

**BUTTE-SILVER BOW  
PLANNING BOARD  
STAFF ANALYSIS**

**ITEM:** Zone Change Application No. 171 - An application requesting text amendments to Title 17, the Zoning Ordinance, of the Butte-Silver Bow Municipal Code (BSBMC). These amendments will update the means by which manufactured homes are regulated within the Zoning Ordinance. These amendments will amend Chapter 17.16 – Mobile Home Zone, Chapter 17.18 – Mobile Home Suburban Zone, Chapter 17.37 – Manufactured Homes’ Park and Individual Manufactured Homes and Chapter 17.48 Nonconforming Uses.

**APPLICANT:** Butte-Silver Bow Planning Staff

**DATE/TIME:** Thursday, March 26, 2015, 5:30 p. m. in the Council Chambers, Third Floor, Room 312, Butte-Silver Bow County Courthouse, Butte, Montana.

**REPORT BY:** Butte-Silver Bow Planning Department Staff

**STAFF**

**FINDINGS:** Recently, concerns have surfaced regarding the placement of manufactured/mobile homes on individual lots as well as in mobile home parks. Consequently, the Council of Commissioners directed the Planning Department to review and propose amendments to manufactured home development standards. At present, manufactured homes are allowed in residential zones R-1, R-1S, R2 and R-3 on individual lots if built to HUD standards established in June of 1976 and meet the criteria as outlined in Chapter 17.37 of the BSBMC. In addition, any manufactured home or mobile home (no matter when it was built) can be placed in the R-4, R-4S and R-C zones.

After conducting extensive research and conducting four (4) public outreach meetings, the Planning staff identified four options to address the concerns raised within the community regarding locating manufactured / mobile homes in residential zones.

Option 1 – Amend Class A and Class B manufactured homes to be defined as a manufactured house that was constructed after 1993. Amend Class C to be defined as a manufactured house that was constructed after June 15, 1976, that meets the construction standards of the U.S. Department of Housing and Urban Development.

Class A would be a permitted use in the R-1, R-1S, R-2, R-3, R-4 and R-4S zones

Class B would be a permitted use in the R-4 and R-4S zones and would be allowed by conditional use permit in the R-1, R-1S, R-2 and R-3 zones.

Class C would be a permitted use in the R-4, R-4S and license mobile home parks.

Option 2 - Amend Class A and Class B manufactured homes to be defined as a manufactured house that was constructed after 1993. Amend Class C to be defined as a manufactured house that was constructed after June 15,

1976, that meets the construction standards of the U.S. Department of Housing and Urban Development.

Class A would be a permitted use in the R-1, R-1S, R-2, R-3, R-4 and R-4S zones

Class B would be a permitted use in the R-4 and R-4S zones and would be allowed by conditional use permit in the R-1, R-1S, R-2 and R-3 zones.

Class C would be a permitted use in a license mobile home parks.

Option 3 – Amend Class A and Class B manufactured homes to be defined as a manufactured house that was constructed after 1993. Amend Class C to be defined as a manufactured house that was constructed after June 15, 1976, that meets the construction standards of the U.S. Department of Housing and Urban Development.

Class A would be a permitted use in the R-1, R-1S, R-2, R-3, R-4 and R-4S zones

Class B would be a permitted use in the R-4 and R-4S zones and would be allowed by conditional use permit in the R-1, R-1S, R-2 and R-3 zones.

Class C would be a permitted use in the R-4, R-4S and license mobile home parks.

Mobile Home Pre 1976 mobile homes are permitted in licensed mobile home parks.

*All of the above noted options should set forth some type of grandfather status.*

Option 4 – do not change the Ordinance

These options were conveyed to the Planning Board at their February 26, 2015, meeting for their deliberation. After much discussion the Board unanimously approved Option 2 with a “ g c r and instructed staff to schedule a t hs public hearing on the proposed changes.

The amendments, including changes to Chapter 17.16 – Mobile Home Zone, Chapter 17.18 – Mobile Home Suburban Zone, Chapter 17.20 – Rural Center, Chapter 17.37 – Manufactured Homes’ Park and Individual Manufactured Homes and Chapter 17.48 Nonconforming Uses are as follows:

**Current Language:**

**17.37.020 Manufactured home.**

A structure constructed off-site, transportable in one or more sections, which in the traveling mode is eight feet or more in width and forty feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

(Ord. 437 § 18 (part), 1992)

**17.37.030 Manufactured home, Class A.**

Manufactured home constructed after June 15, 1976, that meets the construction standards of the U.S. Department of Housing and Urban Development (USC 42 Sect. 5401) that were in effect at the time of construction and satisfies each of the following additional criteria:

- A. The home must be a double wide with two or more sections, being basically rectangular when assembled.
- B. The roof shall have sloping lines with eaves, such as gable, mansard and shed-style roofs, or shall be compatible with conventional built homes in the surrounding area. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- C. The exterior covering material shall be similar, or closely compatible with that found on conventionally built residential structures. Reflection for the exterior siding shall not be greater than from siding coated with white gloss exterior paint.
- D. A permanent, weather-retardant skirting installed around the perimeter of the home. The skirting shall be compatible with the exterior siding or made of standard foundation materials.
- E. A permanent code-approved foundation placed under the home for proper support. The home shall be permanently anchored to the foundation.
- F. The tongue, axles, transportation lights and removable towing apparatus shall be removed after placement on the lot before occupancy.
- G. The home shall meet all the development standards of the zone in which it is located.

(Ord. 437 § 18 (part), 1992)

**17.37.040 Manufactured home, Class B.**

A manufactured home constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (USC 42 Sect. 5401) that were in effect at the time of construction but does not satisfy the criteria necessary to qualify the home as a Class A manufactured home.  
(Ord. 437 § 18 (part), 1992)

#### **17.37.050 Manufactured home, Class C.**

Any manufactured home that does not meet the criteria, by definition, of a Class A or Class B manufactured home.  
(Ord. 437 § 18 (part), 1992)

#### **Proposed Language:**

#### **17.37.020 Manufactured home.**

A structure constructed off-site, transportable in one or more sections, which in the traveling mode is eight feet or more in width and forty feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. *A manufactured home is designed and constructed after June 15, 1976, to the construction standards of the U.S. Department of Housing and Urban Development (USC 42 Sect. 5401) that were in effect at the time of construction.*  
(Ord. 437 § 18 (part), 1992)

#### **17.37.030 Manufactured home, Class A.**

Manufactured home constructed after ~~June 15, 1976~~ *October 24, 1994*, that meets the construction standards of the U.S. Department of Housing and Urban Development (USC 42 Sect. 5401) that were in effect at the time of construction and satisfies each of the following additional criteria:

- A. The home must be a double wide with two or more sections, being basically rectangular when assembled.
- B. The roof shall have sloping lines with eaves, such as gable, mansard and shed-style roofs, or shall be compatible with conventional built homes in the surrounding area. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- C. The exterior covering material shall be similar, or closely compatible with that found on conventionally built residential structures. Reflection for the exterior siding shall not be greater than from siding coated with white gloss exterior paint.

- D. A permanent, weather-retardant skirting installed around the perimeter of the home. The skirting shall be compatible with the exterior siding or made of standard foundation materials.
- E. A permanent code-approved foundation placed under the home for proper support. The home shall be permanently anchored to the foundation.
- F. The tongue, axles, transportation lights and removable towing apparatus shall be removed after placement on the lot before occupancy.
- G. The home shall meet all the development standards of the zone in which it is located.

(Ord. 437 § 18 (part), 1992)

**17.37.040 Manufactured home, Class B.**

A manufactured home constructed after ~~June 15, 1976~~, October 24, 1994, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (USC 42 Sect. 5401) that were in effect at the time of construction but does not satisfy the criteria necessary to qualify the home as a Class A manufactured home.

(Ord. 437 § 18 (part), 1992)

**17.37.050 Manufactured home, Class C.**

~~Any manufactured home that does not meet the criteria, by definition, of a Class A or Class B manufactured home.~~ A manufactured home constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (USC 42 Sect. 5401) that were in effect at the time of construction

(Ord. 437 § 18 (part), 1992)

**Current Language:**

**Chapter 17.16**

**R-4 MOBILE HOME ZONE**

**Proposed Language:**

**Chapter 17.16**

**R-4 MOBILE MANUFACTURED HOME ZONE**

**Current Language:**

**17.16.010 Primary intended use.**

It is the intent of this chapter to establish a mobile home residence special zone where mobile homes may be placed without change in the character of the neighborhood.

**17.16.020 Permitted uses.**

Hereafter in the R-4 zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any use other than the following unless otherwise provided in this title:

A. Dwellings:

1. Single-family;
2. Manufactured homes:
  - a. Class A,
  - b. Class B,
  - c. Class C,
  - d. Modular;

B. Mobile homes located on individual lots subject to the provisions of Chapter 17.36;

C. Mobile home parks;

D. Accessory uses ordinarily appurtenant to permitted uses. Accessory structures including detached private garages, shall not be located in the required front yard setback, nor less than ten feet from any adjoining street. Accessory structures may extend to within three feet of the rear or side lot property lines when an alley exists along the rear or side lot property lines when an alley exists along the rear property or to within five feet of the rear or inside property lines when an alley does not exist. In all cases, a minimum off-street parking apron of twenty feet in length directly in front of all garage door entrances shall be provided when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet. Attached garages shall maintain the setback requirements for the residences;

E. Day care homes, family or group;

F. Other uses permitted under the supplementary use regulations in Chapter 17.38. (Ord. 00-9 § 1 (part), 2000; Ord. 437 § 15, 1992; Ord. 358 § 1 (part), 1989; Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 201 § 1(D), 1983; Ord. 155 § 1(h), 1982; Ord. 103 § 1 (part), 1980; Ord. 53 § 70-2, 1978)

**Proposed Language:**

**17.16.010 Primary intended use.**

It is the intent of this chapter to establish a ~~mobile~~ *manufactured* home residence special zone where ~~mobile~~ *manufactured* homes may be placed without change in the character of the neighborhood.

**17.16.020 Permitted uses.**

Hereafter in the R-4 zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any use other than the following unless otherwise provided in this title:

- A. Dwellings:
  - 1. Single-family;
  - 2. Manufactured homes:
    - a. Class A,
    - b. Class B,
    - c. Class C *located within a licensed manufactured home park,*
    - d. Modular;
- ~~B. Mobile homes located on individual lots subject to the provisions of Chapter 17.36;~~
- ~~B. Mobile-*Manufactured* home parks;~~
- C. Accessory uses ordinarily appurtenant to permitted uses. Accessory structures including detached private garages, shall not be located in the required front yard setback, nor less than ten feet from any adjoining street. Accessory structures may extend to within three feet of the rear or side lot property lines when an alley exists along the rear or side lot property lines when an alley exists along the rear property or to within five feet of the rear or inside property lines when an alley does not exist. In all cases, a minimum off-street parking apron of twenty feet in length directly in front of all garage door entrances shall be provided when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet. Attached garages shall maintain the setback requirements for the residences;
- D. Day care homes, family or group;
- E. Other uses permitted under the supplementary use regulations in Chapter 17.38.

(Ord. 00-9 § 1 (part), 2000; Ord. 437 § 15, 1992; Ord. 358 § 1 (part), 1989; Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 201 § 1(D), 1983; Ord. 155 § 1(h), 1982; Ord. 103 § 1 (part), 1980; Ord. 53 § 70-2, 1978)

**Current Language:**

**Chapter 17.18**

**R4-S MOBILE HOME SUBURBAN ZONE**

**Proposed Language:**

**Chapter 17.18**

**R4-S MOBILE MANUFACTURED HOME SUBURBAN ZONE**

**Current Language:**

**17.18.010 Primary intended use.**

The R4-S zone is intended primarily to provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residence where mobile homes are permitted and to provide certain areas wherein a partial agricultural atmosphere is retained. It is intended that these aims should be accomplished by permitting farming under specified conditions protecting residential development. To achieve this intent, the regulations in this chapter and the supplementary regulations in Chapter 17.38 shall apply in the R4-S zone.  
(Ord. 53 § 80-1, 1978)

**17.18.020 Permitted uses.**

Hereafter in the R4-S zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any other than the following unless otherwise provided in this title:

- A. Dwellings:
  - 1. Single-family;
  - 2. Manufactured Homes:
    - a. Class A,
    - b. Class B,

- c. Class C,
- d. Modular;

- B. Mobile homes located on individual lots subject to the provisions of Chapter 17.36;
- C. Farming, gardening, fruitgrowing, nurseries, including the sale of products raised on the premises;
- D. Keeping of livestock, fowl, rabbits and/or bees primarily for personal, noncommercial use and the maintenance of fish hatcheries, kennels and small farm animals shall be allowed on any lot provided that that lot is occupied by a residence and has a lot area not less than the minimum lot area required in Section 17.18.050. The keeping of swine and the slaughtering and dressing of livestock is prohibited except for personal, noncommercial use. Nothing herein shall be interpreted as permitting the manufacturing of food products for commercial use;
- E. Accessory uses ordinarily appurtenant to any permitted use, including one detached private garage for each dwelling unit, barns, coops, sheds and similar structures provided that no enclosure for animals or fowl shall be located closer than forty feet from any lot line;
- F. Other uses permitted under the supplementary use regulations in Chapter 17.38;
- G. Day care homes, family or group.

(Ord. 00-9 § 1 (part), 2000; Ord. 437 § 16, 1992; Ord. 358 § 1 (part), 1989; Ord. 201 § 1(F), 1983; Ord. 103 § 1 (part), 1980; Ord. 53 § 80-2, 1978)

**Proposed Language:**

**17.18.010 Primary intended use.**

The R4-S zone is intended primarily to provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residence where ~~mobile~~ *manufactured* homes are permitted and to provide certain areas wherein a partial agricultural atmosphere is retained. It is intended that these aims should be accomplished by permitting farming under specified conditions protecting residential development. To achieve this intent, the regulations in this chapter and the supplementary regulations in Chapter 17.38 shall apply in the R4-S zone.

(Ord. 53 § 80-1, 1978)

**17.18.020 Permitted uses.**

Hereafter in the R4-S zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any other than the following unless otherwise provided in this title:

A. Dwellings:

1. Single-family;
2. Manufactured Homes:
  - a. Class A,
  - b. Class B,
  - c. ~~Class C,~~
  - d. Modular;

~~B. Mobile homes located on individual lots subject to the provisions of Chapter 17.36;~~

~~B.~~ Farming, gardening, fruitgrowing, nurseries, including the sale of products raised on the premises;

~~B.~~ Keeping of livestock, fowl, rabbits and/or bees primarily for personal, noncommercial use and the maintenance of fish hatcheries, kennels and small farm animals shall be allowed on any lot provided that that lot is occupied by a residence and has a lot area not less than the minimum lot area required in Section 17.18.050. The keeping of swine and the slaughtering and dressing of livestock is prohibited except for personal, noncommercial use. Nothing herein shall be interpreted as permitting the manufacturing of food products for commercial use;

~~B.~~ Accessory uses ordinarily appurtenant to any permitted use, including one detached private garage for each dwelling unit, barns, coops, sheds and similar structures provided that no enclosure for animals or fowl shall be located closer than forty feet from any lot line;

~~B.~~ Other uses permitted under the supplementary use regulations in Chapter 17.38;

~~B.~~ Day care homes, family or group.

(Ord. 00-9 § 1 (part), 2000; Ord. 437 § 16, 1992; Ord. 358 § 1 (part), 1989; Ord. 201 § 1(F), 1983; Ord. 103 § 1 (part), 1980; Ord. 53 § 80-2, 1978)

**Current Language:**

**17.20.020 Permitted uses.**

Hereafter in the R-C zone, no building or structure shall be erected, altered, enlarged or relocated therein which is designed or intended to be used for any other than the following uses unless otherwise provided in this title:

- A. Public or private schools;
- B. Libraries;
- C. Churches;
- D. Dwellings:
  - 1. Single-family;
  - 2. Two family;
  - 3. Multi-family;
  - 4. Manufactured homes:
    - a. Class A,
    - b. Class B,
    - c. Class C,
    - d. Modular, etc;
- E. Mobilehomes located on individual lots subject to the provisions of Chapter 17.36;
- F. Playgrounds, parks, or community centers;
- G. Publicly owned buildings;
- H. Post office;

**Proposed Language:**

**17.20.020 Permitted uses.**

Hereafter in the R-C zone, no building or structure shall be erected, altered, enlarged or relocated therein which is designed or intended to be used for any other than the following uses unless otherwise provided in this title:

- A. Public or private schools;

- B. Libraries;
- C. Churches;
- D. Dwellings:
  - 1. Single-family;
  - 2. Two family;
  - 3. Multi-family;
  - 4. Manufactured homes:
    - a. Class A,
    - b. Class B,
    - e. ~~Class C,~~
    - d.c. Modular, etc;
- E. ~~Mobile homes located on individual lots subject to the provisions of Chapter 17.36;~~
- FE. Playgrounds, parks, or community centers;
- GF. Publicly owned buildings;
- HG. Post office;

**Current Language:**

**17.48.040 Buildings or structures.**

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that would not be built under the terms of this title by reason or restriction on area, lot coverage, height, yards or other characteristics of the structure, such structure may be continued so long as it remains lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, unless an enlargement or structural alteration makes the building more conforming or is required by law, but any structure or portion thereof may be altered to decrease its nonconformity;

- B. Should such structure be destroyed and rebuilding not started within one year from the date of destruction, it shall not be reconstructed except in conformity with the provisions of this title;
- C. Except for mobile homes, should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved;
- D. Where a nonconforming structure exists at the effective date of the ordinance codified in this title and the structure is a mobile home unit which is nonconforming due to lot coverage and/or building setback requirements, said mobile home unit may be replaced with another mobile home unit providing the replacement unit does not increase or enlarge the nonconformity and providing further that the replacement unit complies with all other requirements of the zone in which the unit is located except lot coverage or building setbacks only if such replacement occurs within one year from the date of removal of the original nonconforming structure. Otherwise, such replacement unit must conform to the requirements of this title.
- E. Structural alterations may be permitted if necessary to adopt a nonconforming building or structure to new technologies or equipment pertaining to uses housed in such building or structure. Any enlargement necessary to adopt to such new technologies shall be authorized only by a variance by the zoning board of adjustment.

(Ord. 224 § 1(E), 1984; Ord. 201 § 1(I), 1983; Ord. 53 § 220-4, 1978)

**Proposed Language:**

**17.48.040 Buildings or structures.**

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that would not be built under the terms of this title by reason or restriction on area, lot coverage, height, yards or other characteristics of the structure, such structure may be continued so long as it remains lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, unless an enlargement or structural alteration makes the building more conforming or is required by law, but any structure or portion thereof may be altered to decrease its nonconformity;
- B. Should such structure be destroyed and rebuilding not started within one year from the date of destruction, it shall not be reconstructed except in conformity with the provisions of this title;
- C. Except for ~~mobile~~-*manufactured* homes, should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved;

D. Where a nonconforming structure exists at the effective date of the ordinance codified in this title and the structure is a mobile *manufactured* home unit which is nonconforming due to lot coverage and/or building setback requirements, ~~said the mobile-manufactured home unit may be replaced with another mobile-manufactured home unit providing the replacement unit does not increase or enlarge the nonconformity. and providing further~~ *In addition, that* the replacement unit complies with all other requirements of the zone in which the unit is located (except lot coverage or building setbacks) only if such replacement occurs within one year from the date of removal of the original nonconforming structure. Otherwise, such replacement unit must conform to the requirements of this title.

E. *Where nonconforming Class A, Class B and Class C manufactured / mobile homes existed within a residential zoning district of Butte-Silver Bow County at the effective date of adoption or amendment of the ordinance codified in this title that would not be permitted under the terms of this title by reason of Chapter 17.37 may be relocated to a licensed manufactured home park.*

EF. Structural alterations may be permitted if necessary to adopt a nonconforming building or structure to new technologies or equipment pertaining to uses housed in such building or structure. Any enlargement necessary to adopt to such new technologies shall be authorized only by a variance by the zoning board of adjustment.

(Ord. 224 § 1(E), 1984; Ord. 201 § 1(I), 1983; Ord. 53 § 220-4, 1978)

Staff will briefly discuss the proposed amendments as they pertain to the fourteen criteria regarding amendments to the existing text of Title 17, Butte-Silver Bow Zoning Ordinance.

**1. Is the new zoning designation in accordance with the Growth Policy?**

**Staff Comments:** The Growth Policy does not specifically address manufactured / mobile homes. However, the Growth Policy does separate land uses into categories of use based on characteristics. Manufactured / mobile homes are considered a residential use.

**2. Is the new zoning designed to lessen congestion in the streets?**

**Staff Comments:** The proposed zoning amendment is not designed to lessen congestion in the streets.

**3. Will the new zoning promote health and general welfare?**

**Staff Comments:** The proposed amendments restrict mobile homes that were built prior to June 15, 1976 from being located within the zoned area of Butte-Silver Bow County. In 1976 the U.S. Department of Housing and Urban Development (HUD) began to regulate the construction of

mobile/manufactured homes pursuant to the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974. The Act required that manufactured homes constructed after June 15, 1976, be constructed to minimum design and construction standards and the changes have resulted in a more durable unit therefore, promoting the health and general welfare.

**4. Will the new zoning secure safety from fire, panic and other dangers?**

**Staff Comments:** A primary goal of enacting the HUD standards in 1976 was to improve the quality and durability of mobile homes and reduce the number of personal injuries and deaths resulting from mobile home accidents. In addition, the standards help to reduce the rapid spread of fire. According to HUD, mobile homes constructed prior to June 15, 1976, are not considered manufactured housing.

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

**Staff Comments:** The proposed amendments do not have an effect on air and light .

**6. Will the new zoning prevent the overcrowding of land?**

**Staff Comments:** The proposed amendments do not have an effect on the overcrowding of land.

**7. Will the new zoning avoid undue concentration of population?**

**Staff Comments:** The proposed amendments will not promote the undue concentration of population.

**8. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks, fire, police and other public improvements?**

**Staff Comments:** The proposed amendments should not negatively affect the adequate provision of transportation, water, sewage, schools, parks, fire, police and other public improvements.

**9. Does the new zoning give reasonable consideration to the character of the district?**

**Staff Comments:** The proposed amendments do provide reasonable consideration to the character of the residential zoning districts in which the three classes (A, B, & C) of manufactured homes will be permitted

**10. Does the new zoning give reasonable consideration to peculiar suitability of property for particular uses?**

**Staff Comments:** See comments under Number 9.

**11. Was the new zoning adopted with a view to conserving the value of buildings?**

**Staff Comments:** The proposed amendments will conserve the value of buildings on adjacent residential properties. Per Montana Code Annotated 76-2-302, there is a rebuttable presumption that placement of a manufactured home constructed after January 1, 1990, that is placed on a permanent foundation will not adversely affect property values of conventional housing.

**12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?**

**Staff Comments:** The proposed amendments will encourage the most appropriate use of land throughout Butte-Silver Bow by ensuring that manufactured housing that has been built to HUD standards are being located in residential zoning districts.

**13. Does the new zoning correct a mistake or oversight that occurred in the past when an inappropriate zoning category was applied to the area?**

**Staff Comments:** While the new zoning does not correct a mistake or oversight that occurred in the past, it does respond to recent concerns that have risen in regard to the placement of manufactured homes and changes to HUD requirements regarding the construction of manufactured homes that have been adopted since 1976.

**14. Will the new zoning better reflect the current situation in the area or neighborhood because, since the original zoning was adopted, the area has changed significantly in terms of adjacent land use.**

**Staff Comments:** When zoning was originally adopted in 1978 a doublewide manufactured home constructed after June 15, 1976 and that met the criteria established in the zoning ordinance was permitted to locate within any of the residential zones on individual lots. Mobile homes (of any age) were permitted in the R-4, R-4S and RC zones, including individual lots. Since the inception of the zoning ordinance vacant areas within the R-4 and R-4S zones have been developed with stick built homes. The proposed amendments to the manufactured home ordinance will require that a newer (1994) manufactured home, meeting the most current HUD standards, be placed on an individual lot. These manufactured homes are constructed very similar to a stick built house that is required to meet the International Building Code regulations. In addition, manufactured homes constructed between June 15, 1976, and October 24, 1994, are proposed to be permitted within licensed manufactured home parks. The placement of mobile homes, constructed prior to June 15, 1976, will not be permitted in any residential zoning district, including the R-4 and R-4S zones or within manufactured home parks.

**CONCLUSION:**

Based on the above findings, the Planning staff recommends approval of these amendments to the Butte-Silver Bow Zoning Ordinance.