

ORDINANCE NO. 00-5114

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-1502 TO COMPLY WITH AMENDED STATE STATUTE; PROVIDING THAT A PROTEST PETITION FOR A ZONING AMENDMENT TO THE OFFICIAL MAP BE SIGNED BY OWNERS OF TWENTY-FIVE PERCENT OR MORE OF THE AREA OF THE LOTS INCLUDED IN ANY PROPOSED ZONE CHANGE; OR BY OWNERS OF LOTS WHICH ARE 150 FEET FROM A LOT INCLUDED IN A PROPOSED ZONE CHANGE; AND THAT UPON SUCH PROTEST A PROPOSED AMENDMENT BECOME EFFECTIVE ONLY BY THE FAVORABLE VOTE OF TWO-THIRDS OF THE PRESENT AND VOTING MEMBERS OF THE CITY COUNCIL.

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

Section 1. That Section 27-1502 of the Code of Ordinances of the City of Billings be amended so that such section shall read as follows:

Sec. 27-1502. Amendments to Chapter.

...

(e) *City council public hearing.* Before taking action on an application for an amendment to the official map, and after presentation of the City Zoning Commission report, the City Council shall hold a public hearing on the application.

As provided in Montana Code Annotated, Section 76-2-305(2) (1999). In ~~case, however,~~ the event of a valid protest petition against such zone change signed by owners of twenty (20) twenty-five (25) percent or more either of: (1) the area of the lots included in such any proposed change; or (2) of those lots immediately adjacent in the rear thereof extending one hundred fifty (150) feet therefrom or of those adjacent on either side thereof within the same block or of those directly opposite thereof extending one hundred fifty (150) feet from the street frontage of such opposite lots from a lot included in a proposed change, such proposed amendment shall not become effective except by the favorable vote of three-fourths (3/4) two-thirds (2/3) of all the members the present and voting members of the City Council. ~~Said~~ The protest petition must be received in the Planning Department office by 5:00 p.m. on the Friday preceding the first reading of the amendment and ~~the first public hearing of~~ by the City Council.

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Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. 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 28 day of February, 2000.

PASSED, ADOPTED and APPROVED on second reading this 13 day of March, 2000.

CITY OF BILLINGS

By Charles Tooley
Mayor

ATTEST:

By Colleen R. Schell-Berg
City Clerk Deputy City Clerk

