

ORDINANCE NO. 721

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, CHANGING THE ZONING CLASSIFICATION FROM R-3 SINGLE FAMILY DWELLING TO B-2 GENERAL BUSINESS OF CERTAIN REAL PROPERTY OWNED BY DAVID J. CONNOR AND LISA L. CONNOR, IN THE COLUMBIA FALLS ZONING DISTRICT, LOCATED IN SECTION 18, TOWNSHIP 30 NORTH, RANGE 20 WEST, FLATHEAD COUNTY, MONTANA.

WHEREAS, David J. Connor and Lisa L. Connor, the purported owners of the property, have requested a zone change from R-3 to B-2 for certain real property more particularly described as follows:

That part of Government Lot 1 of Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, particularly described as follows:

Beginning at a point 20½ rods East of the Northwest Corner of said Lot 1; thence  
East a distance of 5 rods to a point; thence  
South a distance of 32 rods to a point; thence  
West a distance of 5 rods to a point; thence  
North a distance of 32 rods to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Montana for highway purposes by Instrument recorded February 27, 1939 in Book 234, Page 141, records of Flathead County, Montana.

WHEREAS, said zone change request was considered by the Columbia Falls Planning Office in Report #CZC-11-01, wherein it was recommended that said request be approved;

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on May 19, 2011, and the Commission recommended approval of said change in zoning classification, subject to certain conditions;

WHEREAS, a hearing on said zone change was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, June 6, 2011, 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 zoning change 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 #CZC-11-01, including the conditions set forth on Exhibit "A" attached hereto, is

hereby adopted by the Council as findings of fact with respect to said zone change request.

Section Two. Change in Zoning Classification: That the zoning classification is hereby changed from R-3 to B-2 for certain real property, more particularly described on Exhibit "A" attached hereto.

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 Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. 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 Five. 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 20th DAY OF JUNE, 2011, THE COUNCIL VOTING AS FOLLOWS:

AYES: Karper, Petersen, Plevel, Reikofski, Shepard, Barnhart

NOES: None

ABSENT: Bates

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 21st DAY OF June, 2011.

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Mayor

ATTEST:

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City Clerk

## **EXHIBIT "A"**

1. The decibel level of noise, measured by a professional, at the property line along the east side of the western neighboring lot, shall not exceed 65 dBA.
2. The applicant shall plant a tree buffer along the east side of the western neighboring lot no later than October 15, 2011.
3. The zone change shall be null and void and the previous zone designation, R-3, shall be restored if applicant has not met conditions 1 and 2 by October 15, 2011.