ORDINANCE NO. 615

AN ORDINANCE TO AMEND THE POLSON DEVELOPMENT CODE TO REMOVE THE RESORT RESIDENTIAL OVERLAY DISTRICT IN THE VICINITY OF BAYVIEW AND BAYSHORE DRIVES AND SPECIFIED ADJACENT NEIGHBORHOODS

WHEREAS, the City Council has received a petition signed by the majority of landowners located in the Resort Residential Overlay District in the vicinity of Bayview and Bayshore Drive and specified adjacent neighborhoods, said petition seeking removal of the said overlay district and amendment of the Polson Development Code to reflect such removal; and,

Whereas, due notice was given and published and public hearing held on the issue of removing the Resort Residential Overlay District in the vicinity of Bayview and Bayshore Drives and specified adjacent neighborhoods as petitioned, no objections thereto having come before the Council; and,

Whereas, the parcel to be removed from Low Density Residential Zoning District is described as follows:

> See Exhibit A attached hereto and by this reference made a part hereof.

Whereas, and after due and proper consideration as described below the City Council has determined that the petition should be granted and the Resort Residential Overlay District depicted on Exhibit A hereto removed and the Polson Development Code amended to reflect the said removal; and,

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 REMOVE therefrom the Resort Residential Overlay District, all as depicted on Exhibit A hereto.
2. The City Planning and Building Office is instructed to amend the zoning map required at Paragraph D thereof to conform with this Ordinance.
3. No part of this Ordinance shall be construed to affect or modify the underlying zoning classification of any parcel within the boundaries of Exhibit A hereto as Low Density Residential Zoning District.

REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING:. January 4, 2006.
SECOND READING:.January 18, 2006.

NOW THEREFORE, it is resolved that the subject Ordinance shall become effective on February 18, 2006.

PASSED AND ADOPTED THIS _____ day of _____ , 2006.

CITY OF POLSON

Randy Ingram

ATTEST:

Aggi Loeser,
City Clerk

STATE OF MONTANA   )

                                 :ss.

County of Lake   )

        On this ____ day of January, 2006, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Randy Ingram** and **Aggi 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
Residing at _____ Montana
My Commission expires: