COUNCIL BILL NO. 16-9

ORDINANCE NO. 16-9

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING APPROXIMATELY 6 ACRES FROM R-1S (ONE FAMILY SUBURBAN) TO C-2 (COMMUNITY COMMERCIAL), COMMONLY LOCATED AT 20, 26,30 BASIN CREEK ROAD; AND TO REZONE APPROXIMATELY 108 ACRES FROM R-1S (ONE FAMILY SUBURBAN) TO M-1 (LIGHT INDUSTRIAL ZONE), COMMONLY LOCATED AT SOUTH OF THE ABOVE NOTED ADDRESS, NORTH OF THE GUN CLUB ROAD AND WEST OF HIGHWAY 2; INCLUDING BUT NOT LIMITED TO THE PROPERTIES KNOWN AS ABC MINI STORAGE, BASIN CREEK MOBILE HOMES, FEDEX GROUND, BUTTE TRAP & SKEET CLUB, AND THE NORTHWESTERN ENERGY SUBSTATION; AND TO REZONE APPROXIMATELY 7 ACRES FROM C-2 (COMMUNITY COMMERCIAL) TO M-1 (LIGHT INDUSTRIAL ZONE), ON THOSE PROPERTIES NOTED ABOVE WHO ARE ADJACENT TO HIGHWAY 2; ALL LOCATED IN SECTION 8, TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

WHEREAS, the Butte-Silver Bow Zoning Commission did, on April 14, 2016, conduct a public hearing, after due notice, to consider Zoning Application No. 175 to rezone ± 6 acres from One Family Suburban to Community Commercial, commonly known as 20, 26, and 30 Basin Creek Road; ± 108 acres from One Family Suburban to Light Industrial, commonly located south of the above noted addresses, north of the Gun Club Road and west of Highway 2; including but not limited to the properties known as ABC Mini Storage, Basin Creek Mobile Homes, FedEx Ground, Butte

Trap & Skeet Club, and the NorthWestern Energy substation; and ± 7 acres from Community Commercial to Light Industrial on those properties noted above who are adjacent to Highway 2; all located in Section 8, T2N, R7W of the City and County of Butte-Silver Bow, State of Montana; and

WHEREAS, on April 14, 2016, the Zoning Commission, after reviewing all written and oral testimony, both for and against said zone change, along with the fourteen review criteria established for the review of changes to the Official Zoning Map, did recommend approval of Zoning Application No. 175; and

WHEREAS, the Butte-Silver Bow Council of Commissioners (Council) did, on May 11, 2016, hold a public hearing, after due notice, to consider such proposed zone change in accordance with the provisions of Section 76-2-305, et. seq. of the Montana Codes Annotated; and

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

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

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

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

SECTION 1: Amendment: That Section 17.060.030 of the Butte-Silver Bow Municipal Code B-SB MC), which Section adopted the Zoning Map of the City and County of Butte-Silver Bow, State of Montana, be amended to change ± 6

acres from One Family Suburban to Community Commercial, commonly known as 20, 26, and 30 Basin Creek Road; ± 108 acres from One Family Suburban to Light Industrial, commonly located south of the above noted addresses, north of the Gun Club Road and west of Highway 2; including but not limited to the properties known as ABC Mini Storage, Basin Creek Mobile Homes, FedEx Ground, Butte Trap & Skeet Club, and the NorthWestern Energy substation; and ± 7 acres from Community Commercial to Light Industrial on those properties noted above who are adjacent to Highway 2; all located in Section 8, T2N, R7W of the City and County of Butte-Silver Bow, State of Montana..

SECTION 2: That the Official Zoning District Map be changed to reflect the foregoing 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 _____, 2016.

_____

CINDI SHAW
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this _____ day of _____, 2016.

COUNCIL BILL NO. 16-9

ORDINANCE NO. 16-9

1
2 _____
3 MATT VINCENT
4 CHIEF EXECUTIVE
5 ATTEST:
6 SALLY J. HOLLIS
7 CLERK AND RECORDER
8
9
10 _____
11 BY_____
TITLE_____
12
13 APPROVED AS TO FORM:
14
15
16 _____
17 EILEEN JOYCE
COUNTY ATTORNEY
18
19
20 _____
21 DAVID WALKER
22 CHAIRMAN, JUDICIARY COMMITTEE
23
24
25
26