

ORDINANCE NO. 04-5289

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION ON THE NORTH 1977 FEET OF LOT 65A, SUNNY COVE FRUIT FARMS. **THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF 54TH STREET WEST, BETWEEN GRAND AVENUE AND COLTON BOULEVARD.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the twelve (12) criteria required by state law.

2. DESCRIPTION. A tract of land situated in the E1/2 of Section 31, T.1N., R.25E., P.M.M., Yellowstone County, Montana, more particularly described as: Sunny Cove Fruit Farms, a portion of Lot 65A, of the Plat of Amended Lots 65-68, 93-100 and 125-128, Recorded December 29, 1998, Under Document No. 3033371, Records of Yellowstone County; Montana more particularly described as: Beginning at a point which is N 00° 08' 25" E for a distance of 25.0 feet from the E1/4 Corner of Section 31, T.1N., R.25E., P.M.M; thence S 00° 08' 25" W for a distance of 2029.10 feet, along the East section line on Section 31; thence S 89° 53' 22" W for a distance of 880.59 feet, to a point on the west lot line of Lot 65A; thence N 00° 08' 25" E for a distance of 2027.76 feet to a point on the south lot line of Sunny Cove Fruit Farms, Lot 63; thence N 89° 47'57" E for a distance of 880.59 feet to point of beginning is presently zoned Agricultural-Open Space and is shown on the official zoning map within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Agricultural-Open Space** to **Residential 7000** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Residential 7000** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading June 28, 2004.

PASSED, ADOPTED AND APPROVED on second reading July 12, 2004.

CITY OF BILLINGS:

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk

ZC#734