

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1285

AN ORDINANCE CHANGING THE ZONING OF TRACT A IN CERTIFICATE OF SURVEY NO. 141761, TRACT B IN CERTIFICATE OF SURVEY NO. 159511, AND TRACT 1 OF THE PONDEROSA TRACTS / HARDESTY TRACTS, FROM MIXED ZONES TO HEAVY COMMERCIAL ZONE, AND PROVIDING FOR A HEARING THEREON.

WHEREAS, the owner of the below described real property, Michael Shipley on behalf of MacBain Properties LTD., has made application for the property to be rezoned from mixed zones of General Commercial (GC), Heavy Commercial (HC) and Agricultural (AG) zones, to Heavy Commercial (HC) zone;

AND WHEREAS, such property is situated outside of the boundary of the incorporated city limits of the City of Miles City, but within the 2 mile area surrounding the City of Miles City where the City maintains zoning jurisdiction pursuant to Montana Code Annotated Section 76-2-310 and Section 24-3 of the Miles City Code;

AND WHEREAS, Section 24-8 of the Miles City Code requires that such application be referred to the City Zoning Commission for public hearing and recommendation to the City Council prior to any action by the City Council upon such application;

AND WHEREAS, the Miles City Zoning Commission, on December 17, 2014, upon public hearing and deliberation, recommended to the City Council that such zoning change be approved.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Zoning for the following described real property located within the two mile area surrounding the incorporated city limits of the City of Miles City, Custer County, Montana, is hereby rezoned from mixed zones including AG, GC and HC, to Heavy Commercial District (HC) zone, to wit:

TOWNSHIP 8 NORTH, RANGE 47 EAST, M.P.M.

Section 26: Tract 1 of the Amended Plat of the Ponderosa Tracts located in Tract 1 of the "Hardesty Tracts" in the NW1/4NE1/4 of said Section 26, according to the Certificate of Survey filed for record on May 2, 1979, at 4:30 P.M., as Document No. 53708 in Envelope No. 162 of the plat cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana.

Section 26: Tract A of the Sanjel Minor Subdivision, being a parcel of land located in the E1/2NE1/NW1/4 of said Section 26, as created and described by the Certificate of Survey filed of record on May 30, 2008, as Document No. 141761 in Envelope 474B of the plat cabinet in the office of the Clerk and Recorder in and for Custer County, Montana.

ORDINANCES
MILES CITY, MONTANA

Section 26: Tract B, being a parcel of land located in the E1/2E1/2NW1/4 of said Section 26, as created and described by the Correction Certificate of Survey filed of record on January 30, 2014, as Document No. 159511 in Envelope 520A of the plat cabinet of the office of the Clerk and Recorder in and for Custer County, Montana.

Section 2. The City of Miles City Staff Report prepared as part of the review of this application is hereby adopted as Findings of Fact to support the Council's decision.

Section 3. A public hearing shall be held upon this proposed zoning change before the City Council at 7:00 P.M. on the 10th day of February, 2015, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk shall give notice of the date, time and place of such hearing by publication in the Miles City Star at least 15 days prior to the date of such hearing, in accordance with MCA Sections 76-2-303 and 305.


Section 5. This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

Said Ordinance read and put on its passage this 13th day of January, 2015.



C.A. Grenz, Mayor

ATTEST:




Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 10th day of February, 2015.



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk