

COUNCIL BILL NO. 15-12

ORDINANCE NO. 15-12

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 AN AREA PRESENTLY ZONED R-1 (ONE-FAMILY
5 RESIDENCE ZONE) TO C-2 (COMMUNITY COMMERCIAL ZONE) THE AREA OF LAND
6 CONSISTS OF 2.58 ACRES MORE OR LESS, AND IS LEGALLY DESCRIBED AS
7 REMAINDER – 2, CERTIFICATE OF SURVEY 796-B, OF SECTION 19, TOWNSHIP 3
8 NORTH, RANGE 8 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-
9 SILVER BOW, STATE OF MONTANA, GENERALLY LOCATED NORTH OF OLYMPIA
10 STREET, SOUTH OF THE BUTTE TOWN CENTER AND WEST OF THE 1300 BLOCK OF
11 HARRISON AVENUE, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES
12 IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

13 WHEREAS, the Butte-Silver Bow Zoning Commission did, on June 25, 2015, conduct a
14 public hearing, after due notice, to consider Zoning Application No. 172 to
15 rezone an area of land zoned R-1 (One-Family Residence Zone) to C-2
16 (Community Commercial Zone) for an area of land consisting of 2.58 acres,
17 more or less, and is legally described as Remainder - 2, Certificate of Survey 796-
18 B, of Section 19, Township 3 North, Range 8 West, of the P.M.M. of the City
19 and County of Butte-Silver Bow, State of Montana. The area is commonly located
20 north of Olympia Street, south of the Butte Town Center and west of the 1300
21 Block of Harrison Avenue; and

22 WHEREAS, on June 25, 2015, the Zoning Commission, after reviewing all written and oral
23 testimony, both for and against said zone change, along with the fourteen review
24 criteria established for the review of changes to the Official Zoning Map, did
25 recommend approval of Zoning Application No. 172; and
26

COUNCIL BILL NO. 15-12

ORDINANCE NO. 15-12

1 WHEREAS, the Butte-Silver Bow Council of Commissioners (Council) did, on August 5, 2015,
2 hold a public hearing, after due notice, to consider such proposed zone change in
3 accordance with the provisions of Section 76-2-305, et. seq. of the Montana Codes
4 Annotated; and

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

8 WHEREAS, the Council of Commissioners did carefully consider the following fourteen
9 review criteria:

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

COUNCIL BILL NO. 15-12

ORDINANCE NO. 15-12

1 12. Will the new zoning encourage the most appropriate use of land
2 throughout Butte-Silver Bow?

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

6 14. Will the new zoning better reflect the current situation in the area because,
7 since the original zoning was adopted, the area has changed significantly in
8 terms of adjacent land uses?; and

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

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

15 SECTION 1: Amendment: That Section 17.060.030 of the Butte-Silver Bow Municipal
16 Code B-SB MC), which Section adopted the Zoning Map of the City and
17 County of Butte-Silver Bow, State of Montana, be amended to change the
18 R-1 (One-Family Residence Zone) to C-2 (Community Commercial Zone)
19 for an area of land consisting of 2.58 acres, more or less, and is legally
20 described as Remainder - 2, Certificate of Survey 796-B, of Section 19,
21 Township 3 North, Range 8 West, of the P.M.M. of the City and County of
22 Butte-Silver Bow, State of Montana. The area is commonly located north of
23 Olympia Street, south of the Butte Town Center and west of the 1300 Block
24 of Harrison Avenue.

25 SECTION 2: That the Official Zoning District Map be changed to reflect the foregoing
26

COUNCIL BILL NO. 15-12

ORDINANCE NO. 15-12

change in the zoning district boundaries.

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
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this ____ day of _____, 2015.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS
CLERK AND RECORDER

BY _____
TITLE _____

APPROVED AS TO FORM:

COUNCIL BILL NO. 15-12

ORDINANCE NO. 15-12

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

EILEEN JOYCE
COUNTY ATTORNEY

DAVID WALKER
CHAIRMAN, JUDICIARY COMMITTEE