

ORDINANCE NO. 02-5214

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING A SECTION TO BE NUMBERED 27-622; ESTABLISHING A PROCEDURE TO IMPLEMENT 76-3-203, MCA, EXEMPTIONS FOR CERTAIN CONDOMINIUMS FROM SUBDIVISION REVIEW, AND PROVIDE DOCUMENTATION OF COMPLIANCE WITH THE ZONING REGULATIONS FOR CONDOMINIUM PROJECTS.

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

Section 1. That the Billings, Montana, City Code be amended by adding a section to be numbered 27-622, to read as follows:

"27-622. Condominiums

Condominiums are allowed in all zoning districts if they meet all applicable zoning district requirements and supplementary general provisions. Prior to filing a Declaration of Unit Ownership with the County Clerk and Recorder, the owner(s) shall submit to the Zoning Coordinator:

1. A master site plan showing the dimensions of the lot(s) containing the condominium units and the location and dimensions of all buildings containing the units **or** an approved building permit.
2. A master landscape plan **or** an approved building permit.
3. A copy of the Declaration of Unit Ownership.

Only after determining that the condominium project complies with the applicable zoning district requirements and supplementary general provisions will the zoning coordinator issue a Certificate of Compliance.

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 based on the approved master site and landscaping plans.
3. Any changes to the site or landscaping plans must be reviewed by the Planning Department."

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. 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 24th day of June, 2002.

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

CITY OF BILLINGS

By _____
Mayor

ATTEST:

By _____
City Clerk