

ORDINANCE 23-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Sections 27-307, 27-308 and 27-803 related to
the provision of open space in multifamily zone districts
and in Planned Neighborhood Development applications,
BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. 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 ten (10) criteria required by state law.

Section 2. ZONE TEXT AMENDMENT. The text of Section 27-307 be amended to revise the requirements for provision of open space in developments of three acres or more as follows:

Section 27-307.D. Supplemental regulations.

5. Open space. **One or more of the following open space types equal to or more than 6,500 square feet must be provided for every each three (3) contiguous acres of NX1 district or combination of NX1, NX2 or NX3 districts. Developments of less than three contiguous acres are exempt from this requirement. NX1 or a combination of NX1, NX2 or NX3 developments within 1,320 feet (radius) of a developed public park or publicly accessible open space are exempt from providing open space. Unless otherwise exempt, developments of more than 3 contiguous acres, shall provide a developed open space type or types equal to or greater than 5% of the gross contiguous area. For example, a contiguous six-acre development consisting of both NX1 and NX3 districts must provide and develop at least 13,068 square feet of one or more of the open space types. Fractions of square feet shall be rounded up to the next whole number. Developments of 10 or more contiguous acres shall provide at least two types of open space, one of which shall be a "Green" as defined below.**

(a) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage. **Parklets are intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.**

(b) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. **A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations,**

protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.

(c) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

Section 3. ZONE TEXT AMENDMENT. The text of Section 27-308 be amended to revise the requirements for provision of open space in developments of three acres or more as follows:

Sec 27-308.D. Supplemental regulations.

5. Open space. One or more of the following open space types equal to or more than 6,500 square feet must be provided for every each three (3) contiguous acres of NX2 or NX3 district or combination of NX1, NX2 or NX3 districts ∴.

Developments of less than three contiguous acres are exempt from this requirement. NX2 and NX3 developments or combination of NX1, NX2 or NX3 developments within 1,320 feet (radius) of a developed public park or publicly accessible open space are exempt from providing developed open space on site. Unless otherwise exempt, developments of more than 3 contiguous acres, shall provide a developed open space type or types equal to or greater than 5% of the gross contiguous area. For example, a contiguous six acre development consisting of both NX2 and NX3 districts must provide at least 13,068 square feet of one or more of the open space types. Fractions of square feet shall be rounded up to the next whole number. Developments of 10 or more contiguous acres shall provide at least two types of open space, one of which shall be a “Green”, “Plaza” or “Square” as defined below.

(a) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage. **Parklets are intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.**

(b) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. **A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.**

(c) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

(d) **Plaza. A plaza must share street frontage with a CMU, NMU, NO, NX or P2 zone district. A plaza may provide areas for seasonal shopping or similar community activities. A plaza will be developed with landscaping and pedestrian facilities throughout.**

(e) **Square. A square is similar to a plaza except it is surrounded by street frontage on all sides. A square must be developed with landscaping and pedestrian facilities throughout.**

Section 4. ZONE TEXT AMENDMENT. The text of Section 27-802, Table 27-800.1. Types of Planned Neighborhood Districts, and Section 27-802.B.3 Minimum District Mix are amended as follows:

Zoning Districts															
Required Min. Acres	Types of PND	CMU1	CMU2	NMU	NO	NX1	NX2	NX3	N1	N2	N3	RMH	P1	P2	P3
10	Mixed-Use MU PND Choose at least 2 districts: Pick 1 MU and Pick 1 NX or 1 N Min. % of net acres	L	L	P	P	P	P	L	P	P	P	P	R	P	P
													2 5		3 buildings
10	Mixed Residential MR PND Choose at least 2 districts: Pick 1 NX and Pick 1 N Min. % of net acres	-	-	L	P	P	P	P	P	P	P	P	R	P	P
													2 5		3 buildings
10	Neighborhood N PND Choose at least 2 N/NX districts Min. % of net acres	-	-	L	L	L	L	L	P	P	P	P	R	P	P
													2 5		3 buildings

Sec. 27-802.B.3 Minimum district mix regulations.

(a) Unless Table 27-800.1 indicates otherwise, each type of planned neighborhood development requires a combination of at least two (2) development zoning districts with a percentage mix of **eight-eight (88) eighty-five (85)** percent maximum and ten (10) percent minimum measured by total net parcel area, plus the minimum required open space **two (2) five (5)** percent minimum). For example, an applicant with a 12-net acre lot may choose to create a Neighborhood PND (N-PND) with a mix of: (1) 10.56 acres (eight-eight (88) percent) N3, 1.2 acres (ten (10) percent) N2, and the required .24 acres of P1 open space.

Section 5. ZONE TEXT AMENDMENT. The text of Section 27-803. Private Open Space Requirements is amended as follows:

All PNDs must provide open space to ensure the walkability, sociability, and safety of residents and visitors.

B. *Types of open space.* The following types of open space are required.

1. The PNDs are required to provide one of the following:

(a) *Plaza.* A plaza must share street frontage with a CMU, NMU, NO, NX or P2 zone district. A plaza may provide areas for seasonal shopping or similar community activities. A plaza may be used to meet the required minimum dedication of open space for a subdivision. A plaza will be developed with landscaping and pedestrian facilities throughout.

(b) *Square.* A square is similar to a plaza except it is surrounded by street frontage on all sides. A square must be developed with landscaping and pedestrian facilities

throughout. A square may be used to meet the required minimum dedication of open space for a subdivision.

(c) *Parklet*. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material and at least twenty (20) feet of street frontage. **Parklets are intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.**

(d) *Green*. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. **A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.**

(e) *Natural area*. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

2) All of the above required open space may be counted towards the minimum required dedication of open space for a subdivision.

Section 6. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 7. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent 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.

PASSED by the City Council on first reading this ____day of July 2023.

PASSED, ADOPTED and APPROVED on second reading this ____day of August 2023.

CITY OF BILLINGS

BY: _____
William A. Cole, Mayor

Attest:

BY: _____
Denise R. Bohlman, City Clerk

Zone Change _____, Text Amendment for Open Space provisions in NX districts and PND applications