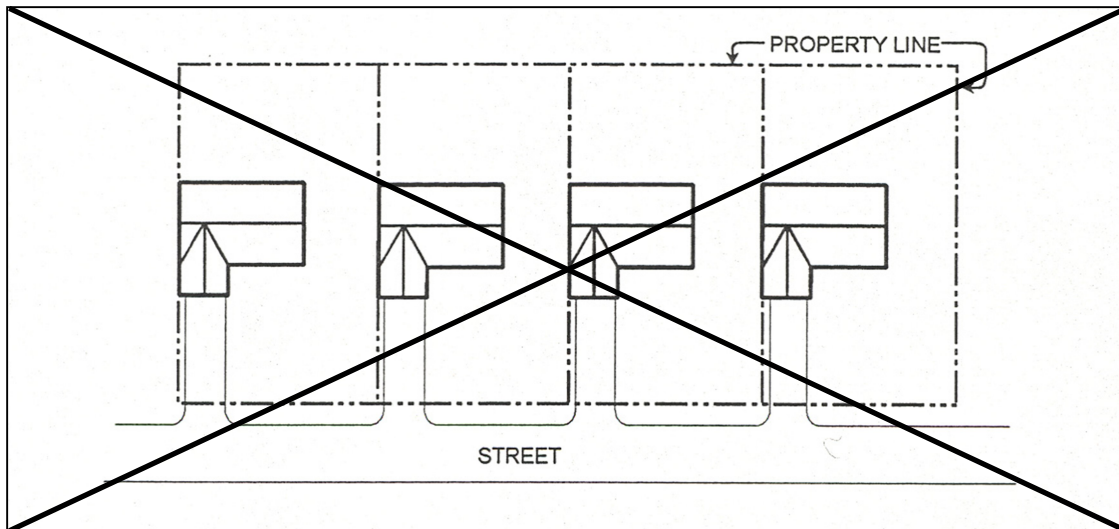
That the Billings, Montana City Code be amended by

~~SEC. 27-617. ZERO LOT LINE CONDITIONS.~~

~~Where an individual owns two (2) adjoining lots or where the owners of the two (2) adjoining lots make legal written agreement, a zero lot line may be used for single-family dwellings, but only so as to create a zero lot line on one (1) side of any lot (See BMCC Section 27-618, Figure 5).~~

Section 6. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-618 as follows:
FIGURE 5. ZERO LOT LINES

That the Billings, Montana City Code be amended by



Section 7. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. 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 9. 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 #886 – Text – Lot Area