

COUNCIL BILL NO. 15-6

ORDINANCE NO. 15-6

1 AN ORDINANCE AMENDING ORDINANCE NO. 325, ALSO KNOWN AS THE “ZONING
2 ORDINANCE” AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB
3 MC) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF BUTTE-SILVER
4 BOW, STATE OF MONTANA; SPECIFICALLY AMENDING CHAPTER 17.16 R-4 (MOBILE
5 HOME) ZONE; CHAPTER 17.18 (MOBILE HOME SUBURBAN) ZONE; CHAPTER 17.20
6 (RURAL CENTER) ZONE; CHAPTER 17.37 (MANUFACTURED HOMES’ PARKS AND
7 INDIVIDUAL MANUFACTURED HOMES); AND CHAPTER 17.48 (NONCONFORMING
8 USES); PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT
9 HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

10 WHEREAS, the Butte-Silver Bow Zoning Commission did, on March 26, 2015, conduct a
11 public hearing, after due notice, to consider Zoning Application No. 171
12 amending the text of Ordinance No. 325, the Zoning Ordinance; and

13 WHEREAS, the Zoning Commission, after reviewing all written and oral testimony, both for
14 and against said zone change, along with the fourteen review criteria established
15 for the review of changes to the Zoning Ordinance, did recommend approval of
16 Zoning Application No. 171; and

17 WHEREAS, the Butte-Silver Bow Council of Commissioners did, on April 15, 2015, hold a
18 public hearing, after due notice, to consider such proposed amendments in
19 accordance with the provisions of Section 76-2-305, et. seq. of the Montana
20 Codes Annotated; and

21 WHEREAS, the Council of Commissioners did carefully consider the following fourteen
22 review criteria:

- 23 1. Is the new zoning designed in accordance with the “Growth Policy”?
- 24 2. Is the new zoning designed to lessen congestion in the streets?
- 25 3. Will the new zoning promote health and general welfare?

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- 1 4. Will the new zoning secure safety from fire, panic and other dangers?
- 2 5. Will the new zoning provide adequate light and air?
- 3 6. Will the new zoning prevent overcrowding of the land?
- 4 7. Will the new zoning avoid undue concentration of people?
- 5 8. Will the new zoning facilitate adequate provisions for transportation,
- 6 water, sewers, school parks, fire, police and other public improvements?
- 7 9. Does the new zoning give reasonable consideration to the character of the
- 8 district?
- 9 10. Does the new zoning give consideration to the peculiar suitability of the
- 10 property for particular uses?
- 11 11. Was the new zoning adopted with a view to conserving the value of
- 12 buildings?
- 13 12. Will the new zoning encourage the most appropriate use of land
- 14 throughout Butte-Silver Bow?
- 15 13. Does the new zoning correct a mistake or oversight that occurred in the
- 16 past when an inappropriate zoning category was applied to the area in
- 17 question?
- 18 14. Will the new zoning better reflect the current situation in the area because,
- 19 since the original zoning was adopted, the area has changed significantly in
- 20 terms of adjacent land uses?; and

21 WHEREAS, the Council of Commissioners, after reviewing all written and oral testimony, both
22 for and against the proposed amendments, along with the Zoning Commission's
23 recommendation, finds that said proposed amendments to the Zoning Ordinance is consistent
24 with the aforementioned criteria and deems it to be in the public interest, health, safety and
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1 general welfare of the citizens of the City and County of Butte-Silver Bow that such zone change
2 be approved.

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

5 SECTION 1: **17.16 R-4 Mobile Manufactured Home Zone**

6 **17.16.010 Primary intended use.**

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

10 **17.16.020 Permitted uses.**

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

15 **A. Dwellings;**

16 1. Single-family;

17 2. Manufactured homes:

18 a. Class A

19 b. Class B

20 c. Class C located within a licensed manufactured
21 home park,

22 d. Modular

23 **B. Mobile Manufactured home parks;**

24 **17.18 R4-S MOBILE MANUFACTURED HOME SUBURBAN**
25 **ZONE**

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17.18.010 Primary intended use.

1 The R4-S zone is intended primarily to provide for the transition of
2 large, sparsely settled areas from rural or agricultural characteristics to
3 urban one-family residence where mobile manufactured homes are
4 permitted and to provide certain areas wherein a partial agricultural
5 atmosphere is retained. It is intended that these aims should be
6 accomplished by permitting farming under specified conditions
7 protecting residential development. To achieve this intent, the
8 regulations in this chapter and the supplementary regulations in Chapter
9 17.38 shall apply in the R4-S zone.

11 **17.18.020 Permitted Uses.**

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

- 16 A. Dwellings;
- 17 1. Single-family;
- 18 2. Manufactured homes:
- 19 a. Class A
- 20 b. Class B
- 21 c. ~~Class C~~ Modular;

22 B. SAME

23 **17.20.020 Permitted uses.**

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

3 A. SAME;

4 B. SAME;

5 C. SAME;

6 D. Dwellings:

7 1. Single-family;

8 2. Two family;

9 3. Multi-family;

10 4. Manufactured homes:

11 a. Class A

12 b. Class B

13 c. ~~Class C~~ **Modular**, etc;

14 E. ~~Mobilehomes located on individual lots subject to the provisions of~~

15 ~~Chapter 17.36~~ Playgrounds, parks, or community centers;

16 F. Publicly owned buildings;

17 G. Post office;

18 **17.37.030 Manufactured home.**

19 A structure constructed off-site, transportable in one or more sections,
20 which in the traveling mode is eight feet or more in width and forty feet
21 or more in length, which is built on a permanent chassis and designed to
22 be used as a dwelling with or without a permanent foundation when
23 connected to the required utilities and includes the plumbing, heating, air
24 conditioning and electrical systems contained therein. A manufactured
25 home is designed and constructed after June 15, 1976, to the
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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.

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:

17.37.040 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.

17.37.040 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, and prior to 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.

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

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1 under the terms of this title by reason or restriction on area, lot
2 coverage, height, yards, or other characteristics of the structure, such
3 structure may be continued so long as it remains lawful, subject to the
4 following provisions:

5 A. SAME;

6 B. SAME;

7 C. Except for mobile manufactured homes, should such structure be
8 moved for any reason for any distance whatever, it shall thereafter
9 conform to the regulations for the zone in which it is located after it
10 is moved;

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

23 E. Where nonconforming Class A, Class B and Class C
24 manufactured/mobile homes existed within a residential zoning
25 district of Butte-Silver Bow County at the effective date of adoption
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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.

F. 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.

SECTION 2: That Title 17 of the Butte-Silver Bow Municipal Code, Ordinance 325, be changed to reflect the foregoing amendments.

SECTION 3: REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after thirty (30) days after its passage and approval.

PASSED this ____ day of _____, 2015.

CINDI SHAW
CHAIRPERSON OF THE COUNCIL OF COMMISSIONERS

APPROVED this ____ day of _____, 2015.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

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1 SALLY J. HOLLIS
2 CLERK AND RECORDER

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4

5

BY _____

6

TITLE _____

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APPROVED AS TO FORM:

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EILEEN JOYCE
COUNTY ATTORNEY

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BUD WALKER
CHAIRMAN, JUDICIARY COMMITTEE

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