

**ORDINANCE 3184**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE EAST 12 FEET BY 132 FEET OF LOT 8, BLOCK 49, BLACK EAGLE FALLS ADDITION: AS SHOWN ON THE PROPOSED AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION TO GREAT FALLS FROM POS PARK AND OPEN SPACE TO C-2 GENERAL COMMERCIAL DISTRICT**

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**WHEREAS**, the subject property located in the southeast corner of Lions Park and directly adjoining the commercial property of 2815 10<sup>th</sup> Avenue South is presently zoned POS Park and Open Space; and

**WHEREAS**, the property owner of 2815 10<sup>th</sup> Avenue South proposes to purchase the east 12 feet by 132 feet of Lot 8, Block 49, Black Eagle Falls Addition and combine it with his property of Lot 7, Block 49, Black Eagle Falls Addition, in order to construct a elevator to the second story of his property and has petitioned the City of Great Falls to rezone subject 12 feet by 132 feet portion of unused park to match the zoning upon the commercial property of C-2 General Commercial; and

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on November 14, 2017, to consider said rezoning from POS Park and Open Space to C-2 General Commercial district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the the east 12 feet by 132 feet of Lot 8, Block 49, Black Eagle Falls Addition; 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 16<sup>th</sup> day of January, 2018, 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 17.16.29.050, and that the said rezoning designation be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY 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 17.16.29.050 of the OCCGF.

Section 2. That the east 12 feet by 132 feet of Lot 8, Block 49, Black Eagle Falls Addition, be rezoned to C-2 General Commercial district, subject to the setbacks, and all other applicable regulatory codes and ordinances.

Section 3. 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 December 5, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading January 16, 2018.

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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 Commission, Ordinance 3184 on the Great Falls Civic Center posting board and the Great Falls City website.

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Lisa Kunz, City Clerk

(CITY SEAL)