

ORDINANCE NO.765

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, CHANGING THE ZONING CLASSIFICATION FROM CB-2 (GENERAL BUSINESS) AND CR-4 (URBAN RESIDENTIAL) TO CRA-1 RESIDENTIAL APARTMENT FOR CERTAIN PROPERTY IN THE COLUMBIA FALLS ZONING DISTRICT, DESCRIBED AS TRACT B OF THE CRESCENT AMENDED PLAT EXCLUDING MDOT RIGHT-OF-WAY AND ASSESSORS TRACTS 1A AND 1AD ALL LOCATED IN SECTION 9, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED AS 673 8<sup>TH</sup> AVENUE E.N. AND 810 RAILROAD STREET, COLUMBIA FALLS.

WHEREAS, Patrick W. Rose, the purported owner of the real property, has requested a zone change from CB-2 General Business to CRA-1 Residential Apartment for the property described as Tract B of the Crescent Amended Plat Excluding MDOT right-of-way, according to the plat thereof on file and of record in the office of the Clerk and Recorder, Flathead County, Montana, more particularly described as 673 8<sup>th</sup> Ave E.N., Columbia Falls, MT;

WHEREAS, Salvador Maldonado, the purported owner of the real property, has requested a zone change from CR-4 Urban Residential to CRA-1 Residential Apartment for the property described as Assessors Tracts 1A and 1AD, Section 9, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, more particularly described as 810 Railroad Street, Columbia Falls, MT;

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on July 12, 2016, and the Commission recommended approval of said change in zoning classification; and

WHEREAS, said zone change request was considered by the Columbia Falls Planning Office in Report #CZC-16-02, dated June 30, 2016, wherein it was recommended that said request be approved; and

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, August 1, 2016, 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-16-02, dated June 30, 2016, 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 CB-2 General Business and CR-4 Urban Residential to CRA-1 Residential Apartment for certain real property more particularly described as Tract B of the Crescent Amended Plat Excluding MDOT right-of-way, according to the plat thereof on file and of record in the office of the Clerk and Recorder, Flathead County, Montana, more particularly described as 673 8<sup>th</sup> Ave E.N., Columbia Falls, MT and property described as Assessors Tracts 1A and 1AD, Section 9, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, more particularly described as 810 Railroad Street, Columbia Falls, MT;

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 15<sup>th</sup> DAY OF AUGUST, 2016, THE COUNCIL VOTING AS FOLLOWS:

AYES: Petersen, Piper, Shepard, Fisher, Karper, Lovering and Barnhart

NOES: None.

ABSENT: None.

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City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 15th DAY OF AUGUST, 2016.

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Mayor

ATTEST:

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City Clerk