

ORDINANCE NO. 723

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 ON THE PLATTED CEDAR CREEK SOUTH SUBDIVISION WHICH IS PRESENTLY ZONED SAG5, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED AS LOTS 1, 2 AND 3 OF CEDAR CREEK SOUTH SUBDIVISION, LOCATED IN SECTION 28, TOWNSHIP 31 NORTH, RANGE 20 WEST, FLATHEAD COUNTY, MONTANA.

WHEREAS, the City of Columbia Falls, the purported owner of the property, has requested an amendment to the Columbia Falls zoning map to allow the development of a Planned Unit Development (PUD) overlay zone on the Cedar Creek South Subdivision presently zoned SAG5, to allow for stays of up to six months for a single RV or Motor Coach on each of the three subdivision lots;

WHEREAS, the Columbia Falls Planning Department, on October 24, 2011, in Report #CPUD-11-1, recommended approval of the requested Planned Unit Development (PUD) subject to certain conditions;

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on November 8, 2011, and the Planning Board recommended approval of said Planned Unit Development subject to certain conditions;

WHEREAS, the Columbia Falls Planning Office revised Report #CPUD-11-1, to reflect the recommendations made by the Columbia Falls City-County Planning Board; and

WHEREAS, a hearing on the Planned Unit Development was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, November 21, 2011, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Columbia Falls City-County Planning Board, the report of the Columbia Falls Planning Department, 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 Department Report #CPUD-11-1 (Revised), dated October 24, 2011, as amended by the Columbia Falls City-County Planning Board and City Council, 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 Planned Unit Development (PUD) overlay on property presently zoned SAG-5 to allow for stays of up to six months for a single RV or Motor Coach on each of the three subdivision lots, is hereby approved, subject to the conditions as set forth on Exhibit "A" attached hereto. Said property is more particularly described as follows:

Lots 1, 2 and 3 of Cedar Creek South Subdivision, located in Section 28, Township 31 North, Range 20 West, Flathead County, Montana.

Section Three. All documents included in the site plan and the recommendation of the Planning Department are hereby incorporated by reference.

Section Four. The Council finds that the proposal complies with Chapter 18.33 of the Columbia Falls Area Zoning Regulations, and that the proposal results in a more efficient use of the land than is otherwise permissible.

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 DECEMBER 2011, THE COUNCIL VOTING AS FOLLOWS:

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

NOES:None

ABSENT:Petersen

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 20th DAY OF DECEMBER 2011.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

1. The definition of Recreational Vehicle and Motor Coach shall be amended for this PUD application to read RV and Motor Coaches shall be defined as follows:

"Recreational vehicle" means a travel trailer designed to be towed, motorized home, or coaches, not older than ten years, as verified by the registration tag, and designed and constructed for human habitation, which can be operated independently of utilities but shall be connected to on-site power, water, and sewer facilities and designed to be used principally as a temporary (up to seven months in a calendar year) dwelling for travel, recreation and vacation. A travel trailer shall adhere to width restrictions as set by MT DOT, excluding slide outs, and not less than twenty-five feet on length.

2. RV or Motor Coach stays are limited to seven months within a calendar year.
3. Only one Recreational Vehicle, as defined in these conditions of approval, shall be allowed on a lot of record.
4. The recreational vehicles are subject to the entire setback, lot coverage standards and use standards of the Columbia Falls SAG-5 zoning classification and subdivision requirements of the Cedar Creek South development with the exception of the approved CPUD-11-01 conditions.
5. Use of a Recreational Vehicle within the proposed PUD does not preclude the construction of a residence on the lot and in fact, that is encouraged.
6. Only Class A or B fire rated roofing materials are allowed on any buildings on the property. No shiny, reflective or unpainted metal siding or roofing material shall be used. No "cargo containers" or other metal prefabricated structures shall be allowed for storage or any other purpose on the property. No structure of a temporary nature, such as a basement, tent, shack, garage, barn, camper, or other outbuilding shall be used on any parcel at any time as a residence, either temporarily or permanently, except during the construction of a principal dwelling, for a period not to exceed six (6) months.

No structure of any kind of what is commonly known as "boxed" or "sheet metal" construction shall be built on the premises unless the residence or structure shall be covered over on all its outside walls with natural materials, stucco, brick, stone, metal or wood siding.

7. The use of a recreational vehicle on a lot shall be non-commercial in nature, specifically exclusive on short term vacation rental of the lot(s) for periods of 30 days or less. Rentals of such lots for periods longer than 30 days and otherwise allowed hereunder by parties not listed on the warranty deeds conveying title to the lots shall be subject to the approval of the Petitioner or a majority of successors in interest to the Petitioner. Such approval shall not be unreasonably withheld.