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City of Columbia Falls
130 6th St. W.
Columbia Falls, MT 59912

ORDINANCE NO.808

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING THE COLUMBIA FALLS ZONING MAP TO ALLOW THE DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY FOR THE PROPERTY GENERALLY LOCATED NORTH OF LEMBURG LANE BETWEEN NORTH HILLTOP AND MEADOW LAKE BOULEVARD, FURTHER DESCRIBED AS TRACT 1 OF COS 14679 EXCEPTING THEREFROM THE PROPERTY WITHIN THE PLAT KNOWN AS HILLTOP MEADOWS IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, RH Joint Holdings, LLC, owner of the real property, has requested an amendment to the Columbia Falls zoning map to allow the development of a Planned Unit Development (PUD) overlay on property zoned with a combination of CR-1, CR-2 and CR-3 urban residential zoning, generally located north of Lemburg Lane between North Hilltop and Meadow Lake Boulevard, further described as Tract 1 of COS 14679 excepting therefrom the property within the plat known as Hilltop Meadows in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana; and

WHEREAS, the Columbia Falls Planning Department, on June 8, 2021, in Staff Report CPUD-21-01, recommended approval of the requested Planned Unit Development (PUD), subject to certain conditions; and

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on June 15, 2021, at which the Board adopted Staff Report CPUD-21-01 with revisions and recommended approval of the requested Planned Unit Development (PUD) subject to certain conditions as shown in Exhibit A; and

WHEREAS, a hearing on the Planned Unit Development (PUD) was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Tuesday, July 6, 2021 after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Planning Board, the report of the Columbia Falls Planning Office, together with any and all comments filed or voiced with respect to said change; and

WHEREAS, the City Council has determined that the PUD request, subject to certain conditions, is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact: That the Columbia Falls Planning Office Report #CPUD-21-01, dated June 8, 2021, as amended by the Columbia Falls City-County Planning Board on June 15, 2021, is hereby adopted by the Council as findings of fact with respect to said PUD request.

Section Two. Change in Zoning Classification: That the requested Planning Unit Development (PUD) overlay on property presently zoned with a combination of CR-1, CR-2 and CR-3 urban residential will allow the developer to cluster lots into single family attached and detached units preserving 11.42 acres in park and open space on property located north of Lemburg Lane between North Hilltop and Meadow Lake Boulevard, further described as Tract 1 of COS 14679 excepting therefrom property within the plat known as Hilltop Meadows in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Section Three. All documents included in the site plan and the recommendation of the Columbia Falls Planning Office is hereby incorporated by reference and the Conditions are shown in Exhibit A.

Section Four. The Council finds that the proposal complies with the Columbia Falls City Growth Policy and will encourage appropriate use of the land.

Section Five. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Six. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Seven. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 19TH DAY OF JULY, 2021, THE COUNCIL VOTING AS FOLLOWS:

AYES: Shepard, Fisher, Karper, Lovering, Robinson and Barnhart

NOES: None

ABSENT: Piper

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 19TH DAY OF JULY, 2021.

Mayor

ATTEST:

City Clerk

EXHIBIT A

1. The Garnier Heights PUD provides the following deviations:
 - a. A reduced front yard setback from 25-feet to 20-feet just for the lots served by the alleyway (Lots 1A – 8D and Lots 37A – 46B) side, side corner, and rear setbacks will remain the same. All other lots shall have setbacks standard setbacks of 25-foot; 5-foot side; 15-foot side corner; and 20-foot rear yard.
 - b. Minimum Lots sizes shall conform to the PUD and Preliminary Plat Map presented with this application 4/30/21 and 4/30/21.
 - c. Maximum Lot coverage will be considered the building envelopes/setbacks
2. The project shall be built in substantial compliance with the plat layout within this application prepared by WGM Group and dated 4/30/21 and 4/30/21.
3. Due to the steep slopes along the creek channel, staff will request Geotechnical Analysis of the site prior to final plat. Any recommendation in the Geotechnical report shall be incorporated into the subdivision design and or the CC&R's.
4. Units 1A through 8D and 37A through 46B are designed with alley access and shall be constructed with garages and driveways off the alley. This statement shall also be included in the CC&R's and on the face of the Plat.
5. All utilities including electrical, telephone and cable shall be placed underground.
6. All exterior lighting shall conform to dark sky standards.
7. All conditions of the PUD and Subdivision approval must be complied with prior to the issuance of an occupancy permit by the City of Columbia Falls. If certain conditions such as paving or landscape improvements cannot be reasonably complied with because of unforeseen circumstances, such as winter conditions, the applicant may, upon prior approval of the City Manager, post a bond or financial security found to be acceptable by the City Manager and equal to 125% of the cost of the improvements as certified by a licensed engineer or where appropriate a landscape architect.
8. The PUD time frame shall run with the Preliminary Plat approval. Should the Preliminary Plat expire, the City will initiate the process to rescind the PUD approval.
9. No overnight parking permitted adjacent to the Parks or Open Spaces.