

ORDINANCE 3097

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO AGRITECH PARK ADDITION, A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 8 & 9, THE SW1/4, & THE SE1/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, The Great Falls City Commission took action to annex the property known as AgriTech Park Addition a tract of land located in Government Lots 8 & 9, the SW1/4, & the SE1/4 of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, herein referred to as subject property, on November 7, 2012; and,

WHEREAS, the Great Falls City Commission at said meeting requested that the subject property be assigned a zoning classification of PUD-Planned unit development; and,

WHEREAS, the applicant, Great Falls Development Authority, has agreed to petition the City of Great Falls to rezone said property, to PUD-Planned unit development district classification; and,

WHEREAS, notice of assigning said zoning classification to said 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 January, 2013, before final passage of said Ordinance herein; and,

WHEREAS, the approval of said zoning classification is subject to the developer, Great Falls Development Authority, fulfilling the conditions of approval listed in the Planning Advisory Board / Zoning Commission agenda report dated December 11, 2012, which include:

The underlying zoning for the Planned unit development shall be I-2 Heavy Industrial and development standards shall be those prescribed in Title 17, City Code, for I-2 zoning, except:

- 1) Helipads and Motor Vehicle Graveyards shall be prohibited uses.
- 2) Lot coverage for all 10 lots shall be limited to a maximum of 70%.
- 3) A 50 foot building setback from all public rights-of-way shall apply to all 10 lots, also depicted as a “utility and storm water easement” on the final plat.
- 4) Where the north boundary line of the subdivision abuts State of Montana or PPL Montana property, building heights shall be limited to the following:
 - 0 feet- 150 feet – “no buildings zone” as depicted on the final plat

- 150 feet- 300 feet – maximum 50 foot height limit
 - 300 feet-450- feet – maximum 100 foot height limit
 - 450 feet-600 feet – maximum 150 foot height limit
 - 600+ feet – maximum height limited only by federal/local regulations
- 5) Prior to start of construction, end-users shall prepare a Litter and Dust Control Plan for site construction and operations. End-users shall provide copies of Litter and Dust Control Plan to City for review and approval and shall follow litter and dust control provisions.
 - 6) Whenever it is commercially reasonable to do so, all exterior lighting shall be dark-sky friendly.
 - 7) Whenever it is commercially reasonable to do so, paint colors will match or be consistent with the natural surroundings of the subdivision.
 - 8) Freestanding signage shall be limited to monument signs no more than 12 feet in height and have a consistent design theme throughout the subdivision.
 - 9) Permanent outdoor storage shall be substantially screened from view from adjacent rights-of-way by landscaping (trees and other plant materials), and/or fences/walls. If screening is to consist of chain link fence with slats or sheet metal fencing, then trees must be planted along outside of fence line at a minimum 50 foot spacing.
 - 10) Any areas in the 150 foot “no buildings zone” disturbed by construction or development shall be replanted with native plant species. Whenever it is commercially reasonable to do so, any site landscaping shall use native plant species.
 - 11) The developer, Great Falls Development Authority, shall donate \$250 per acre at closing to Recreational Trails, Inc. for trail maintenance the first time each lot is sold in the subdivision.
 - 12) The developer, Great Falls Development Authority, shall be bound by the terms of the Annexation Agreement with regard to provision of public improvements including, but not limited to, rail and roadway improvements, stormwater management, and water and sewer infrastructure.
 - 13) End-users shall be bound by the terms of the Annexation and Development Agreement with regard to provision of all on-site improvements.

and,

WHEREAS, following said public hearing, it was found and decided that the said rezoning designation be made.

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

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning classification of said AgriTech Park Addition a tract of land located in Government Lots 8 & 9, the SW1/4, & the SE1/4 of Section 34, Township 21 North,

Range 4 East, P.M.M., Cascade County, Montana, be designated as PUD-Planned unit development district, as defined:

The underlying zoning for the Planned unit development shall be I-2 Heavy Industrial and development standards shall be those prescribed in Title 17, City Code, for I-2 zoning, except:

1. Helipads and Motor Vehicle Graveyards shall be prohibited uses.
2. Lot coverage for all 10 lots shall be limited to a maximum of 70%.
3. A 50 foot building setback from all public rights-of-way shall apply to all 10 lots, also depicted as a “utility and storm water easement” on the final plat.
4. Where the north boundary line of the subdivision abuts State of Montana or PPL Montana property, building heights shall be limited to the following:
 - 0 feet- 150 feet – “no buildings zone” as depicted on the final plat
 - 150 feet- 300 feet – maximum 50 foot height limit
 - 300 feet-450- feet – maximum 100 foot height limit
 - 450 feet-600 feet – maximum 150 foot height limit
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5. Prior to start of construction, end-users shall prepare a Litter and Dust Control Plan for site construction and operations. End-users shall provide copies of Litter and Dust Control Plan to City for review and approval and shall follow litter and dust control provisions.
6. Whenever it is commercially reasonable to do so, all exterior lighting shall be dark-sky friendly.
7. Whenever it is commercially reasonable to do so, paint colors will match or be consistent with the natural surroundings of the subdivision.
8. Freestanding signage shall be limited to monument signs no more than 12 feet in height and have a consistent design theme throughout the subdivision.
9. Permanent outdoor storage shall be substantially screened from view from adjacent rights-of-way by landscaping (trees and other plant materials), and/or fences/walls. If screening is to consist of chain link fence with slats or sheet metal fencing, then trees must be planted along outside of fence line at a minimum 50 foot spacing.
10. Any areas in the 150 foot “no buildings zone” disturbed by construction or development shall be replanted with native plant species. Whenever it is commercially reasonable to do so, any site landscaping shall use native plant species.
11. The developer, Great Falls Development Authority, shall donate \$250 per acre at closing to Recreational Trails, Inc. for trail maintenance the first time each lot is sold in the subdivision.
12. The developer, Great Falls Development Authority, shall be bound by the terms of the Annexation Agreement with regard to provision of public improvements including, but not limited to, rail and roadway improvements, stormwater management, and water and sewer infrastructure.
13. End-users shall be bound by the terms of the Annexation and Development Agreement with regard to provision of all on-site improvements.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the plat of AgriTech Park Addition a tract of land located in Government Lots 8 & 9, the SW1/4, & the SE1/4 of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading December 18, 2012.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading January 15, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim 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 3097 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

Lisa Kunz, City Clerk

(CITY SEAL)