

COUNCIL BILL NO. 17-1

ORDINANCE NO. 17-1

1 AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL  
2 CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER  
3 BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING  
4 DISTRICT MAP BY REZONING APPROXIMATELY ONE AND ONE-HALF ACRES FROM  
5 R-3 (MULTI-FAMILY RESIDENCE) ZONE TO C-M (COMMERCIAL AND LIGHT  
6 INDUSTRIAL), BOUNDED ON THE NORTH BY EAST ALUMINUM STREET, ON THE  
7 SOUTH BY EAST IRON STREET, ON THE EAST BY NEVADA AVENUE AND ON THE  
8 WEST BY AN ALLEYWAY SEPARATING MARYLAND AVENUE AND NEVADA  
9 AVENUE; AND TO REZONE APPROXIMATELY TWO AND ONE-HALF ACRES FROM R-2  
10 (TWO FAMILY RESIDENCE) ZONE TO C-M (COMMERCIAL AND LIGHT INDUSTRIAL)  
11 ZONE, BOUNDED ON THE NORTH BY EAST IRON STREET, ON THE SOUTH BY THIRD  
12 STREET, ON THE EAST BY NEVADA AVENUE AND ON THE WEST BY MARYLAND  
13 AVENUE; LOCATED IN SECTIONS 13 AND 24, TOWNSHIP 3 NORTH, RANGE 8 WEST,  
14 OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF  
15 MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN  
16 CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

17 WHEREAS, the Butte-Silver Bow Zoning Commission did, on February 23, 2017, conduct a  
18 public hearing, after due notice, to consider Zoning Application No. 176 to rezone ±  
19 1 ½ acres from Multi-Family Residence to Commercial and Light Industrial,  
20 bounded on the north by East Aluminum Street, on the south by East Iron Street, on  
21 the east by Nevada Avenue and on the west by an alleyway separating Maryland  
22 Avenue and Nevada Avenue; and ± 2.5 acres from Two Family Residence to  
23 Commercial and Light Industrial, bounded on the north by East Iron Street, on the  
24 south by Third Street, on the east by Nevada Avenue and on the west by Maryland  
25 Avenue; located in Sections 13 and 24, T3N, R8W of the City and County of Butte-

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1 Silver Bow, State of Montana; and

2 WHEREAS, on February 23, 2017, the Zoning Commission, after reviewing all written and oral  
3 testimony, both for and against said zone change, along with the fourteen review  
4 criteria established for the review of changes to the Official Zoning Map, did  
5 recommend approval of Zoning Application No. 176; and

6 WHEREAS, the Butte-Silver Bow Council of Commissioners (Council) did, on March 22, 2017,  
7 hold a public hearing, after due notice, to consider such proposed zone change in  
8 accordance with the provisions of Section 76-2-305, et. seq. of the Montana Codes  
9 Annotated; and

10 WHEREAS, the Council, after reviewing all written and oral testimony, both for and against  
11 said zone change, finds that said zone change is in the public interest, health,  
12 safety and general welfare.

13 WHEREAS, the Council of Commissioners did carefully consider the following fourteen  
14 review criteria:

- 15 1. Is the new zoning designed in accordance with the "Growth Policy"?
- 16 2. Is the new zoning designed to lessen congestion in the streets?
- 17 3. Will the new zoning promote health and general welfare?
- 18 4. Will the new zoning secure safety from fire, panic and other dangers?
- 19 5. Will the new zoning provide adequate light and air?
- 20 6. Will the new zoning prevent overcrowding of the land?
- 21 7. Will the new zoning avoid undue concentration of people?
- 22 8. Will the new zoning facilitate adequate provisions for transportation,  
23 water, sewers, schools, parks, fire, police and other public improvements?
- 24 9. Does the new zoning give reasonable consideration to the character of the  
25 district?

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- 1           10. Does the new zoning give consideration to the peculiar suitability of the
- 2                     property for particular uses?
- 3           11. Was the new zoning adopted with a view to conserving the value of
- 4                     buildings?
- 5           12. Will the new zoning encourage the most appropriate use of land
- 6                     throughout Butte-Silver Bow?
- 7           13. Does the new zoning correct a mistake or oversight that occurred in the
- 8                     past when an inappropriate zoning category was applied to the area in
- 9                     question?
- 10          14. Will the new zoning better reflect the current situation in the area because,
- 11                     since the original zoning was adopted, the area has changed significantly in
- 12                     terms of adjacent land uses?; and

13 WHEREAS, after due consideration of this criteria the Council of Commissioners adopted the  
14 findings as submitted to them by the Zoning Commission which are incorporated  
15 herein by this reference as if the same were set forth herein word for word, figure  
16 for figure.

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF  
18 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

19 SECTION 1:            Amendment: That Section 17.060.030 of the Butte-Silver Bow Municipal  
20 Code B-SB MC), which Section adopted the Zoning Map of the City and  
21 County of Butte-Silver Bow, State of Montana, be amended to change  $\pm 1 \frac{1}{2}$   
22 acres from Multi-Family Residence to Commercial and Light Industrial,  
23 bounded on the north by East Aluminum Street, on the south by East Iron  
24 Street, on the east by Nevada Avenue and on the west by an alleyway  
25 separating Maryland Avenue and Nevada Avenue; and  $\pm 2.5$  acres from Two  
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1 Family Residence to Commercial and Light Industrial, bounded on the north  
2 by East Iron Street, on the south by Third Street, on the east by Nevada  
3 Avenue and on the west by Maryland Avenue; located in Sections 13 and  
4 24, T3N, R8W of the City and County of Butte-Silver Bow, State of  
5 Montana..

6 SECTION 2: That the Official Zoning District Map be changed to reflect the foregoing  
7 change in the zoning district boundaries.

8 SECTION 3: Repealer: All ordinances or parts of ordinances in conflict herewith are  
9 hereby repealed.

10 SECTION 4: Effective Date. This Ordinance shall be in full force and effect from and  
11 after thirty (30) days after its passage and approval.

12 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2016.

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14 \_\_\_\_\_  
15 JOHN MORGAN  
16 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

17 APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

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22 \_\_\_\_\_  
23 DAVE PALMER  
24 CHIEF EXECUTIVE

25 ATTEST:

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1 SALLY J. HOLLIS  
2 CLERK AND RECORDER

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5 \_\_\_\_\_

6 BY \_\_\_\_\_  
7 TITLE \_\_\_\_\_

8

9 APPROVED AS TO FORM:

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12 \_\_\_\_\_  
13 EILEEN JOYCE  
14 COUNTY ATTORNEY

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18 SHERYL RALPH  
19 CHAIRMAN, JUDICIARY COMMITTEE

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