

ORDINANCE NO. 98-5049

AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA, PROVIDING FOR THE REPEAL OF SECTIONS 6-1203(p) (LANDSCAPING), 6-1204 (FENCES AND HEDGES), AND 6-1205 (CLEAR VISION ZONES), AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.

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

Section 1. That Section 6-1203(p) of the Code of Ordinances, City of Billings, Montana, is hereby repealed and declared null and void and of no effect.

**"Sec. 6-1203. Off-street parking requirements.**

~~(p) Landscaping. In the neighborhood-commercial-limited (NCL), community commercial (CC), highway commercial (HC) and residential-professional (RP) zoning districts landscaping shall be provided according to the following schedules:~~

~~(1) New site development:~~

~~Percentage of landscaping required:~~

<del>Up to 22,000 sq. ft.</del>	<del>10% minimum</del>
<del>22,000 sq. ft. to 5 acres</del>	<del>8% minimum</del>
<del>5 acres to 10 acres</del>	<del>6% minimum</del>
<del>Over 10 acres</del>	<del>4% minimum</del>

~~(2) Existing site development: Building additions in excess of fifty (50) percent, percentage of landscaping required one-half of new site development. Building additions less than twenty-five (25) percent, no landscaping required. The building official shall determine that existing site development does not substantially alter the use of the property before approving reduced landscaping requirements.~~

~~(3) Landscaping area shall be based on the square footage of the lot or lots less the square footage of the buildings or buildings on the site and may consist of outdoor plazas, deciduous plantings, aesthetic bufferings, benches, kiosks, public transit shelters, fountains, flower tubs or other environmental amenities approved by the building official.~~

. . ."

Section 2. That Section 6-1204 of the Code of Ordinances, City of Billings, Montana, is hereby repealed and declared null and void and of no effect.

**~~"Sec. 6-1204. Fences and hedges.~~**

~~(a) Heights. Fences, walls and hedges may be erected or maintained in any residential zoning district along any required yard provided that no fence, wall or hedge over forty-two (42) inches in height shall be erected or maintained in any front yard setback. Fences and wall located along side or rear yards shall not exceed a height of six (6) feet.~~

~~Height, for the purposes of this section, shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.~~

~~(b) Visibility at alley and private drive approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, a triangular clear vision zone shall be maintained except for residential driveways. Such zone shall measure ten (10) feet into the lot as measured from the edge of the sidewalk nearest the property line, and twenty (20) feet parallel to the street measured from the edge of any alley or driveway, away from the alley or driveway, along the edge of the sidewalk nearest the property line. No fence, wall hedge or shrub over thirty-six (36) inches in height shall be erected or maintained without the above defined clear vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the city engineer.~~

~~For purposes of this section only, residential driveway means a private drive approach entering from a local street into a lot containing a single-family dwelling, duplex, or two-family dwelling. A local street is a street used primarily for access to the abutting properties and not designated as an arterial or collector street in the current adopted Transportation Plan.~~

~~Regardless of other provisions of this section no fence, wall or hedge shall be erected or maintained in any yard which materially impedes vision of vehicles entering an abutting street.~~

~~(c) Prohibited fences. No electric fences shall be permitted in any zoning district. No barbed wire fencing shall be permitted in any residential zoning district. Barbed wire fencing materials may be used as a portion of a fence in a commercial or industrial zoning district when such material~~

~~is located not less than eight (8) feet above grade.~~

~~(d) Prohibited location. No fence, wall or hedge shall be erected or maintained in a public right-of-way.~~

~~(e) Prohibited materials. All fences shall be constructed from approved fencing materials and shall not be constructed from railroad ties, tires, rubble or salvage.~~

~~(f) Permit required. Before any fences and walls over thirty (30) inches in heights above an established grade are erected in any zoning district along any required yard the property owner shall first obtain a permit from the building official."~~

Section 3. That Section 6-1205 of the Code of Ordinances, City of Billings, Montana, is hereby repealed and declared null and void and of no effect.

**~~"Sec. 6-1205. Visibility at intersections.~~**

~~(a) On corner lots at the intersection of all streets, except those intersections which are controlled by stop signs or traffic signals, no fence, hedge, wall, shrub, structure, or vision impediment thirty-six (36) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting street center lines and a straight line joining such intersecting lines at points one hundred ten (110) feet distant from the point of intersection measured along the center lines of the streets.~~

~~(b) On corner lots at intersections where one (1) or more approaches are controlled by either a stop sign or a traffic signal, no fence, hedge, wall, shrub, structure, or vision impediment thirty-six (36) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting lines at points twenty-five (25) feet distant from the point of intersection as measured along the lot property lines.~~

~~(c) Approved advertising signs, public-use, controls and systems, and trees with a maximum trunk diameter of one (1) foot measured four (4) feet above the ground line and trimmed up to eight (8) feet may be permitted in this above defined triangular area."~~

Section 4. EFFECTIVE DATE. This ordinance shall be effective February 1, 1998.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6 . 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 22 day of December, 1997.

PASSED, ADOPTED and APPROVED on second reading this 12 day of January, 1997. 98



CITY OF BILLINGS

By Charles F. Taulley  
Mayor

ATTEST:

By Marita Neroed  
City Clerk