

**ORDINANCE NO. 06-5364**

**AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR TRACT 123 OF SUNNY COVE FRUIT FARM, CONTAINING APPROXIMATELY 7.79 ACRES (INCLUDING ONLY BLOCKS 2 AND 3 OF THE PROPOSED FOXTAIL VILLAGE SUBDIVISION, 2ND FILING).**

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

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 twelve (12) 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 twelve (12) criteria required by state law.

2. **DESCRIPTION.** A tract of land known as Tract 123, Sunny Cove Fruit Farm (including only Blocks 2 and 3 of the proposed Foxtail Village Subdivision, 2nd Filing) containing approximately 7.79 acres and is presently zoned Residential 9600 and is shown on the official zoning maps within this zone.

3. **ZONE AMENDMENT.** The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9600** to **Residential 7000** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 7000** zones as set out in the Billings, Montana City Code.

4. **REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. **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 27, 2006.

PASSED, ADOPTED AND APPROVED on second reading April 10, 2006.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE, City Clerk

ZC#774