

2013 City of Billings Subdivision Regulations Amendments

Notice: Below are proposed amendments to Articles 23-200, 23-300, 23-400, and 23-600 of the City of Billings Subdivision Regulations. The intent of these amendments is:

- 1.) To bring the City's regulations in compliance with State law, based on changes to the Subdivision and Platting Act during the 2013 legislative session, and
- 2.) To make other minor amendments to clarify and ensure consistency in application of the regulations.

Changes to the current regulations are shown with ~~strike-through~~ for proposed deletions, and underline for proposed additions of text.

Changes to Articles 23-200 and 23-600 are based on the amendments to State statute resulting from Senate Bill 324. Changes to *Article 23-300* are proposed to refine the definition of an amended plat, and to clarify the review process. Changes to *Article 23-400* are proposed to update the requirement for two points of access to a subdivision and ensure consistency with the International Fire Code.

Two public hearings are scheduled at which public comments will be solicited. They are tentatively scheduled for November 13, 2013, at the Yellowstone County Board of Planning meeting, and December 9, 2013, at the Billings City Council meeting.

Please direct all comments and questions prior to the public hearing meetings to Juliet Spalding at City/County Planning, (406) 247-8684 / 2825 3rd Ave. North, Billings, MT 59101.

Article 23-200. DEFINITIONS.

Section 23-201. Definitions.

DIVISION OF LAND: The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to ~~or possession~~ of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land (76-3-103(4), MCA).

SUBDIVISION: A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession

of the parcels may be sold, ~~rented, leased,~~ or otherwise conveyed-transferred and includes any re-subdivision and ~~further includes~~ a condominium, ~~or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes~~The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed (76-3-103(4615), MCA). However, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act (76-3-203, MCA).

~~**SUBDIVISION FOR RENT OR LEASE:** A subdivision for rent or lease is created when any portion of a parcel is rented or leased for the purposes of temporary or permanent residential or commercial use. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. Subdivisions created by 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).~~

Article 23-300. SUBDIVISION REVIEW PROCEDURES.

Section 23-306. Amended Plats.

A. **Required.** A division of lots within a platted subdivision filed with the County Clerk and Recorder that results in an increase in the number of lots, or that redesigns or rearranges six (6) or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the County Clerk and Recorder (76-3-207(2)(a), MCA).

B. **Eligibility.** Amended plats shall be processed as first minor subdivisions, as described in Section 23-303, if they meet the following criteria:

1. Legal and physical access to all lots is provided; and
2. No land in the subdivision will be dedicated to public use for parks or playgrounds; and
3. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings for sanitary water, sewer and stormwater facilities or no public improvements are required; and-

~~3.4.~~The amended plat creates no more than five additional lots.

Amended plats not meeting these criteria shall be reviewed as major subdivisions.

C. **Form and Content.** An amended plat shall be entitled “Amended Plat” and follow the form and content shown in Appendix D “Preliminary Plat Requirements.”

Article 23-400. DEVELOPMENT REQUIREMENTS.

Section 23-405. Streets and Roads.

A.5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utilities, all major subdivisions and subsequent minor subdivisions shall provide ~~a minimum of at least~~ two means of vehicular access ~~roads~~ built to the standards of this Chapter ~~to all lots in the subdivision. Provision of a second access may be required for first minor subdivisions when deemed necessary for the health, safety and welfare of the new lot owners and~~ designed to ensure public health and safety.

Exceptions to the requirement to provide at least two means of vehicular access may be made for major and subsequent minor subdivisions that meet all of the following criteria:

- Access is provided by a cul-de-sac with an approved turnaround that is 600 feet or less in length; and
- The subject cul-de-sac is served by a local, collector, or arterial street that is not classified as a dead end street; and
- The subject cul-de-sac serves no more than 20 lots, and no more than 30 dwelling units, when residential development is proposed.

Provision of a second means of vehicular access may be required for any subdivision when deemed necessary for public health, safety and welfare.

When not otherwise exempt, ~~If, and~~ in the judgment of the Planning Board, ~~if a full~~ a second means of vehicular access cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access road, built to the standards detailed in Section 23-413 of these Regulations.

Article 23-600. SUBDIVISIONS FOR RENT OR LEASE DEVELOPMENTS PROVIDING MULTIPLE SPACES FOR RENT OR LEASE FOR RECREATIONAL VEHICLES, MOBILE HOMES, AND MANUFACTURED HOMES

Section 23-601. General.

A. **PurposeDefinition.** ~~A subdivision for rent or lease is a development providing multiple spaces for rent or lease for recreational vehicles (RVs) and/or mobile or manufactured homes is created when any portion of a parcel is rented or leased for the purposes of situating a temporary or permanent RV, mobile, or manufactured home for residential or commercial use owned by the renter or lessee. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. These developments are commonly known as mobile home parks, manufactured home parks, and recreational vehicle parks. 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.~~

B. **Review & approval required.** ~~Subdivisions for rent or lease are exempt from the survey and filing requirements of the Montana Subdivision and Platting Act (MSPA);~~

~~but~~ Manufactured home parks, mobile home parks and RV parks must be submitted for review and approval by the governing body before portions thereof may be rented or leased (76-3-~~208504(s)~~, MCA). Approval must be based on the criteria found in Article 23-300 of these Regulations.

The number of ~~individual units~~ spaces available for rent or lease 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 t~~ Two (0-2) units with water and/or wastewater services spaces for rent/lease, 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 t~~ Two (0-2) units with water and/or wastewater services spaces for rent/lease 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~~ spaces for rent/lease shall be reviewed as a first minor subdivision under Section 23-303.
- d. Six or more (6+) ~~units with water and/or wastewater services~~ spaces for rent/lease shall be reviewed as a major subdivision under Section 23-302.

C. **Zoning requirements.** Manufactured home parks, mobile home parks and RV parks ~~Subdivisions for rent or lease~~ shall follow all applicable requirements outlined in the Unified Zoning Regulations (Article 27, BMCC).

Section 23-602. Review Procedures.

A. Submittal requirements.

1. Manufactured home parks, mobile home parks and RV parks ~~Subdivisions for rent or lease~~ require submittal of those requirements outlined in Article 23-300 of these Regulations except that the subdivider shall submit unsurveyed plans drawn to scale, rather than plats.
2. Supplementary materials. In addition to the submittal requirements outlined in Article 23-300, preliminary and final plans and submittals for manufactured home parks, mobile home parks and RV parks ~~subdivisions for rent or lease~~ shall include 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, 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. Final Approval. Manufactured home parks, mobile home parks and RV parks ~~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 23-603. Manufactured and/or Mobile Home Park Development Requirements.

A. Manufactured or mobile home spaces.

- 1. The number of allowed spaces is limited to what is approved on the final plan.
- 2. Manufactured or mobile home spaces must be arranged to permit the safe and practical placement and removal of manufactured homes.
- 3. All manufactured or mobile 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 or mobile 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 or mobile 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 [or mobile](#) home and its roofed accessory buildings and structures may not exceed one-third (1/3) of the area of a space.
8. All manufactured [or mobile](#) homes shall be separated by a minimum of 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 [or mobile](#) home.
10. There shall be a minimum of six (6) feet between detached structures and any adjacent manufactured [or mobile](#) home. Detached structures are defined as any structure that is more than six (6) feet away from the manufactured [or mobile](#) home.
11. A minimum of two (2) off-street parking spaces must be provided on or adjacent to each manufactured [or mobile](#) home space. The driveway must be located to allow for convenient access to the manufactured [or mobile](#) home, and be a minimum of ten (10) feet wide.

B. Streets.

1. All streets within a manufactured [or mobile](#) 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.
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.
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.
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.
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 [or mobile](#) 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 [or mobile](#) 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, [mobile 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 [or mobile](#) home parks shall meet the parkland dedication requirements as outlined in Article 23-1000 of these Regulations.
2. Manufactured [or mobile](#) 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 [or mobile](#) 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 [or mobile](#) home park without holding a valid license issued by the Montana Department of Environmental Quality (MDEQ), to be renewed annually.

Section 23-604. Recreational Vehicle Park Development Requirements.

A. **Recreational vehicle spaces.**

1. Recreational vehicle spaces must be arranged to allow for the safe movement of traffic and access to spaces.
2. Recreational vehicles must be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.

3. No recreational vehicle space may be located less than twenty (20) feet from any public street or highway right-of-way.
4. The density of a recreational vehicle park may not exceed twenty five (25) recreational vehicle spaces per acre of gross site area.

B. Streets.

1. Roads within recreational vehicle parks must be designed to provide safe traffic circulation and parking.
2. Design of the streets within a recreational vehicle park shall follow those guidelines on street design for manufactured home parks above (Section 23-603.B.).

C. Additional standards.

Recreation vehicle parks shall also follow the guidelines listed in Section 23-603.C. **Fire protection**; Section 23-603.D. **Health standards/license requirement**; and Section 23-603.E. **Additional provisions**.

~~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.~~

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

~~C. 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.~~

~~Section 23-606.~~ Section 23-605. **Timing of Improvements.**

- A. The subdivider shall install all required improvements before renting or leasing any portion of the subdivision manufactured home park, mobile home park or RV park. 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.