

ORDINANCE NO. 98- 5071

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON THE WEST 120.6 FEET OF LOTS 3, 4 AND 8 OF PEMBERTON SUBDIVISION AND THE EAST 60.3 FEET OF LOT 8 AND FRACTIONS OF LOTS 3, 4 AND 7 OF PEMBERTON SUBDIVISION THAT ARE LOCATED NORTHWEST OF MAIN STREET (AT 636 PEMBERTON LANE AND 2318 MAIN STREET).

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

1. RECITALS. Whereas, M.C.A. 76-2-304 and the City Zoning Ordinance No. 3797, as amended by Ordinance No. 4102, Section 7.01, 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 Staff and Zoning Commission have considered the twelve (12) criteria required by M.C.A., Title 76, Chapter 2, Part 3. The recommendations of the Staff and Zoning Commission 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. That the West 120.6 feet of Lots 3, 4 and 8 of Pemberton Subdivision and the east 60.3 feet of Lot 8 and fractions of Lots 3, 4 and 7 of Pemberton Subdivision that are located northwest of Main Street (at 636 Pemberton Lane and 2318 Main Street) is/are presently zoned Residential Manufactured Home and is shown on the official zoning map within this zone.

3. ZONE AMENDMENT. That Ordinance No. 3797, as amended by Ordinance No. 4102, and the official zoning map are hereby amended and the zoning for the West 120.6 feet of Lots 3, 4 and 8 of Pemberton Subdivision and the east 60.3 feet of Lot 8 and fractions of Lots 3, 4 and 7 of Pemberton Subdivision that are located northwest of Main Street (at 636 Pemberton Lane and 2318 Main Street) is/are hereby changed from Residential Manufactured Home to Highway Commercial and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to Highway Commercial as defined in the Zoning Ordinance and Billings Montana City Code (BMCC).

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 That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

ORDINANCE NO. 98- 5071

PASSED by the City Council on first reading September 28, 1998.

PASSED, ADOPTED AND APPROVED on second reading October 13, 1998.



CITY OF BILLINGS:

BY: Charles F. Tooley  
Charles F. Tooley, MAYOR

ATTEST:

BY: Marita Herold  
Marita Herold, CMC/AAE CITY CLERK

ZC#639

## CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached ordinance is a true copy of a Ordinance entitled: "ORDINANCE RELATING TO THE MODIFICATION OF THE BILLINGS, MONTANA DOWNTOWN REDEVELOPMENT PLAN (THE URBAN RENEWAL PLAN) TO APPROVE CERTAIN PROJECTS AS URBAN RENEWAL PROJECTS" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly adopted on first reading by the City Council of the City at a regular meeting on September 28, 1998, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Council members voted in favor thereof: McDermott, Regnier, McDanel, Iverson, Kennedy, Johnson, Ohnstad, Elison and Tooley; voted against the same: Deisz and Larson; abstained from voting thereon: none; or were absent: none.

WITNESS my hand and seal officially this 28th day of September, 1998.

(SEAL)

*Marita Herold*  
City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Council of the City at a regular meeting on October 13, 1998, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Council members voted in favor thereof: Regnier, McDanel, Iverson, Tooley, Kennedy, Johnson, Ohnstad, Elison; voted against the same: Deisz, Larson; abstained from voting thereon: none; or were absent: McDermott.

WITNESS my hand and seal officially this 13th day of October, 1998.

(SEAL)



*Marita Herold*  
City Clerk