

COUNCIL ORDINANCE NO. 116

AN ORDINANCE OF THE TOWN COUNCIL, TOWN OF ENNIS, MONTANA, PURSUANT TO 76-2-306 MONTANA CODE ANNOTATED, ESTABLISHING AN INTERIM ZONING ORDINANCE FOR ARCHITECTURAL DESIGN OF BUILDINGS WITHIN THE TOWN OF ENNIS, WITH SAID INTERIM ORDINANCE EFFECTIVE WITHIN THE CITY LIMITS AND WITHIN ONE MILE BEYOND THE CORPORATE BOUNDARIES OF THE CITY FOR A PERIOD OF TWELVE (12) MONTHS FROM THE DATE OF ADOPTION OF THIS ORDINANCE.

Preamble

The purpose of this ordinance is to protect the public safety, health, and welfare through the adoption, as an urgency measure, of an interim ordinance regulating or prohibiting certain uses of land which may in conflict with a contemplated zoning proposal which the Town Council is considering or studying or intends to study within a reasonable time.

WHEREAS, on the 24th day of MARCH, 1994, the Town Council of the town of Ennis adopted Chapter 11.44.000 of the Ennis Town Code, otherwise known as the Sign Ordinance, to protect the western theme of the town of Ennis; and

WHEREAS, it is the intention of the Architectural Review Board of the town of Ennis to propose an ordinance to require all commercial buildings to construct their facades in the 1880's architectural style, consistent with the design theme set forth in the Sign Ordinance; and

WHEREAS, it is the town's intention to hold a public hearing on the proposed architectural design ordinance, and consider its adoption on a permanent basis, after receiving an appropriate recommendation from the Architectural Review Board, as early as August of 1994; and

WHEREAS, during the interim period in which the town considers the permanent adoption of the architectural design review ordinance, land

developments could occur under the existing town's zoning ordinance which could be in conflict with the intent and provision of the proposed ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS, MONTANA THAT:

**SECTION 1**

Pursuant to Section 76-2-306 et seq. Montana Code Annotated, the Town Council requires that all construction in the town of Ennis' commercial zones be within conformance of the 1880's architectural style.

**SECTION 2**

This interim zoning ordinance shall be effective for a period of not more than twelve (12) months from date of adoption thereof.

**SECTION 3**

Upon the enactment of this interim zoning ordinance, all new buildings shall be required to submit plans as part of the building permit application and obtain a majority approval of the Architectural Review Board.

**SECTION 4**

The Board shall take its action within two weeks of receipt of the plans, which must include a front elevation drawing and a design of the building facade sufficient for determining whether the building is in compliance with the western theme of the town of Ennis.

**SECTION 5**

Definition of 1880's Architectural Style: The words "western theme" and "1880's architectural style" are synonymous. A western theme building is one which is compatible with others in the commercial zone of Ennis, is in compliance with the Sign Ordinance, and has an outward appearance of a wooden false front similar to those constructed around 1880 in the state of Montana.

SECTION 6

Existing Building Compliance: Upon change of ownership, or any renovation substantially effecting the entire building or the facade of a building, all buildings which do not currently conform to this Ordinance shall be brought into compliance therewith.

SECTION 7

Severability. If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Ordinance and applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 8

Appeals. Any applicant for a building permit which is denied by the Architectural Review Board on the basis of this interim ordinance shall have the right to appeal in writing to the Town Council within ten (10) days of the date of denial. The Council shall hear the appeal at the next regularly scheduled meeting.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS at a council meeting held on the 24<sup>th</sup> day of March, 1994.

TOWN OF ENNIS

ATTEST:

By: Samela M. Allen  
Town Clerk

By: Orlando Bar  
Mayor

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA }  
County of Madison } SS.

Daryl L. Tuber

being duly sworn says that he is publisher and printer of The Madisionian, a weekly newspaper published in the City of Virginia City, County of Madison, State of Montana; that the annexed notice is a true copy which was published in said newspaper for a period of 2

successive weeks, commencing on the 21<sup>st</sup>

day of April, 1994,

and ending on the 28<sup>th</sup> day of

April, 1994

Daryl L. Tuber

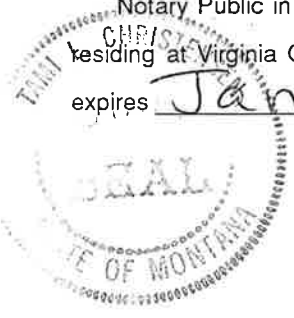
Publisher and Printer.

Subscribed and sworn to before me this 12<sup>th</sup>

day of May, 1994

Tami L. Christensen

Notary Public in and for the State of Montana,  
residing at Virginia City, Montana. My commission  
expires Jan 31, 1996.



**COUNCIL ORDINANCE NO. 116**  
An ordinance of the Town Council, Town of Ennis, Montana, pursuant to 76-2-306 Montana Code Annotated, establishing an interim zoning ordinance for architectural design of buildings within the town of Ennis, with said interim ordinance effective within the city limits and within one mile beyond the corporate boundaries of the city for a period of twelve (12) months from the date of adoption of this ordinance.  
Town of Ennis  
State of Montana  
County of Madison  
I, Pamela M. Allison,  
Town Clerk of the Town of Ennis, Montana, do hereby certify that the foregoing is the true and correct title and number of Council Ordinance #116, passed and adopted at a regular session thereof held on the 24th day of March, 1994.  
Dated this 25th day of March, 1994.  
Pamela M. Allison  
Town Clerk  
(Pub. Apr. 21, 28, 1994) et