

ORDINANCE NO. 14-5617

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 23-201, 23-306, 23-405, 23-601, 23-602, 23-603, 23-605, and 23-606; PROVIDING UPDATES TO THE SUBDIVISION REGULATIONS.

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

Section 1. That Section 23-201 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-201. Definitions.

DIVISION OF LAND: The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to ~~or possession~~ of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land (76-3-103(4), MCA).

SUBDIVISION: A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, ~~rented or leased~~, or otherwise ~~conveyed transferred~~ and includes any re-subdivision and ~~further includes a condominium or townhome created in accordance with the Unit Ownership Act (70-23-101, et seq., MCA) or area, regardless of its size, that provides or will provide multiple spaces for recreational camping vehicles or mobile homes. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed~~ (76-3-103(1615), MCA). However, condominiums ~~or townhomes~~ constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act (76-3-203, MCA).

SUBDIVISION FOR RENT OR LEASE: A subdivision for rent or lease is created when any portion of a parcel is ~~rented or leased for the purposes of temporary or permanent residential or commercial use. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. Subdivisions created by rent or lease are exempt from the survey and filing requirements of the Montana Subdivision and Platting Act (MSPA), but must be submitted for review and approval by the governing body before portions thereof may be rented or leased~~ (76-3-208, MCA).

Section 2. That Section 23-306 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-306. Amended Plats.

- A. **Required.** A division of lots within a platted subdivision filed with the County Clerk and Recorder that results in an increase in the number of lots, or that redesigns or rearranges six (6) or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the County Clerk and Recorder (76-3-207(2)(a), MCA).
- B. **Eligibility.** Amended plats shall be processed as first minor subdivisions, as described in Section 23-303, if they meet the following criteria:
 1. Legal and physical access to all lots is provided; and
 2. No land in the subdivision will be dedicated to public use for parks or playgrounds; and
 3. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings for sanitary water, sewer and stormwater facilities or no public improvements are required.; and
 4. The amended plat creates no more than five additional lots.

Amended plats not meeting these criteria shall be reviewed as major subdivisions.

- C. **Form and Content.** An amended plat shall be entitled "Amended Plat" and follow the form and content shown in Appendix D "Preliminary Plat Requirements."

Section 3. That Section 23-405 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-405. Streets and Roads.

A.5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utilities, all major subdivisions and subsequent minor subdivisions shall provide ~~a minimum of at least two means of vehicular access roads built to the standards of this Chapter to all lots in the subdivision. Provision of a second access may be required for first minor subdivisions when deemed necessary for the health, safety and welfare of the new lot owners and designed to ensure public health and safety.~~

Exceptions to the requirement to provide at least two means of vehicular access may be made for major and subsequent minor subdivisions that meet all of the following criteria:

- Access is provided by a cul-de-sac with an approved turnaround that is 600 feet or less in length; and
- The subject cul-de-sac is served by a local, collector, or arterial street that is not classified as a dead end street; and
- The subject cul-de-sac serves no more than 20 lots, and no more than 30 dwelling units, when residential development is proposed.

Provision of a second means of vehicular access may be required for any subdivision when deemed necessary for public health, safety and welfare.

When not otherwise exempt, If, in the judgment of the Planning Board, if a second means of vehicular access built to City street standards cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access road, built to the standards detailed in Section 23-413 of these Regulations.

Section 4. That Section 23-601 of the Billings, Montana, City Code be amended so that such section shall read as follows:

**Article 23-600. SUBDIVISIONS FOR RENT OR LEASE DEVELOPMENTS
PROVIDING MULTIPLE SPACES FOR RENT OR LEASE FOR RECREATIONAL
VEHICLES, MOBILE HOMES, AND MANUFACTURED HOMES**

Section 23-601. General.

A. **PurposeDefinition.** A subdivision for rent or lease is a development providing multiple spaces for rent or lease for recreational vehicles (RVs) and/or mobile or manufactured homes is created when any portion of a parcel is rented or leased for the purposes of situating a temporary or permanent RV, mobile, or manufactured home for residential or commercial use owned by the renter or lessee. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. These developments are commonly known as mobile home parks, manufactured home parks, and recreational vehicle parks, created in order that *more than one building, structure, or other improvement on a single tract of record* can be rented or leased. For the purpose of this Article, ‘Building, structure, or other improvement’ means any building, vehicle, or other place suitable for human occupancy or night lodging of persons, or for carrying on business, whether or not a person is actually present. A subdivision for rent or lease includes, but is not limited to an area that provides or will provide multiple spaces for recreational camping vehicles or mobile homes, or multiple buildings for rent or lease whether residential or commercial. A subdivision for rent or lease does not include structures such as billboards, cellular towers, drill rigs, agricultural buildings or improvements, accessory structures rented or leased by the same party who is renting or leasing a principle structure, other similar structures as determined by the governing body or designee.

B. Review & approval required. ~~Subdivisions for rent or lease are exempt from the survey and filing requirements of the Montana Subdivision and Platting Act (MSPA), but Manufactured home parks, mobile home parks and RV parks~~ must be submitted for review and approval by the governing body before portions thereof may be rented or leased (76-3-208504(s), MCA). Approval must be based on the criteria found in Article 23-300 of these Regulations.

The number of ~~individual unitsspaces available for rent or lease with water and/or wastewater facilities~~ shall determine the level of review under Article 23-300 (i.e. major, minor, or expedited) as follows:

- a. ~~Zero to Two (0-2) units with water and/or wastewater services, spaces for rent/lease~~ meeting all other criteria found in Section 23-305.A. of these regulations shall be reviewed as a subdivision qualifying for expedited review under Section 23-305.
- b. ~~Zero to Two (0-2) units with water and/or wastewater services spaces for rent/lease~~ not meeting one or more of the criteria found in Section 23-305.A. of these regulations shall be reviewed as a first minor subdivision under Section 23-303.
- c. ~~Three to five (3-5) units with water and/or wastewater services spaces for rent/lease~~ shall be reviewed as a first minor subdivision under Section 23-303.
- d. ~~Six or more (6+) units with water and/or wastewater services spaces for rent/lease~~ shall be reviewed as a major subdivision under Section 23-302.

C. Zoning requirements. ~~Subdivisions for rent or lease Manufactured home parks, mobile home parks and RV parks~~ shall follow all applicable requirements outlined in the Unified Zoning Regulations (Article 27, BMCC).

Section 5. That Section 23-602 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-602. Review Procedures.

A. Submittal requirements.

1. ~~Subdivisions for rent or lease Manufactured home parks, mobile home parks and RV parks~~ require submittal of those requirements outlined in Article 23-300 of these Regulations except that the subdivider shall submit unsurveyed plans drawn to scale, rather than plats.
2. Supplementary materials. In addition to the submittal requirements outlined in Article 23-300, preliminary and final plans and submittals for ~~subdivisions for rent or~~

~~lease~~ manufactured home parks, mobile home parks and RV parks shall include the following:

- a. A layout of all spaces, buildings, or structures proposed for rent or lease.
- b. Location of common areas and facilities.
- c. Parks and/or recreation areas, if required by Article 23-1000, of these Regulations.
- d. Landscaping plan, if required by Section 23-603.E.2, or Section 27-805, 27-912, Section 27-1006, Article 27-1100 or Article 27-1400, BMCC, as applicable.
- e. A Traffic Impact Analysis, if required by Section 23-406.B.4., BMCC.
- f. A Stormwater Pollution Protection Plan (SWPPP) for developments disturbing one acre or more.

B. Final Approval. ~~Subdivisions for rent or lease~~ Manufactured home parks, mobile home parks and RV parks shall follow the applicable review procedures outlined in Article 23-300 of these Regulations. In lieu of a final plat, a final plan drawn to scale shall be submitted for approval by the governing body. The approved final plan shall be filed with the Yellowstone County Clerk & Recorder as an exhibit, not as a final plat.

Section 6. That Section 23-603 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-603. Manufactured and/or Mobile Home Park Development Requirements.

A. Manufactured or mobile home spaces.

1. The number of allowed spaces is limited to what is approved on the final plan.
2. Manufactured or mobile home spaces must be arranged to permit the safe and practical placement and removal of manufactured homes.
3. All manufactured or mobile homes must meet the minimum setback requirements of Article 27-308, BMCC from all perimeter boundary lines. In the case where a boundary line is adjacent to an arterial street, all homes and accessory structures must meet setbacks as required in Article 27-602, BMCC.
4. The manufactured or mobile home pad must be located at least ten (10) feet from the street that serves it.

5. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise surveying of space limits is not required either on the plans or on the ground.
6. The size of the manufactured or mobile home pad must be suitable for the general market to be served and must fit the dimensions of manufactured homes anticipated. At a minimum the pad should measure fourteen (14) feet wide and seventy (70) feet long. All pads shall be constructed of at least six (6) inches of gravel over a stabilized sub-base.
7. The total area occupied by a manufactured or mobile home and its roofed accessory buildings and structures may not exceed one-third (1/3) of the area of a space.
8. All manufactured or mobile homes shall be separated by a minimum of fifteen (15) feet.
9. There shall be a minimum of fifteen (15) feet between all attached structures such as carports, awnings, decks, and stairs and any adjacent manufactured or mobile home.
10. There shall be a minimum of six (6) feet between detached structures and any adjacent manufactured or mobile home. Detached structures are defined as any structure that is more than six (6) feet away from the manufactured or mobile home.
11. A minimum of two (2) off-street parking spaces must be provided on or adjacent to each manufactured or mobile home space. The driveway must be located to allow for convenient access to the manufactured or mobile home, and be a minimum of ten (10) feet wide.

B. Streets.

1. All streets within a manufactured or mobile home park or recreational vehicle park shall be private.
2. Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept to a minimum.
3. Streets shall be designed and built to meet current City Standards.
4. Curvilinear streets shall have no centerline curve with less than a one hundred (100) foot radius. At intersections, the inside edge of the paved street shall have a minimum of a twenty (20) foot radius.
5. All streets shall intersect at an angle of ninety (90) degrees except where the subdivider can show just cause not to and with the approval of the governing body.

6. The layout near street intersections shall be such that a clear vision area is maintained. Stopping sight distance on curves shall be as required on subdivision streets.
7. All traffic-control devices used shall comply with the current edition of the Manual on Uniform Traffic Control Devices, published by the U.S. Department of Transportation.

C. **Fire protection.** The manufactured or mobile home park shall provide an adequate water supply for fire suppression needs, following the requirements as found in Section 23-413 of these Regulations. The means for fire protection shall be subject to approval by the local fire district and the governing body.

D. **Health standards/license requirement.** In addition to the criteria of this Section, manufactured or mobile home parks must also meet the minimum standards of the Montana Department of Public Health and Human Services (MDPHHS) under Title 50, Chapter 52, MCA and the requirements of the Montana Department of Environmental Quality (MDEQ) under Title 50, Chapter 60, MCA. The governing body shall not grant final approval of a manufactured home, mobile home, and/or recreational vehicle park until the subdivider first obtains the applicable licenses and approvals for the facility from MDPHHS and MDEQ.

E. **Additional provisions**

1. Manufactured or mobile home parks shall meet the parkland dedication requirements as outlined in Article 23-1000 of these Regulations.
2. Manufactured or mobile home parks located adjacent to industrial, commercial or lower-density residential land uses shall provide screening such as fences or natural growth along the property boundary lines separating the community from such adjacent uses.
3. All manufactured or mobile home parks shall have a sign near the main entrance showing the park layout.
4. Centralized mail delivery shall be provided at one or more locations within the park. Location and design of such group mail collection site(s) shall be reviewed and approved by the United States Postal Service and the Public Works department.
5. It shall be unlawful to operate a manufactured or mobile home park without holding a valid license issued by the Montana Department of Environmental Quality (MDEQ), to be renewed annually.

Section 7. That Section 23-605 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-605. Requirements for Developments Creating Multiple Buildings or Structures for Rent or Lease on a Single Tract of Record. Timing of Improvements.

A. Overall Site Plan Review.

1. ~~In addition to items listed in Section 23-602.A.2., above, the site plan submittal shall include a parking and access plan, a storm drainage plan, utility locations, and building elevations.~~
2. ~~The number of allowed units is limited to what is approved on the final plan.~~

B. ~~The proposed development must meet all applicable zoning, site development, building and fire safety requirements of BMCC.~~

C. Master Site Plan Review.

~~For developments creating multiple buildings or structures for rent or lease on a single tract of record, review and approval of an overall site plan as described in Section 23-605.A., above, shall replace the Master Site Plan Review process as per Section 27-622, BMCC.~~

- A. ~~The subdivider shall install all required improvements before renting or leasing any portion of the manufactured home park, mobile home park or RV park. The governing body or designated agent will inspect all required improvements in order to ensure conformance with the approved construction plans and specifications. The subdivider shall guarantee all improvements for a period of one year from the date of written approval by the governing body or designated agent.~~
- B. ~~If the subdivider seeks approval of the final plan prior to the installation and completion of all required improvements, the subdivider shall enter into a written agreement with the governing body guaranteeing the construction and installation of all required improvements. This agreement shall specify which type of security arrangements the subdivider elects to use and the time schedule proposed for accomplishing the required improvements. Acceptable monetary security guarantees are described in Article 23-500 of these Regulations.~~

Section 8. That Section 23-606 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-606. Timing of Improvements.

- A. The subdivider shall install all required improvements before renting or leasing any portion of the subdivision. The governing body or designated agent will inspect all required improvements in order to ensure conformance with the approved construction plans and specifications. The subdivider shall guarantee all improvements for a period of one year from the date of written approval by the governing body or designated agent.
- B. If the subdivider seeks approval of the final plan prior to the installation and completion of all required improvements, the subdivider shall enter into a written agreement with the governing body guaranteeing the construction and installation of all required improvements. This agreement shall specify which type of security arrangements the subdivider elects to use and the time schedule proposed for accomplishing the required improvements. Acceptable monetary security guarantees are described in Article 23-500 of these Regulations.

Section 9. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 10. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 11. 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 9th day of December, 2013.

PASSED, ADOPTED and APPROVED on second reading this 13th day of January, 2014.

CITY OF BILLINGS



ATTEST:

By Thomas W. Hanel
Thomas W. Hanel, Mayor

By Cari Martin
Cari Martin, City Clerk