

ORDINANCE NO. 12-5550

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 2, of Rose Park Subdivision 1st Filing, a 1.3 acre parcel of land and generally located at 1504 through 1528 24th St West

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 Lot 2 of Rose Park Subdivision 1st Filing is presently zoned **Neighborhood Commercial (NC)** and is shown on the official zoning maps within this zone.

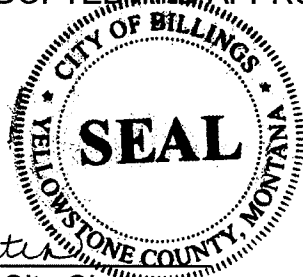
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcels** is hereby changed from **Neighborhood Commercial (NC) to Planned Development (PD) with underlying zoning of Neighborhood Commercial (NC)** as described in Exhibit A attached hereto on Lot 2 of Rose Park Subdivision 1st Filing from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Planned Development (PD) with underlying zoning of Neighborhood Commercial (NC)** as set out in Exhibit A and 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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 February 27, 2012.

PASSED, ADOPTED, AND APPROVED on second reading March 12, 2012.



CITY OF BILLINGS:

BY:

Thomas W. Hanel

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin

BY: Cari Martin, City Clerk

Zone Change #882 – 1504 – 1528 24th Street West

EXHIBIT "A"

PLANNED DEVELOPMENT AGREEMENT
For, Lot 2 of Rose Park Subdivision, First Filing
In the City of Billings, Yellowstone County, Montana

This AGREEMENT, made and entered into this ___ day of _____, 2012, by and between THE LARSON AND CARPENTER PARTNERSHIP (hereinafter referred to as "Owner") and the CITY OF BILLINGS (hereinafter referred to as "City")

WITNESSETH

WHEREAS, the undersigned is the Owner of all of Lot 2 of Rose Park Subdivision, First Filing, according to the record thereof on file in the office of the Clerk and Recorder of Yellowstone County, Montana, a newly formed Planned Development through this Agreement, as outlined within the City Zoning Ordinance;

WHEREAS, the City has approved the change of zoning to Planned Development Neighborhood Commercial after due and proper administrative review, notice and public hearing, all in accordance with City Ordinances and requirements;

NOW, THEREFORE, in consideration of the premises, the Owner and the City hereby establish and declare that Lot 2 of Rose Park Subdivision, First Filing, City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County under Document # 770101 (commonly referred to as 1504, 1510, 1520, 1524 & 1528 24th Street West, Billings, Montana 59102) is hereby zoned Planned Development Neighborhood Commercial effective immediately.

I. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations or other entities, which now have or shall hereafter acquire any interest in and to the above-described real property shall be taken and held to agree to the zoning of the above-described real property as Planned Development Neighborhood Commercial.

II. BUILDING AND USE ALLOWANCES AND RESTRICTIONS

The Building and Use restrictions applicable to the above-described real property shall be those set forth and described in the City Code and/or Ordinances for any real property classified or zoned as Neighborhood Commercial in the City of Billings with the exception of the allowance of a Restaurant On-Premises Beer and Wine License with catering at 1520 24th Street West, presently known as 6 Degrees Gourmet.

III. RIGHT TO ENFORCE

The provisions of the Planned Development Agreement shall be enforced as provided for in Article 27-1600 of the Billings City Code.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“OWNER”

The Larson and Carpenter Partnership

BY: _____
Kris Carpenter
Partner and duly authorized agent.

ATTEST: _____

“CITY”

THE CITY OF BILLINGS,

BY: _____
Thomas W. Hanel
Mayor and duly authorized agent.

ATTEST

Cari Martin, City Clerk

STATE OF MONTANA)
 : ss.
County of Yellowstone)

On this ____ day of _____, 2012, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Kris Carpenter, known to me to be A Partner and duly authorized agent of the LARSON AND CARPENTER PARTNERSHIP, the corporation executing the within instrument, and acknowledged to me that he executed the within instrument on behalf of said corporation, having first been authorized so to do.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this day and year in this certificate first above written.

(Notary Seal)

Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My Commission Expires: ____ , 20 ____

STATE OF MONTANA)
 : ss.
County of Yellowstone)

On this ____ day of _____, 2012, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Thomas W. Hanel, known to me to be the Mayor and duly authorized agent of the City of Billings, executing the within instrument, and acknowledged to me that he executed the within instrument on behalf of said corporation, having first been authorized so to do.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this day and year in this certificate first above written.

(Notary Seal)

Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My Commission Expires: _____, 20__