

ORDINANCE NO. 02-5193

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 27-607 AND 27-1303; PROVIDING THAT HORSES BE ALLOWED IN CERTAIN PLANNED DEVELOPMENTS IN THE CITY; THAT LIVESTOCK AND FOWL BE ALLOWED IN CERTAIN PLANNED DEVELOPMENTS OUTSIDE THE CITY; AND, THAT VARIOUS RECREATIONAL AMENITIES INCLUDING AN EQUESTRIAN CENTER MAY BE PERMITTED IN PD ZONING DISTRICTS WITHIN THE CITY.

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

Section 1. That Section 27-607 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 27-607. Livestock and fowl.

Livestock, as defined in BMCC section 27-201, shall not be maintained in any zoning district located within the limits of the City of Billings (see also BMCC sections 4-501 through 4-505). However, horses may be permitted in the City when located within a Planned Development, as described in Section 27-1303, that is specifically designed to accommodate horses and/or equestrian centers.

Areas located outside the limits of the City of Billings, but within certain Agricultural or Residential zoning districts, as shown in the Residential District Regulations (see BMCC Section 27-305), shall be permitted to have maintain livestock and/or fowl. In addition, livestock and/or fowl may be permitted as part of a Planned Development, as described in Section 27-1303, and are also exempt from the following animal unit standards, unless specifically referenced within the Planned Development Agreement. However, the standards outlined below must be satisfied for agricultural and residential zoning districts, depending upon the size of the property.

The allowance of livestock and/or fowl in commercial or industrial zoning districts, situated outside the limits of the City of Billings, may be permitted when the regulations established in below subsection (b) are met, regardless of the lot size. However, if the number of animals requested exceeds the allowed limit in below subsection (b), then the property must conform to the uses allowed by right or through Special Review, as shown in the Commercial/Industrial district regulations matrix in BMCC Section 27-306.

(All remaining portions of Section 27-607 remain in full force and effect.)

Section 2. That Section 27-1303 of the Billings, Montana City Code be amended so that such section shall read as follows:

Section 27-1303. PD zone guidelines.

A PD zone is intended to replace the previous zoning classification of the subject property. Areas rezoned in accordance with this chapter shall be designated with a "PD-_" preceding a numerical designation (example: PD-1) and each new PD district shall be added as an amendment to the zoning regulations.

The PD zoning district is unique among the zoning districts in that it allows zoning and/or site development standards to be "customized" to fit its particular site and/or development situation. With due consideration of public safety, the Governing Body can approve a PD that permits greater or lesser standards in such areas as density, use, bulk, height, parking, signage, traffic circulation, landscaping, lot sizes or other elements. This may also include permitting the development of amenities such as tennis centers, swimming centers, and other recreational activities such as an equestrian center within the city limits, provided that such an amenity is an integral part of the overall development scheme of the PD. However, these considerations for allowing greater or lesser standards should be balanced within the PD. For example, permitting greater density in a PD could be approved, in exchange for a greater amount of open space than a similar project, not located in a planned development zone, would be required to provide.

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent 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.

PASSED by the City Council on first reading this 25th day of March, 2002.

PASSED, ADOPTED and APPROVED on second reading this 8th day of April, 2002.

CITY OF BILLINGS

By _____
Charles F. Tooley Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk