

ORDINANCE NO. 04-5307

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON THE NORTH TEN ACRES OF AN UNPLATTED PARCEL LOCATED IN THE NW $\frac{1}{4}$ SECTION 16, T. 1 S., R. 26 E, YELLOWSTONE COUNTY, MONTANA. **THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF SOUTH FRONTAGE ROAD, EAST OF SOUTH BILLINGS BOULEVARD.**

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 unplatted land situated in the NW $\frac{1}{4}$, Section 16, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as follows:

Beginning at the northwest corner of Lot 5, Block 1 of Willowbrook Subdivision, Recorded May 30, 2002, Under Document No. 3178165, Records of Yellowstone County, Montana; thence in a southerly direction along the west boundary line of said subdivision for a distance of 654.21 feet to a point on said boundary line; thence N 89° 59' 42" W for a distance of 871.37 feet to a point on the south right-of-way line of South Frontage Road; thence crossing the said right-of-way to the West N 89° 59' 42" W to the north right-of-way line of said South Frontage Road; thence along said north right-of-way line of South Frontage Road and parallel to the south right-of-way line of South Frontage Road in a northeasterly direction to a point on said north right-of-way that is perpendicular to the northwest corner of Lot 5, Block 1 of Willowbrook Subdivision; thence in a southerly direction to the northwest corner of Lot 5, Block 1 of Willowbrook Subdivision which is the Point of Beginning, containing 10 acres of land and is presently zoned **Agricultural – Open Space** 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 **Agricultural – Open Space to Entryway General Commercial** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Entryway General Commercial** 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 November 22, 2004.

PASSED, ADOPTED AND APPROVED on second reading December 13, 2004.

CITY OF BILLINGS:

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk

ZC#746