

ORDINANCE NO. 1398

AN ORDINANCE ADOPTED PURSUANT TO THE MONTANA INTERIM ZONING STATUTE CONTAINED IN SECTION 76-2-306, MCA, ADOPTING AN INTERIM ZONING ORDINANCE PERTAINING TO THE APPLICATION OF MUNICIPAL ZONING DISTRICTS AND THE ZONING CODE TO THE LAST CHANCE SUBDIVISION AFTER ANNEXATION INTO THE CITY OF MILES CITY, MONTANA

WHEREAS, the City of Miles City has annexed all lots on the Plat of Last Chance Subdivision, including all streets, avenues and rights-of-ways shown on said Plat; see map attached hereto as Exhibit ‘A’;

AND WHEREAS, the official Miles City zoning district map referenced in Sec. 24-11 of the zoning code does not provide zoning district classifications for land located outside the City limits at the time of adoption of the official zoning map and amendments adopted thereto;

AND WHEREAS, pursuant to §76-2-306, Montana Code Annotated (MCA), to protect the public safety, health, and welfare and without following the procedures otherwise required prior to the adoption of a zoning ordinance, the City Council may adopt as an urgency measure an interim zoning ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time;

AND WHEREAS, upon annexation of the subject territory so that the corporate limits of the City of Miles City are extended to include the land within the City limits, the City intends to initiate amendments to the official Miles City zoning district map following the required municipal zoning procedures in the City zoning code and Title 76, Chapter 2, Part 3, MCA;

AND WHEREAS, pursuant to §76-2-301, MCA for the purpose of promoting health, safety, morals, or the general welfare of the community, the City Council is authorized and empowered to adopt municipal zoning regulations to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes;

AND WHEREAS, until the City adopts amendments to the official Miles City zoning district map, the recently subdivided and annexed area subject to this ordinance has the potential for development to occur contrary to the City’s long-range plans, such as the 2025 Miles City Growth Policy, and contrary to the health, safety, or general welfare of the community; further, without application of the current zoning code, development that occurs prior to the City adopting permanent zoning for the area that would be contrary to the permanent zoning districts and regulations that are determined by City Council after a study and zoning adoption could result in nonconformities that are in the City’s best interest to avoid;

AND WHEREAS, the future land use map, shown in Figure 3 on Page 66 of the 2025 Miles City Growth Policy, which is a general blueprint of what the community wants to become

and serves as a visual guide for future planning and development in areas surrounding the City, depicts the area subject to this ordinance as “Residential”, and as such, non-residential land uses in the subject area may be contrary to the adopted Growth Policy;

AND WHEREAS, Custer County has provided the City with a County Zoning Map for the Last Chance Subdivision, attached hereto as Exhibit ‘B’, that indicates Lot 1 of Block 1 and Lot 1 of Block 2 are zoned C-1 (General Commercial), Lots 2 & 3 of Block 1 are zoned R-3 (Residential and Modular Home), and Lots 2 – 17 of Block 2 are zoned R-1 (Residential), which suggests non-residential land uses have been contemplated for Lot 1 of Block 1 and Lot 1 of Block 2;

AND WHEREAS, the City of Miles City has not yet formally determined that non-residential uses in portions of the area subject to this ordinance would be inappropriate, but the City intends to study appropriate City zoning designations in the subject area immediately upon annexation, and potentially amend the Growth Policy if recommended by the City Planning Board, to provide for amendments to the official Miles City zoning district map to provide for the most appropriate zoning designations for the subject area;

AND WHEREAS, during said period of study, review, and leading up to implementation of amendments to the official Miles City zoning district map, the City of Miles City finds that it is necessary for the protection of the safety, health and welfare of the community to enact a six (6) month interim zoning ordinance as authorized by §76-2-306, MCA, which may be extended as authorized by said statute;

AND WHEREAS, properties available and immediately developable for affordable housing are currently in short supply in the Miles City community, and the City staff have already been approached by proponents of an affordable multifamily housing community within the Last Chance Subdivision and held a community meeting about the proposed project; said project would be beneficial to the community and address the shortage of affordable housing for individuals and families in the Miles City area;

AND WHEREAS, during said period of study, review, and implementation of amendments to the official Miles City zoning district map, the City will provide for limited residential development within the area subject to this ordinance by implementing this interim ordinance such that Lot 1 of Block 1 and Lot 1 of Block 2 will be treated as zoned City Residential C (RC) District, Lots 2 & 3 of Block 1 will be treated as zoned City Residential B (RB) District, and Lots 2 – 17 of Block 2 will be treated as zoned City Residential A (RA) District; see map attached hereto as Exhibit ‘C’;

AND WHEREAS, to address spot zoning concerns during the effective period of this ordinance, it must be noted that the zoning district designations applied by this interim ordinance are not intended to benefit an individual landowner or small group of landowners, but are instead intended to be for the benefit of the entire community by addressing development for the duration this ordinance remains in effect; properties available and immediately developable for affordable housing are currently in short supply, and the City’s intent is not to preclude or delay residential development beyond what is contemplated by this interim ordinance while the City makes long-term plans for more specific densities and land uses in the area to be annexed herein; therefore,

this ordinance is intended to apply the least burdensome zoning district designations that accord to the 2025 Growth Policy, are compatible with surrounding land uses, provide for reasonable transition between commercial and multi-family land uses and traditional single family neighborhoods zoned RA, and protection of the public safety, health, and welfare of the community, while allowing for acceptable levels of services provided by the City of Miles City;

AND WHEREAS, notice has been provided as required by §76-2-306, MCA, and prior to the adoption of this ordinance, a public hearing was duly held, and public input considered by the City Council.

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

1. Effective Date. This ordinance shall be effective immediately upon adoption and shall expire six (6) months from the date of passage unless extended in accordance with §76-2-306, MCA.
2. Upon passage of this ordinance, the Last Chance Subdivision situated in the S ½ NW ¼ NE ¼ SE ¼, SW ¼ NE ¼ SE ¼ of Section 34, Township 8 North, Range 47 East, P.M.M., in Custer County, Montana shall be subject to the zoning regulations presently in the Code of Ordinances of the City of Miles City, Montana, pursuant to §76-2-306, MCA.
3. Upon passage of this ordinance, Lot 1 of Block 1 and Lot 1 of Block 2 of the Last Chance Subdivision will be treated as zoned City Residential C (RC) District.
4. Upon passage of this ordinance, Lots 2 & 3 of Block 1 of the Last Chance Subdivision will be treated as zoned City Residential B (RB) District.
5. Upon passage of this ordinance, Lots 2 – 17 of Block 2 of the Last Chance Subdivision will be treated as zoned City Residential A (RA) District.
6. Upon passage of this ordinance, the map attached hereto as Exhibit ‘C’ depicts the above-described interim zoning district designations for the lots within the Last Chance Subdivision.
7. The City staff shall promptly initiate the process to update the official Miles City zoning district map to provide for zoning district designations, beginning with a study of appropriate zoning district designations for the lots in the Last Chance Subdivision and any appropriate amendments to the zoning code; as part of the study, a joint meeting shall be held between the City Planning Board and Zoning Commission to obtain recommendations to staff regarding potential amendments to the 2025 Miles City Growth Policy and the official Miles City zoning district map prior to staff formally proposing amendments to the same according to statutory and local requirements for growth policy and zoning amendments. Interested parties, such as the subject landowner(s) and County Commissioners should be invited to attend the joint meeting with the City Planning Board and Zoning Commission, with a courtesy notice of the meeting in the Miles City Star. During the period of study and zoning amendment process, nothing herein shall preclude

any person from petitioning the City for amendments to the zoning district map and/or regulations following the procedures in Sec. 24-96 of the zoning code.

PASSED AND ADOPTED THIS 23RD DAY OF SEPTEMBER, 2025.

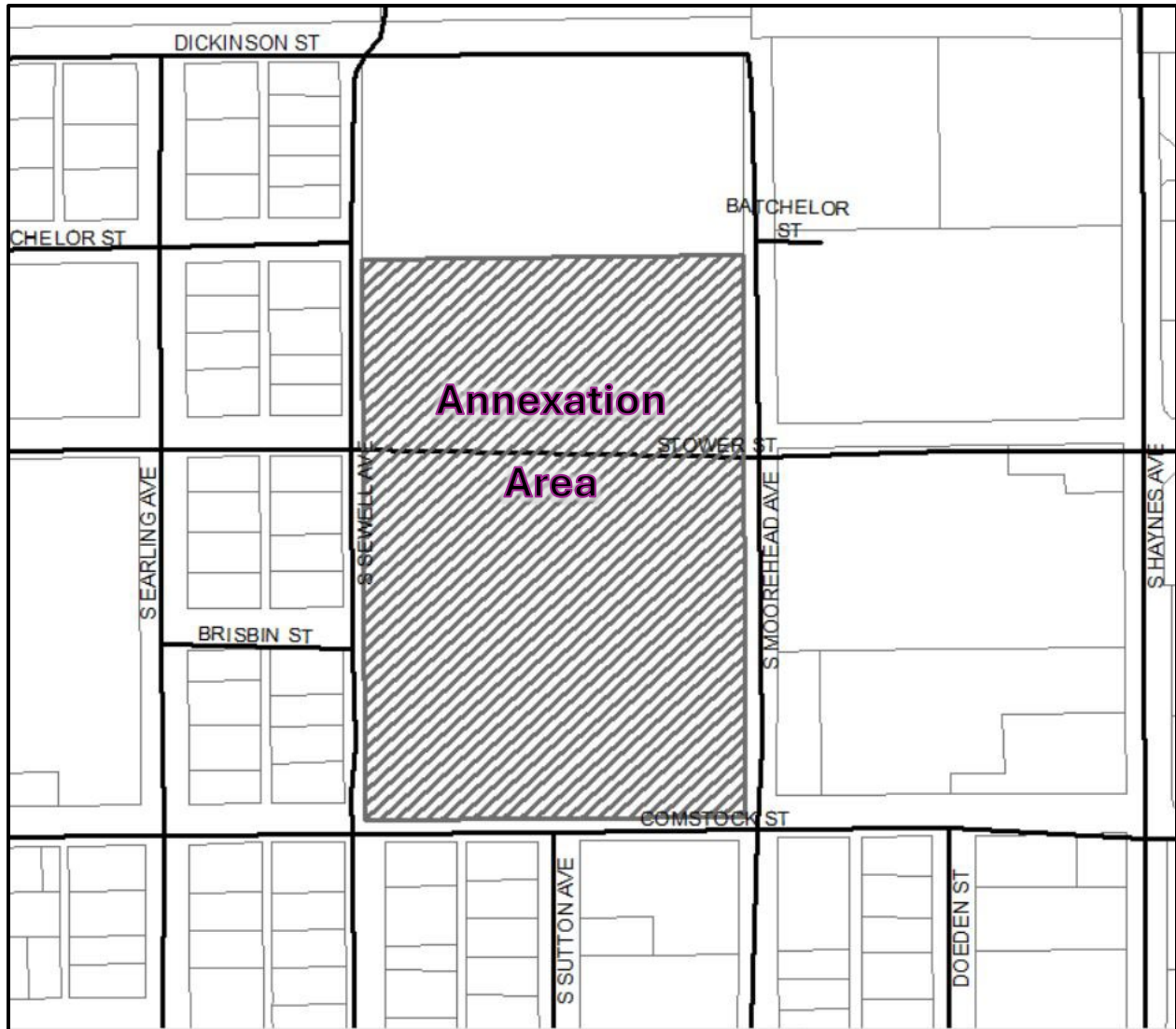
Dwayne Andrews, Mayor

ATTEST:

Mary Rowe, City Clerk

EXHIBIT 'A'

MAP OF ANNEXATION AREA OF LAST CHANCE SUBDIVISION



LAST CHANCE SUBDIVISION ZONING MAP
EXHIBIT 'B' CUSTER COUNTY ZONING MAP

APPROVED

APPROVED

SIGNATURE _____ DATE _____

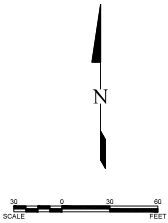
SIGNATURE _____ DATE _____

PRINT: _____

PRINT: _____

ZONING ADMINISTRATOR
CUSTER COUNTY, MT

CHAIRMAN OF ZONING BOARD
CUSTER COUNTY, MT



KEY	
	R-3
	C-1
	R-1

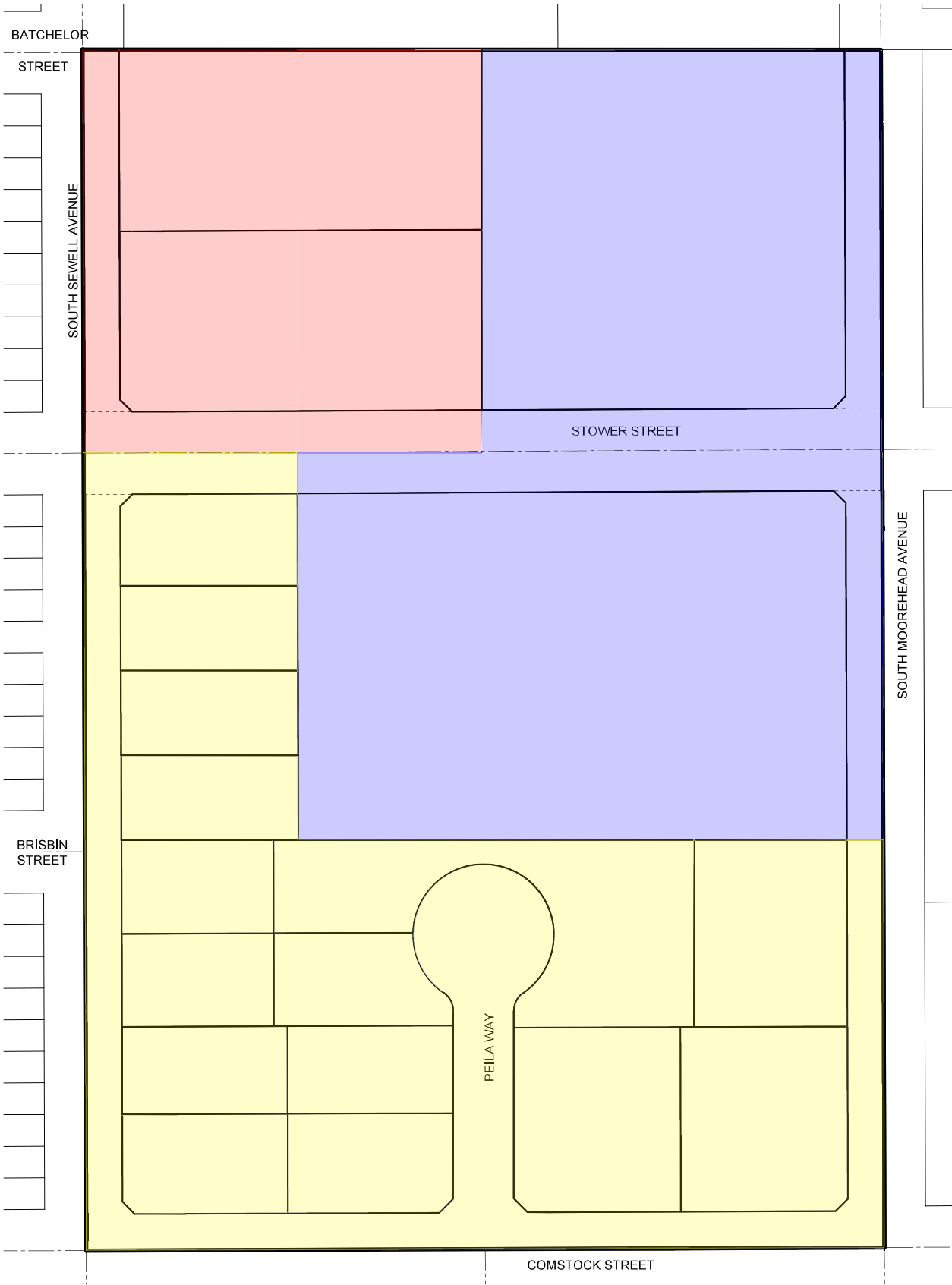


Exhibit 'C': Interim Zoning Districts for Last Chance Subdivision

