

COUNCIL BILL NO. 15-18

ORDINANCE NO. 15-18

1 AN ORDINANCE AMENDING ORDINANCES NO. 53 AND 325, ALSO KNOWN AS THE
2 "ZONING ORDINANCE" AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL
3 CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF
4 BUTTE-SILVER BOW, STATE OF MONTANA; AMENDING CHAPTER 17.10
5 ENTITLED "R-1 ONE FAMILY RESIDENCE ZONE"; SPECIFICALLY AMENDING
6 SECTION 17.10.020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7 WHEREAS, the Butte-Silver Bow Zoning Commission did, on
8 September 24, 2015, conduct a public hearing, after due
9 notice, to consider Zoning Application No. 173 amending
10 the text of Ordinance No. 325, the Zoning Ordinance;
11 and

12 WHEREAS, the Zoning Commission, after reviewing all written and
13 oral testimony, both for and against said zone change,
14 along with the fourteen review criteria established for
15 the review of changes to the Zoning Ordinance,
16 recommended approval of Zoning Application No. 173; and

17 WHEREAS, the Butte-Silver Bow Council of Commissioners on
18 October 21, 2015, held a public hearing, after due
19 notice, to consider such proposed amendments in

1 accordance with the provisions of Section 76-2-305, et.
2 seq. of the Montana Codes Annotated; and

3 WHEREAS, the Council of Commissioners carefully considered the
4 following fourteen review criteria:

5 1. Is the new zoning designed in accordance with
6 the "Growth Policy"?

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

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

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

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

15 6. Will the new zoning prevent overcrowding of
16 the land?

17 7. Will the new zoning avoid undue concentration
18 of people?

19 8. Will the new zoning facilitate adequate
20 provisions for transportation, water, sewers, school
21 parks, fire, police and other public improvements?

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

3 10. Does the new zoning give consideration to the
4 peculiar suitability of the property for particular
5 uses?

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

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

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

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

18 WHEREAS, the Council of Commissioners, after reviewing all
19 written and oral testimony, both for and against the
20 proposed zone change, along with the Zoning
21 Commission's recommendation, finds that said proposed

1 amendments to the Zoning Ordinance is consistent with
2 the aforementioned criteria and deems it to be in the
3 public interest, health, safety and general welfare of
4 the citizens of the City and County of Butte-Silver Bow
5 that such zone change be approved.

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

8 SECTION 1: Amendment: Ordinance No. 53 and Section 17.10.020
9 of the Butte-Silver Bow Municipal Code (B-SB MC)
10 shall be and are hereby amended to read as
11 follows:

12 "Section 17.10.020 Permitted uses. Hereinafter in
13 the R-1 zone, no building or structure shall be
14 erected, altered, enlarged or relocated therein
15 which is designed or intended to be used for any
16 other than the following unless otherwise provided
17 in this title:

18 A through E. SAME.

19 F. Other uses permitted under the
20 supplementary use regulations in Chapter 17.30."

1 SECTION 2: Repealer: All ordinances or parts of ordinances
2 in conflict herewith are hereby repealed.

3 SECTION 3: Effective Date. This Ordinance shall be in full
4 force and effect from and after thirty (30) days
5 after its passage and approval.

6 PASSED this ____ day of _____, 2015.

7

8

9 CINDI SHAW
10 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

11 APPROVED this ____ day of _____, 2015.

12

13

14 MATT VINCENT
15 CHIEF EXECUTIVE

16 ATTEST:

17 SALLY J. HOLLIS
18 CLERK AND RECORDER

19

20 _____

21 BY _____
22 TITLE _____

23 APPROVED AS TO FORM:

1

2

3 EILEEN JOYCE
4 COUNTY ATTORNEY

5

6

7 DAVID WALKER
8 CHAIRMAN, JUDICIARY COMMITTEE

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