

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 27-601(a) AND 27-606 OF SAID CODE; ALLOWING OPEN STORAGE AND OFF-STREET PARKING OF ONE COMMERCIAL TOW TRUCK CLASSIFIED AS EITHER CLASS A OR CLASS D BY THE STATE OF MONTANA AS AN ACCESSORY USE IN A RESIDENTIAL DISTRICT; AND, ALLOWING ONE SUCH COMMERCIAL TOW TRUCK TO BE PARKED OR STORED ON THE PREMISES OF A HOME OCCUPATION.

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

Section 1. That subsection (a) of Section 27-601 of the Billings, Montana City Code be amended so that such subsection shall read as follows:

Sec. 27-601. - Parking and storage restrictions.

- (a) *Residential.* The following standards for off-street parking and storage shall apply in all residential zoning districts and on property that is developed for residential use.
- (1) Open storage and off-street parking of licensed and operable motor vehicles is an allowed accessory use as defined in section 27-201.
 - (2) Open storage and off-street parking of inoperable motor vehicles for more than five (5) consecutive days is a prohibited use.
 - (3) Within the city limits open storage and off-street parking of licensed and operable motor vehicles in any front or side yard shall be on a surface prepared with asphalt or concrete. Open storage and off-street parking of licensed and operable motor vehicles in any rear yard may be on any type of surface. (See also sections 6-1203, 24-401 and 27-1201.)
 - (4) Open storage and off-street parking of one (1) licensed and operable motor vehicle used for commercial or business purposes, including a commercial tow truck classified as either Class A or Class D by the State of Montana, is an allowed accessory use. All such motor vehicles, except the commercial tow trucks noted above, shall provided it does not exceed twelve thousand (12,000) pounds in G.V.W. (gross vehicle weight). Outside the city limits on property zoned agriculture open space or agriculture suburban this motor vehicle weight limitation shall not apply.

. . . (the rest of this subsection is unchanged)

Section 2. That Section 27-606 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 27-606. - Home occupations.

A *home occupation* is defined as an occupation carried on by an occupant of a dwelling, which is located in a residential zoning district, as an accessory and incidental activity to the main residential use of the building.

The *planning department* recognizes that the restrictions set forth in this section do not anticipate all possible types of home occupations. Therefore, to guide the planning department in the enforcement of this section, the department has adopted the following policies:

- (1)The home occupation should not generate traffic before 7:30 a.m. or after 6:00 p.m.
- (2)The occupation should not generate, on average, more than four (4) vehicle trips to the residence during any hour.

The home occupation shall comply with all of the following restrictions:

- (a)The occupation to be performed must be a use which is allowed outright in the Residential Professional (RP) zoning district. In addition, the following uses, listed by Standard Industrial Classification (S.I.C.), may also be allowed:

| S.I.C. Number | Description |
|---------------|---|
| 7231 | Beauty shops |
| 7241 | Barber shops |
| 7251 | Shoe repair shops |
| 7291 | Tax return preparation services |
| 7631 | Watch, clock and jewelry repair |
| 76— | Office only for miscellaneous repair services |
| 7911 | Dance studios, schools and halls |

Uses not listed above may be allowed with written approval from the zoning coordinator, if they meet the spirit and intent of this section and will conform to all of the restrictions of this section.

(b) No person shall be employed other than the residents of the dwelling.

(c) The occupation shall be conducted entirely within the dwelling or an accessory building.

(d) The floor area devoted to the occupation shall not exceed five hundred (500) square feet or twenty-five (25) percent of the total ground area occupied by the buildings, whichever is less.

(e) The occupation shall not produce light, noise, vibration, glare, fumes, odors, electrical interference, etc., which is inconsistent with the character of the residential area.

(f) There shall be no sign advertising or calling attention to the home occupation on the premises.

(g) There shall be no display, evidence or activity apparent from the exterior of the lot which would indicate that the premises are being used for any purpose other than that of a dwelling.

(h) There shall be no group instruction, assembly or activity for greater than five (5) persons.

(i) One (1) business vehicle that is associated with the home occupation and which does not exceed ~~eight thousand (8,000)~~ twelve thousand (12,000) pounds gross vehicle weight (G.V.W.), may be parked or stored on the premises. This weight limitation shall not apply to commercial tow trucks classified as either Class A or Class D by the State of Montana. In addition, there shall be no outside storage of materials or equipment related to the home occupation, except the one (1) allowed business vehicle.

Section 3. 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 these ordinances are declared to be severable.

Section 4. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

APPROVED on first reading this ___ day of _____, 2015.

ADOPTED and APPROVED on second reading this ___ day of _____, 2015.

CITY OF BILLINGS

By _____
Thomas W. Hanel, Mayor

ATTEST:

By _____
Cari Martin, City Clerk