

**ORDINANCE 3248**

**AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY TO LOT 4A, LOT 5A, AND LOT 8 OF PARK GARDEN TRACTS ADDITION LOCATED IN THE N 1/2 OF SECTION 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA.**

\* \* \* \* \*

**WHEREAS**, the property owners, Timothy and Deborah Murphy, Alexander IV and Celia Blewett, and Tom and Debra Lewis, have petitioned the City of Great Falls to annex the subject properties, consisting of ±7.489 acres, as legally described above; and,

**WHEREAS**, Timothy and Deborah Murphy, Alexander IV and Celia Blewett, and Tom and Debra Lewis have petitioned the City of Great Falls to assign a zoning classification of R-2 Single-family Medium Density to Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, upon annexation to the City; and,

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on July 26, 2022, to consider said assignment of zoning of R-2 Single-family Medium Density district and, at the conclusion of said hearing, passed a motion recommending the City Commission assign said zoning to the subject properties legally described as Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, located in the N ½ of Section 23, T20N, R3E, P.M.M., Cascade County, Montana; and,

**WHEREAS**, notice of assigning said zoning classification to the subject properties was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 6th day of September, 2022, before final passage of said Ordinance herein; and,

**WHEREAS**, following said public hearing, it was found and decided that the assignment of R-2 zoning 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 zoning 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 R-2 zoning request 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 zoning classification of “R-2 Single-family Medium Density” be assigned to Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, located in the N ½ of Section 23, T20N, R3E, P.M.M., Cascade County, Montana as shown in “Exhibit A”, subject to the setbacks, and other development standards and by this reference made a part hereof, as well as 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 August 16, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 6, 2022.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Jeff Hindoien, City Attorney

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

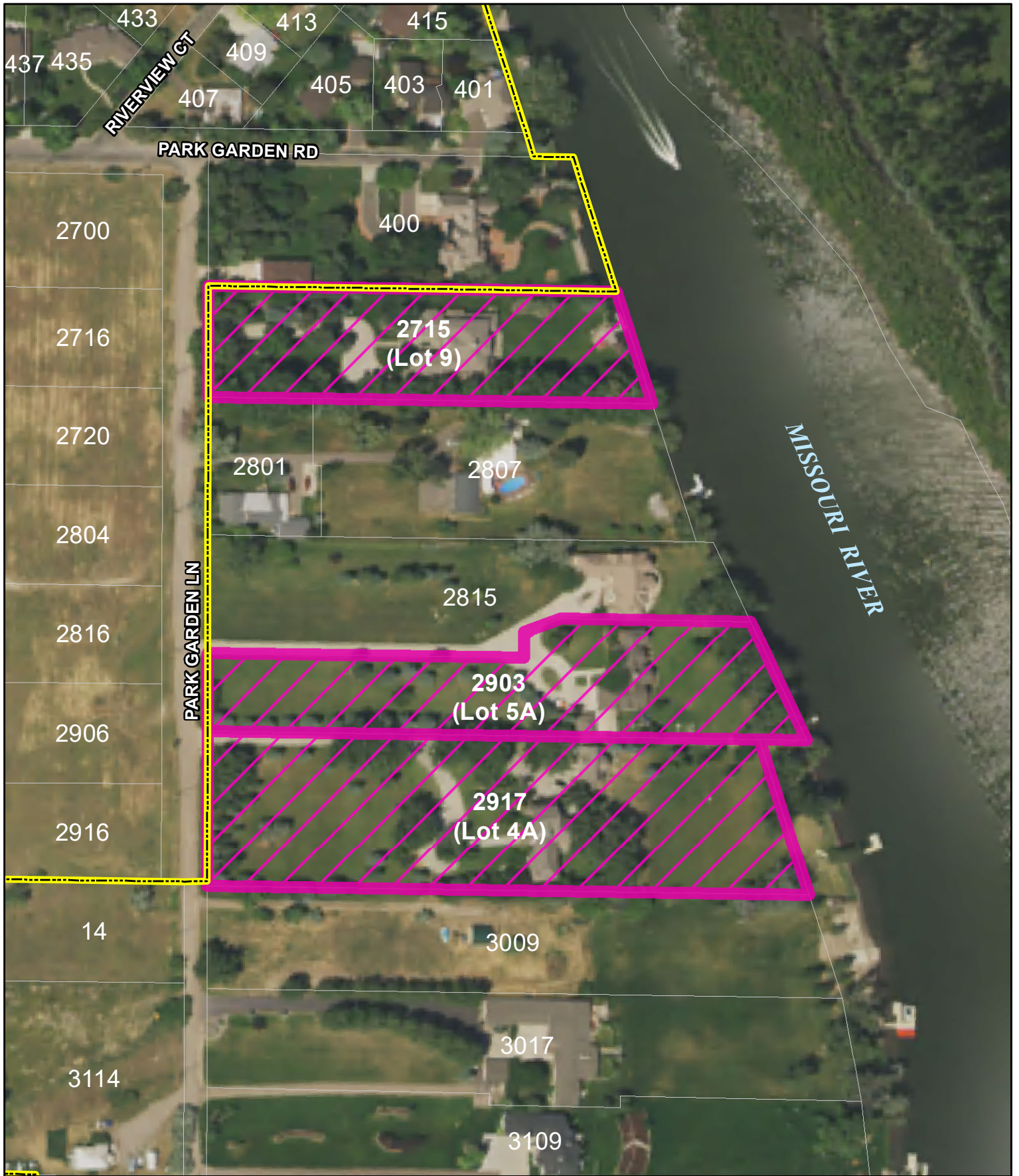
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3248 on the Great Falls Civic Center posting board and the Great Falls City website.


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Lisa Kunz, City Clerk

(CITY SEAL)

# Exhibit A

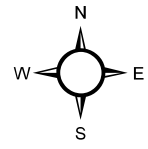


 City Limits

 Ordinance 3248



Date: 8/2/2022



## FINDINGS OF FACT – ZONING MAP AMENDMENT

Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, located in the N ½ of Section 23, T20N, R3E, P.M.M., Cascade County, Montana.

### **PRIMARY REVIEW CRITERIA:**

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) § 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

#### **1. The amendment is consistent with and furthers the intent of the City's growth policy.**

The proposal to annex and establish R-2 Single-family medium density zoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposed zoning map amendment specifically supports the following goals and policies:

- Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.
- Physical Policy 4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

#### **2. The amendment is consistent with and furthers adopted neighborhood plans, if any.**

The subject properties are located adjacent to Neighborhood Council #1. There is no adopted neighborhood plan for Neighborhood Council #1, or any other Council within the City. Neighborhood Council #1 discussed the project at their December 14, 2021 meeting. The Council voted unanimously to support the request.

#### **3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.**

The subject properties are not located within any adopted plan or sub-area planning areas. The annexation request consists of existing residential homes and will not generate any additional traffic.

#### **4. The code with the amendment is internally consistent.**

The proposed establishment of R-2 Single-family Medium Density zoning is not in conflict with any portion of the existing City Code and will be consistent with the adjacent existing zoning. The existing single-family homes fit in with the context of the neighborhood based on the surrounding single-family homes adjacent to the property. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood, as the subject properties are existing residential properties.

**5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.**

There are no existing public health, safety, or welfare issues that have been identified for the subject properties. The zoning assignment will have no impact on these issues.

**6. The City has or will have the financial and staffing capability to administer and enforce the amendment.**

The City has the financial and staffing capability to administer and enforce the amendment if it is approved. The use of the subject properties conforms to the proposed zoning, and no public infrastructure needs to be provided to support the new zoning designation on the property.