

COUNCIL BILL NO. 16-4

ORDINANCE NO. 16-4

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 APPROXIMATELY 10 ACRES FROM NZ (NOT ZONED)
5 TO OS-D (OPEN SPACE DEVELOPABLE ZONE), COMMONLY KNOWN AS THE
6 WALKERVILLE BASEBALL FIELD AND THE LEXINGTON MINE YARD; AND TO
7 REZONE APPROXIMATELY 107 ACRES FROM NZ (NOT ZONED) TO OS-C (OPEN
8 SPACE CONSERVATION ZONE), COMMONLY KNOWN AS THE ALICE KNOB, ALICE
9 PIT, GRANITE MOUNTAIN AND MISSOULA GULCH; AND TO REZONE
10 APPROXIMATELY 6 ACRES FROM NZ (NOT ZONED) TO C-2 (COMMUNITY
11 COMMERCIAL ZONE), COMMONLY KNOWN AS BLAINE COMMUNITY CENTER,
12 SHERMAN SCHOOL AND CERTAIN PROPERTIES ALONG WEST DALY KNOWN AS 1, 7,
13 11, 13, 303, 307, 309 WEST DALY; AND TO REZONE APPROXIMATELY 358 ACRES
14 FROM NZ (NOT ZONED) TO R-2 (TWO FAMILY RESIDENCE ZONE), BOUNDED ON THE
15 NORTH BY ALICE STREET, ON THE WEST BY THE WEST BOUNDARY OF THE CITY
16 LIMITS OF WALKERVILLE, ON THE EAST BY SERAPH POINT AND ON THE SOUTH BY
17 RYAN ROAD AND O'NEILL STREET; AND TO REZONE APPROXIMATELY 727 ACRES
18 FROM NZ (NOT ZONED) TO R-1S (ONE FAMILY SUBURBAN ZONE), COMMONLY
19 LOCATED IN SECTION 1, TOWNSHIP 3 NORTH, RANGE 8 WEST, OF THE P.M.M. OF
20 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING
21 FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND
22 PROVIDING FOR AN EFFECTIVE DATE HEREIN.

23 WHEREAS, the Butte-Silver Bow Zoning Commission did, on February 25, 2016, conduct a
24 public hearing, after due notice, to consider Zoning Application No. 174 to zone
25 ± 10 acres from not zoned to Open Space Developable, commonly known as
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COUNCIL BILL NO. 16-4

ORDINANCE NO. 16-4

1 the Walkerville baseball field and the Lexington Mine Yard; ± 107 acres from
2 not zoned to Open Space Conservation, commonly known as the the Alice
3 Knob, Alice Pit, Granite Mountain and Missoula Gulch; ± 6 acres from not
4 zoned to Community Commercial, commonly known as the Blaine Community
5 Center, Sherman School and certain properties along West Daly known as 1, 7,
6 11, 13, 303, 307, 309 West Daly; ± 358 acres from not zoned to Two Family
7 Residence, bounded on the north by Alice Street, on the west by the west
8 boundary of the city limits of Walkerville, on the east by Seraph Point and on
9 the south by Ryan Road and O'Neill Street; ± 727 acres from not zoned to One
10 Family Suburban commonly located in Section 1, T3N, R8W; and

11 WHEREAS, on February 25, 2016, the Zoning Commission, after reviewing all written and oral
12 testimony, both for and against said zone change, along with the fourteen review
13 criteria established for the review of changes to the Official Zoning Map, did
14 recommend approval of Zoning Application No. 174; and

15 WHEREAS, the Butte-Silver Bow Council of Commissioners (Council) did, on March 23, 2016,
16 hold a public hearing, after due notice, to consider such proposed zone change in
17 accordance with the provisions of Section 76-2-305, et. seq. of the Montana Codes
18 Annotated; and

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

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

- 24 1. Is the new zoning designed in accordance with the "Growth Policy"?
- 25 2. Is the new zoning designed to lessen congestion in the streets?

COUNCIL BILL NO. 16-4

ORDINANCE NO. 16-4

3. Will the new zoning promote health and general welfare?
4. Will the new zoning secure safety from fire, panic and other dangers?
5. Will the new zoning provide adequate light and air?
6. Will the new zoning prevent overcrowding of the land?
7. Will the new zoning avoid undue concentration of people?
8. Will the new zoning facilitate adequate provisions for transportation, water, sewers, schools, parks, fire, police and other public improvements?
9. Does the new zoning give reasonable consideration to the character of the district?
10. Does the new zoning give consideration to the peculiar suitability of the property for particular uses?
11. Was the new zoning adopted with a view to conserving the value of buildings?
12. Will the new zoning encourage the most appropriate use of land throughout Butte-Silver Bow?
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 in question?
14. Will the new zoning better reflect the current situation in the area because, since the original zoning was adopted, the area has changed significantly in terms of adjacent land uses?; and

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

COUNCIL BILL NO. 16-4

ORDINANCE NO. 16-4

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

3 SECTION 1: Amendment: That Section 17.060.030 of the Butte-Silver Bow Municipal
4 Code B-SB MC), which Section adopted the Zoning Map of the City and
5 County of Butte-Silver Bow, State of Montana, be amended to change ± 10
6 acres from not zoned to Open Space Developable, commonly known as the
7 Walkerville baseball field and the Lexington Mine Yard; ± 107 acres from
8 not zoned to Open Space Conservation, commonly known as the the Alice
9 Knob, Alice Pit, Granite Mountain and Missoula Gulch; ± 6 acres from not
10 zoned to Community Commercial, commonly known as the Blaine
11 Community Center, Sherman School and certain properties along West Daly
12 known as 1, 7, 11, 13, 303, 307, 309 West Daly; ± 358 acres from not zoned
13 to Two Family Residence, bounded on the north by Alice Street, on the west
14 by the west boundary of the city limits of Walkerville, on the east by Seraph
15 Point and on the south by Ryan Road and O'Neill Street; ± 727 acres from
16 not zoned to One Family Suburban commonly located in Section 1, T3N,
17 R8W, of the P.M.M. of the City and County of Butte-Silver Bow, State of
18 Montana.

19 SECTION 2: That the Official Zoning District Map be changed to reflect the foregoing
20 change in the zoning district boundaries.

21 SECTION 3: Repealer: All ordinances or parts of ordinances in conflict herewith are
22 hereby repealed.

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

25 PASSED this _____ day of _____, 2016.

COUNCIL BILL NO. 16-4

ORDINANCE NO. 16-4

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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:

EILEEN JOYCE
COUNTY ATTORNEY

COUNCIL BILL NO. 16-4

ORDINANCE NO. 16-4

1 DAVID WALKER
2 CHAIRMAN, JUDICIARY COMMITTEE

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