

**ORDINANCE NO. 10-5507**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING A NEW SECTION 27-1460 – EAST BILLINGS PARKING OVERLAY DISTRICT ADOPT THE ADDITION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

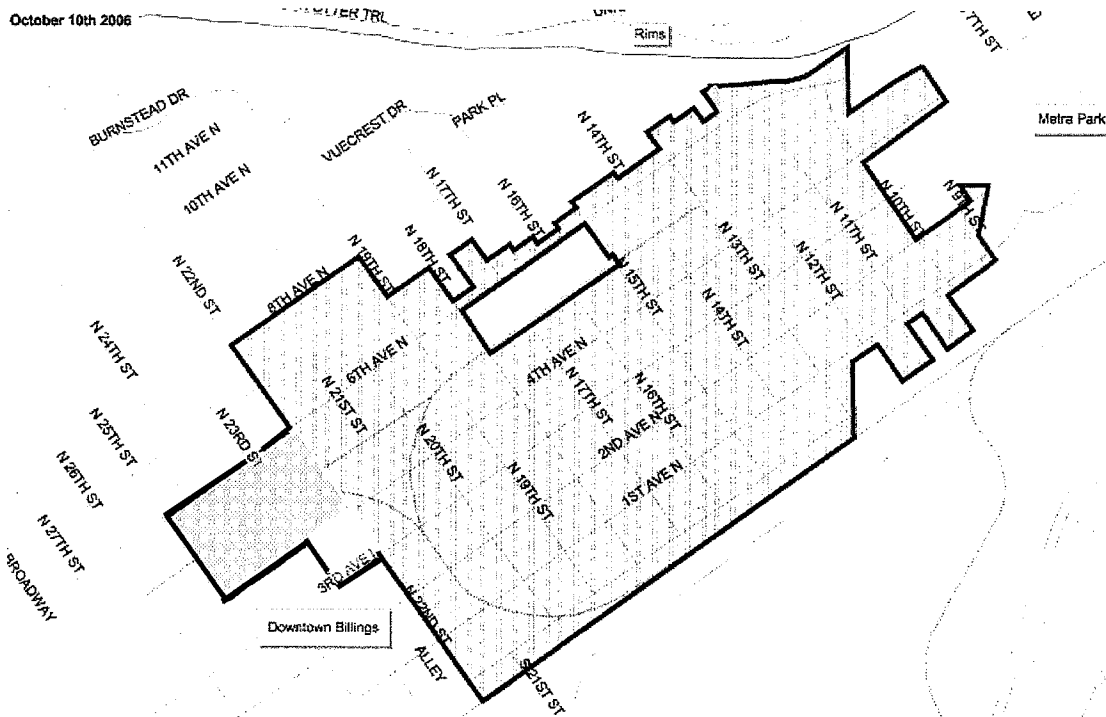
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

**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 and map 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 East Billings Parking Overlay District shall include all of the property in the city limits within the following described district:

**Starting at the intersection of Montana Avenue and North 22nd Street, extending north down the centerline of North 22nd to the intersection of 3<sup>rd</sup> Avenue North, extending westerly down the centerline of 3<sup>rd</sup> Avenue North to the intersection of North 23<sup>rd</sup> Street, then northerly along the centerline of North 23<sup>rd</sup> Street to the intersection of 4<sup>th</sup> Avenue North, then westerly along the centerline of 4<sup>th</sup> Avenue North to the intersection of North 25<sup>th</sup> Street, then northerly along the centerline of North 25<sup>th</sup> Street to the intersection of 6<sup>th</sup> Avenue North, then easterly along the centerline of 6<sup>th</sup> Avenue North to the intersection of North 22<sup>nd</sup> Street, then northerly along the centerline of to the intersection of 8<sup>th</sup> Avenue North, extending east down the centerline of 8th Avenue North to the intersection of 8<sup>th</sup> Avenue North and North 19th Street, extending south down the centerline of North 19<sup>th</sup> Street to the intersection of North 19<sup>th</sup> Street and 7<sup>th</sup> Avenue North, extending east along the centerline of 7<sup>th</sup> Avenue North to the intersection of North 18<sup>th</sup> Street and 7<sup>th</sup> Avenue North, extending south down the centerline of North 18<sup>th</sup> Street to be perpendicular with the northern most edge of property line of LT 23 & 24 BLK 274 BILLINGS 1<sup>ST</sup> ADD, extending east along the Northern edge of LT 23 & 24 BLK 274 BILLINGS 1<sup>ST</sup> ADD, and hence eastward including in their entirety the southern most properties most directly adjacent to 6th Avenue North to the city boundary line including Lots 4-10 of Block 5 and the vacated 20 foot adjacent alley of North Park Subdivision, extending southerly and westerly along the city boundary lines to the northern edge of the rail road tracks, extending**

**west along the northern edge of the railroad tracks to the centerline of North 22<sup>nd</sup> Street, extending north along the centerline of North 22<sup>nd</sup> Street to the ending point at the intersection of Montana Avenue and North 22<sup>nd</sup> Street. Excluding the non-incorporated land that envelops the Empire Steel property LTS 3 TO 23 & VAC 10FT ADJ ALLEY & E 404T ADJ N 16<sup>TH</sup> ST BLK 258 & 259.**



**Section 3.** That the Billings, Montana City Code be amended by adding a new Section 27-1460 to read as follows:

**SEC. 27-1460. EAST BILLINGS PARKING OVERLAY DISTRICT.**

**Sec. 27-1461. Purpose.**

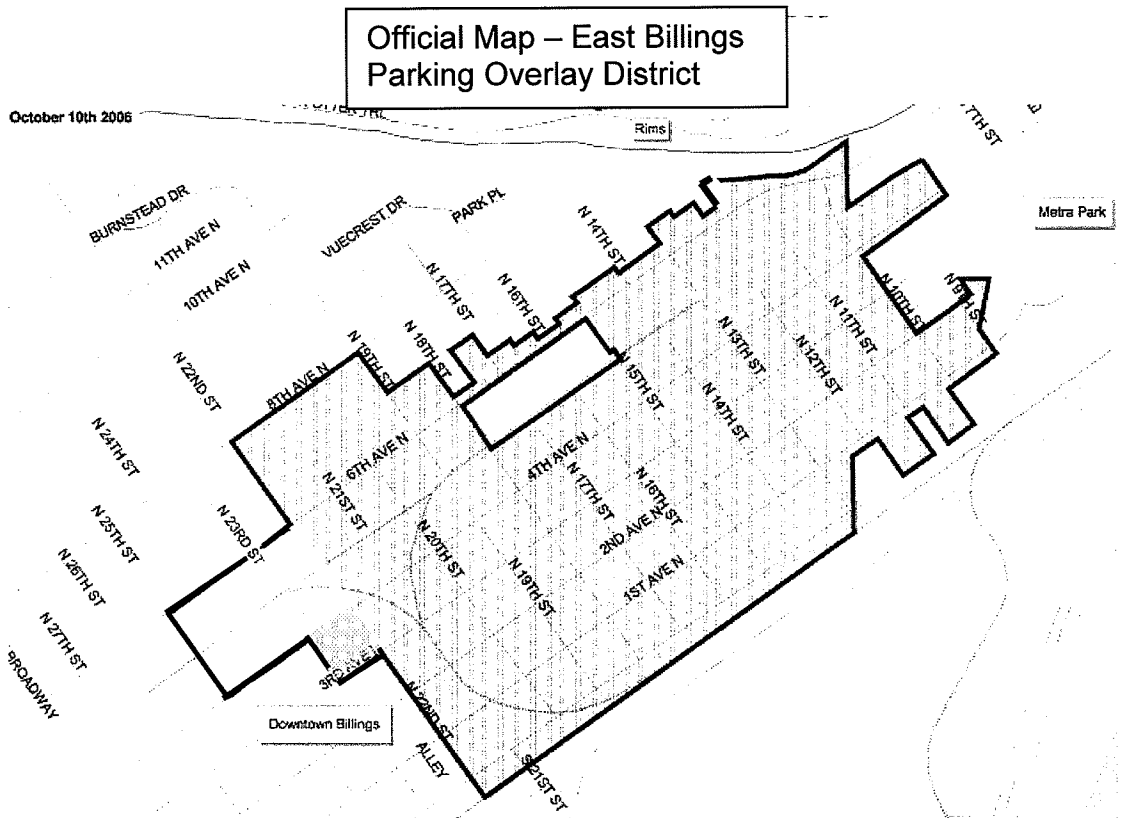
The purpose of the East Billings Parking Overlay District is to provide alternative off-street parking standards to encourage the development and re-development of property. The overlay zoning does not alter the category of permitted uses in the underlying zoning.

**Sec. 27-1462. District boundaries.**

The boundaries of the East Billings Parking Overlay District shall be as follows:

Starting at the intersection of Montana Avenue and North 22<sup>nd</sup> Street, extending north down the centerline of North 22<sup>nd</sup> to the intersection of 3<sup>rd</sup> Avenue North, extending westerly down the centerline of 3<sup>rd</sup> Avenue North to the intersection of North 23<sup>rd</sup> Street, then northerly along the centerline

of North 23<sup>rd</sup> Street to the intersection of 4<sup>th</sup> Avenue North, then westerly along the centerline of 4<sup>th</sup> Avenue North to the intersection of North 25<sup>th</sup> Street, then northerly along the centerline of North 25<sup>th</sup> Street to the intersection of 6<sup>th</sup> Avenue North, then easterly along the centerline of 6<sup>th</sup> Avenue North to the intersection of North 22<sup>nd</sup> Street, then northerly along the centerline of to the intersection of 8<sup>th</sup> Avenue North, extending east down the centerline of 8<sup>th</sup> Avenue North to the intersection of 8<sup>th</sup> Avenue North and North 19<sup>th</sup> Street, extending south down the centerline of North 19<sup>th</sup> Street to the intersection of North 19<sup>th</sup> Street and 7<sup>th</sup> Avenue North, extending east along the centerline of 7<sup>th</sup> Avenue North to the intersection of North 18<sup>th</sup> Street and 7<sup>th</sup> Avenue North, extending south down the centerline of North 18<sup>th</sup> Street to be perpendicular with the northern most edge of property line of LT 23 & 24 BLK 274 BILLINGS 1<sup>ST</sup> ADD, extending east along the Northern edge of LT 23 & 24 BLK 274 BILLINGS 1<sup>ST</sup> ADD, and hence eastward including in their entirety the southern most properties most directly adjacent to 6<sup>th</sup> Avenue North to the city boundary line including Lots 4-10 of Block 5 and the vacated 20 foot adjacent alley of North Park Subdivision, extending southerly and westerly along the city boundary lines to the northern edge of the rail road tracks, extending west along the northern edge of the railroad tracks to the centerline of North 22<sup>nd</sup> Street, extending north along the centerline of North 22<sup>nd</sup> Street to the ending point at the intersection of Montana Avenue and North 22<sup>nd</sup> Street. Excluding the non-incorporated land that envelops the Empire Steel property LTS 3 TO 23 & VAC 10FT ADJ ALLEY & E 404T ADJ N 16<sup>TH</sup> ST BLK 258 & 259.



**Sec. 27-1463. Application of Regulations.**

Within this district, the regulations found within BMCC 24-480 and 24-490 as amended shall apply to all property within the East Billings Parking Overlay District. These regulations include but are not limited to the following:

- (a) No minimum off-street parking spaces are required at the time of development, re-development, expansion, change of use or addition to public, commercial, industrial or residential property.
- (b) Where off-street parking spaces are developed, the design of such spaces and parking lots shall meet the standards set forth in BMCC 6-1203(o) through 6-1203(u) and other design standards for off-street parking that are adopted policies of the City Engineer.
- (c) These regulations in no way diminish or reduce a property owner's liability or obligation to provide accessibility in compliance with the federal Americans with Disabilities Act (ADA) standards.

**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, March 22, 2010.

PASSED, ADOPTED AND APPROVED on second reading, April 12, 2010.



CITY OF BILLINGS:

BY: Thomas W. Hanel, Mayor  
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin  
Cari Martin, City Clerk

(ZC #857 – Text and Map Amendment – East Billings Parking Overlay District – add new Section 27-1460)