

ORDINANCE NO. 08- 5482

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 27-201, 27-310 (b), and 27-622; AMENDMENTS TO CHAPTER, MASTER SITE PLAN REVIEW PROCESS FOR CONDOMINIUMS AND MULTI-UNIT DEVELOPMENTS, ADOPT THE REVISIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. 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 proposed amendments to the City Zoning Regulations.

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. That the Billings, Montana City Code be amended by revising Sections 27-201, 27-310 (b), and 27-622 to add new language to read as follows:

SEC. 27-201. AMENDMENTS TO CHAPTER.

MULTI-UNIT DEVELOPMENTS:

- Condominium or Commercial development projects that include common, private facilities shared by buildings or lots.
- Residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

SEC. 27-310 (b). AMENDMENTS TO CHAPTER.

Section 27-310. Supplemental Area, Yard and Height Restrictions

- (a) **Building Groups.** In any residential or agricultural district, more than one (1) principal structure housing a permitted use may be located on a single lot or combination of lots provided that:
- (1) Area requirements are met for each structure as though it were on an individual lot;

- (2) A minimum of ten (10) feet is maintained between principal structures;
- (3) Side yard setbacks are provided between adjacent properties as required in the district;
- (4) Principal structures are setback from alleys a minimum of twenty (20) feet; and
- (5) Front yard setbacks as required in the district are provided on side streets when a side street frontage exceeds one hundred and fifty (150) feet.
- (6) The requirements of Section 27-622 are met where applicable for condominium and multi-unit developments.

SEC. 27-622. AMENDMENTS TO CHAPTER.

Sec. 27-622. New Condominiums and Multi-Unit Developments.

New Condominiums and Multi-Unit Developments are allowed in all zoning districts if they meet all applicable zoning district requirements, and supplementary general provisions, site development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622 and 27-623 of the Billings Municipal Code. Projects subject to these regulations include condominium or commercial development projects that include common, private facilities shared by buildings or lots, and residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

Prior to filing a condominium Declaration of Unit Ownership with the County Clerk and Recorder, or applying for building permits for the multi-unit development, the owner(s) shall submit to the ~~Zoning Coordinator~~ Planning Division:

- (1) A City approved master site plan showing the dimensions of the lot(s) containing the condominium units or multiple commercial units and the location and dimensions of all buildings containing the units. ~~or an approved building permit.~~
- ~~(2) A master landscape plan or approved building permit.~~
- ~~(3)~~ (2) A copy of the Declaration of Unit Ownership if creating a condominium.

Only after determining that the condominium or multi-unit development project has a City approved master site plan, as required in Section 1 above, that complies with the applicable zoning district requirements, and supplementary general provisions, site development, building and fire safety regulations as per Sections 6-1200, 14-300, 27-622, and 27-623 of the Billings Municipal Code will the ~~zoning coordinator~~ Planning Division issue a condominium Certificate of Compliance or approve a building permit.

For condominiums, the Certificate of Compliance will be filed with the County Clerk and Recorder prior to recording the Declaration of Unit Ownership. The Certificate shall state:

1. The legal description of the property.
2. The condominium units are exempt from 76-3-203, MCA because they comply with zoning, or in the case of new development, comply with zoning based on the City approved master site plan and landscaping plans.
3. Any changes to the City approved Master Site Plan or landscaping plans must be reviewed by the City through the Planning Division Department.

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading, October 27, 2008.

PASSED, ADOPTED AND APPROVED on second reading, November 10, 2008.



CITY OF BILLINGS:

BY: *Ron Tussing*
Ron Tussing, Mayor

ATTEST:

BY: *Cari Martin*
Cari Martin, City Clerk

(ZC #849 – Text Amendment Master Site Plan Review Section 27-201, 27-310(b) and 27-622)

