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

ORDINANCE NO.824

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 LOCATED AT 812 4TH AVENUE WEST, FURTHER DESCRIBED AS THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, DESCRIBED AS FOLLOWS, TO WIT: PARCEL B OF CERTIFICATE OF SURVEY NO. 12484.

WHEREAS, RH2 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 CB-2 located at 812 4th Avenue West, further described as “That portion of the Southwest Quarter of Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, Described as Follows, To Wit: Parcel B of Certificate of Survey No. 12484;” and

WHEREAS, the Columbia Falls Planning Department, on January 27, 2023, in Staff Report CPUD-23-01, amending CPUD-20-04, 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 February 14, 2023, at which the Board adopted Staff Report CPUD-23-01 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 Monday, March 20, 2023, 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 and that the unique character of the property justified approval of a PUD of less than two acres.

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-23-01, dated January 27, 2023, as amended by the Columbia Falls City-County Planning Board on February 14, 2023, 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 CB-2 General Business will allow the development of twelve residential units at 812 4th Avenue West, further described as “That Portion of the Southwest Quarter of Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, Described as Follows, To Wit: Parcel B of Certificate of Survey No. 12484.”

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 the requested residential PUD is consistent with the neighboring uses that are both commercial and multi-family residential.

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 17th DAY OF APRIL, 2023, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Hamilton, Lovering, Piper, Robinson, Shepard and Barnhart

NOES: None

ABSENT: None

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 17th DAY OF APRIL, 2023.

Mayor

ATTEST:

City Clerk

EXHIBIT A

1. The City Council approves a PUD in an area less than two acres.
2. The RH2 LLC PUD will allow the following deviation:
 - a. Strictly Residential Use.
3. The project shall be built in substantial compliance with the PUD Building and Site Plans dated October 18, 2022 prepared by Dahlin Group.
4. The Columbia Falls Fire Chief shall approve the fire hydrant location.
5. Landscaping and landscaping features will generally follow the PUD plan with the understanding that the PUD plan is not a detailed Landscaping Plan. The applicants shall provide the City Manager a detailed Landscape plan. The landscape plan shall be approved and the landscaping installed prior to the issuance of an occupancy permit. If, due to weather, the landscaping cannot be completed prior to occupancy, the applicant may enter into a developer's agreement with the City of Columbia Falls and provide security (bond or letter of credit) in the amount of 125% of the landscape improvements. The security amount will be determined by actual bid or licensed engineer. The developer's agreement will not be for longer than six months.
6. The applicant shall construct a six foot wide detached sidewalk along the 4th Avenue West and 8th Street West frontages along with curb and gutter.
7. The applicant shall submit an engineered and stamped drainage plan to the Columbia Falls Public Works for review and approval prior to issuance of a building permit. Said plan shall also include snow storage.
8. The developer will produce a sign plan that is compliant with the zoning regulations. Future sign permits will be reviewed subject to City Zoning Regulations.

9. The applicant detailed architectural building plans will be reviewed by the Planning Office for compliance with the “Small Building Standards” prior to obtaining a Building Permit.
10. The applicant will construct a site obscuring fence with gates around the dumpster site. The refuse screening shall be included with the building permit plans.
11. The lighting details will be reviewed at the building permit stage to insure that they comply with the 18-foot height standards and that all lighting has full cut off and/or opaque shields.
12. All conditions of the PUD shall be complied with prior to the issuance of the occupancy permit or otherwise addressed as provided for in this PUD.
13. Safety fencing will be installed during construction.
14. These units may not be rented for periods of less than 30 days; they are specifically restricted from being used as short-term vacation rentals.