

PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 1981, by and between BERT D. REECE and the CITY OF BILLINGS.

WHEREAS, the undersigned is the owner of Galaxy Subdivision, a Planned Development as outlined within the City Zoning Ordinance;

WHEREAS, the aforesaid owner and the City of Billings desire to place building and use restrictions on the above-described premises;

NOW, THEREFORE, in consideration of the premises, the undersigned hereby establish and declare the following building restrictions which shall be applicable to all the above described real estate.

I. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations or other entities, who shall hereafter acquire any interest in and to the above described real estate shall be taken and held to agree, to conform to and observe the following building restrictions, and stipulations as to the use thereof, and as to the construction of improvements thereon.

II. BUILDING AND USE RESTRICTIONS

Unless expressly designated below all other standards or requirements of the City of Billings Zoning Ordinance shall be followed for the type of use within each area.

A. Land Uses

1. Single Family - Area #1 (R-9600)

Block 1, Lots 1 thru 16
Block 2, Lots 1 thru 16
Block 3, Lots 12 thru 29
Block 4, Lots 1 thru 44
Block 5, Lots 1 thru 20
Block 6, Lots 14 thru 18
Block 7, Lots 1 thru 9

2. Residential Multi-Family - Area #2 (RMF)

Block 6

Lot 1 - 12-plex	Lot 21 - 8-plex
Lot 2 - 10-plex	Lot 22 - 8-plex
Lot 3 - 8-plex	Lot 23 - 10-plex
Lot 4 - 8-plex	Lot 24 - 10-plex
Lot 5 - 8-plex	Lot 25 - 10-plex
Lot 6 - 8-plex	Lot 26 - 8-plex
Lot 7 - 8-plex	Lot 27 - 8-plex
Lot 8 - 8-plex	Lot 28 - 8-plex
Lot 9 - 8-plex	Lot 29 - 8-plex
Lot 10 - 12-plex	Lot 30 - 8-plex
Lot 11 - 12-plex	Lot 31 - 10-plex
Lot 12 - 8-plex	Lot 32 - 10-plex
Lot 13 - 12-plex	Lot 33 - 10-plex
Lot 19 - 12-plex	Lot 34 - 12-plex
Lot 20 - 10-plex	

3. Multi-Family - Condominiums - Area #3 (RMF)

Block 3

Lot 1 - 12-plex	Lot 7 - 12-plex
Lot 2 - 12-plex	Lot 8 - 12-plex
Lot 3 - 8-plex	Lot 9 - 12-plex
Lot 4 - 8-plex	Lot 10 - 12-plex
Lot 5 - 12-plex	Lot 11 - 8-plex
Lot 6 - 12-plex	

B. Supplemental Area, Yard and Height Requirements

1. Single Family - Area #1 (R-9600)

Maximum Dwelling Per Lot	1
Minimum Yard Requirements:	
Front	20 ft.
Side	5 ft.
Side Adjacent to Street	10 ft.
Rear	5 ft.
Garage Entrance at Street	20 ft.
Maximum Height of all Buildings	25 ft.
Maximum Lot Coverage in Percent	30 Percent
Maximum Height all Fences:	
Front	3 ft.
Rear	6 ft.

2. Residential Multi-Family - Area #2 (RMF)

Maximum Dwellings Per Lot: (See Section A, Land Uses)	
Minimum Yard Requirements	
Front	20 ft.
Side:	
1 story	5 ft.
2 story	8 ft.
3 story	10 ft.
Side Adjacent to Street	15 ft.
Rear	20 ft.
Garage Entrance at Street	20 ft.
Maximum Height of all Buildings	30 ft.
Maximum Lot Coverage in Percent	55 Percent
Maximum Height of all Fences	
Front	3 ft.
Rear	6 ft.

3. Multi-Family - Condominiums - Area #3 (RMF)

Maximum Dwellings Per Lot: (See Section A, Land Uses)	
Minimum Yard Requirements	
Front	20 ft.
Side:	
1 story	5 ft.
2 story	8 ft.
3 story	10 ft.
Side Adjacent to Street	15 ft.
Rear	20 ft.
Garage Entrance at Street	20 ft.
Maximum Height of all Buildings	30 ft.
Maximum Lot Coverage in Percent	55 Percent
Maximum Height of all Fences	
Front	3 ft.
Rear	6 ft.

C. Development Schedule

- Phase 1
- Phase 2
- Phase 3

See attached map for phase outline.

D. Other Special Agreements

1. Building Location and Site Plan

The building location and site plan, as submitted, is not to be used to determine the size or location of buildings. The location and size shall be determined upon application for building permit based on all the standards outlined above and within the City of Billings Zoning Ordinance.

2. Parks and Landscaping

Subdivider agrees to install sidewalks within the south perimeter of the park area along Zodiac Avenue and the northeast perimeter of Nova Avenue and sidewalks adjacent to the park areas on Capricorn Place, Neptune Boulevard and Aronson Avenue. Subdivider also agrees to help develop said park located on Zodiac and Nova Avenues by contributing \$25,000.00 if the subdivision is developed privately or if the subdivision is developed through a special improvement district the sum of \$25,000.00 will be set aside from the special improvement district funds as a contribution to the development of said park. In either event, the park shall be developed in a manner and at a time approved by the City of Billings. It being understood should the City determine the park be developed at a later date the funds contributed will be set aside and invested by the City at the best and highest rate of interest until the \$25,000.00 and accrued interest is needed in the development of the park.

Subdivider agrees to the creation of a maintenance district for the purpose of assessing the lands within the subdivision to provide the necessary funds to maintain the public parks in the subdivision. The Subdivider further agrees to file a petition with the Billings City Council within six (6) months from the date the plat is filed of record for the creation of said special maintenance district. The said maintenance district shall utilize the funds obtained by said assessment in a manner approved by the City of Billings. That the creation of said maintenance district shall be included in the waiver and be enforceable against all landowners in the subdivision* (see below).

III. PLANNED DEVELOPMENT AGREEMENT AMENDMENTS OR CHANGES

Amendments or changes in the Planned Development Agreement or other documents similarly approved and recorded shall be deemed a major change and considered the same as a new petition and reapplication shall be made in accordance with the procedures for a new application under Article V of the City of Billings Zoning Ordinance.

IV. RIGHT TO ENFORCE

The provisions of this Planned Development Agreement shall be enforced as provided for in Article VIII of the City of Billings Zoning Ordinance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals this _____ day of _____, 1981.

BERT D. REECE

STATE OF MONTANA)
) ss.
County of Yellowstone)

On this _____ day of _____, 1981, before me, the undersigned, a Notary Public for the State of Montana, personally appeared BERT D. REECE, known to me personally to be the person who signed the foregoing instrument and acknowledged to me that he executed the same.

*The visibility at intersections as provided for in the City Zoning Ordinance shall be maintained.