

ORDINANCE NO. 618

AN ORDINANCE TO AMEND THE POLSON DEVELOPMENT CODE TO CHANGE THE BOUNDARIES OF THE COMMERCIAL BUSINESS ZONING DISTRICT TO ENCOMPASS A LOT PREVIOUSLY ZONED MEDIUM 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 Medium Density Residential Zoning District but lying adjacent to an area of land currently zoned in the Commercial Business 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 Commercial Business Zoning District lying adjacent thereto should be changed to reflect the said zoning change; and,

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

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

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REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED over objection by more than 25% of adjacent landowners by supermajority vote of the City Council required by Montana law.

FIRST READING: April 3, 2006.

SECOND READING: April 17, 2006.

NOW THEREFORE, it is resolved that the subject Ordinance shall become effective on March 17, 2006.

PASSED AND ADOPTED THIS 17th day of April, 2006.

Randy Ingram

ATTEST: _____
Aggi G. Loeser, City Clerk

STATE OF MONTANA)
 :SS.
County of Lake)

On this ____ day of April, 2006, before me, the undersigned Notary Public for the State of Montana, personally appeared **RANDY INGRAM** and **AGGI LOESER**, known to me to be the Mayor and the City Clerk of the **CITY OF POLSON**, Montana, the municipal corporation that executed the foregoing 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.

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