

ORDINANCE NO. 04-5297

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON A PORTION OF TRACT 4B-2, C/S 1876 AMENDED, AND A PORTION OF LOT 11 AND LOT 12, BLOCK 5, GOODMAN SUBDIVISION, 3RD FILING. **THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF 41ST STREET WEST, BETWEEN AVENUES B AND D.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the twelve (12) criteria required by state law.

2. DESCRIPTION. A tract of land situated in the SW1/4 and SE1/4 of Section 33, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as:

A portion of Tract 4B-2, Certificate of Survey 1876, Amended is presently zoned Agricultural-Open Space and a portion of Lot 11, Block 5, and all of Lot 12, Block 5, Goodman Subdivision, 3rd Filing is presently zoned Residential Multi-Family -Restricted and are shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcels** is hereby changed from **Agricultural-Open Space and Residential Multi-Family –Restricted** to **Residential 7000** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Residential 7000** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading August 23, 2004.

PASSED, ADOPTED AND APPROVED on second reading September 13, 2004.

CITY OF BILLINGS:

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk

ZC#737