

**ORDINANCE NO. 649**

**AN ORDINANCE TO AMEND THE POLSON DEVELOPMENT CODE TO CHANGE THE BOUNDARIES OF THE MIXED-USE RESIDENTIAL ZONING DISTRICT TO ENCOMPASS A LOT PREVIOUSLY ZONED MEDIUM RESIDENTIAL ZONING DISTRICT.**

Whereas, after notice and public hearing on the issue of changing the zoning of a certain parcel of real property currently in the Medium Residential Zoning District to re-zone the same as a portion of the City's Mixed-Use Residential Zoning District, and having heard the Polson Zoning Commission's favorable recommendations thereon; and,

Whereas, 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 in the Polson Development Code of the said parcel should be amended and the map depicting the boundaries of the several zoning classifications extant within the City limits should be changed to reflect the said zoning change; and,

Whereas, the parcel to be removed from Medium Residential Zoning District and encompassed within the Mixed-Use Residential Zoning District is described as follows:

COS 5261-10.09 acres. 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; and the Council specifically adopts as its findings of fact herein the Staff Report issued by the Planning Office and the minutes of the Zoning Commission.

**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 to re-zone the same as "Mixed-Use Residential Zoning."
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:** July 20, 2009.

**SECOND READING:** August 3, 2009.

**NOW THEREFORE,** it is resolved that the subject Ordinance shall become effective on September 3, 2009.

**PASSED AND ADOPTED THIS** 3<sup>rd</sup> day of August, 2009.

CITY OF POLSON

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Lou Marchello, Mayor

ATTEST: \_\_\_\_\_  
Aggi Loeser, City Clerk