



COUNCIL DOCUMENT ROUTING FORM

TYPE OF DOCUMENT: ORD 22-5793

Name: Toni Keehner

Dept: city clerk

Council memo attached

1/24/22

Date of approval

Vote: UNANIMOUS

Shaw, Gulick, Neese, Owen, Joy, Choriki,
Tidswell, Purinton, Boyett, Rupsis, Mayor Cole

ORDINANCE 22-5793

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION ON portions of Tracts A and B of C/S 3795, to be known as the Timbers Subdivision, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. 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 ten (10) criteria required by state law.*

Section 2. DESCRIPTION. **Tracts A and B of C/S 3795** is presently zoned **Agriculture (A)**, a county zoning district, and is shown on the official zoning map within these zones.

Section 3. PLANNED NEIGHBORHOOD DEVELOPMENT. The owners have proposed to master plan a new residential Planned Neighborhood Development (PND) to be annexed to the City of Billings. The development and review of the PND is in accordance with BMCC 27-800. Phase 1 of the annexation and PND includes AN IRREGULAR SHAPED PIECE OF LAND BEING A PORTION OF TRACTS A AND B OF CERTIFICATE OF SURVEY NO. 3795, RECORDED AS DOCUMENT NO. 3985813, RECORDS OF YELLOWSTONE COUNTY, LOCATED IN THE NE1/4, SE1/4, SW1/4 AND NW1/4 OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 26 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLYMOST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 3795 ON THE CENTERLINE OF ALKALI CREEK ROAD AND BEING A POINT ON A NON-TANGENT CURVE WITH A RADIAL BEARING OF S34° 37'41"W, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EASTERLY BOUNDARY OF SAID TRACT A: AN ARC DISTANCE OF 234.94 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT, OF RADIUS 1400.00 FEET AND DELTA 9° 36'55" TO A POINT ON A TANGENT LINE; THENCE ALONG SAID TANGENT LINE, N64° 59'13"W, 748.64 FEET TO A TANGENT POINT OF CURVATURE; THENCE AN ARC DISTANCE OF 261.23 FEET ALONG SAID TANGENT CURVE TO THE RIGHT, OF RADIUS 1150.00 FEET AND DELTA 13° 00'54" TO A POINT ON A NON-TANGENT LINE; THENCE DEPARTING SAID

EASTERLY BOUNDARY, S78⁰ 19'53"W, 505.03 FEET; THENCE S03⁰ 16'08"W, 164.11 FEET; THENCE S83⁰ 30'07W, 40.12 FEET; THENCE N65⁰ 45'25"W, 128.76 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT HAVING A RADIAL BEARING OF N45⁰ 39'08"W; THENCE AN ARC DISTANCE OF 55.66 FEET ALONG SAID NON-TANGENT CURVE TO THE RIGHT, OF RADIUS 50.00 FEET AND DELTA 63⁰ 46'57" TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID NON-TANGENT LINE, S55⁰ 00'01"W, 200.00 FEET; THENCE N34⁰ 59'59"W, 141.40 FEET; THENCE S55⁰ 00'01"W, 272.10 FEET, THENCE S43⁰ 40'41"W, 292.79 FEET, MORE OR LESS, TO A POINT ON THE LINE COMMON TO TRACTS A AND B OF SAID CERTIFICATE OF SURVEY NO. 3795; THENCE ALONG SAID COMMON LINE, S47⁰ 53'34"W, 392.21 FEET; THENCE DEPARTING SAID COMMON LINE, S68⁰ 55'38"W, 90.76 FEET; THENCE S18⁰ 02'15"W, 200.07 FEET; THENCE S35⁰ 42'22"E, 98.92 FEET, MORE OR LESS, TO A CORNER COMMON TO SAID TRACTS A AND B; THENCE ALONG THE COMMON LINE OF SAID TRACTS A AND B, S53⁰ 01'08"E, 31.79 FEET; THENCE DEPARTING SAID COMMON LINE, S32⁰ 07'15"W, 369.88 FEET; THENCE N72⁰ 31'48"E, 185.49; THENCE N51⁰ 08'15"E, 168.60 FEET; THENCE N36⁰ 31'50"E, 263.57 FEET, MORE OR LESS, TO A POINT ON THE COMMON BOUNDARY LINE OF SAID TRACTS A AND B; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID COMMON LINE: N58⁰ 12'21"E, 451.31 FEET; THENCE N44⁰ 12'09"E, 204.37 FEET; THENCE DEPARTING SAID COMMON LINE, S07⁰ 30'20"E, 157.12 FEET; THENCE N89⁰ 30'34"E, 145.84 FEET, MORE OR LESS, TO A POINT ON COMMON BOUNDARY LINE OF SAID TRACTS A AND B; THENCE ALONG SAID COMMON BOUNDARY, S41⁰ 12'34"E, 143.81 FEET; THENCE DEPARTING SAID COMMON LINE, S34⁰ 47'53"E, 154.20; THENCE S48⁰ 16'04"W, 280.00 FEET; THENCE S41⁰ 43'56"E, 250.93 FEET; THENCE N48⁰ 16'04"E, 72.93 FEET; THENCE S41⁰ 43'56"E, 179.96 FEET; THENCE S68⁰ 11'34"E, 194.22 FEET, MORE OR LESS, TO A POINT ON THE COMMON BOUNDARY OF TRACTS B AND D OF SAID CERTIFICATE OF SURVEY NO. 3795; THENCE ALONG SAID COMMON BOUNDARY, N21⁰ 48'26"E, 373.20 FEET TO THE CORNER COMMON TO TRACTS A, B AND D OF SAID CERTIFICATE OF SURVEY NO. 3795; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE COMMON BOUNDARY LINE OF TRACTS A AND D: S84⁰ 55'52"E, 410.18 FEET; THENCE N53⁰ 25'53"E, 772.89 FEET; THENCE N34⁰ 15'15"E, 385.55 FEET TO THE TRUE POINT OF BEGINNING (this ordinance).

Phase 2 of the PND consists of additional acres within Tracts A and B . The zoning master plan includes zoning for Phase 2 and Phase 3 that will be adopted by separate ordinance at the time Phase 2 and Phase 3 are annexed. The Resolution of Annexation for Phase 1 references Phase 2 and Phase 3 as a future development. This ordinance also references the Zoning Master Plan for Phase 2 and Phase 3 for the PND. This ordinance references the zoning master plan for the PND, that shows four zone districts including **Suburban**

Neighborhood Residential (N3), Mixed Residential 1 (NX1), Neighborhood Mixed Use (NMU) and Public 1, Parks and Recreation (P1).

Section 4. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for 56.26 acres of land within **Tracts A and B of C/S 3795** as described above and as shown on the attached Zoning Master Plan, is hereby changed from **Agriculture (A), to Suburban Neighborhood Residential (N3), Mixed Residential 1 (NX1) and Public 1, Parks and Recreation (P1) as shown on the attached Planned Neighborhood Development exhibit, Phase One**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Suburban Neighborhood Residential (N3), Mixed Residential 1 (NX1) and Public 1, Parks and Recreation (P1)**, as set out in the Billings, Montana City Code.

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law, or upon effective date of Resolution 22-11024 approving the annexation of the above territory, whichever is later.

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 7. 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 the 10th day of January, 2022.

PASSED, ADOPTED and APPROVED on second reading this 24th day of January, 2022.



CITY OF BILLINGS

BY: DocuSigned by:
William A. Cole
2CA11D5423334EE...
William A. Cole, Mayor

Attest:

BY: DocuSigned by:
Denise R. Bohlman
D503C2218DC34F0...
Denise R. Bohlman, City Clerk

Zone Change 1003, The Timbers C/S 3795 Tracts A and B - Phase One

Zone Change 1003 – Exhibit

ZONE NX1  4.9 AC / 215,178 SF TOTAL

ZONE N3  64.1 AC / 2,792,872 SF TOTAL

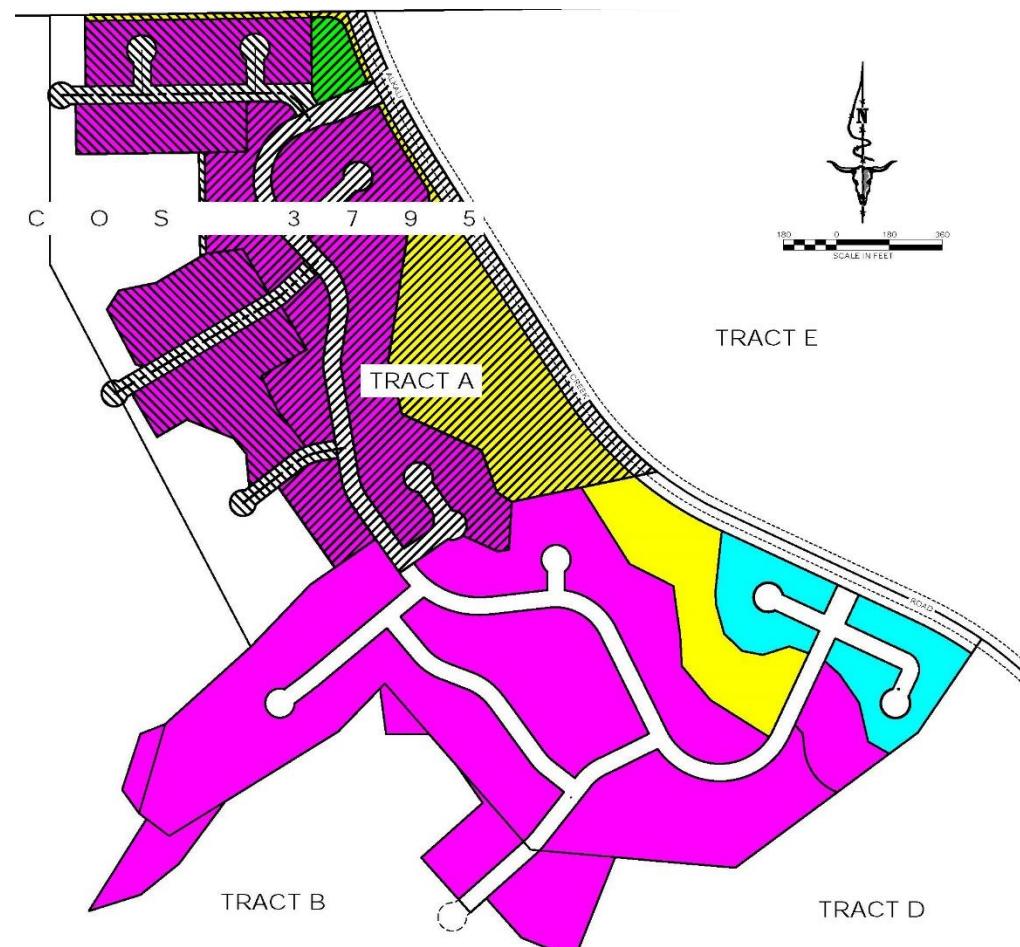
ZONE NMU  0.9 AC / 39,500 SF TOTAL

PARK  14.7 AC / 639,893 SF TOTAL

PHASE 1 

PHASE 2 

PHASE 3 



Certificate Of Completion

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Signatures: 2

Envelope Originator:

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Toni Keehner

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keehnert@billingsmt.gov

Enveloped Stamping: Enabled

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1/28/2022 7:51:38 AM

keehnert@billingsmt.gov

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William A. Cole



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coleb@billingsmt.gov

Viewed: 1/28/2022 8:15:28 AM

Mayor

Signed: 1/28/2022 8:15:46 AM

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Denise Bohlman



Sent: 1/28/2022 8:15:48 AM

bohlmand@billingsmt.gov

Viewed: 2/2/2022 7:51:23 AM

City Clerk

Signed: 2/2/2022 7:51:38 AM

City of Billings



Security Level: Email, Account Authentication (None)

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Toni Keehner



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keehnert@billingsmt.gov

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Deputy City Clerk

Completed: 1/28/2022 7:54:26 AM

City Clerk

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| Toni Keehner keehnert@billingsmt.gov Deputy City Clerk City Clerk Security Level: Email, Account Authentication (None) | COPIED | Sent: 2/2/2022 7:51:39 AM |
| Witness Events | Signature | Timestamp |
| Notary Events | Signature | Timestamp |
| Envelope Summary Events | Status | Timestamps |
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| Certified Delivered | Security Checked | 2/2/2022 7:51:23 AM |
| Signing Complete | Security Checked | 2/2/2022 7:51:38 AM |
| Completed | Security Checked | 2/2/2022 7:51:39 AM |
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