

ORDINANCE NO. 12 - _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-305 RESIDENTIAL USES; 27-306 – COMMERCIAL AND INDUSTRIAL USES; AND 27- 607 – LIVESTOCK AND FOWL – TO DELETE LANGUAGE AND TO ADD LANGUAGE TO ALLOW THE KEEPING OF CHICKEN HENS WITHIN RESIDENTIAL ZONES AND ON PROPERTY DEVELOPED WITH RESIDENTIAL USES 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 27-305 as follows:

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
Livestock And Fowl *	A*	A*	A*	A*			A*						A*
<u>Fowl including Chicken Hens</u> *	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>			<u>A*</u>						<u>A*</u>
<u>Chicken Hens (<i>Gallus gallus domesticus</i>)</u> * (County Only) See BMCC Section 27-607 for Minimum Area Requirements in the County Zoning 4- ½ Mile Jurisdictional Area	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

Section 4. That the Billings, Montana City Code is amended to revise language in Section 27-306, which shall read as follows:

TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A – ALLOWED	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
Dwellings – Single-Family*_ – Two-Family – Multiple-Family – Modular Home*_ – Rowhouse/Townhouse <u>*Chicken Hens Allowed See Section 27-607</u>	A	A	A	A	A	SR			A
	A	A	A	A	A	SR			A
		SR	SR	SR	SR				SR

Section 5. That the Billings, Montana City Code is amended to revise language in Section 27-607, which shall read as follows:

SEC. 27-607. LIVESTOCK AND FOWL.

Livestock, as defined in BMCC Section 27-201, shall not be maintained in any zoning district located within the limits of the city except as provided within Section 27-305 or 27-306. ~~(see also BMCC Sections 4-501 through 4-505).~~ However, horses may be permitted in the City when located within a Planned Development, as described in Section 27-1303, that is specifically designed to accommodate horses and/or equestrian centers. Fowl, as defined in BMCC Section 27-201 except Chicken Hens, shall not be maintained in any zoning district located within the limits of city. Chicken Hens may be kept within the limits of the city in residential zoning districts or on property used for residential purposes as provided in Section 27-305 or 27-306 subject to limitations and permitting requirements in BMCC Section 4-303. Chicken Hens may be kept outside the city limits as provided in Section 27-305 and subject to the provisions below.

Areas located outside the limits of the City of Billings, but within certain Agricultural or Residential zoning districts, as shown in the Residential District Regulations (see BMCC Section 27-305), shall be permitted to have livestock and/or fowl. In addition, livestock and/or fowl may be permitted as part of a Planned Development, as described in Section 27-1303, and are also exempt from the following animal unit standards, unless specifically referenced within the Planned Development Agreement. However, the standards outlined below must be satisfied, depending upon the size of the property.

The allowance of livestock and/or fowl in commercial or industrial zoning districts, situated outside the limits of the City of Billings, may be permitted when the regulations established in below subsection (b) are met, regardless of the lot size. However, if the number of animals requested exceeds the allowed limit in below subsection (b), then the property must conform to the uses allowed by right or through Special Review, as shown in the Commercial/Industrial District Regulations matrix in BMCC Section 27-306.

Section 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 8. EFFECTIVE DATE. This ordinance shall be effective from October 10, 2012.

PASSED by the City Council on first reading August 27, 2012.

PASSED, ADOPTED AND APPROVED on second reading September 10, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel

ATTEST:

BY: _____
Cari Martin, City Clerk
ZC #899 – Text – Urban Hens