

RESOLUTION 10199

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW ESTABLISHMENT OF A “TWO FAMILY RESIDENCE” LAND USE UPON A PARCEL OF LAND ADDRESSED AS 301 50<sup>TH</sup> STREET SOUTH AND LEGALLY DESCRIBED AS LOT 10, BLOCK 20, SECOND SUPPLEMENT TO SUNRISE TERRACE ADDITION, SE ¼ OF SECTION 9, T20N, R4E, PMM, CASCADE COUNTY, MT.

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WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “two family residence” land use upon the property legally described as Lot 10, Block 20, Second Supplement to Sunrise Terrace Addition, SE ¼ of Sec. 9, T20N, R4E, PMM, Cascade County, Montana (subject property); and,

WHEREAS, the subject property is presently zoned R-3 Single-family high density, wherein a “two family residence” land use is permitted upon receiving approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the establishment of a “two family residence” land use upon the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 27, 2017, to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit for a “two family residence” land use be granted for the subject property, subject to the following conditions:

## CONDITIONS

1. Subsequent Modifications and Additions: If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine, in writing, if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. Expiration: The Conditional Use Permit shall expire three (3) years after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one (1) year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one (1) year, if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
3. Abandonment: If the permitted conditional use ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.
4. General Code Compliance: The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. Acceptance of Conditions: No zoning or building permit shall be issued until the property owner acknowledges, in writing, that it has received, understands, and agrees to comply with the conditions of approval.

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

That a Conditional Use Permit be granted for a “two family residence” land use at the property addressed as 301 50<sup>th</sup> Street South, Great Falls, Montana, and legally described as Lot 10, Block 20, Second Supplement to Sunrise Terrace Addition, SE ¼ of Sec. 9, T20N, R4E, PMM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on July 18, 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 R. Sexe, City Attorney