

ORDINANCE 3104

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO PROPOSED LOT 5 OF THE AMENDED PLAT OF LOTS 1-3 OF THE AMENDED PLAT OF LOT 1, BLOCK 1, THIRD SUPPLEMENT TO RIVERVIEW TRACTS AND TRACTS 1-A AND 2 OF THE AMENDED PLAT OF TRACTS 1-A, 2, 3 AND 4, RIVERVIEW TRACTS AND TRACT 5-A OF THE AMENDED PLAT OF TRACTS 5, 6, 7, 8, AND 9, RIVERVIEW TRACTS, AND TRACT 3 OF THE AMENDED PLAT OF THE TRACTS 1-A, 2, 3 AND 4, RIVERVIEW TRACTS, AND LOT 1 BLOCK 1, OF THE AMENDED PLAT OF LOT 1, BLOCK 1, OF THE AMENDED PLAT OF BLOCK 1, FOURTH SUPPLEMENT TO RIVERVIEW TRACTS, AND TRACTS 10-13 OF THE RIVERVIEW TRACTS ADDITION. A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 3 & 4 OF SECTION 1, AND GOVERNMENT LOT 1 OF SECTION 2, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA. (ADDRESSED AS 1807 3rd St NW)

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WHEREAS, the subject property is legally described as proposed Lot 5 of the Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview Tracts Addition. A Tract of Land Located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana and additionally described as a portion of 1807 3rd St NW, herein referred to as “Subject Property” and owned by Calumet Montana Refining (Calumet); and,

WHEREAS, in 2005 the City of Great Falls completed a City-wide rezoning wherein the Subject Property was zoned C-2 General commercial; and,

WHEREAS, Calumet, has petitioned the City of Great Falls to rezone the subject property to I-2 Heavy Industrial district; and,

WHEREAS, The Great Falls City Commission took action to rezone adjacent properties to I-2 Heavy industrial at a Public Hearing held on February 5, 2013; 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 owner, Calumet, has petitioned the City of Great Falls to rezone said property, to PUD-Planned unit development district classification; and,

WHEREAS, the Zoning Commission recommended the City Commission approve the rezoning of the Subject Property from C-2 General commercial to PUD – Planned Unit Development at a Public Hearing held on March 12, 2013; and,

WHEREAS, notice was published in the *Great Falls Tribune* advising that a public hearing on the proposed zoning map amendment would be held on the 7th day of May, 2013, before final passage of said Ordinance herein; 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 proposed Lot 5 of the Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview Tracts Addition (A Tract of Land located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana) be designated as PUD-Planned unit development district, as defined:

The uses on the Subject Property shall be limited to those accessory to the production and manufacturing of petroleum fuels or petrochemicals. Development on the subject property shall conform to the Development Standards prescribed in Title 17, City Code, for I-2 Heavy industrial zoning, except that the height of buildings, structures or accessory buildings and structures shall not exceed 60 feet. Stacks necessary for venting combustion products shall be permitted at Montana Department of Environmental Quality required heights. Permanent outside uses shall be adequately screened, including an 8-foot wall, from adjacent properties zoned C-2 General Commercial and located on the north side of the Subject Property.

Processing facilities or units for the manufacturing of petroleum fuels or petrochemicals are not permitted with the following exceptions:

1. Structures used for the storage of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals. Structures shall not exceed a height of 60 feet above grade.
2. Structures used for the storage or warehousing of materials or equipment required in the processing or manufacturing of petroleum products, asphalts or petrochemicals. Structures shall not exceed a height of 35 feet above grade.
3. The equipment or activities required for the receiving, shipping, blending or compounding of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals.
4. The equipment or activities required to maintain the quality or temperature for the receiving or shipping of petroleum, petroleum products, petroleum fuels, asphalts or petrochemicals.
5. Any equipment or activities required for the maintenance or the improvement of air or water quality.

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 Amended Plat of Lots 1-3 of the Amended Plat of Lot 1, Block 1, Third Supplement to Riverview Tracts and Tracts 1-A and 2 of the Amended Plat of Tracts 1-A, 2, 3 and 4, Riverview Tracts and Tract 5-A of the Amended Plat of Tracts 5, 6, 7, 8, and 9, Riverview Tracts, and Tract 3 of the Amended Plat of the Tracts 1-A, 2, 3 and 4, Riverview Tracts, and Lot 1 Block 1, of the Amended Plat of Lot 1, Block 1, of the Amended Plat of Block 1, Fourth Supplement to Riverview Tracts, and Tracts 10-13 of the Riverview Tracts Addition. A Tract of Land Located in Government Lots 3 & 4 of Section 1, and Government Lot 1 of Section 2, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, whichever event shall occur later.

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading April 16, 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 3104 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)