



Commission Memorandum

REPORT TO: Mayor and City Commission

FROM: Danielle Garber, Community Development Manager
Martin Matsen, Director of Community Development

SUBJECT: Provisional Adoption of Ordinance 2005, the 1803 Bridger Drive Annexation Zone Map Amendment to designate approximately 0.742 acres as R-1, Residential Single-Household Low Density, Application 18143.

MEETING DATE: June 17, 2019

AGENDA ITEM TYPE: Consent

RECOMMENDATION: That the City Commission provisionally adopt Ordinance 2005, establishing R-1, Residential Single-Household Low Density district for 0.742 acres, located at 1803 Bridger Drive. The property consists of two parcels of land.

BACKGROUND: The City Commission conducted a public hearing on June 18, 2018 for Application 18143 and preliminarily approved the 1803 Bridger Drive Annexation. The companion zone map amendment was also approved for an initial establishment of R-1, Residential Single-Household Low Density district. The approval was subject to terms and the preparation of an annexation agreement to address the provision of services. Staff prepared the required agreement. Resolution 4917 authorizes the City Manager's signature on the Annexation Agreement on behalf of the City. Therefore, it is necessary to finalize the zoning as well. All required contingencies of approval have been satisfied.

UNRESOLVED ISSUES: None determined at this time.

ALTERNATIVES: 1) Provisionally adopt Ordinance 2005 as presented and recommended.
2) Determine that the prior decision to zone was in error and do not adopt the ordinance.

FISCAL EFFECTS: None

Attachments: Ordinance 2005
Zone Map Amendment Exhibit

Report compiled on June 7, 2019



ORDINANCE NO. 2005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA AMENDING THE CITY OF BOZEMAN ZONING MAP TO INITIALLY DESIGNATE APPROXIMATELY 0.742 ACRES TO R-1, RESIDENTIAL LOW DENSITY DISTRICT, KNOWN AS THE 1803 BRIDGER DRIVE ANNEXATION

WHEREAS, the City of Bozeman has adopted zoning regulations and a zoning map pursuant to Sections 76-2-301 and 76-2-302, Mont. Code Ann.; and

WHEREAS, Section 76-2-305, M.C.A. allows local governments to amend zoning maps if a public hearing is held and official notice is provided; and

WHEREAS, Section 76-2-307, M.C.A. states that the Zoning Commission must conduct a public hearing and submit a report to the City Commission for all zoning map amendment requests; and

WHEREAS, the City of Bozeman Zoning Commission has been created by Section 2.05.2700, BMC as provided for in Section 76-2-307, M.C.A.; and

WHEREAS, Chapter 38, Article 2 of the Bozeman Unified Development Code sets forth the procedures and review criteria for zoning map amendments; and

WHEREAS, the proposed zone map amendment to amend the City of Bozeman Zone Map to establish an initial zoning classification of R-1 (Residential Low Density District) for 0.742 acres of the property has been properly submitted, reviewed, and advertised; and

WHEREAS, the Bozeman Zoning Commission held a public hearing on May 15, 2018, to receive and review all written and oral testimony on the request for a zone map amendment; and

WHEREAS, the Bozeman Zoning Commission recommended to the Bozeman City Commission that the zone map amendment be approved as requested by the applicant; and

WHEREAS, after proper notice, the City Commission held its public hearing on June 18, 2018, to receive and review all written and oral testimony on the request for a zone map amendment; and

WHEREAS, the City Commission has reviewed and considered the zone map amendment criteria established in Section 76-2-304, Mont. Code Ann., and found that the proposed zone map amendment would be in compliance with the criteria.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

That the zoning district designation of the following-described property is hereby designated as R-1, Residential Low Density District:

Lots 5 and 6 of the Mount Baldy Subdivision, Plat F-10, located in the SW ¼ of Section 32, Township 1 South, Range 6 East, P.M.M., City of Bozeman, Gallatin County, Montana.

Section 2

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances

of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

Section 4

Severability.

That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 5

Codification.

This Ordinance shall not be codified but shall be kept by the City Clerk and entered into a disposition list in numerical order with all other ordinances of the City and shall be organized in a category entitled “Zone Map Amendments.”

Section 6

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 17th day of June 2019.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

ROBIN CROUGH
City Clerk

FINALLY PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 1st of July 2019. The effective date of this ordinance is July 31, 2019.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

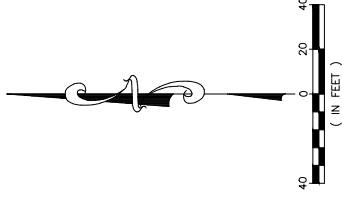
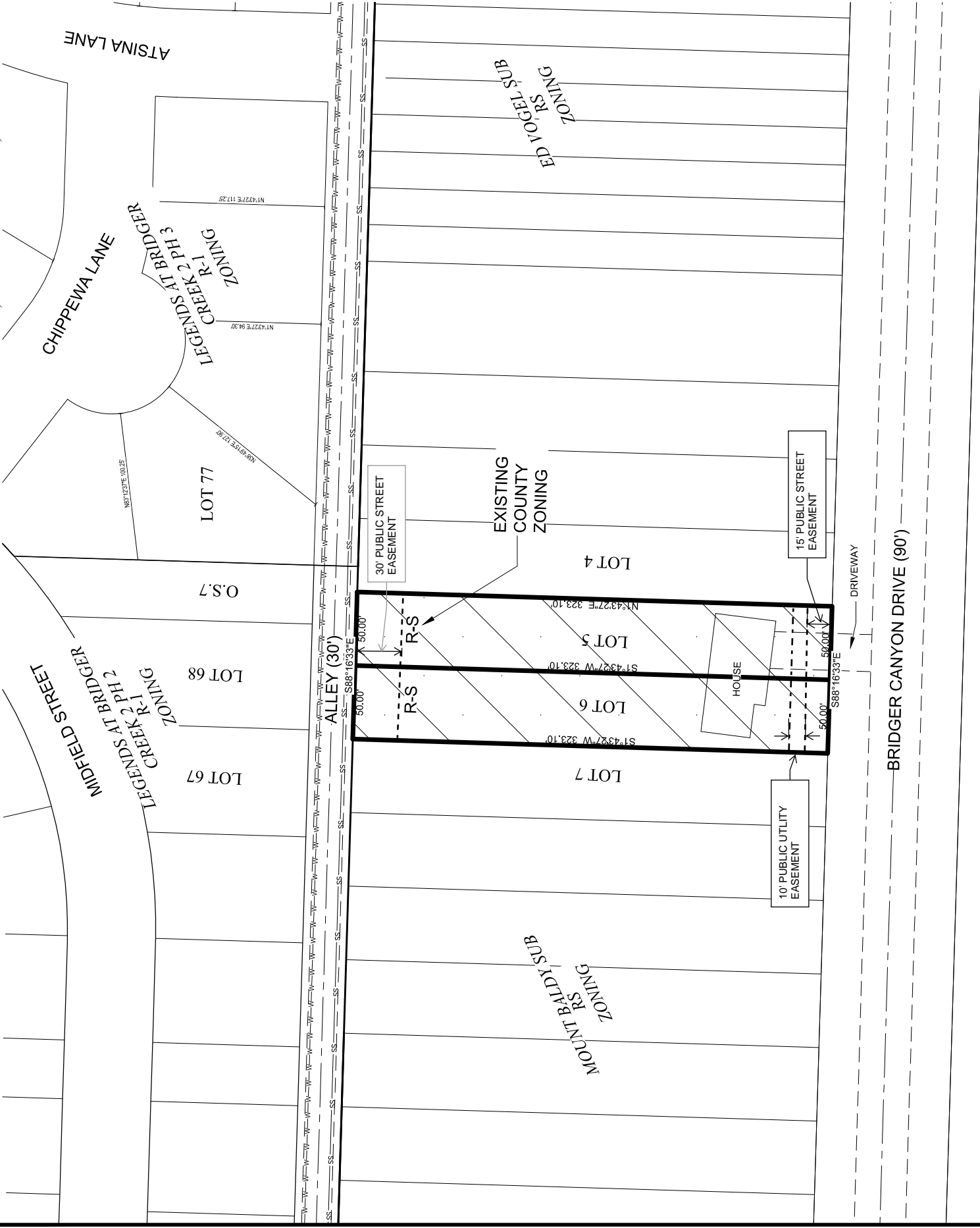
ROBIN CROUGH
City Clerk

APPROVED AS TO FORM:

KAREN STAMBAUGH
Acting City Attorney

MOUNT BALDY SUBDIVISION, LOTS 5 AND 6 "1803 Bridger Drive Annexation Map"

LOTS 5 AND 6 OF MOUNT BALDY SUBDIVISION, SITUATED IN SECTION 32, TOWNSHIP 1 SOUTH, RANGE 6 EAST, PRINCIPAL MERIDIAN, CITY OF BOZEMAN, GALLATIN COUNTY, MONTANA.



BASIS OF BEARING
Bearings are grid, derived from GPS observations and referenced to the Montana Coordinate System, Single Zone, NAD83.

LEGEND	
—W—W—W—W—W—	CITY OF BOZEMAN WATER MAIN
—SS—	CITY OF BOZEMAN SEWER MAIN
— — — — —	CENTERLINE OF ROAD
— — — — —	EDGE OF ROAD

* PROPOSED ZONING DESIGNATION R-1
* SIZE OF PROPERTY: 32,300 SF / 0.741 AC

* LEGAL LIMITS OF PROPERTY: LOTS 5 / 6 MT.
BALDY SUBDIVISION SW ¼ SE 1 - S½ SW 1/4

		2000 Technology Blvd Bozeman, MT 59718 Phone: 406.592.0221 Fax: 406.592.0222 www.morrisonmaierle.com	1/4 SEC. SW	SECTION 32	TOWNSHIP 1S	RANGE 6E
FIELD WORK: MMI DRAWN BY: CHN CHECKED BY: MEE		DATE: 06/2018 SCALE: 1"=40' PROJ. #: 3959.010	PRINCIPAL MERIDIAN, MONTANA GALLATIN COUNTY, MONTANA		PLOTTED BY: jmalic CLIENT: BALLARD SHEET 1 OF 1	
DRAWING NAME: N:\3959\010\CAD\FPH\PHASE III\ANNEXATION MAP 062718.dwg						