

**ORDINANCE 3164**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: FOXWOOD ESTATES SUBDIVISION LOCATED IN THE GOVERNMENT LOT 2 OF SECTION 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M. CASCADE COUNTY, MONTANA, FROM R-1 SINGLE-FAMILY SUBURBAN TO PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

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**WHEREAS**, the subject properties, located on the southwest corner of Park Garden Road and Park Garden Lane are presently zoned R-1 Single-family suburban; and

**WHEREAS**, the property owner, Brett Haverlandt, has petitioned the City of Great Falls to rezone said properties to PUD Planned Unit Development district; and

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on June 27, 2017, to consider said rezoning from R-1 Single-family suburban residential district to PUD Planned Unit Development district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as Foxwood Estates Subdivision, located in the Government Lot 2 of Section 23, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana; and,

**WHEREAS**, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 15th day of August, 2017, before final passage of said Ordinance herein; and

**WHEREAS**, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said rezoning designation be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

Section 1. It is determined that the herein requested rezoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.40.030 of the OCCGF.

Section 2. That the property legally described as: Foxwood Estates Subdivision, located in the Government Lot 2 of Section 23, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana, be rezoned to PUD Planned Unit Development district, subject to the setbacks, and other development standards attached hereto as Attachment A, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. Where the OCCGF regulations apply to a specific zoning district, the R-1 Single-family Suburban district regulations shall apply to the properties within the PUD.

Section 4. All uses listed in Article 17.20.3, Exhibits 20-1, 20-2, and 20-3 of the Official Code of the City of Great Falls (OCCGF) as permitted or conditionally permitted in the R-1 zoning district are allowable uses within the PUD, with the exception of the following uses which are prohibited:

- Agriculture, horticulture, nursery
- Convenience sales
- Contractor yard type I
- Agriculture, livestock
- Private stable/barn
- Roadside farmer's market

Section 5. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading July 18, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading August 15, 2017.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney

State of Montana    )  
County of Cascade  : ss  
City of Great Falls )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3164 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

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Lisa Kunz, City Clerk

(CITY SEAL)