

ORDINANCE 23-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Section 27-1615 ZONING AT ANNEXATION,
and Section 27-800 – Planned Neighborhood
Development, 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 text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment 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. DESCRIPTION. The text of Sections 27-1615 and 27-800 be amended to allow a more detailed process for zoning at the time of annexation.

Section 3. ZONE TEXT AMENDMENT. The text of Section 27-1615 is amended as follows:

Sec. 27-1615. Classification of newly annexed area.
A. All procedures except annexation by petition. Annexations of land into the City of Billings may be undertaken pursuant to several statutory procedures. When a parcel of land is annexed to the city under any procedure except annexation by petition, the appropriate zone(s) shall may be determined by reference to article 27-800, Planned neighborhood development or by using the following criteria. ~~Property that is exempt from the PND process shall be classified into a zone district as follows:~~
1. The zoning coordinator will determine the most appropriate zone district. If the county zone district is an identical zone district in the city, the zone district shall remain the same upon annexation. If the county zone district has an analogous city zone district, the zoning coordinator will ensure the analogous city zone district has similar allowed uses, use standards, site and building standards. For property that has an established use that will continue or expand upon annexation, the zoning coordinator will ensure the zone district selected matches the existing and continued use. The land owner shall have adequate opportunity to provide input, but the final zone district classification shall be made by the zoning coordinator.

2. Upon determination of the applicable **a substantially different** zone district **from the county zone district**, the zoning coordinator shall follow the procedure in section 27-1628, Zone change, staff review, referral, and recommendation, except that the report, findings and conclusions shall be submitted to the city council prior to or concurrently with the services report that is required by the annexation statutes.

3. A public hearing on the applicable **substantially different** zone district shall be held concurrently with the public hearing on the annexation before the city council, provided that the hearing shall not be sooner than fifteen (15) calendar days after notice of the proposed zone has been given.

4. If the proposed **substantially different** zone district is not approved by the city council, the land shall **not be annexed to the city.** ~~retain the zone district it had in the county; provided, that if the county district is not identical to the city zone district, then a city zone district appropriate to the character of the surrounding area will be applied.~~

B. Annexation by petition. When the proposed annexation is by petition pursuant to MCA Title 7, Chapter 2, Part 46 (Section 7-2-4601, et seq.), the zoning coordinator shall determine whether the section 27-800, Planned neighborhood development, process is applicable, in which case the petitioner shall also submit an application for PND approval. If not, ~~the petitioners shall, concurrently with the petition for annexation, make an application for change of zoning through section 27-1628, Zone change.~~ **the zoning coordinator will use the criteria and process in subsection A.1 above to allow the petitioner to submit a zone change not using the PND process.**

1. All fees shall be paid by petitioner upon filing the application for zoning.

2. Upon filing the application, the zoning coordinator shall follow the procedure set forth in above subsection A.2, above.

3. If no application is filed or the application is denied, the land shall **not be annexed to the city.** ~~retain the same zone district it had in the county provided, that if the county zone district is not identical to the city zone district, a city zone district appropriate to the character of the surrounding area will be applied. The provisions of this subsection shall not be construed to preclude the city from fixing the zone district as provided in subsection 27-1615.A, above.~~

Section 4. ZONE TEXT AMENDMENT.

as follows:

The text of Section 27-801 is amended

B. Applicability.

1. Annexed land. **Unless otherwise provided in this section or in Section 27-1615,** ~~All~~ undeveloped parcels equal to or greater than 10 acres requesting annexation into the city must meet these PND regulations, submitting the PND application concurrent with the annexation request. City of Billings public services, including, but not limited to, water and sewer, are required. Developed parcels, **parcels with zoning determined**

through the process outlined in Section 27-1615, and parcels designated as a P, **or a PD** district in their entirety are not subject to this requirement.

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

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent 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.

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

PASSED, ADOPTED and APPROVED on second reading this ___day of October 2023.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 1034, Text Amendment for Zoning at Annexation