

ORDINANCE NO.732

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING VARIOUS SECTIONS OF TITLE 18 OF THE COLUMBIA FALLS MUNICIPAL ZONING CODE DEALING WITH VACATION RENTALS.

WHEREAS, the City Council believes that certain changes are necessary for the purposes of updating and clarifying the Columbia Falls Zoning Code;

WHEREAS, the City Council believes that certain text amendments to the Columbia Falls Area Zoning Ordinance are necessary to promote the health, general welfare, safety and/or morals of the citizens of Columbia Falls;

WHEREAS, said amendments were considered by the Columbia Falls City-County Planning Board and Zoning Commission at its regularly scheduled meeting on May 15, 2012, and the Board recommended approval of said zoning text amendments;

WHEREAS, a hearing on said zoning text amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, June 4, 2012, 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 and Zoning Commission, together with any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that the zoning text amendments are 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's Staff Report dated April 23, 2012 is hereby adopted by the Council as findings of fact with respect to said zoning text amendments.

Section Two. Sections Amended: That Title 18 of the Columbia Falls Municipal Code is hereby amended as set forth on Exhibit AA@ 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 Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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.

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PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS,
MONTANA THIS 16th DAY OF JULY, 2012, THE COUNCIL VOTING AS FOLLOWS:

AYES: Karper, Petersen, Plevel, Shepard, Barnhart

NOES: None

ABSENT: Bates, Fisher

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 16th DAY OF
JULY, 2012.

Mayor

ATTEST:

City Clerk

Exhibit “A”New Definitions:**18.600 Definitions:**

Residential. A structure regularly used by its occupants as a permanent place of abode, which is made one’s home as opposed to one’s place of business and which has housekeeping and cooking facilities for its occupants only. In situations where a dwelling is rented or leased, a residential use would involve lease periods of one month or more.

Vacation Rental. A residential use that allows paid visitors to rent an entire house, townhouse unit, condominium unit, apartment or other residence located in the applicable zoning district for a period of between one and thirty days. In Columbia Falls, this use requires an Administrative Conditional Use Permit if proposed in suburban agricultural and residential zoning districts. Vacation rentals are not Bed and Breakfast, Hostel, Lodge, Motel or Hotel establishments and shall not provide food or beverages for sale on premises or with the rental of the dwelling.

New Special Provisions Section**Chapter 18.445 VACATION RENTALS****18.445.010 Applicable Zoning Districts.**

The Vacation Rentals may apply for a conditional use permit within the CSAG-20; CSAG-10; CSAG-5; CR-1; CR-2; CR-3; CR-4; CR-5; and CRA-1 zoning districts. Vacation Rentals within the CB-2, CB-4 and CB-5 are permitted uses

18.445.020 Administrative Conditional Use Permit Standards

Any property owner within an applicable zoning district (18.445.010) wishing to rent their unit for period of thirty days or less shall complete and submit, with filing fee, an Administrative Conditional Use Permit Application Form with the City of Columbia Falls. The Administrative Conditional Use Permit shall ensure the follow standards are meet:

1. Units rented shall not exceed the allowable dwelling unit density of the underlying zoning district. A unit is defined as a rentable, lockable space within a building containing a kitchen or kitchenette.
2. The property owner shall provide the name of a local contact person that shall be responsible for handling any problems that arise with the property.
3. Each unit for rent shall provide a minimum of two off-street parking spaces.

4. Each unit will provide a sign-off of the Fire Marshall from the Columbia Falls Fire Department that indicates the dwelling has smoke detectors and egress windows for each bedroom.

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5. Each unit shall provide a State of Montana Public Accommodation License for a Tourist Home. This License is administered by the Flathead City-County Health Department and is subject to annual inspections.
6. There will be no signage advertising the nightly rental of properties within the Suburban Agricultural or Residential zoning districts.
7. If located in the City Limits, provide proof of a Columbia Falls City Business License. (Note: All Vacation Rental units are subject to and the owners are responsible for collecting the State's Bed Tax)
8. An inspection of the unit by the Zoning Administrator or his/her designee shall ensure that the dwelling in question conforms to the land use provisions of the Columbia Falls Zoning Ordinance.
9. The property owner shall understand that a violation of any of these conditions as well as repeated complaints of disturbing the peace related to the property shall result in suspension and possible revocation of the Administrative Conditional Use Permit.
10. The applicant is responsible for reviewing and adhering to all Covenants, Conditions and Restrictions in place. The City shall not be responsible for the applicant's determinations as to compliance with such Covenants, Conditions and Restrictions and shall have no duty to enforce them.

Amend Existing Sections

18.210.110 Administrative Conditional use permits

In specific circumstances, the City may issue an administrative conditional use permit for home occupations, temporary uses, vacation rentals, and minor (fifteen percent or less) expansions of nonconforming uses,

Add "Vacation Rental (See Chapter 18.445)" to the Conditional Use Permit categories in Chapters 18.317 CSAG-20; 18.318 CSAG-10; 18.320 CSAG-5; 18.322 CR-1; 18.324 CR-2; 18.326 CR-3; 18.328 CR-4; 18.330 CR-5; and 18.332 CRA-1.

Add "Vacation Rentals" to the permitted use categories in Chapters 18.336 CB-2; 18.338 CB-4; and 18.340 CB-5.