

ORDINANCE NO. 12-5589

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 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 23-601 of the Billings, Montana, City Code be amended so that such section shall read as follows:

**Section 23-601. General.**

- A. **Purpose.** A subdivision for rent or lease is a development 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. ~~created when any portion of a parcel is rented or leased for the purposes of situating a temporary or permanent residential or commercial structure owned by the renter or lessee. The rented/leased land is owned as one (1) parcel under single ownership, which can include a number of persons owning the property in common. Examples of subdivisions for rent or lease include, but are not limited to, manufactured home parks and recreational vehicle parks.~~
- B. **Review & approval required.** ~~Subdivisions created by~~ for 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). Approval must be based on the criteria found in Article 23-300 of these Regulations.

The number of individual units 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, 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 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 shall be reviewed as a first minor subdivision under Section 23-303.
- d. Six or more (6+) units with water and/or wastewater services shall be reviewed as a major subdivision under Section 23-302.

C. **Zoning requirements.** Subdivisions for rent or lease shall follow ~~the~~ all applicable requirements outlined in the Unified Zoning Regulations (Article 27, BMCC). ~~Sections 27-305 and 27-308, and any other applicable Sections of those Regulations.~~

**Section 2.** 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 require submittal of those requirements outlined in Article 23-300 of these Regulations except that the subdivider shall submit ~~an~~ unsurveyed final plans drawn to scale, rather than a final 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 shall include ~~show~~ 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, ~~below~~ 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. **Review Procedures. Final Approval.** Subdivisions for rent or lease 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 3.** That Section 23-603 of the Billings, Montana, City Code be amended so that such section shall read as follows:

**Section 23-603. Manufactured Home Park Development Requirements.**

**A. Manufactured home spaces.**

1. The number of allowed spaces is limited to what is approved on the final plan.
2. Manufactured home spaces must be arranged to permit the safe and practical placement and removal of manufactured homes.
3. All manufactured 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 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 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 home and its roofed accessory buildings and structures may not exceed one-third (1/3) of the area of a space.
8. All manufactured homes shall be separated by a minimum of ~~sixteen (16)~~ 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 home.

10. There shall be a minimum of six (6) feet between detached structures and any adjacent manufactured home. Detached structures are defined as any structure that is more than six (6) feet away from the manufactured home.
11. A minimum of two (2) off-street parking spaces must be provided on or adjacent to each manufactured home space. The driveway must be located to allow for convenient access to the manufactured home, and be a minimum of ten (10) feet wide.
12. ~~One (1) guest parking space must be provided for each ten (10) manufactured home spaces. Group parking may be provided.~~

**B. Streets.**

1. All streets within a manufactured 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. may be designed for no on street parking, on street parking on one (1) side only or on street parking on both sides. All streets shall be paved to a typical crown section, an invert section or a straight warp section. All streets shall be bordered by either sidewalks meeting the current Americans with Disabilities Act (ADA) standards, a double gutter, integral curb and gutter or other method approved by the governing body on the uphill side of a street, but in all cases a sidewalk shall be required on at least one (1) side of the street.~~
4. ~~The minimum back of curb to back of curb width for streets with no on street parking shall be twenty (20) feet. If a crown section is used, double gutter or curb and gutter shall be placed along both sides. If a warp section is used a sidewalk shall be placed along the uphill side and a double gutter or curb and gutter along the downhill side. The requirements of Section 23-407 (Storm Drainage) of these Regulations shall apply if curb and gutter are not utilized.~~
5. ~~The minimum back of curb to back of curb width for streets with on street parking on one (1) side shall be twenty nine (29) feet. The requirements along the sides shall be the same as for streets with no on street parking except curb and gutter shall be required along the parking side.~~
6. ~~The minimum back of curb to back of curb width for streets with on street parking along both sides shall be thirty four (34) feet. Curb and gutter shall be required along~~

~~both sides in all cases or comply with Section 23-407 (Storm Drainage) of these regulations.~~

~~7.4.~~ 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.

~~8.5.~~ 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.

~~9.6.~~ 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.

~~10.7.~~ 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 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 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 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 home parks shall meet the parkland dedication requirements as outlined in Article 23-1000 of these Regulations.
2. Manufactured 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 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 home park without holding a valid license issued by the Montana Department of Environmental Quality (MDEQ), to be renewed annually.

**Section 4.** 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.**

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

**B. 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.

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

**Section 7.    REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 8.    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 22<sup>nd</sup> day of October, 2012.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of November, 2012.



CITY OF BILLINGS

By Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin  
Cari Martin, City Clerk