

ORDINANCE 23-5865

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION ON LOT 1A, BLOCK 2 OF LA RAY 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 Section 27-1628, 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. **Lot 1A, Block 2 of La Ray Subdivision**, is presently zoned **Large Lot Suburban Neighborhood Residential (N4)** a county zone, and is shown on the official zoning map within this zone.

Section 3. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for **Lot 1A, Block 2 of La Ray Subdivision**, is hereby changed from **Large Lot Suburban Neighborhood Residential (N4)**, to **Suburban Neighborhood Residential (N3)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Suburban Neighborhood Residential (N3)**, as set out in the Billings, Montana City Code.

Section 4. 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 23-11174 approving the annexation of the above territory, whichever is later.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. 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 23rd day of October, 2023.

PASSED, ADOPTED and APPROVED on second reading this 11th day of December, 2023.



CITY OF BILLINGS

BY: William A. Cole
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

Zone Change 1036 - Lot 1A, Block 2 of La Ray Subdivision

City Council Regular

Date: 12/11/2023
Title: Zone Change 1036 - 1093 Lincoln Lane, N4 to N3 - Second Reading
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: No
Legal Review: Not Applicable
Project Number: PZX-23-00167

RECOMMENDATION

Zoning Commission recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1036.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is the second reading for Zone Change 1036, a request from Suburban Neighborhood Residential (N4), a county zone district, to Suburban Neighborhood Residential (N3) on Lot 1A, Block 2 of La Ray Subdivision, a 9,387 square foot parcel of land. There was a concurrent petition for annexation to the city that the Council approved by resolution when the first reading of the zone change was approved at the November 27 City Council meeting.

This zone change request is to allow for the annexation of the subject property with an existing residence to allow connection to city services like water and sewer. All annexations require the property be zoned with a zoning district that is recognized by the City. The property is currently zoned N4 which is a zone district only allowed in the county. It allows single family homes on lots from 15,000 sq ft up to an acre. In order for the property to annex into the city, a city zone must be applied to the property. In this case, the most similar zone is N3, also a single family zone.

APPLICATION DATA

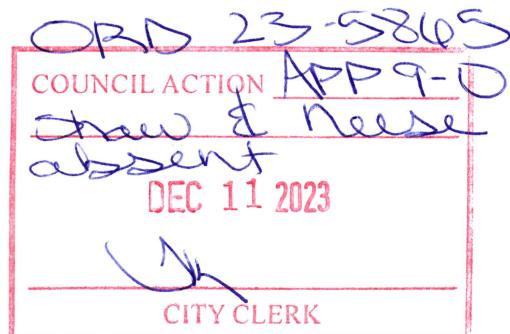
OWNER: Lavonne Anderson
AGENT: Taylor Kasperick, Performance Eng.
LEGAL DESCRIPTION: Lot 1A, Block 2 of La Ray Subdivision
ADDRESS: 1093 Lincoln Lane
CURRENT ZONING: N4
EXISTING LAND USE: Single family residential
PROPOSED USE: Residential
SIZE OF PARCEL: 9,387 square foot

CONCURRENT APPLICATIONS:

Petition for Annexation

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: N4
Land Use: Single Family Residential (county)
SOUTH: Zoning: CMU1
Land Use: Vacant
EAST: Zoning: CMU1
Land Use: vacant
WEST: Zoning: NX3
Land Use: Residential Multi Family



The proposal for this existing lot is to annex into the City Limits of Billings. Connection to city services requires an annexation, and the annexation requires a zone change to a residential district in the city. The current N4 zoning is a close equivalent to the City N3 zone district. The property frontage on Lincoln Lane has City of Billings sewer infrastructure as well as a Billings Heights water line that could be connected to the property. The Growth Policy encourages development of parcels adjacent to the City limits that are near City infrastructure so that it does not require a large infrastructure investment. This area of Billings Heights has a variety of zoning districts and uses in the City limits as well as the outlying county parcels. There is a vacant parcel of CMU2 to the east and south, N4 to the north and further south with single family dwellings. Then to the west is NX3 (in the City) with multi-family apartments, to the northwest is a Residential Manufactured Home zone with a mobile home park and to the southwest is the CMU2 zone where the Target store and commercial development is located. Though there are a variety of

zones in the immediate area, a zone to continue the existing residential use is not incompatible to the surrounding zones.

STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on July 25, 2023, at 6 pm. The meeting was held at the Country Inn & Suites, 231 Main St. There were five property owners within the 300' mailing radius, who attended the meeting. The property owners in attendance had concerns about development of the adjacent CMU1 property to the south and east of the subject property. The applicants' agent, Taylor Kasperick, informed them the parcel zoned CMU1 (Lot 2A-1) was not a part of the zone change or annexation request. The other concern was if annexing would increase property taxes. Taylor explained that although property taxes and fees may increase, the property value would increase with connections to the City services. The attendees were also advised that the removal of the septic system and seepage pit and tying into the City sewer system would be beneficial to properties in the area that have existing wells, reducing the possibility of potential contamination of water due to aging septic system. Detailed information and discussion are included in the minutes of the pre-application meeting in the attachments.

The public hearing(s) were advertised in the Yellowstone County News, the property was posted, and notice of the zone change was sent to the surrounding owners. Due to an error in the public notification for the hearing scheduled for October 3, the applicants and agent requested the Zoning Commission postpone the request to the November meeting to allow proper notification. The Zoning Commission granted the request to delay the hearing to the Zoning Commission meeting on November 7, 2023.

The Zoning Commission held its public hearing for this zone change on November 7, 2023, and received the staff recommendation of approval and testimony from the owner and agent. The owner, Lavonne Anderson, stated the reason for the annexation was a failing septic system drain field. She stated the agent, Performance Engineering, is also representing the owner of the adjacent parcel zoned CMU1, HS Management. The agreement HS Managements signed to buy the adjacent parcel included a stipulation they pay for annexation and sewer connections for the subject property. This agreement was based on the fact the septic system is on the land HS Management purchased and will develop for personal storage warehouses.

Scott Aspenlieder of Performance Engineering, the agent, stated he agreed with the staff recommendation of approval. The annexation will help improve the public health in the area by connecting this property to city sewer. Lavonne Anderson, the owner of the subject property, stated she was concerned about the adjacent development of the CMU1 property. She stated it was difficult since she was born and raised on the property and her parents lived in the home on the adjacent parcel until they were in their 90s. She stated there is abundant wildlife that use a corridor through the parcel to go to and from the Yellowstone River. Mrs. Anderson stated she was in favor of the annexation and zone change based on advice from her friends, family and church. She knows that connecting to the city sewer will increase her property value and save her a potential headache in the future. There was no other testimony. Chair Mike Larson closed the public hearing. Commission member David Goss made a motion to recommend approval and adoption of the findings of the ten review criteria. The motion was seconded by Commission member Dan Brooks, and was approved on a 4 to 0 vote.

The City Council held its public hearing and first reading for this zone change on November 27, 2023. Staff presented the Zoning Commission's recommendation of approval. There were no members of the public present to testify in favor or in opposition. The applicant's agent, Taylor Kasperick, Performance Engineering, concurred with staff and Zoning Commission recommendation and reiterated the intent of the annexation is to connect the property to the City sewer system. Currently, the property is served by an existing septic system permitted in 1970, with a drain field developed as a "seepage pit" system. He said they were also working with the adjacent property owner HS Management, who are helping to annex and connect the property because the drain field is located on their property. Taylor also said the goal is to have the property connected before the system fails. The City Council approved the zone change on first reading by unanimous vote.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1036 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1036; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion; or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Before making a decision the City Council shall consider the following findings of the ten review criteria:

1. Is the new zoning designed in accordance with the Growth Policy and Neighborhood Plans?

The proposed zoning most conforms to the following City of Billings 2016 Growth Policy and Heights Neighborhood Plan guidelines:

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans.
- Infill development and development near existing City infrastructure may be the most cost-effective.
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable.

Prosperity (promoting equal opportunity and economic advancement)

- A diversity of available jobs can ensure a strong Billings' economy.
- Successful businesses that provide local jobs benefit the community.
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.
- Retaining and supporting existing businesses helps sustain a healthy economy.

The Heights Neighborhood Plan encourages annexation of County parcels into the City.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning (N3) requires minimum setbacks, open and landscaped areas and building separations per section 27-300.5. The new zoning, as do all zoning districts, provides adequate building separations to provide security from fire and other dangers. Buildings developed within the city limits will comply with building and fire safety codes. There are no conformity concerns related to the existing home

3. Whether the new zoning will promote public health, public safety and general welfare?

The proposed zoning (N3) would allow the property to annex into the City of Billings and to connect the existing single family home which is similar to the surrounding area to connect to City utilities. The site and structure regulations found in 27-300.5 in the N3 district promote the minimum standards to ensure public health and safety and promote general welfare. Annexation and zoning of the property will promote public health with removal of an existing septic system and connecting to City sewer benefiting the already established wells in the area.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will have little impact on the surrounding transportation systems as the single family dwelling is already existing, no additional dwellings will be added. There will be no significant impact on the transportation network at this time. There are no capacity concerns as there are no additional vehicles expected.

Water and Sewer: The property currently has a well and septic system, concurrent application for annexation is in process. Upon annexation approval, the property will connect to Heights Water District and City of Billings sewer. Water and sewer are available in the adjacent right of way.

Schools and Parks: Schools and parks should not be significantly affected by the proposed zone change as the existing home on the property will remain and the possibility of greater development is extremely limited. The impacts are existing since the property is currently used as a single family residence and will continue with this use. Existing parks near the property that could be used by residents of the home include Two Moon Park, a County Park, to the west of the subject property and the linear park along Alkali Creek to the south at the bottom of the intersection of Lincoln Lane and Bench Boulevard.

Fire and Police: The property will be served by the City of Billings Fire and Police upon successful annexation. The Police and Fire Departments have not stated concerns with the request.

5. Will the new zoning provide adequate light and air?

The proposed N3 zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air as required by the site a structure regulations found in 37-300.5. Any residential structure built or, more likely in this case, rebuilt in the future, must comply with the setback and separation requirements in Section 27-300.5 ensuring adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

The new zoning will have no significant effect on vehicle and pedestrian traffic. The property is intended to remain a single household and generate minimal trips. Additionally, the property is located adjacent to Lincoln Lane a roadway with adequate capacity to handle the existing residence.

7. Will the new zoning promote compatible urban growth?

The proposed zone change will not negatively impact urban growth. Any future home must be in compliance with the N3 zone and is an acceptable use of property within the City of Billings and further, the existing use of the property is also compatible with city development as single family homes is a prevalent residential style in Billings. It should be noted, the width of this property would not allow for future additional single family homes without a variance; under Table 27-300.5-1, N3 site restrictions require 65 feet of lot width for each single family dwelling. From a service standpoint, annexation and serving properties with nearby city services is ideal. This property is adjacent to water and sewer facilities. With all of these items considered, the new zoning allows compatible urban growth.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The new zoning will continue the existing developed property and preserve the character of the district. This area of Billings Heights has a variety of zoning districts and uses in the City limits as well as the outlying county parcels. There is a vacant parcel of CMU2 to the east and south, N4 to the north and further south with single family dwellings. Then to the west is NX3 (in the City) with multi-family apartments, to the northwest Residential Manufactured Home zone with a mobile home park and to the southwest is the CMU2 zone where the Target store and commercial development is located. Proximity of so many residential uses, although on different kinds, does not create compatibility issues.

9. Will the new zoning conserve the value of buildings?

The new zoning is not expected to alter the value of any buildings in the area. Any new or redevelopment of the property will need to meet the applicable site development requirements in the zoning code, including landscaping, screening, building heights and setbacks for the N3 zoning district.

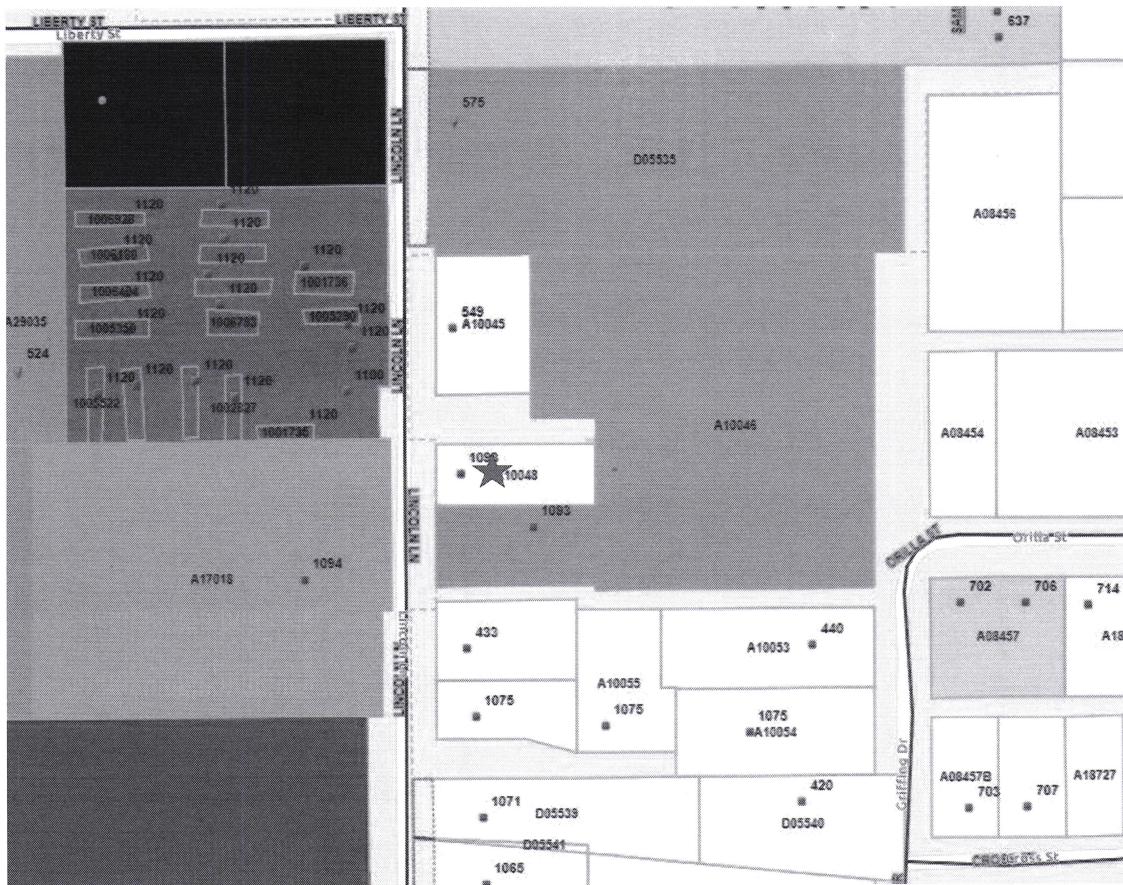
10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow a residential property outside the City limits of Billings to be annexed into the City and connect to City services, so the property can be used for a residential dwelling. There are no indicators the N3 zoning is not the most appropriate use of the land.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Neighborhood Meeting Info
History
Ordinance

Zoning Map & Site Photos





East



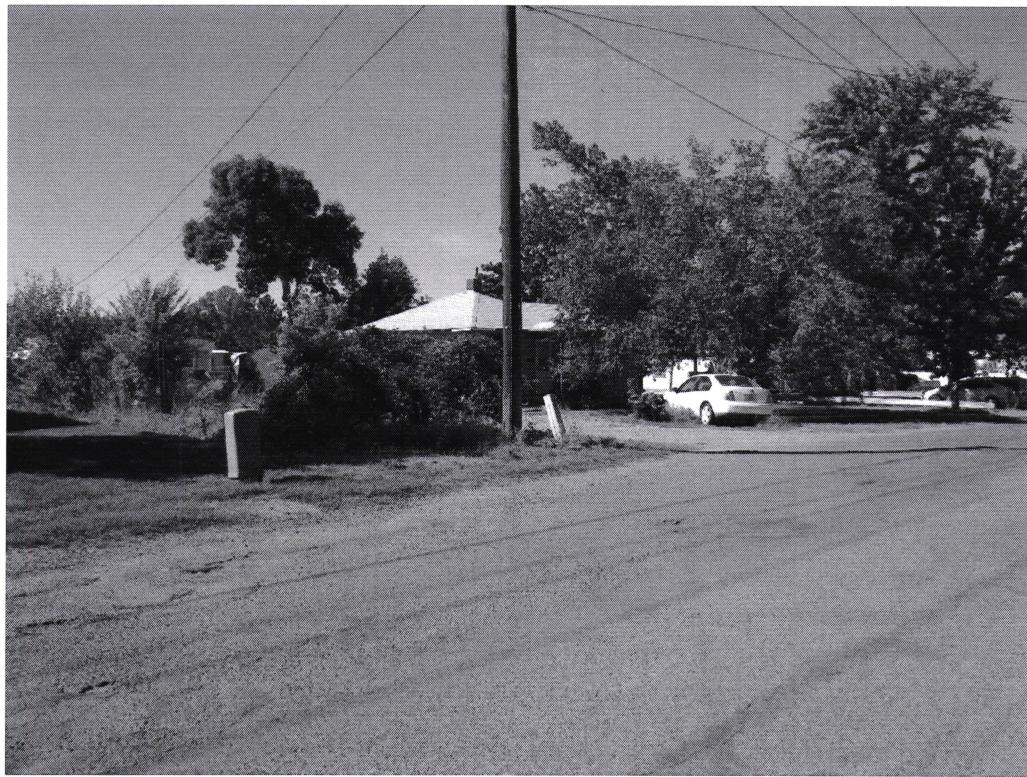
South West



North



South



North West

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ - Project # _____

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N4 (County)

Proposed Zoning: N3 (City)

TAX ID# A10048

CITY ELECTION WARD 2

Legal Description of Property: Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision

Address or General Location (If unknown, contact City Engineering): 1093 Lincoln Lane

Size of Parcel (Area & Dimensions): 9,387 sf (160' x 61')

Present Land-Use: Residential

Proposed Land-Use: Residential

Covenants or Deed Restrictions on Property: Yes No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Lavonne S. Anderson

Owner(s):

(Recorded Owner) 1093 Lincoln Lane, Billings, MT 50105

(Address) (406) 254-9689

(Phone Number) (email)

Agent(s): Taylor Kasperick - Performance Engineering

(Name)

608 N. 29th St., Billings, MT 59101

(Address) (406)384-0080

taylor@performance-ec.com

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:

Lavonne S. Anderson
(Recorded Owner)

Date: July 13, 2023

Date Stamp

Zone Change Application Packet 2021/2022

1. Explain how the proposal is consistent with the goals and policies of the adopted Growth Policy or West End Neighborhood Plan.

The tract of interest is currently zoned Large Lot Suburban Neighborhood (N4) and is not currently within the Billings City Limits. The proposal for this lot is to annex it into the City of Billings, and concurrently change the current zoning to Suburban Neighborhood (N3) to align with recognized zoning districts of the City of Billings.

Essential Investments – The subject property's frontage currently has City of Billings sewer infrastructure and County Water District of Billings Heights water mains within it. As such, annexation and re-zoning of this property falls in line with the Growth Policy in encouraging development of parcels adjacent to the City limits without necessitating major infrastructure investments to service the subject property.

Strong Neighborhoods – A suburban neighborhood zoned lot enhances the diversity of the neighborhood by being the first of its kind in the area. With a mixture of mixed residential (NX3), residential mobile home (RMH), corridor mixed-use (CMU1) and now suburban neighborhood (N3) it creates a diverse community that people of all age groups and income levels can afford to live.

2. Explain how the application meets the 10 statutory criteria for a zone change.

- 1 – The new zoning is required as part of annexation into the City of Billings as the current zoning, N4 (Large Lot Suburban Neighborhood) is not recognized by the City. The proposed zoning N3 (Suburban Neighborhood) is the approximate equivalent City of Billings Zoning District to that of the current County N4 zoning. This annexation, and concurrent zone change, also expands the city limits by incorporating a property that is fronted by city infrastructure, which is desired by the current growth policy.
- 2 – The subject property is located adjacent to an existing fire hydrant which is available for use to fight any fires or other dangers that may present themselves. The property is already serviced by the City of Billings Fire Department as it falls within the BUFSA so no change in service area is necessitated.
- 3 – The new zoning, and concurrent annexation, will allow the owner of the property to connect an existing septic system and wastewater pit into the City of Billings wastewater collection system. This will improve the public health, safety, and general welfare by removing a potential contaminant from the underlying aquifer.
- 4 – As existing services are provided adjacent to the subject property, there should be no impact or negligible impact to the provision of transportation, water, sewerage, schools, parks or other public improvements.
- 5 – The new zoning will not change the physical characteristics of the residence or lot, and will remain a single family home under the proposed zoning.
- 6 – The new zoning will not affect motorized and nonmotorized transportation. The purpose of the new zoning is to annex into the City of Billings.
- 7 – The new zoning may promote compatible urban growth. Surrounding properties are a mix of single family, mixed use, and multi-family zone districts. Changing the subject property's zoning

from a County single-family home district to a City single-family home district will have a negligible affect on compatible urban growth.

- 8 – The new zoning is comparable to that zone district that it will be changed from, with the proposed zoning being the City equivalent of the existing County zoning. As such, the character of the district and the peculiar suitability of the property for particular uses remains unchanged with the proposed zone change.
- 9 – The proposed zone change will not impact the value of existing or future buildings as the existing and proposed zoning are equivalent.
- 10 – The new zoning will encourage the most appropriate use of land in Billings. As the population of the city continues to grow it is important to provide enough housing for the residents. This property being annexed into the city provides that and could encourage more properties along the city limits to annex as well.

3. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The new zoning will not change the existing residence on the property, or those adjacent to it. The house currently fits in with the existing zoning in the immediate area and the proposed zoning will not affect this.

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** N4 (County)

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

The existing zoning (N4 - County) will be changed to N3 to adopt a City District upon annexation.

3. **Subject Property Map:** please attach to this form Included with application submittal.

4. **Legal Description of Property:**

Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision

5. **Neighborhood Task Force Area:** Yes // No . If Yes, Name of Task Force and mailing

address of Chairperson:

Frank Ewalt, Chair, Heights Community Development, 2131 Phoebe Drive, Billings, MT 59105

6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form Included with application submittal

7. **A copy of the meeting notice:** please attach to this form Included with application submittal.

8. **A brief synopsis of the meeting results including any written minutes or audio recording:** please attach to this form Included with application submittal.

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 25, day of July, 2023.

2) The zone change application is based on materials presented at the meeting.

Owner (s): _____ Telephone: _____

Address: _____ Email: _____

Agent (s): Taylor Kasperick, Performance Engineering Telephone: 406-384-0080

Address: 608 N. 29th St. Email: taylor@performance-ec.com
Billings, MT 59101





608 North 29th Street, • Billings, MT 59101 • (406) 384-0080

July 17, 2023

Dear Interested Neighbor,

On behalf of Lavonne Anderson, *Performance Engineering, LLC* is writing to inform you of a zone change pre-application neighborhood meeting being held on **Tuesday, July 25th**, at **6:00 p.m.** The pre-application neighborhood meeting will be held in **the conference room at the Country Inn & Suites by Radisson at 231 Main St., Billings, MT 59105.**

The owner is requesting that the property described below be granted a zone change from County Large Lot Suburban Neighborhood (N4) to City Suburban Neighborhood (N3) as part of an annexation into the City of Billings Limits. The subject property is described as:

Lot 1A Block 2 of the Amended Plat of Lots 1 and 2, Block 2 of the La Ray Subdivision, located in the City of Billings, Yellowstone County, Montana. The parcel is a total of 0.226 acres, generally located at 1093 Lincoln Lane.

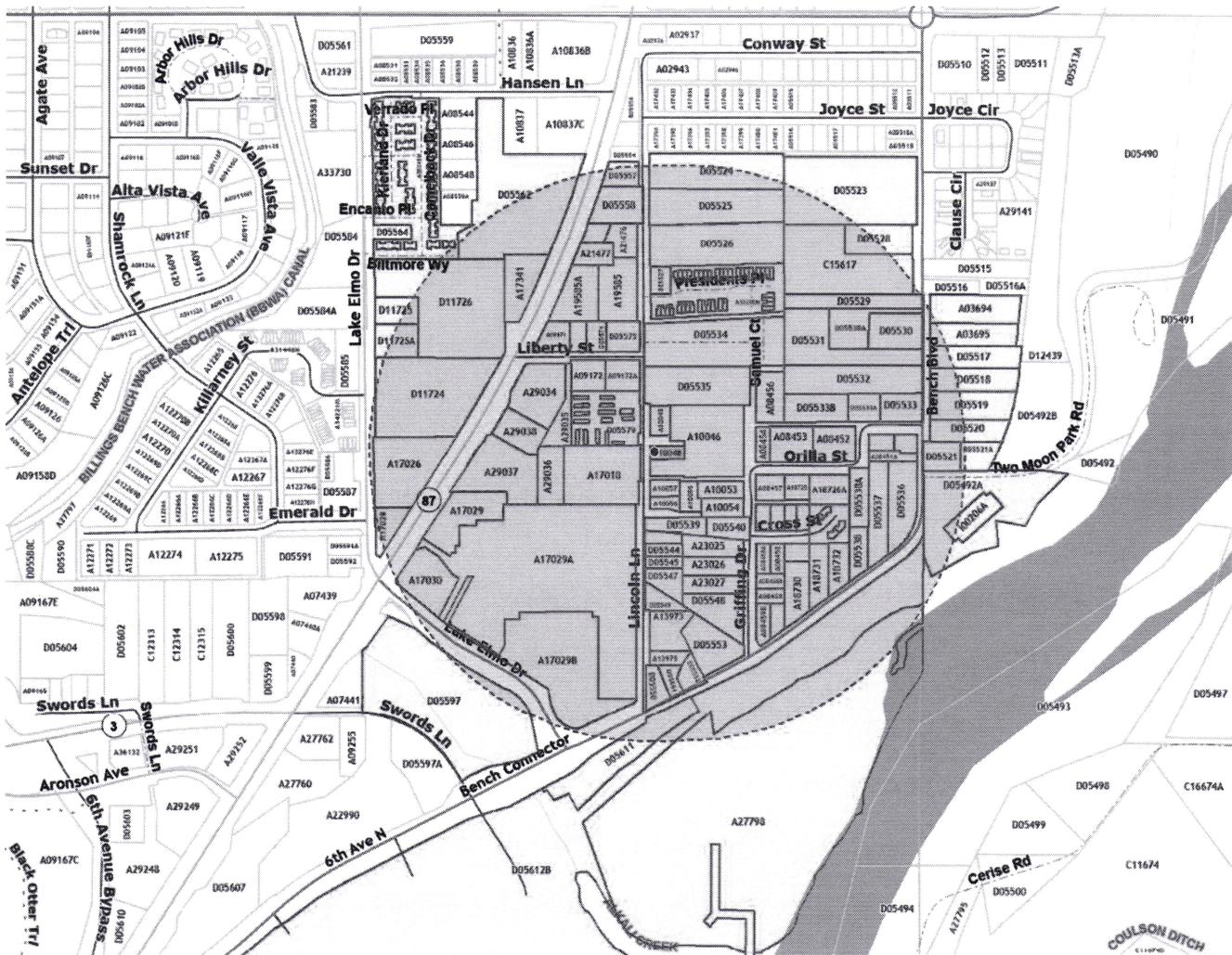
The intent of the meeting is to make neighboring property owners aware of the proposed zone change for the subject property, discuss any concerns with the proposed use, and to answer questions about the project.

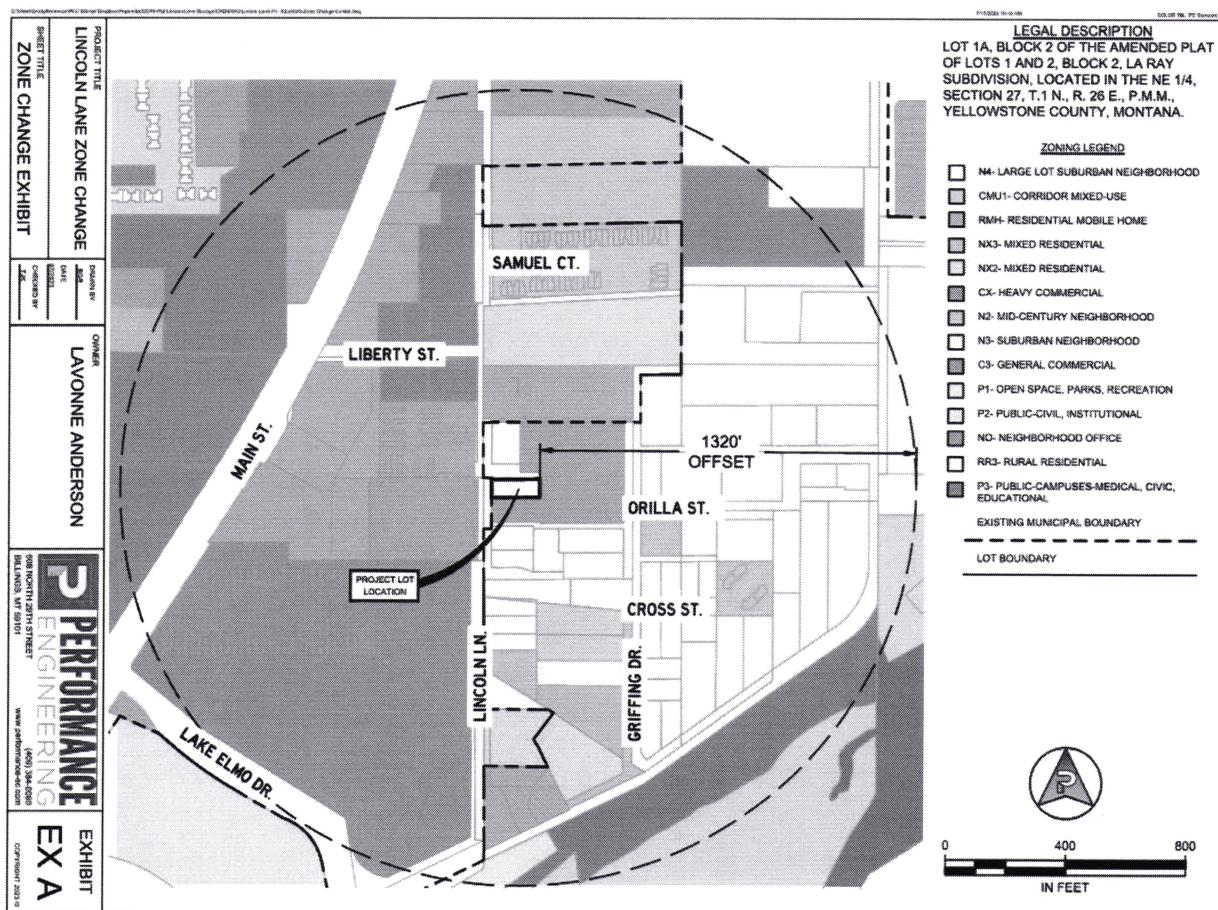
Representatives for *Performance Engineering, LLC* will be at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at **608 North 29th Street, Billings, MT 59101**, attention Taylor Kasperick, PE, or emails may be sent to taylor@performance-ec.com. We look forward to discussing the proposed special review with you and hope to see you on **July 25th**.

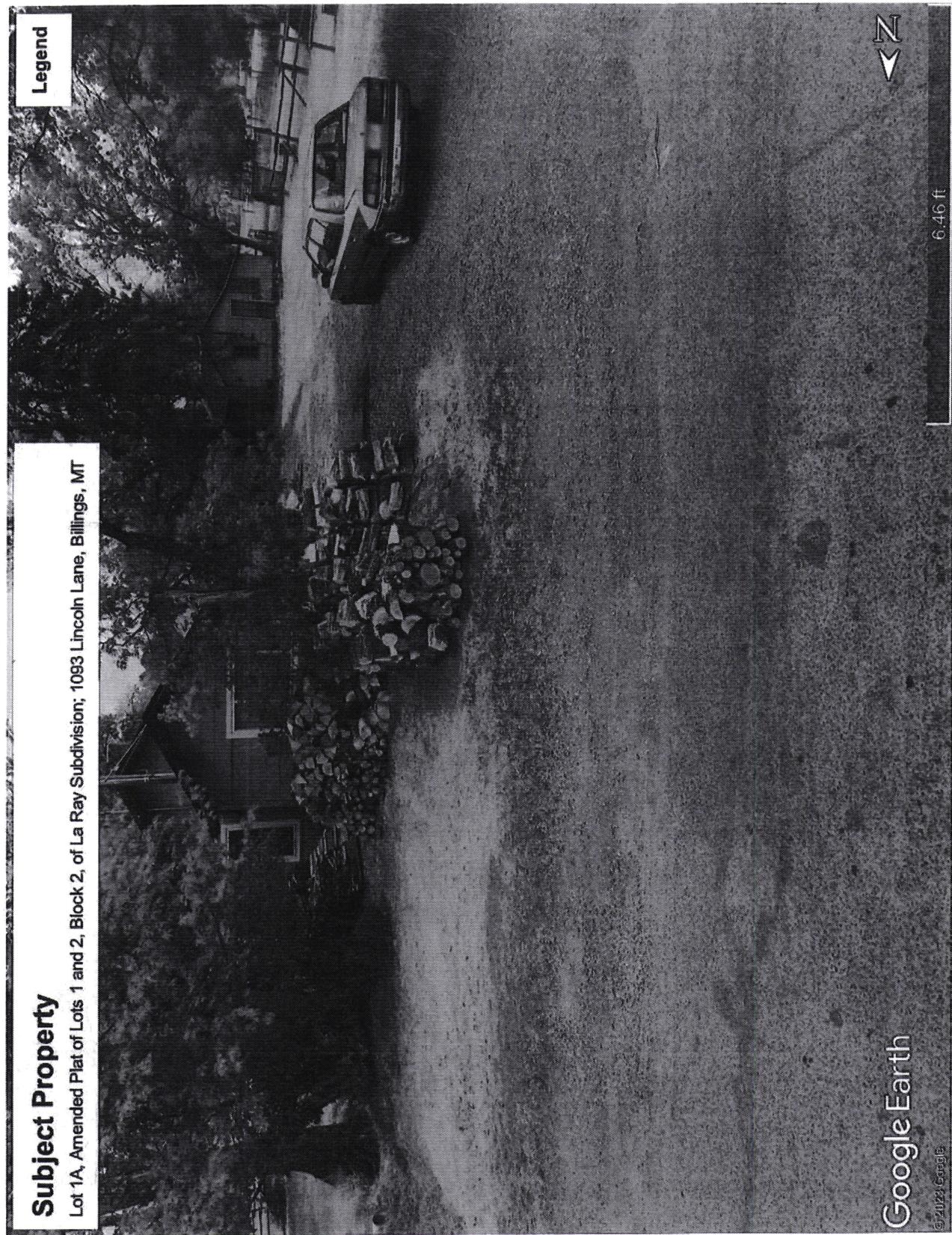
Sincerely,

A handwritten signature in black ink that reads "Taylor Kasperick".

Taylor Kasperick, PE
Project Manager







C. N3: SUBURBAN NEIGHBORHOOD RESIDENTIAL

The N3 district is intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than 35% of the façade. Basic setback and height parameters apply.

D. NX1: MIXED RESIDENTIAL 1

The NX1 district is intended to continue the character of the first neighborhoods with single-family, two-family, and small-scale multiple-family homes with 3 to 4 units. Multiple-family homes are intended to match the scale of the neighborhood single-family homes with characteristics such as building width, parking and garages location, roof design, and doors and windows on the front facades.

E. NX2: MIXED RESIDENTIAL 2

The NX2 district is intended for small- and mid-scale multiple-family homes with 3 to 8 units, in small neighborhood nodes. The buildings are oriented to the streets in walkable blocks with doors and windows on front facades and parking/garages located behind the buildings.

F. NX3: MIXED RESIDENTIAL 3

The NX3 district is intended for large-scale multiple-family homes in larger neighborhood nodes. The buildings may include larger apartment buildings with more than eight units per structure. The development may have an internal private street system for access throughout the larger node with walkable blocks. Buildings are oriented to the street with doors and windows on front facades and parking/garages located behind the buildings. Covered parking may include rows of canopies or enclosed garages. Common open space, shared recreational facilities, or central gathering spaces are generally provided for residents.

G. RMH: RESIDENTIAL MANUFACTURED HOME

The RMH district is intended to provide stable environments for individual manufactured homes, manufactured home parks, and compatible accessory uses.

SECTION 27-306 N3 DISTRICT

The following site and structure regulations apply to any lot in the N3 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300.5, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(3). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300.5 : SITE AND STRUCTURE REGULATIONS

A. BUILDING SITING		REFERENCES
1	Minimum Lot Width (feet) per principal building Minimum Lot Size (square feet) per principal building	65 none See Article 27-1500 existing lots of record. See 27-306.C for exemption from minimum lot widths.
2	Maximum Building Width (feet)	None
3	Front Setback (feet)	20 minimum
4	Street-Side Setback (feet)	10 minimum
5	Side Setback (feet) Space Between Principal Buildings on Lot (feet)	5 minimum 10 minimum
6	Rear Setback (feet)	5 minimum
7	Accessory Building Yard Location	Rear
8	Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley
9	Maximum Total Building Coverage (%)	40
10	Permitted Driveway Access Location	Any
11	Attached Garage Entrance Location	Any façade; front façade limited to no more than 50% of façade See BMCC Section 6-1200 for driveway access standards.
B. Height		
Principal Building: Maximum Height (stories) Maximum Height (feet)		3 34 See Article 27-1800 for instructions for measuring height.
Accessory Building: Maximum Height (stories)		1.5 stories, no taller than the principal building Accessory roof pitch shall match principal building

27-300 Neighborhood Districts

The neighborhood zoning districts are established in Table 27-300-1. When this zoning code refers to "neighborhood" zoning districts, it is referring to these districts.

Section 27-301 Districts Established

The neighborhood zoning districts are established in Table 27-300-1. When this zoning code refers to "neighborhood" zoning districts, it is referring to these districts.

TABLE 27-300-1. NEIGHBORHOOD DISTRICTS

Symbol	Neighborhood District Name
N4	Large Lot Suburban Neighborhood Residential
RR1	Rural Residential 1
RR3	Rural Residential 3
R-RMH	Rural Residential Manufactured Home
The following district is available in the county with municipal water and sewer or county water and sewer or with the use of a Planned Neighborhood Development (PND), per Article 27-800:	
N3	Suburban Neighborhood Residential
N1	First Neighborhood Residential
N2	Mid-Century Neighborhood Residential
N3	Suburban Neighborhood Residential
NX1	Mixed Residential 1
NX2	Mixed Residential 2
NX3	Mixed Residential 3
RMH	Residential Manufactured Home

Section 27-302 District Descriptions

Neighborhood districts are primarily intended to allow residential uses within appropriately scaled buildings to maintain and promote the desired physical character of the neighborhoods within the county.

A. N4: LARGE LOT SUBURBAN NEIGHBORHOOD RESIDENTIAL

The N4 district is intended for large lot residential neighborhoods primarily with single-family homes. Characteristics include wide, large lots and attached garages often located on the front building façade. Regulations include basic setback and height parameters.

B. RR: RURAL RESIDENTIAL

The RR districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed including stables, livestock and agricultural crops raised for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by "-1" and "-3", meaning RR-1 has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres. Accessory barns are allowed.

Section 27-304 N4 districts

The following site and structure regulations apply to any lot in the N4 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300-3, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(2). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300-3. SITE AND STRUCTURE REGULATIONS

A. BUILDING SITING		REFERENCES
1	Minimum Lot Width (feet) per principal building	80
	Minimum Lot Size (square feet) per principal building	15,001
	Maximum Lot Size (square feet) per principal building	43,559
	Maximum Building Width (feet)	none
2	Front Setback (feet)	20 minimum
4	Street-Side Setback (feet)	10 minimum
3	Side Setback (feet)	5 minimum
5	Rear Setback (feet)	20 minimum
6	Accessory Building Yard Location	Rear
8	Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley
7	Maximum Total Building Coverage (%)	30
9		
B. HEIGHT		
Principal Building: Maximum Height (stories)		3
Maximum Height (feet)		34
Accessory Building: Maximum Height (stories)		1.5 stories, no taller than the principal building
		See Article 27-1800 for instructions for measuring height



Pre-Application Neighborhood Meeting Minutes and Roster – Zone Change Application

Date and Time of Meeting: July 25th, 2023 at 6:00 PM

Location: Country Inn and Suites By Radison, 231 Main Street, Billings, MT 59105

Property: Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision

Attendees:

- Attendees are listed below, see attached sign in sheet for confirmation and contact information.
 - LaVonne Anderson (Owner)
 - Linda & Mike Quinn
 - Craig & Bobbi Christoferson
 - Gerald Brewington
 - Vicki Dickinson
 - Lisa Certin

Meeting Notes:

- A presentation was prepared and provided by Taylor Kasperick of Performance Engineering (PE) and the meeting minutes were recorded by Brody Roberson. The presentation materials are provided with this submittal.
- The owner raised concerns about the development of the adjacent property and annexing her property into the city.
- In general, attendees raised concerns about the development of Lot 2A-1 of the Amended Plat of La Ray Subdivision. PE informed the attendees that the subject of this meeting is for the zone change of Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision.
- Questions continued on the adjacent lot, asking what the plan for the development was and what the current zoning of the lot is. PE informed the residents that the plan for the current lot is a storage facility which is in compliance with the current zoning of Corridor Mixed-Use (CMU1). It was also questioned whether the adjacent lot would need to be annexed into the city before development. PE noted that the adjacent property is already properly zoned and the buildings on the property would be "dry" buildings, meaning no services would need to be brought in, therefore, there is no need to annex the property into the city.
- Some residents brought up the increase in property taxes after annexing into the city. PE informed the residents that while there is an increase in property taxes after annexation, the property value would increase due to being tied into city sewer. The health benefits to the surrounding area was also addressed by PE, discarding the existing septic system and seepage pit and tying into the city sewer would be beneficial for any neighbors that have wells in the area.



- One resident questioned why it was acceptable to have a lot smaller than 0.5 acres containing a septic system. PE informed the neighbor that 0.5 acres is not a set rule for the county in terms of housing a system, instead it is dependent on soils in the area. The neighbor was also informed that the buy-sell contract for the adjacent lot mentioned tying the Owner's house into the city in order to discard the existing septic system.
- The meeting ended with a disagreement by some residents about annexing Ms. Anderson's property into the city limits. It was restated by PE that it may be beneficial for Ms. Anderson to reach out the adjacent lot owner to discuss the conditions of the buy-sell agreement for the purchase of the adjacent lot.

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1093 Lincoln Lane	1036	10/3/2023	Annexation & ZC from N4 to N3	-	
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Blue Creek Acreage Tracts Subs, Lot 7	City ZC 1035	September 25, 2023	Annexation & Zone Change of Residential property	Y	Annexed
BLUE CREEK STORAGE SUB, LT 2	City ZC 1017	Sept 26, 2022	CMU1 to CX	N	Valid Protest Petition
Cedar Park Subdivision	Annexation	2002	Connect to Water & Sewer	Y	N3 via Project ReCode
Briarwood Subdivision	Annexation	2002	Connect to Water & Sewer	Y	PUD- R-9600
Cherry Creek Estates Sub, Block 2 , Lot 1	City ZC 995	August 23, 2021	RR1 & P1 to N3	Y	Annexed
Tr. 1A-1 and 1A-2, Certificate of Survey 266	City ZC 994	August 23, 2021	RR1 to N3	Y	Annexed