

ORDINANCE NO. 608

AN ORDINANCE TO AMEND THE POLSON DEVELOPMENT CODE TO CHANGE THE BOUNDARIES OF THE RESORT ZONING DISTRICT TO ENCOMPASS A LOT PREVIOUSLY ZONED LOW DENSITY RESIDENTIAL.

Whereas, after notice and public hearing on the issue of changing the zoning of a certain parcel of real property currently in the Low Density Residential Zoning District but lying adjacent to an area of land currently zoned in the Resort Zoning District; and,

Upon the petition of the owners thereof, and after due and proper consideration as described below the City Council has determined that the said zoning classification of the said parcel should be amended and the boundary of the Resort Zoning District lying adjacent thereto should be changed to reflect the said zoning change; and,

Whereas, the parcel to be removed from Low Density Residential Zoning District and encompassed within the adjacent Resort Zoning District is described as follows:

A portion of Lot 4, Section 32, Township 23 North, Range 20 West, M.P.M., Lake County, Montana; Beginning at a point that bears East 914.00 feet from the Northwest corner of said Lot 4; thence South 5°48' East 120.00 feet; thence East 450.00 feet to Flathead Lake; thence North along said Lake 119.38 feet; thence West 462.13 feet to the point of beginning. Subject to easements, reservations and rights of way apparent or of record. COS 2925

Whereas, the City Council has given due and proper consideration to all factors necessary to satisfy Montana statute at 76-2-304, MCA, the City Council having determined from the report and the public hearings that the amendment is in accordance with the comprehensive plan; is designed to lessen congestion in the streets; will promote general health and welfare; will benefit the community from the standpoint of fire, panic, or other dangers; will provide adequate light and air and restrain overcrowding of land or undue concentration of population; facilitate protection of public facilities; takes due note and consideration of peculiar suitability of the property for particular uses and the character of the district; and will conserve the value of buildings and encourage the most appropriate use of land throughout the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA

1. The Polson Development Code is amended to change the zoning classification of the above-described real property and extend the boundaries of the adjacent Resort Zoning District to encompass the same.
2. The City Planning and Building Office is instructed to amend the zoning map required at Paragraph D to conform with this Ordinance.

REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: May 16, 2005

SECOND READING: June 5, 2005

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NOW THEREFORE, it is resolved that the subject Ordinance shall become effective on **July 5, 2005**.

PASSED AND ADOPTED THIS 5th day of June, 2005.

Randy Ingram, Mayor, City of Polson

ATTEST: _____
Aggi G. Loeser, City Clerk

STATE OF MONTANA)
 :SS.
County of Lake)

On this 13th day of September 2005, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Randy Ingram** and **Aggi G. Loeser**, personally known to me to be the Mayor and the City Clerk of the City of Polson, Montana, the Municipal Corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for the State of Montana
Printed Name of Notary _____
Residing at _____ Montana
My Commission expires: _____