

## ORDINANCE NO. 05-5324

**AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON the West 1/2, West 1/2, Southwest 1/4, Section 32, of Township 1 North, Range 25 East, an unplatted 40.5 acre of land. (THE SUBJECT PROPERTY IS LOCATED NORTH OF GRAND AVENUE, EAST OF 54<sup>TH</sup> ST WEST AND SOUTH OF COLTON BOULEVARD.)**

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 Unplatted land that is the W1/2 W1/2 SW1/4 of Section 32 T.1N., R.25E., P.M.M., Yellowstone County, Montana; Being bounded on the south side by Certificate of Survey No 1877, on the west side by Amended Plat of Lot 65A of the Amended Lots 65-68, 93-100 and 125-128 of Sunny Cove Fruit Farms, and on the north by Certificate of Survey No 1952. Containing 40.568 gross and net acres, more or less and is presently zoned Agriculture Open Space and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Agriculture Open Space** to **Community Commercial (Lot 1 Bishop Fox Subdivision), Public (Lot 2 Bishop Fox Subdivision), Residential-7,000 (Lots 3 & 4 Bishop Fox Subdivision) and Residential-9,600 (Lot 5 Bishop Fox Subdivision)**, as shown on Exhibit A attached hereto and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Community Commercial, Public, Residential-7,000 and Residential-9,600** 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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 April 25, 2005.

PASSED, ADOPTED AND APPROVED on second reading May 9, 2005.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley, Mayor

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE, City Clerk

ZC#756