

ORDINANCE Ord # 2017- 002
AN ORDINANCE TO REZONE A PORTION OF
THE CITY OF POLSON
OF AMENDED TRACT 'B' OF COS 7213
(HAYES PROPERTY)

WHEREAS, 76-2-301, MCA authorizes municipal zoning; and

WHEREAS, a request for rezoning has been made by the owners (Glen and Marlene Hayes) of Amended Tract 'B' of COS 7213;

WHEREAS, the petitioner is the sole owner of the property sought to be rezoned and pursuant to 76-2-305, MCA, a two thirds majority of the Commission is not necessary as an affirmative vote;

WHEREAS, a public hearing was held, pursuant to 76-2-303, MCA, by the City-County Planning Board and City Commission on August 15th and August 21st, 2017 and such public body recommended by affirmative vote that the rezoning be granted;

WHEREAS, the area depicted on the attached exhibit requests that the area shown thereon be changed from LRZD with RROD overlay to HCZD; such change appears to be within the Polson Growth Plan and that such change is contemplated for orderly development of the area property;

WHEREAS, Commission finds that the proposal complies with 76-2-304. MCA as follows:

- (1) Zoning regulations must be:
 - (a) made in accordance with a growth policy; and
 - (b) designed to:
 - (i) secure safety from fire and other dangers;
 - (ii) promote public health, public safety, and the general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

- (2) In the adoption of zoning regulations, the municipal governing body shall consider:
 - (a) reasonable provision of adequate light and air;
 - (b) the effect on motorized and non-motorized transportation systems;
 - (c) promotion of compatible urban growth;
 - (d) the character of the district and its peculiar suitability for particular uses; and
 - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

WHEREAS, the City Commission hereby finds that the proposed rezone is reasonable and appropriate for the City of Polson and serves to continue the process of orderly development.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Polson, Montana that the area shown on Exhibit "A" attached hereto and made a part hereof is rezoned from LRZD with RROD overlay to HCZD. The Clerk and City Planning staff are hereby instructed to amend the zoning map of the City in accordance with this Ordinance.

Date: August 21, 2017

First Reading: 6 ayes nays 1 absent

Date: September 6, 2017

Second Reading: 5 ayes _____ nays _____ absent

Effective Date: October 6, 2017

Mayor

Attest:

City Clerk

EXHIBIT "A"

