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GREELEY NEIGHBORHOOD PLAN LAND USE REGULATIONS

OVERVIEW

This section discusses the land use regulations in the Greeley Neighborhood and also looks at provisions for changes to the regulations in the Butte-Silver Bow County Growth Policy - 2008 Update.

Zoning ordinances and subdivision regulations are the two most commonly used legal mechanisms to carry out comprehensive plans. (Hoch) In Montana law, comprehensive plans are referred to as “Growth Policies.” A zoning ordinance typically divides a community into districts and regulates land use in each district, specifying which uses are permitted, the density of uses, and size of buildings. Subdivision regulations govern the division of land. Because much of Greeley is already laid out into blocks and lots, and the lots are typically smaller than residential development in other areas of the county, subdivision regulations do not come into action as frequently in the Greeley Neighborhood as they would in more rural areas.

The Community “Decay” Ordinance (also referred to as the Community “Enrichment” Ordinance) and Butte’s Historic Preservation ordinance are other regulatory measures that may affect land uses in the Greeley Neighborhood.

1. ZONING

Montana state law stipulates that zoning regulations must be in accordance with a growth policy. The Butte-Silver Bow County Growth Policy – 2008 Update identifies a general proposed land use classification system and map as the basis for changes to existing zoning. The 2008 Growth Policy Update also recommended neighborhood specific plans, which would (or could) identify specific land use objectives that would further refine the general objectives of the overall plan.

Traditional zoning ordinances separate land uses into categories. In the urban area of Butte, these basic categories are “Residential,” “Commercial,” and “Industrial.” The complete Butte-Silver Bow zoning ordinance is found on the local government web site at the link for municipal code: http://co.silverbow.mt.us/municipal_code.asp. The Butte urban zoning code is basically pyramidal or hierarchical in that it generally allows “higher,” less intensive uses (such as residences) in the “lower” zones that allow more intensive uses (such as commercial). In the Butte urban zoning code for example, the “lower” R-2 zone (Two-Family Residential Zone) states that it allows all uses in the “higher” R-1 zone (One-Family Residential Zone) and then clarifies which additional uses are allowed within the R-2 zone.

In the zoning code, *Permitted* uses are those that are specifically allowed – if the use meets the standards, approval is automatic. *Conditional* and *Special* uses are discretionary uses that are not automatically approved and which must go through separate review to determine compatibility and acceptability within the zoning code.

In addition to the requirements for each zone, there are also general requirements that apply in all zones for signage, parking, home occupations, manufactured homes, and planned unit developments.

The code also addresses *Nonconforming* uses, which are those uses which were lawful before the current zoning code, but which do not conform to the current zoning requirements. It is the intent of the zoning code to allow nonconforming uses to continue until they are removed, but not to encourage their survival.

In Greeley, there are only two basic zone categories – Residential and Commercial, but residential has several sub-categories:

Residential	
R-1	Single Family Residence
R-3	Multi-Family Residence Zone
R-4	Mobile Home
Commercial	
C-1	Local Commercial Zone

A summary of purpose and key aspects of each zone in the Greeley Neighborhood is shown in Table 1. Figure 1 is a map of zoning in the Greeley Neighborhood.

Due to the age of the neighborhood, there are nonconforming uses scattered throughout. In addition there have been new businesses (particularly along Farrell Street) that have been permitted by variances. (Hess)

Many residential lots do not likely have the required minimum lot area now required for a single family home (6,000 square feet). Butte’s commercial zones do not allow single-family or two-family residences. Residential apartments on the second floor of commercial businesses are allowed within the C-1 zone.

2. COMMUNITY DECAY ORDINANCE

The Community Decay Ordinance is found in Chapter 8.06 of the Butte Municipal Code. Its purpose is to “is to provide for an ordinance to control public nuisances referred to as “community decay” caused by accumulation of rubble, debris, junk or refuse (including buildings which have become dilapidated through neglect or inattention) and establish procedures for its enforcement.”

The regulations include an exhaustive list of possible violations from weeds to firewood storage to exterior maintenance of structures. The Butte-Silver Bow health officer and the Butte-Silver Bow sheriff or their designees are the community decay coordinator. Enforcement powers include the right to abate the nuisance, after procedures have been taken to provide notification to the landowner of the problem.

3. HISTORIC PRESERVATION ORDINANCE

Historic preservation ordinances in Chapter 2.64 of the Butte Municipal Code address design review standards and demolition permit review. The guidelines for design review

demolition permit review have recently been redrafted by the Butte Historic Preservation Commission (established per Chapter 2.64 of the code). At the time of this report, the draft was under review by the County Attorney. (Jarvis)

Only local register properties are subject to the design review. "Local register property" means an historic property that has been designated to the local register by the Butte Historic Preservation Commission. Properties are listed with the consent of the owner. By consenting to have their property listed the owner(s) agree to maintain the property in a manner consistent with its original design and construction. As of July 2010, there is one "local register property." (Jarvis)

No historic property may be demolished without approval of the Historic Preservation Commission. Historic property is defined as any prehistoric or historic district, site, landscape, building, structure, object or traditional cultural property included in, or eligible for, inclusion in the national register. Before a property may be demolished, there must first be a determination of whether it meets the definition of historic. If not, it may be demolished without further review. If it is determined historic, it must qualify for demolition under the guidelines. Decisions of the Historic Preservation Commission are appealable to the Butte-Silver Bow Council of Commissioners. In five years or more, not a single property has ultimately been denied final approval need for demolition. (Jarvis)

4. BUTTE-SILVER BOW COUNTY GROWTH POLICY 2008 UPDATE – CONSIDERATIONS AND RECOMMENDATIONS

The Butte-Silver Bow County Growth Policy Update) includes a number of recommendations related to land use regulation. It includes a map with conceptual layouts of broad zoning classifications for commercial and residential. Within the Greeley Neighborhood, the conceptual land use includes commercial, residential, and institution (e.g., old Greeley School property). There is also more commercial land area designation and extends the length of Continental Drive-Farrell Street.

Sources

Butte-Silver Bow County Growth Policy 2008 Update.

<http://co.silverbow.mt.us/departments/documents/Butte-SilverBowGrowthPolicy2008Update-Final.pdf>

Butte-Silver Bow Municipal Code.

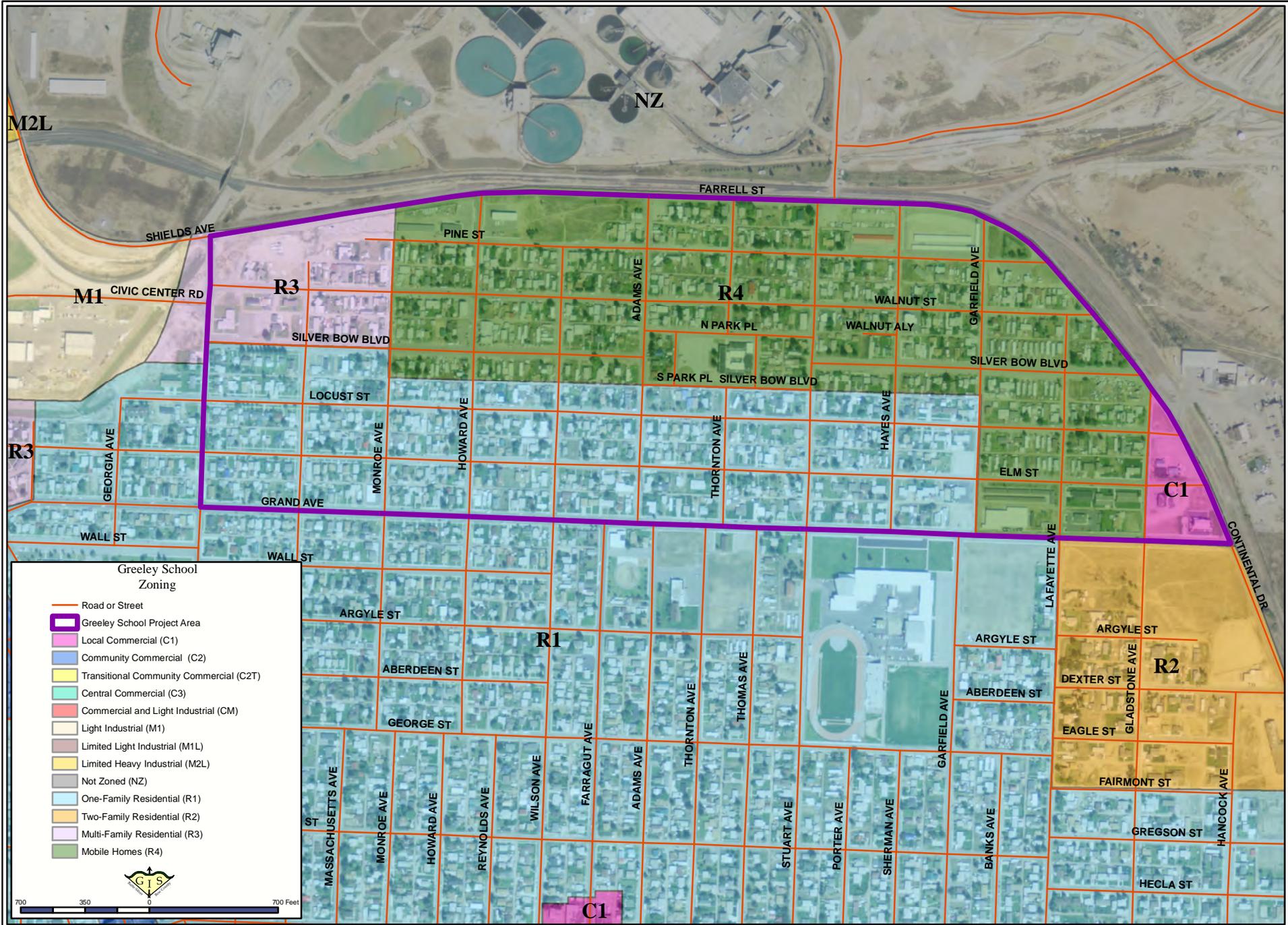
<http://co.silverbow.mt.us/departments/documents/Butte-SilverBowGrowthPolicy2008Update-Final.pdf>

Hoch, Charles J. Editor. The Practice of Local Government Planning, Third Edition. 2000. International Cit/County Management Association. Washington, DC.

Jarvis, Jim. Silver Bow County Historic Preservation Officer. Phone conversation with Anne Cossitt, July 9, 2010.

GREELEY NEIGHBORHOOD ZONING SUMMARY

Zone	Title	Primary Intended Use	Permitted Uses	Excluded uses	Conditional Uses	Building Height Limits	Minimum Lot Area	Minimum Lot Width
R-1	One-Family Residence Zone	One-family residences	Single-Family, Two-family, Manufactured Homes (Class A and Modular), Rooms/Board for not more than 2 adult persons, Accessory Uses, Day Care Homes, Special Uses (a long list ranging from art galleries to electric power plants, sewerage treatment plants, public and private schools)		Class B manufactured homes, Temporary uses, Home Occupations, keeping fow and similar animals	35 feet	6,000 sq ft	60 ft
R-3	Multi-Family Residence Zone	Multi-family residences	Same as R-2 AND ALSO Multi-family, Boarding homes for not more than 8 persons, Day care homes, family or group		Same as R-2 AND ALSO Medical, dental, hotels, motels, private clubs and lodges	80 ft	7500 sq ft for 2-8 units	80 ft
R-4	Mobile Home Zone	Mobile home residence special zone where mobile homes may be placed without change in the character of the neighborhood	Single-family, Manufactured Homes (Class A, B, C and Modular), mobile homes on individual lots, mobile home parks, Accessory uses, Day care homes (family or group); Special Uses same as R-1 and additional special uses		Hotels, motels, private clubs and lodges, medical and dental offices, any non-residential use permitted conditionally in R-3 zone	Same as R-1	6,000 sq ft	60 feet
C-1	Local Commercial Zone	Neighborhood shopping facilities serving the residents within one-half mile; preferred is locations within a business island rather than on several sites scattered through the neighborhood or in ribbons along arterials	Any non-residential use permitted in R-1 zone AND ALSO Any retail use as long as within a bulding not larger than 5,000 ft gross floor area, long list of specific additional uses including Residential apartments on the second floor of commercial businesses, and Special Uses same as R-2	no business serving alcoholic beverages	Drive-in restaurants, mini-storage warehouses, satellite banks, public housing, correctional housing	Same as R-2	8,000 sq ft	75 feet



M2L

NZ

FARRELL ST

SHIELDS AVE

M1 CIVIC CENTER RD

R3

R4

PINE ST

WALNUT ST

SILVER BOW BLVD

N PARK PL

WALNUT AVE

GARFIELD AVE

LOCUST ST

S PARK PL SILVER BOW BLVD

SILVER BOW BLVD

R3

GEORGIA AVE

GRAND AVE

MONROE AVE

HOWARD AVE

THORNTON AVE

HAYES AVE

ELM ST

C1

WALL ST

WALL ST

CONTINENTAL DR

Greeley School Zoning

ARGYLE ST

R1

ARGYLE ST

ARGYLE ST

R2

ABERDEEN ST

ABERDEEN ST

EAGLE ST

MASSACHUSETTS AVE

MONROE AVE

HOWARD AVE

REYNOLDS AVE

WILSON AVE

FARRAGUT AVE

ADAMS AVE

THORNTON AVE

THOMAS AVE

GARFIELD AVE

BANKS AVE

FAIRMONT ST

GREGSON ST

HECLA ST

C1

HANCOCK AVE

