

City of Red Lodge



Zoning Regulations

Effective as of June 10, 2022

Red Lodge, Montana --- City Code Title 12, Chapter 4

Recommended by the Red Lodge Planning Board on February 23rd, 2022
Approved by the Red Lodge City Council with Ordinance 957 on May 10th, 2022



red lodge
BASE CAMP TO THE BEARTOOTH

ACKNOWLEDGEMENTS

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4.1.0 General Provisions

4.1.10 Short Title

This Ordinance shall be known as the Red Lodge Zoning Ordinance and shall consist of the text contained herein and a certain map identified as the Official Zoning Map of the City of Red Lodge, which is on file in the office of the Carbon County Clerk and Recorder.

4.1.20 Authority

This Ordinance is adopted pursuant to the statutory authority granted by the laws of the State of Montana, including Sec. 76-1-601, 603, 605 and Sec. 76-2-301, M.C.A., et seq. In addition, this Ordinance is authorized by Sec. 7-1-101, M.C.A.

4.1.30 Purposes and Intent

The purposes and intent of these Zoning Regulations are to:

4.1.31 Promote the health, safety and general welfare of the citizens of Red Lodge; and

4.1.32 To implement the policies, goals and strategies of the *Red Lodge Growth Policy*.

4.1.40 Enactment, Effective Date and Repeals

These Zoning Regulations along with the Official Zoning Map are adopted by the City of Red Lodge Ordinance Number 957; and both shall be filed in the office of the Carbon County Clerk and Recorder. These Regulations shall be in full force and effect after the 10th of June, 2022, after which all parts or portions of other ordinances in conflict herewith are hereby repealed.

4.1.50 Applicability and Jurisdiction

Except as otherwise expressly stated herein, these Regulations apply to all developments, public and private, within the corporate limits of the City of Red Lodge to the extent allowed by law.

4.1.60 Permits Required, No Conflicting Licenses or Permits Shall be Issued

4.1.61 Construction and Use

Except as hereinafter provided, no land or building shall be used, no prior use of a building or land shall be changed, and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt except in accordance with these Zoning Regulations.

4.1.62 Licenses and Permits

No license or permit shall be issued for a use, building or purpose that would be in conflict with these Regulations. All departments, officials and public employees vested with the duty and authority to issue licenses or permits shall issue such licenses or permits in conformance with the provisions of these Regulations. Any license or permit issued in conflict with these Regulations shall be null and void.

4.1.63 Utility Connections

The Zoning Administrator shall not authorize the connection of utilities, such as water or sewer, until all of the standards and procedures of these Regulations have been met, and all applicable fees have been paid.

4.1.64 Building Permit and Certification of Occupancy

No building permit shall be issued except in compliance with the terms, procedures and standards of these Zoning Regulations. A certificate-of-occupancy / final inspection shall not be issued for any structure except when said structure is compliant with the applicable section of the City-adopted International Building Codes; and both said structure or development and property it is on is in compliance with the terms, procedures and standards of these Zoning Regulations.

4.1.70 Minimum Standards

The provisions of these Regulations shall be held as the minimum requirements for executing the stated purposes and intent of these Regulations.

4.1.80 Conflicting Provisions

4.1.81 Conflict with State or Federal Regulations

If provisions of these Regulations are inconsistent with provisions of state or federal law or regulations, the provisions that impose the greater restriction or more stringent controls shall apply, to the extent permitted by law.

4.1.82 Conflict with Other City Regulations

If provisions of these Regulations are inconsistent with one another; or if they conflict with provisions of other Ordinances or regulations of the City, the provisions that impose greater restrictions or more stringent controls shall apply.

4.1.83 Conflict with Other Agreements

It is not the intent of these Regulations to interfere with or nullify any easements, covenants or agreements which are not in conflict with the provisions of these Regulations.

4.1.90 Rules of Construction and Interpretation

4.1.91 Meanings and Intent

The wording of these Regulations is intended to be read literally. Standards are no more or less strict than stated. Words defined in Article 4.11.0, Definitions, have the specific meaning provided. Article 4.11.0, Definitions, contains a procedure to address words not defined in said article.

- A.** The particular controls the general.
- B.** The word "shall" is always mandatory and not directory. The word "may" is permissive.
- C.** Words used in the present tense include the future, unless the text or context clearly indicates the contrary.
- D.** A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- E.** The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

4.1.92 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not change or limit the provisions of these Regulations. In case of any difference of meaning or implication between the text of these Regulations and any heading, figure or illustration, the text shall apply.

4.1.93 Current Versions and Citations

All references to documents or to other municipal, county, state or federal regulations shall be interpreted as references to the most recent version of the documents or regulations.

4.1.94 Delegation of Responsibility

Whenever a provision requires an officer, board or commission to perform an act of duty, that provision will be construed as authorizing the referenced officer, board or commission to delegate that responsibility to others over whom they have authority, unless such delegation is prohibited by statute.

4.1.100 Transitional Provisions**4.1.101 Violations Continue**

Any violation of the previous development code or zoning ordinance will continue to be a violation under these Regulations and be subject to penalties and remedies under Article 4.10.0, Enforcement, unless the use, development, construction or other action complies with the provisions of these Regulations.

4.1.102 Vested Rights**A. Approved Projects**

Projects with valid approval(s) or permits may be completed or continued in accordance with the development standards in effect at the time of approval(s), provided the permit or approval is valid and has not passed.

B. Legal Nonconformities Under Prior Ordinance

Any legal nonconformity under the previous development code or ordinance will continue to be a legal nonconformity under this Ordinance if the basis for the nonconformity under the previous code continues to exist.

C. Uses, Lots, Structures and Sites Rendered Nonconforming**1. Uses**

If a lot, building or site is used for a purpose that complied with the previous development code before the effective date of this Ordinance and this Ordinance no longer classifies such use as either a permitted or conditional use in the zoning

district in which it is located, such use shall be a nonconforming use and shall be controlled by the provisions of Article 4.7.0, Nonconformities.

2. Structures, Sites

Where a building, structure, lot or site legally existed on the effective date of this Ordinance does not meet all of the development standards established by this Ordinance, such building, structure, lot or site shall be nonconforming and shall be

controlled by Article 4.7.0, Nonconformities.

4.1.103 Transition to New Zoning Districts

Upon the effective date of this Ordinance, land that is zoned with a zoning district classification from the previous zoning regulations shall be re-classified to one of the zoning district classifications established in the Ordinance. The new Official Zoning Map shall establish the boundaries of the new zoning districts and shall be adopted by separate action of the City Council.

4.1.110 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid. The Planning Board/Zoning Commission and the City Council hereby declare that it would have enacted the remainder of this Ordinance even without such part or provision found invalid.

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Article 4.2.0 ZONING DISTRICTS AND OVERLAY DISTRICTS ESTABLISHED

4.2.10 Purpose and Intent

The purpose and intent of this Article is to:

4.2.11 Zoning Districts

Establish zoning districts and zoning overlay districts that provide appropriately located areas for residential, nonresidential and public uses consistent with the *Red Lodge Growth Policy*.

4.2.12 Zoning Map

Establish the Official Zoning Map of the City of Red Lodge.

4.2.13 Public Health, Safety

Protect and enhance the public health, safety, morals and general welfare of the citizens of Red Lodge.

4.2.14 Compatibility

Promote compatibility among the various land uses.

4.2.20 Zoning Districts Established

The following are Zoning Districts and Zoning Overlay Districts:

4.2.21 Residential Zoning Districts

- A. Low Density Rural Residential Zoning District 1 (R-1)
- B. Low Density Urban Residential Zoning District 2 (R-2)
- C. Medium Density Residential Zoning Districts 3 (R-3)
- D. High Density Residential Zoning District 4 (R-4)

4.2.22 Commercial Zoning Districts

- A. Central Business Transition Zoning District 1 (C-1)
- B. Commercial Mixed Use District 2 (C-2)
- C. Community Entrance Zoning District 3N (C-3-N)
- D. Community Entrance Zoning District 3S (C-3-S)
- E. Central Business District Zoning 4 (C-4)

4.2.23 Public Zoning Districts

- A. Public Use Zoning District 1 (P-1) (Government Owned Land)
- B. Public Use Zoning District 2 (P-2) (Schools)

4.2.24 Overlay Zoning Districts

- A. Skyline Overlay Zoning District
- B. Commercial Historic Overlay Zoning District
- C. Hi Bug Historic Overlay Zoning District
- D. Airport Safety Overlay Zoning District
- E. Planned Unit Development Overlay Zoning District

4.2.30 Official Zoning Map

The official Zoning Map of the City of Red Lodge that is adopted and made a part of Title 12 as if it were set out here in full detail, shows the location and boundaries of the zoning districts established by these regulations. The official map is on file in the office of the Carbon County Clerk and Recorder. A copy of the map is attached hereto as Appendix 2. The Zoning Administrator shall maintain the Zoning Map and must revise the map to reflect amendments approved by the City Council as soon as possible after the effective date of the amendments. No unauthorized person may alter or modify the Zoning Map. The Zoning Administrator may authorize printed copies of the map to be produced for distribution and shall maintain printed or digital copies of all versions of the map for historical reference.

4.2.31 Certification

The Official Zoning Map shall bear a certificate as shown below with the signature of the Mayor, attested by the City Clerk. These regulations and the Official Zoning Map shall be filed with the Carbon County Clerk and Recorder.

Said certification on the map shall read as follows: *“This is the Official Zoning Map of the City of Red Lodge, Montana as approved by the City Council on this _____ day of _____ 20 . All prior versions of the Official Zoning Map of the City of Red Lodge are hereby repealed and replaced.”*

Regardless of the existence of purported copies of the Official Zoning Map of the City of Red Lodge, the Official Zoning Map of the City of Red Lodge bearing the signatures of the Mayor and City Clerk filed with the Carbon County Clerk and Recorder shall be the final authority as to the current zoning status of land, buildings or other structures.

4.2.40 Interpretation of District Boundaries

When the ordinance establishing a zoning district boundary describes the boundary as following a certain feature, or reflects a clear intent that the boundary follows a certain feature, the boundary shall be construed as following that feature as it actually exists at the time the zoning district boundary is established. When an ordinance does not describe the zoning district boundary, the following rules shall be used by the Zoning Administrator to determine the boundary.

- 4.2.41** Zoning district boundaries depicted on the Zoning Map as approximately following the center line of a street right-of-way, the center line of an alley right-of-way or a lot line shall be construed to follow such lines as they exist at the time the boundary is established.
- 4.2.42** Boundaries described by specific dimensions shall be determined by these dimensions.
- 4.2.43** Boundaries shown on the map as approximately parallel to features or lines shall be construed as parallel to the feature or line.
- 4.2.44** Boundaries shown on the map as approximately following lines of the City limits shall be construed as following the lines of the City limits.
- 4.2.45** Boundaries shown as approximately following the center line of rivers, creeks, streams, canals, lakes, ditches or other bodies of water shall be construed as following the center line of the body of water. Boundaries shown as approximately following the shoreline of a body of water shall be construed to follow the shoreline. In the event of a natural change

in a shoreline or center line, the district boundary shall be construed as moving with the actual shoreline or center line to its new location. In the event of a change directly or indirectly resulting from human actions, the district boundary shall not be construed as following the new shoreline or center line unless a zoning map amendment is approved by the City Council to change the district boundary.

4.2.46 Boundaries shown to follow section lines or quarter section lines shall be construed as following such lines.

4.2.47 The location of a boundary that cannot be determined from the application of the above rules shall be determined by measuring the distance between the mapped boundary and other features shown on the map.

4.2.48 Where uncertainty exists as to the boundary of a zoning district, or when the street, property lines or other features existing on the ground are in conflict with those on the Zoning Map, the Zoning Administrator shall interpret and determine the location of said boundary. The Zoning Administrator's determination may be appealed to the Board of Adjustment pursuant to Section 4.9.83, Appeal.

4.2.50 Change of Jurisdiction, Abandoned Rights-of-Way

Any land added to the City of Red Lodge is automatically zoned the lowest residential density until such time as the City Council approves a different zoning classification.

4.2.51 Annexations

All new additions and annexations of land to the City of Red Lodge shall be zoned Low Density Rural Residential Zoning District 1 (R-1), unless otherwise classified by the City Council as part of the annexation decision, until such time as the City Council amends the Zoning Map to reclassify the land to a different zoning classification.

4.2.52 Abandoned Rights-of-Way, Federal and State Land

All rights-of-way abandoned, sold or vacated by any County, City, State or Federal agency shall be assigned the same zoning classification of the adjoining land (or the acquired property when an acquisition is in conjunction with a right-of-way vacation) unless the City Council amends the Zoning Map to reclassify the land to a different zoning classification.

4.2.60 Lot or Parcel in More than One Zoning District

A lot or parcel located in more than one (1) zoning district may be developed as a single development. The entire lot or parcel may be used to meet the minimum site area requirements in either zoning district, but the density or intensity calculations shall be based on the exact acreage existing in each zoning district. The uses allowed in either zoning district may be located anywhere on the lot or parcel.

Article 4.3.0 ZONING DISTRICT USES AND STANDARDS

4.3.10 Purpose and Intent

The purposes and intent of this Article are to describe the various zoning districts and establish the allowed uses, dimensional standards and other standards that govern development in each district. This Article also establishes the standards for certain zoning overlay districts and a Planned Unit Development (PUD) floating zoning district.

4.3.20 Allowed Uses

The description of each zoning district contains a table entitled Allowed Uses that establishes the uses allowed in the zoning district.

4.3.21 Principal Uses

Uses that are listed as “Principal” uses are allowed as a matter of right subject to the procedures of these regulations provided the development or use complies with all applicable standards of these regulations, including the standards of general applicability and any specific standards referenced in the Allowed Uses table.

4.3.22 Use Specific Standards

Specific standards that apply to certain uses are referenced in the Allowed Uses tables for each zoning district. The specific standards in the referenced sections apply in addition to the standards and procedures of general applicability that are established in these regulations to apply to all development and land uses.

4.3.23 Conditional uses

Uses that are listed as “Conditional” uses are allowed with a Conditional Use Permit (CUP) pursuant to Section 4.4.10, Conditional Uses. A CUP may be issued at the discretion of the Planning Board/Zoning Commission, pursuant to the procedures of these regulations, provided that the development complies with the standards of general applicability and the applicable CUP standards, and the Planning Board/Zoning Commission makes certain CUP findings of fact.

4.3.24 Conditional Use Findings

Approval of a CUP requires the Planning Board/Zoning Commission to make certain Findings of Fact as established in Section 4.4.10, Conditional Uses.

4.3.25 Accessory Uses

Accessory uses and accessory buildings as defined in Article 4.11.0, Definitions, shall be allowed in all zoning districts.

4.3.26 Uses Not Listed

If a use is not listed as a Principal, Accessory, or Conditional Use, it is not allowed in the particular zoning district.

4.3.30 Similar Use Determination

If a proposed use is not listed in the Allowed Use Table, it may be considered an allowed use if the Zoning Administrator determines the proposed use is sufficiently similar to one of the uses listed in the Allowed Uses Table.

If a Similar Use Determination is made in the affirmative, the proposed use shall be an authorized use with the same permissions and restrictions as the use to which it is determined to be similar. The Zoning Administrator shall submit a public notice for publishing in the next issue of the Carbon County News following all decisions to approve or deny a Similar Use Determination. The notice shall be in accordance with Section 4.9.60, Public Notice. Any aggrieved party may appeal the Zoning Administrator's decision within thirty (30) calendar days of the date the notice appeared in the Carbon County News, pursuant to Section 4.9.83, Appeal.

4.3.40 Dimensional Standards

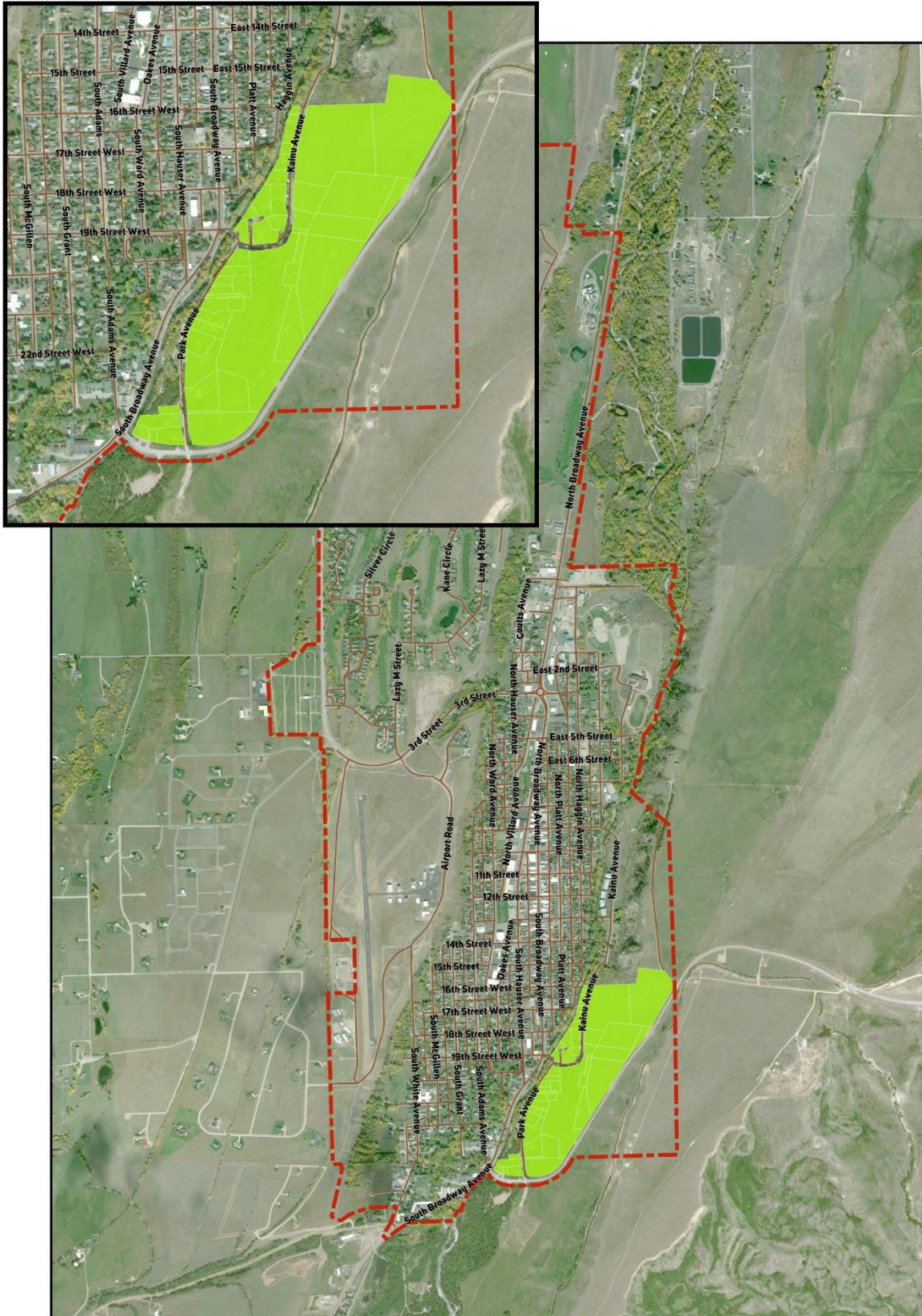
The description of each district contains a table entitled "Dimensional Standards" that establishes the dimensional limitations on all development within the district.

4.3.50 Specific District Standards

Each district contains a subsection that establishes development standards that are specific to the particular zoning district.

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Low Density Rural Residential Zoning District (R-1)



4.3.60 Low Density Rural Residential Zoning District 1 (R-1)

4.3.61 Purpose and Intent

The purpose and intent of the R-1 Zoning District is to facilitate development in the undeveloped fringe around the City by providing a low density residential area for single- family homes, low impact home businesses and accessory uses. This district provides adequate residential lot sizes with good thoroughfare access and proximity to community and neighborhood facilities. The district is primarily intended to encourage master planned communities with central recreational facilities.

4.3.62 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the R-1 District are in Table 4.3.62. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.62. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot.

In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

4.3.63 Dimensional Standards

Development in the R-1 District shall comply with the Dimensional Standards established in Table 4.3.63.

4.3.64 Specific District Standards

The following standards shall apply to development in the R-1 Zoning District:

A. Dwelling Limits

Separate from other allowed accessory uses, residential lots shall contain no more than one (1) principal dwelling unit and one (1) ADU/guest house.

B. Sidewalks

Sidewalks shall be required in accordance with Section 4.5.86, Pedestrian Access.

C. Fences, Front Setback

TABLE 4.3.62 Allowed Uses R-1		
Principal		
Single Family	Short-term Rental, See 4.4.22 (M)	Day Care, Family, See 4.4.22 (B)
Assisted Living, 8 or fewer persons served		Public Parks & Recreation
Accessory		
ADU/Guest House, See 4.4.22(F)		Home Occupation, See 4.4.22 (C)
Storage/Garage		Building/Shed
Conditional		
Day Care, Group Care, See 4.4.22 (B)	Worship Facility	Group Home
Bed & Breakfast, See 4.4.22 (A)	Long-term Care Facility	Assisted Living, > 8 persons served
Wireless Communication, See 4.4.40		Animals, See 4.4.22 (L)

Fences (whether solid or open in style) in front setbacks in Residential Zoning Districts shall not exceed forty-two (42) inches in height.

D. Drive Through Prohibited

Drive-through facilities are prohibited in Residential Zoning Districts.

E. Prevailing Setback

Setbacks for homes on existing lots where portions of a block have been developed shall be consistent with the existing homes, as approved by the Community Development Director. The proposed construction of a new home may be less than 25 feet to remain consistent with neighboring properties.

F. Residential Appearance

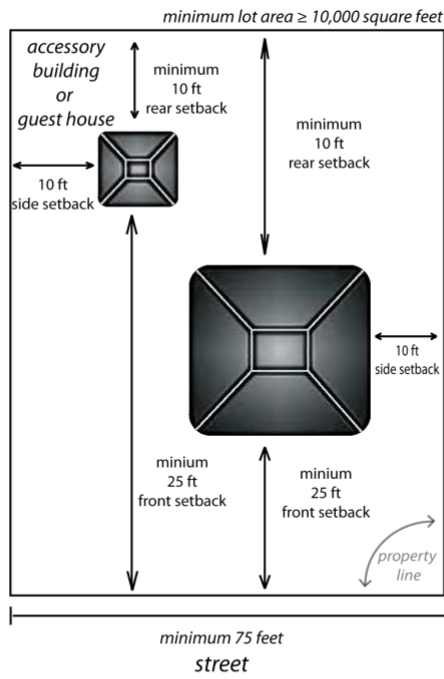
All development, including construction of new buildings, expansion of existing buildings or conversion of existing buildings shall have architectural elements compatible with a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, size and placement of windows and doors, building materials and site design. Buildings resembling large storage sheds, pole barns or other outbuildings are not allowed.

G. Living Area

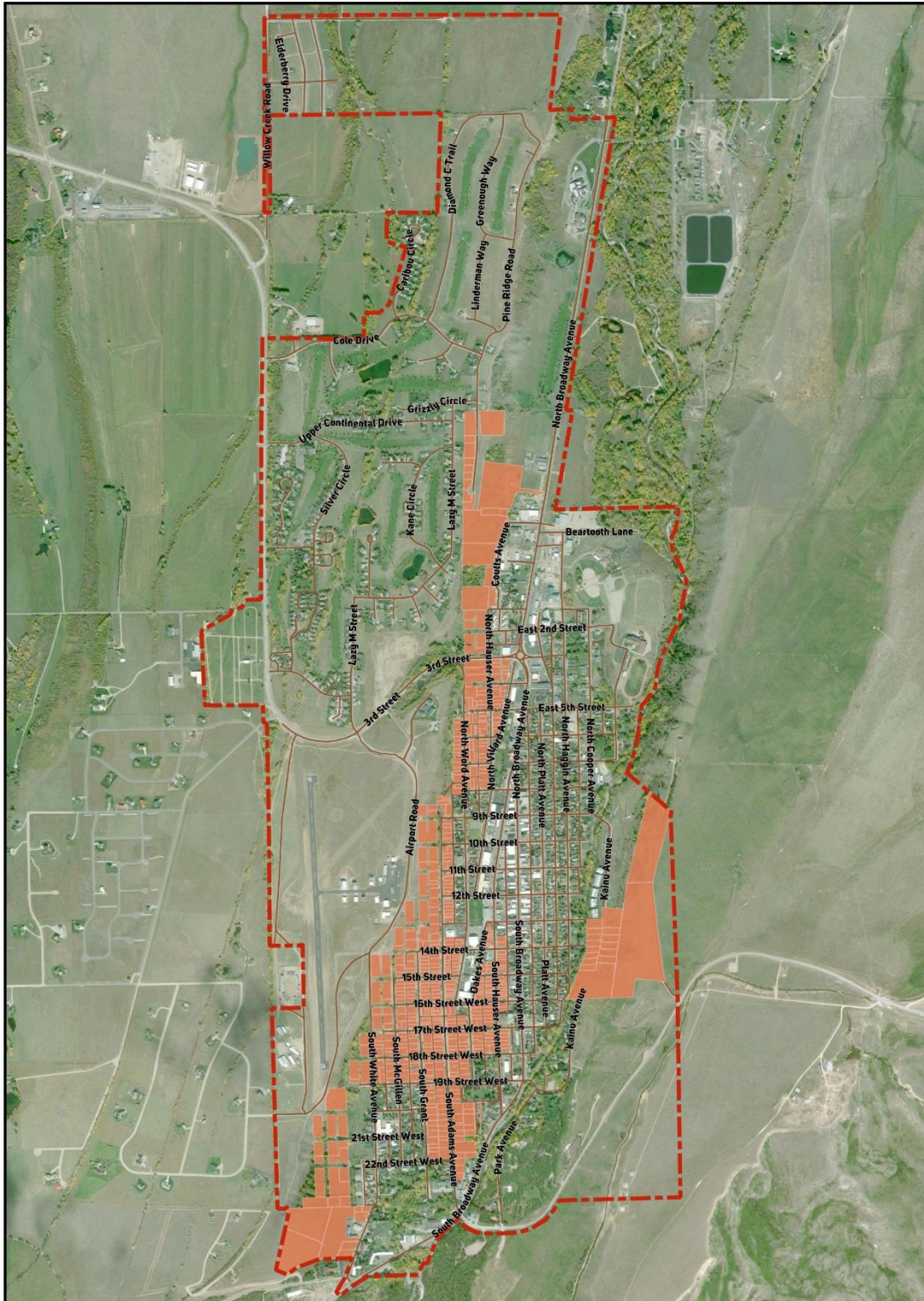
The living area shall be fifty-one (51) percent or greater of the total gross floor area. Living area means the interior habitable area of the dwelling unit(s) including the basement and attics but not including a garage or any accessory building or structure where the use is primarily for storage.

Table 4.3.63 Dimensional Standards R-1	
Lot Standards	
Lot Area, min. square feet	10,000
Lot Frontage, min. feet	75
Minimum Setbacks (feet)	
Front (see 4.3.64E)	25
Side	10
Rear (when Not on an Alley or Row)	10
Rear (when on an alley or Row)	0
Building Standards	
Building Height	30

R-1 Dimensional Standards Illustration



Low Density Urban Residential Zoning District (R-2)



4.3.70 Low Density Urban Residential Zoning District 2 (R-2)

4.3.71 Purpose and Intent

The purpose and intent of the R-2 Zoning District is to provide a low density urban residential area for single- family homes and low-impact home businesses and home occupations. This district provides for residential development that is less dense than other urban residential districts.

4.3.72 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the R-2 District are in Table 4.3.72. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.72. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

4.3.73 Dimensional Standards

Development in the R-2 District shall comply with the Dimensional Standards established in Table 4.3.73.

TABLE 4.3.72 Allowed Uses R-2		
Principal		
Single Family	Short-term Rental, See 4.4.22 (M)	Day Care, Family, See 4.4.22 (B)
Assisted Living, 8 or fewer persons served	Public Parks & Recreation	
Accessory		
ADU/Guest House, See 4.4.22 (F)	Home Occupation See 4.4.22 (C)	
Storage/Garage	Building/Shed	
Conditional		
Day Care, Group Care, See 4.4.22 (B)	Worship Facility	Group Home
Bed & Breakfast, See 4.4.22 (A)	Long Term Care Facility	Assisted Living, > 8 persons served
Professional Office, See 4.3.74 (E)	Medical Office, See 4.3.74 (E)	Animals, See 4.4.22 (L)

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4.3.74 Specific District Standards

The following standards shall apply to development in the R-2 Zoning District:

A. Dwelling Limits

Separate from other allowed accessory uses, residential lots shall contain no more than one (1) principal dwelling unit and one (1) ADU/guest house.

B. Sidewalks

Sidewalks shall be required in accordance with Section 4.5.86, Pedestrian Access.

C. Fences, Front Setback

Fences (whether solid or open in style) in front setbacks in Residential Zoning Districts shall not exceed forty-two (42) inches in height.

D. Drive-Through Prohibited

Drive-through facilities are prohibited in Residential Zoning Districts.

E. Office

Office structures which exceed 2,000 square feet in gross floor area shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, the sizes of windows and doors, building materials and site design.

F. Prevailing Setback

Setbacks for new homes on existing lots where portions of a block have been developed shall be consistent with the existing homes, as approved by the Community Development Director. The proposed construction of a new home may be less than 25 feet to remain consistent with neighboring properties.

G. Residential Appearance

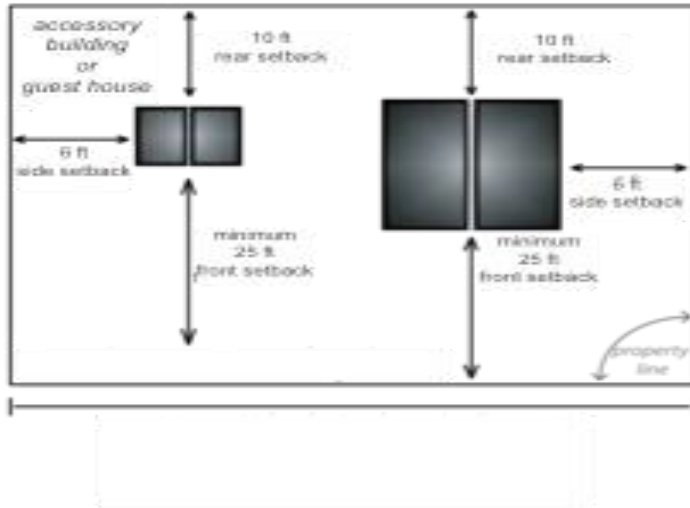
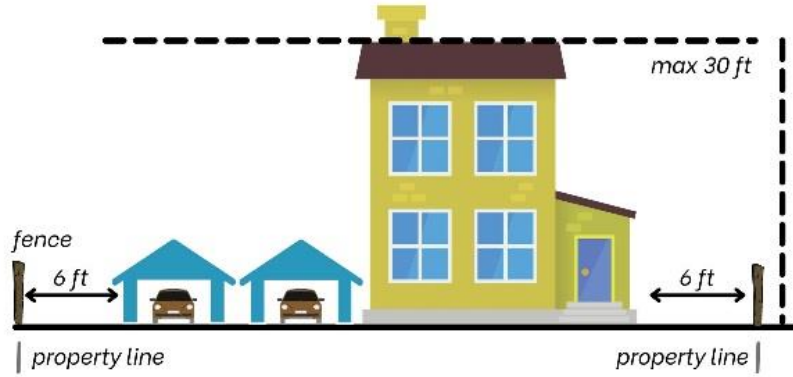
All development, including construction of new buildings, expansion of existing buildings or conversion of existing buildings shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, size and placement of windows and doors, building materials and site design. Buildings resembling large storage sheds, pole barns or other outbuildings are not allowed.

H. Living Area

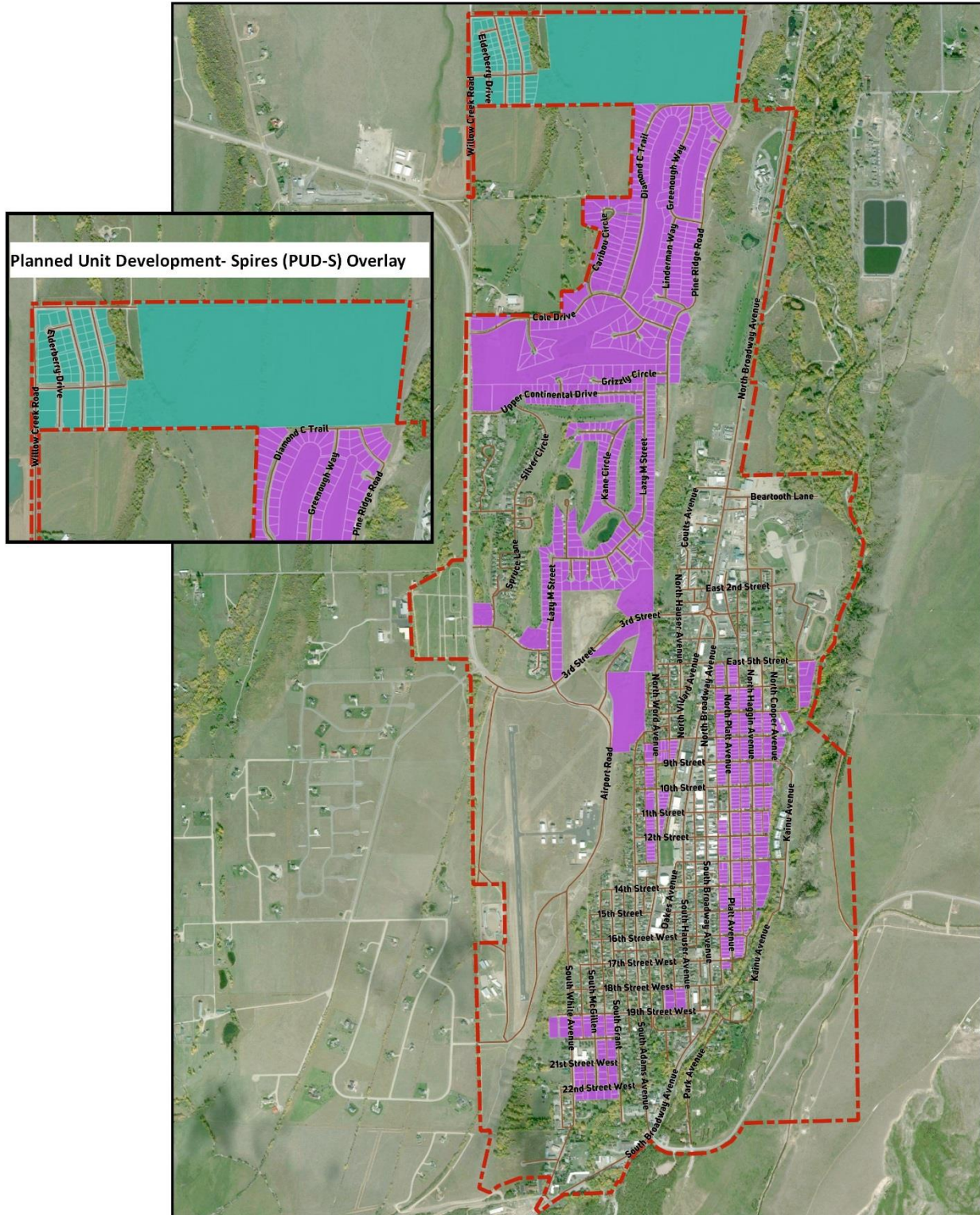
The living area shall be fifty-one (51) percent or greater of the total gross floor area. Living area means the interior habitable area of the dwelling unit(s) including the basement and attics but not including a garage or any accessory building or structure where the use is primarily for storage.

Table 4.3.73 Dimensional Standards R-2	
Lot Standards	
Lot Area, min. square feet	5,000
Lot Frontage, min. feet	50
Minimum Setbacks (feet)	
Front (see 4.3.74F)	25
Side	6
Rear (when Not on an Alley or Row)	10
Rear (when on an Alley or Row)	0
Building Standards	
Building Height	30

R-2 Dimensional Standards Illustration



Medium Density Urban Residential Zoning District (R-3) with PUD Overlay



4.3.80 Medium Density Urban Residential Zoning District 3 (R-3)

4.3.81 Purpose and Intent

The purpose and intent of the R-3 Zoning District is to provide for a mix of housing types and low-impact home businesses and accessory uses. This district is intended to have a medium density overall but allow a variety of housing types at variable densities to accommodate residents of various ages and incomes. The R-3 Zoning District is intended to be clustered around the City center to provide support for the City's job center and commercial businesses and buffer the low density residential areas from commercial activities. Developments of five (5) to eight (8) dwelling units per acre are encouraged in this district.

4.3.82 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the R-3 District are in Table 4.3.82. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.82. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

TABLE 4.3.82 Allowed Uses R-3		
Principal		
Single Family	Short-term Rental, See 4.4.22 (M)	Day Care, Family, See 4.4.22 (B)
Assisted Living, 8 or fewer persons served	Public Parks & Recreation	
Group Home	2-family/duplex	
Accessory		
ADU/ Guest House, See 4.4.22 (F)	Home Occupation, See 4.4.22 (C)	
Storage / Garage	Building/Shed	
Conditional		
Day Care, Group Care, See 4.4.22(B)	Worship Facility	Multi-family >2 units
Bed & Breakfast, See 4.4.22 (A)	Long-Term Care Facility	Assisted Living, > 8 persons served
Professional Office, See 4.3.84 (D)	Medical Office, See 4.3.84 (D)	Animals, See 4.4.22 (L)

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

4.3.83 Dimensional Standards

Development in the R-3 District shall comply with the Dimensional Standards established in Table 4.3.83.

4.3.84 Specific District Standards

The following standards shall apply to development in the R-3 Zoning District:

A. Lot Size Per Dwelling

Minimum lot size for a single-family dwelling shall be 5,000 square feet and shall increase by 1,250 square feet for each additional dwelling unit.

B. Lot Frontage

Minimum lot frontage shall be 50 feet for three (3) or fewer dwelling units and seventy-five (75) feet for more than three (3) dwelling units.

C. Four Units

A maximum of four (4) dwelling units are permitted in a single structure.

D. Office

Office structures which exceed 2,000 square feet in gross floor area shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, the sizes of windows and doors, building materials and site design.

E. Sidewalk

Sidewalks shall be required in accordance with Section 4.5.86, Pedestrian Access.

F. Fences, Front Setback

Fences (whether solid or open in style) in front setbacks in Residential Zoning Districts shall not exceed forty-two (42) inches in height.

G. Drive-Through Prohibited

Drive through facilities are prohibited in Residential Zoning Districts.

H. Prevailing Setback

Setbacks for new homes on existing lots where portions of a block have been developed shall be consistent with the existing homes, as approved by the Community Development Director. The proposed construction of a new home may be more or less than 15 feet to remain consistent with neighboring properties.

I. Residential Appearance

All development, including construction of new buildings, expansion of existing buildings or conversion of existing buildings shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, size and placement of windows and doors, building materials and site design. Buildings resembling large storage sheds, pole barns or other outbuildings are not allowed.

J. Living Area

The living area shall be fifty-one (51) percent or greater of the total gross floor area. Living area means the interior habitable area of the dwelling unit(s) including the basement and attics but not including a garage or any accessory building or structure where the use is primarily for storage.

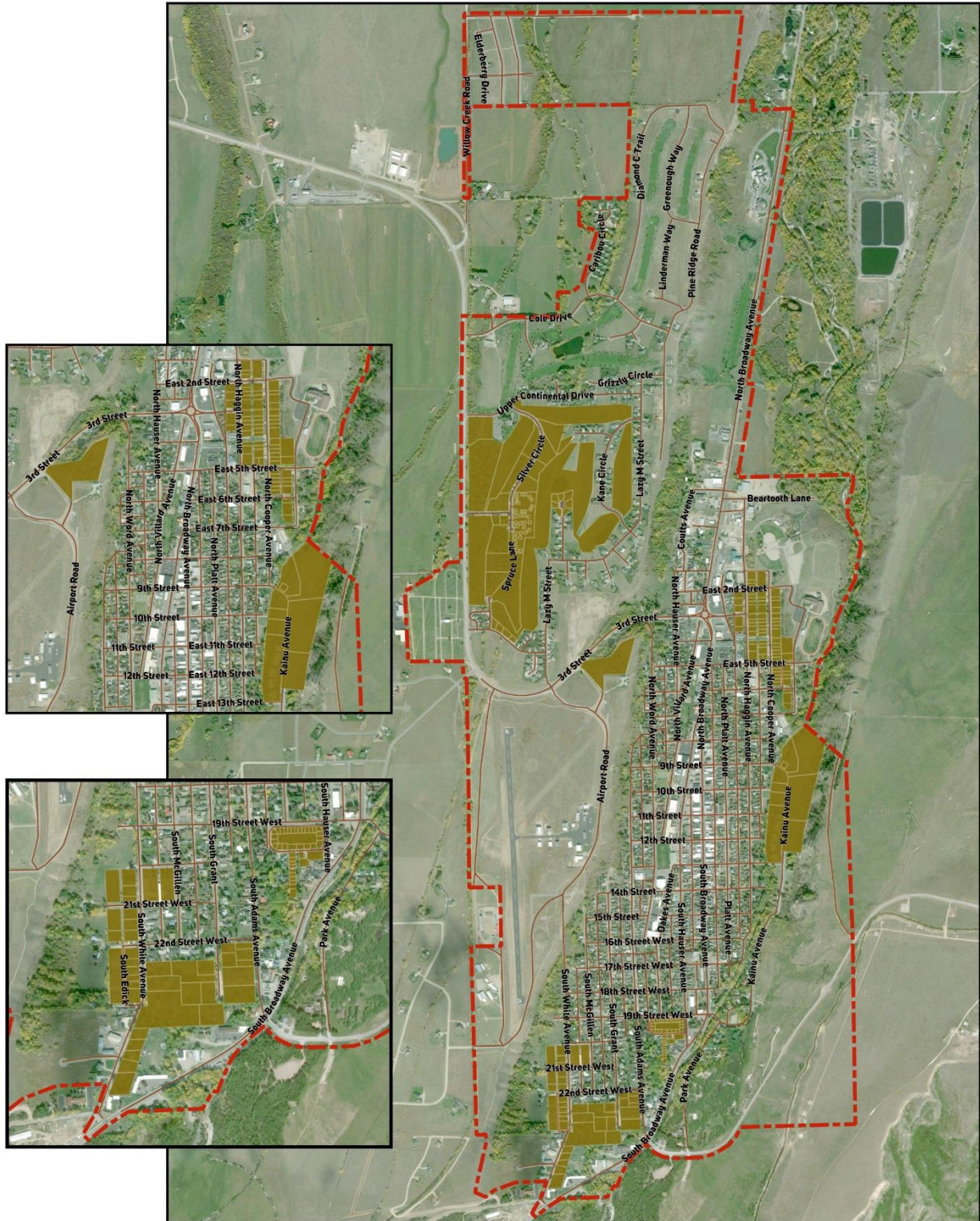
Table 4.3.83 Dimensional Standards R-3	
Lot Standards	
Lot Area, min. square feet	5,000
Lot Frontage, min. feet	50
Minimum Setbacks (feet)	
Front (see 4.3.84 H)	15
Side	6
Rear (when Not on an Alley or Row)	5
Rear (when on an Alley or Row)	0
Building Standards	
Building Height	30

R-3 Dimensional Standards Illustration



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High Density Urban Residential Zoning District (R-4)



4.3.90 High Density Residential Zoning District 4 (R-4)

4.3.91 Purpose and Intent

The purpose and intent of the R-4 Zoning District is to provide a high density residential area in close proximity to compatible commercial and industrial uses. This district provides a mix of residential, commercial and public uses in which the non-residential uses benefit from close proximity to the residential population and occupy buildings that have a residential form and character. Developments of nine (9) to sixteen (16) dwelling units per acre are encouraged in this district.

4.3.92 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the R-4 District are in Table 4.3.92. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.92. All Uses shall comply with Article 4.5.0., Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

4.3.93 Dimensional Standards

Development in the R-4 District shall comply with the Dimensional Standards established in Table 4.3.93.

4.3.94 Specific District Standards

The following standards shall apply to development in the R-4 Zoning District:

A. Lot Size per Dwelling

Minimum lot size for a single-family dwelling shall be 5,000 square feet and shall increase by 1,250 square feet for each additional dwelling unit.

B. Lot Frontage

TABLE 4.3.92 Allowed Uses R-4		
Principal		
Single Family	Short-term Rental, See 4.4.22 (M)	Day Care, Family, See 4.4.22 (B)
Assisted Living, 8 or fewer persons served	Public Parks & Recreation	
Group Home	Multi-family 2-4 units	
Accessory		
ADU/Guest House, See 4.4.22(F)	Home Occupation, See 4.4.22 (C)	
Storage/Garage	Building/Shed	
Conditional		
Government Buildings & Facilities	Worship Facility	Multi-family >4 units
Bed & Breakfast, See 4.4.22 (A)	Long-Term Care Facility	Assisted Living, > 8 persons served
Professional Office, See 4.3.94 (C)	Medical Office, See 4.3.94 (C)	Animals, See 4.4.22 (L)

Minimum lot frontage shall be 50 feet for three (3) or fewer dwelling units and seventy-five (75) feet for more than three (3) dwelling units

C. Office, Retail

Office and/or Retail structures which exceed 2,000 square feet in gross floor area shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, the sizes of windows and doors, building materials and site design.

D. Sidewalk

Sidewalks shall be required in accordance Section 4.5.86, Pedestrian Access.

E. Fences, Front Setback

Fences (whether solid or open in style) in front setbacks in Residential Zoning Districts shall not exceed forty-two (42) inches in height.

F. Drive-Through Prohibited

Drive through facilities are prohibited in Residential Zoning Districts.

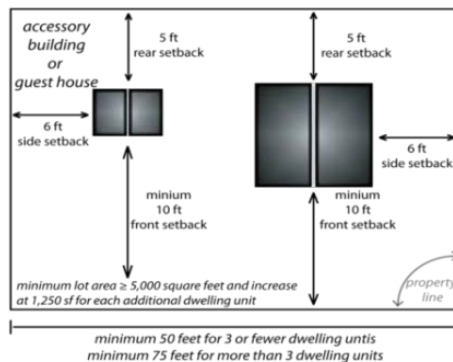
G. Residential Appearance

All development, including construction of new buildings, expansion of existing buildings or conversion of existing buildings shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, size and placement of windows and doors, building materials and site design. Buildings resembling large storage sheds, pole barns or other outbuildings are not allowed.

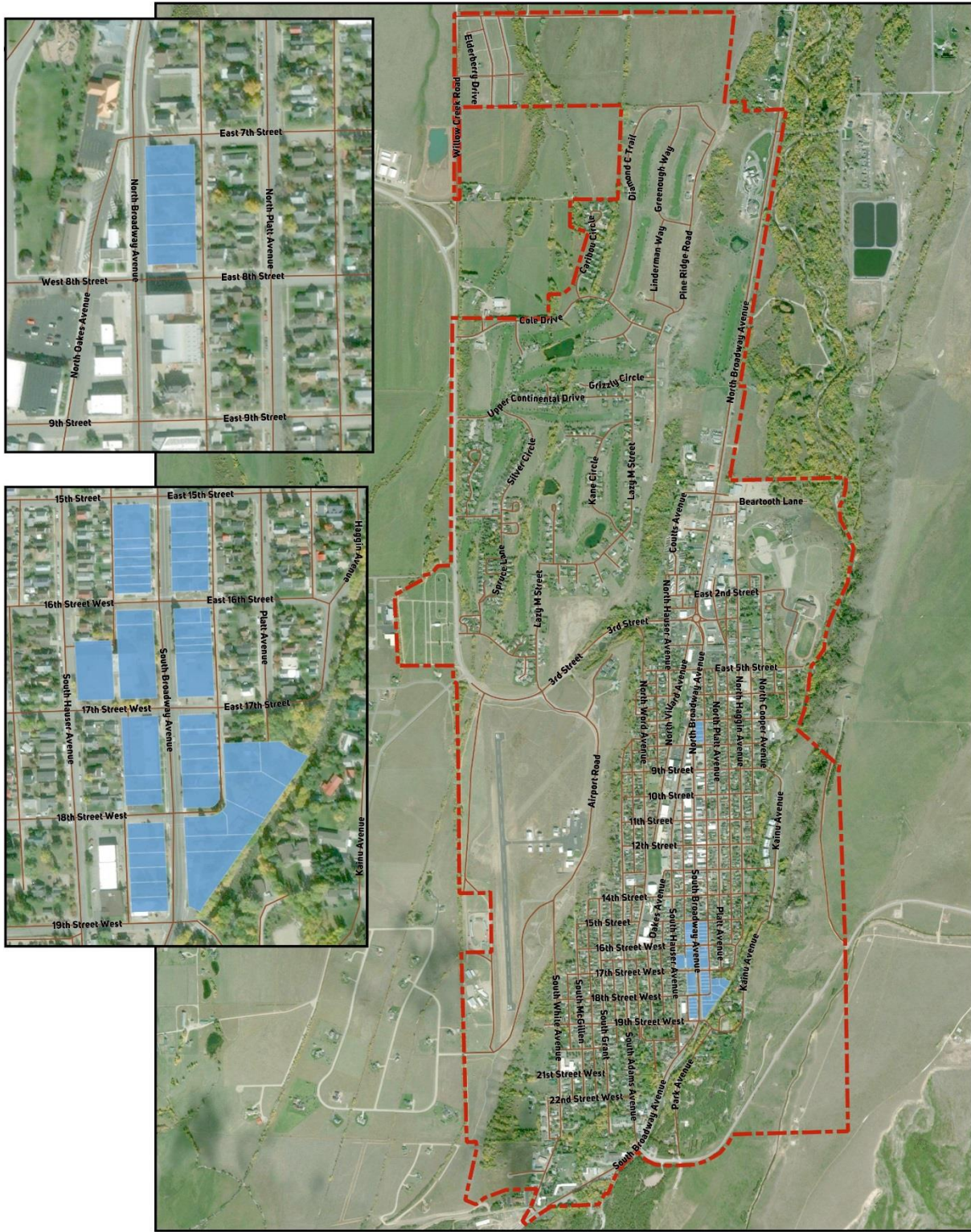
H. Living Area

The living area shall be fifty-one (51) percent or greater of the total gross floor area. Living area means the interior habitable area of the dwelling unit(s) including the basement and attics but not including a garage or any accessory building or structure where the use is primarily for storage.

Table 4.3.93 Dimensional Standards R-4	
Lot Standards	
Lot Area, min. square feet	5,000
Lot Frontage, min. feet	50
Minimum Setbacks (feet)	
Front (see 4.3.94.G)	10
Side	6
Rear (when Not on an Alley or Row)	5
Rear (when on an Alley or Row)	0
Building Standards	
Building Height	40



Central Business Transition District (C-1)



4.3.100 Central Business Transition Zoning District 1 (C-1)

4.3.101 Purpose and Intent

The purpose and intent of the C-1 Zoning District is to permit a mix of commercial and residential uses while maintaining a residential character. This district provides a buffer between the central business district and residential areas and is intended to minimize conflicts between commercial and residential neighborhoods. The C-1 District promotes the continued occupancy and rehabilitation of existing structures by allowing residential structures to be converted to low intensity commercial uses such as professional offices and art galleries.

4.3.102 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the C-1 District are in Table 4.3.102. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.102. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

TABLE 4.3.102 Allowed Uses C-1		
Principal		
Single Family	Short-term Rental, See 4.4.22 (M)	Day Care, Family, See 4.4.22 (B)
2-family/ Duplex	Group Home	Art Gallery
Government Buildings, Facilities	Medical Office See 4.3.104 (C)	Long-Term Care Facility
Bed & Breakfast, See 4.4.22 (A)	Professional Office, See 4.3.104 (C)	Public Parks & Recreation
Accessory		
ADU/Guest House, See 4.4.22 (F)	Home Occupation, See 4.4.22 (C)	
Storage/Garage	Building/Shed	
Conditional		
Day Care, Group See 4.4.22 (B)	Worship Facility	3-family/ Triplex
Commercial Entertainment	Hotel, Motel Lodging	Retail, See 4.3.104 (C)
Restaurant, See 4.3.104 (C)	Secondary/On-site Alcohol of beer/wine consumption for a restaurant	

4.3.103 Dimensional Standards

Development in the C-1 District shall comply with the Dimensional Standards established in Table 4.3.103.

4.3.104 Specific District Standards

The following standards shall apply to development in the C-1 Zoning District:

A. Change of Use

All changes of use from residential to non-residential uses shall comply with Section 4.4.10, Conditional Uses.

B. Screening

Service areas associated with non-residential uses, such as dumpsters, and parking lots larger than four (4) parking spaces shall be screened from adjoining residential uses with an opaque wall and/or fence at least six (6) feet in height, along with vegetation.

C. Office, Retail

Retail, Restaurants, Medical and Professional Office structures shall not exceed 5,000 square feet in gross floor area.

D. Building Orientation

Primary building facades and entries shall face the adjacent street or avenue.

E. Sidewalk

Sidewalks shall be required in accordance with Section 4.5.86, Pedestrian Access.

F. Residential Appearance

All development, including the construction of new buildings, expansion of existing buildings and the conversion of existing buildings to commercial use, shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, the sizes of windows and doors, building materials and site design.

G. Historic Character

The design of all new buildings and the design of existing buildings that are expanded in gross floor area shall be compatible with the historic architecture of Red Lodge as described in the *Red Lodge Revitalization Master Plan*. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these compatibility requirements when such a waiver is deemed to be consistent with the intent of this code.

Compatible design includes, but is not limited to, the use of false fronts, and the type of ground floor windows typically used on historic buildings in Red Lodge. Acceptable exterior building materials traditionally used on historic buildings in Red Lodge, such as stone, brick, and wood (or modern alternative materials with the look of traditional materials; an example of a modern alternative to wood siding could be cementitious board siding such as the brand name of Hardi-Plank) shall be used.

Stucco and other similar materials are considered historic materials of Red Lodge in this district.

H. Design Review Required

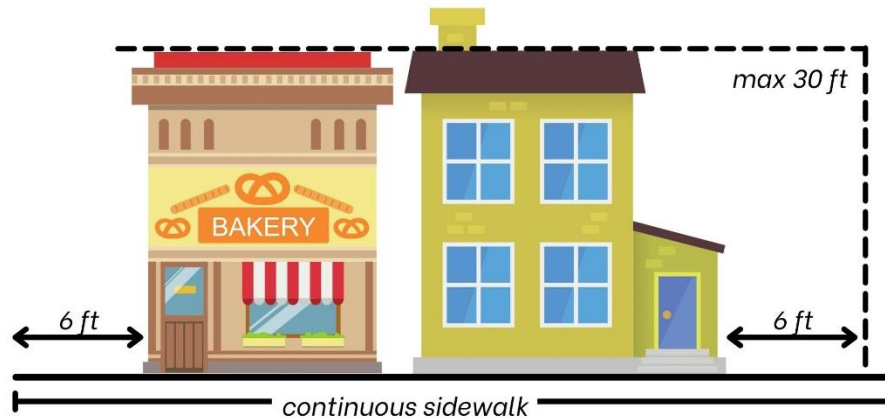
Designs and plans for all new buildings and expansions to existing buildings that increase gross floor area shall be reviewed by the Planning Board / Zoning Commission pursuant to Subsection E, Residential Appearance and Subsection F, Historic Character, above. Sign packages as part of Secondary and Tertiary Uses are subject to Design Review. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these design review requirements when such a waiver is deemed to be consistent with the intent of this code.

Table 4.3.103 Dimensional Standards C-1	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Minimum Setbacks (feet)	
Front	20
Side	6
Rear (when Not on an Alley or Row)	10
Rear (when on an Alley or Row)	0
Building Standards	
Building Height	30

I. Non-Residential Uses

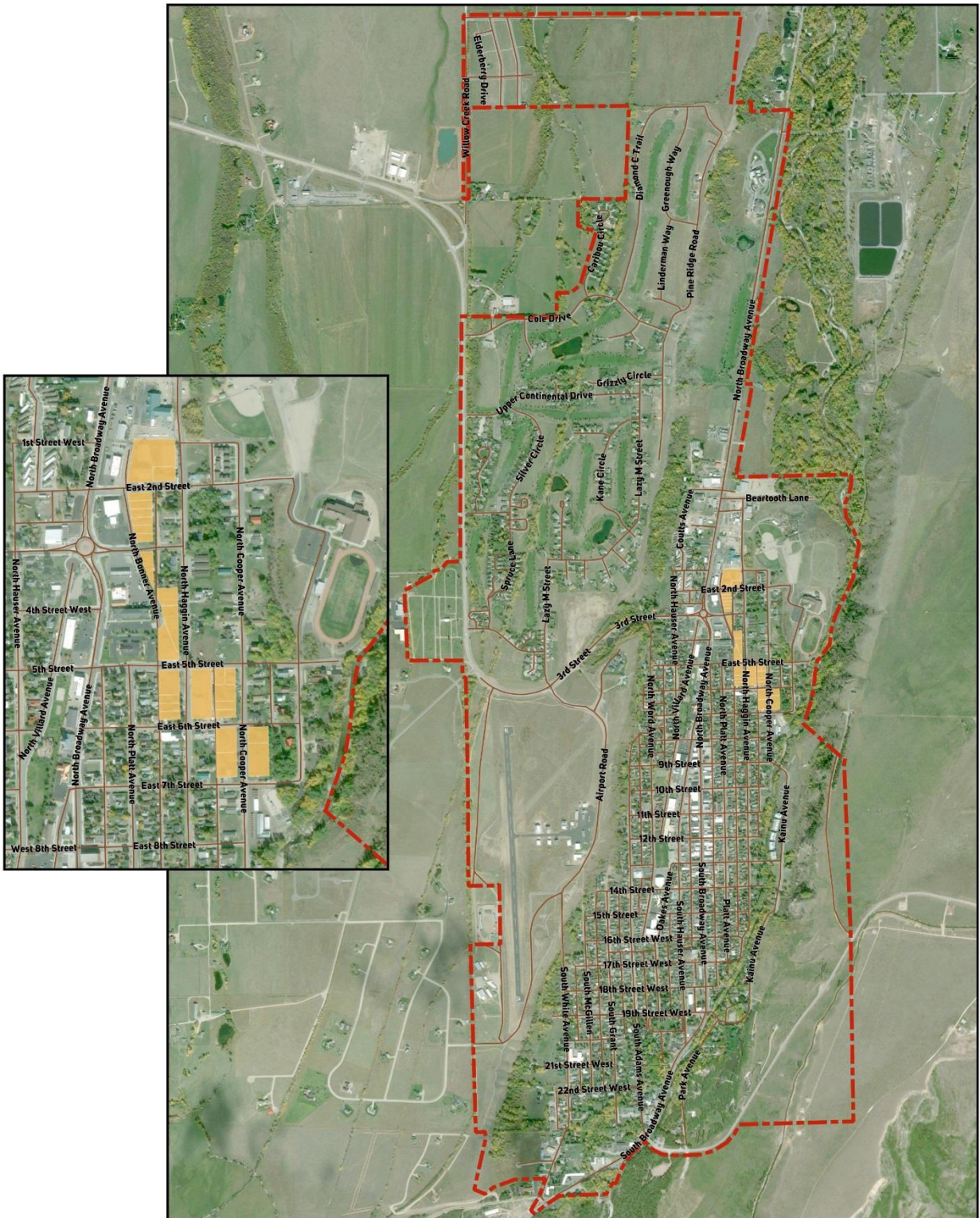
Allowed commercial uses and all Conditional Uses that propose to construct or expand gross floor area by 2,000 square feet or more are required to comply with Section 4.4.10, Conditional Uses, and obtain a Conditional Use Permit; and Section 4.5.0 Standards of General Applicability. When said expansion is less than two thousand (2,000) square feet, the Zoning Administrator may waive the conditional use permit and standards of general applicability requirements when such a waiver is deemed to be consistent with the intent of this code.

C-1 Central Business Transition Zoning District Standards Illustration



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Commercial Mixed Use Zoning District (C-2)



4.3.110 Commercial Mixed Use Zoning District 2 (C-2)

4.3.111 Purpose and Intent

The purpose and intent of the C-2 Zoning District is to permit mixed-use developments containing a range of aesthetically compatible commercial and residential developments. This zoning district is intended to encourage residential and commercial uses in an urban context.

4.3.112 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the C-2 District are in Table 4.3.112. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.112. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

TABLE 4.3.112 Allowed Uses C-2		
Principal		
Single Family	Day Care, Family, See 4.4.22 (B)	Professional Office, See 4.3.104. (C)
Short-term Rental, See 4.4.22 (M)	Public Parks & Recreation	Day Care, Group, See 4.4.22 (B)
Retail, See 4.3.104. (C)	Group Home	2-family/ Duplex
Medical Office, See 4.3.104 (C)	Long-Term Care Facility	Bed & Breakfast, See 4.4.22 (A)
	Art Gallery	
Accessory		
ADU/Guest House, See 4.4.22 (F)	Home Occupation, See 4.4.22 (C)	
Storage/Garage	Building/Shed	
Conditional		
Light Industrial, See 4.3.114(C)	Worship Facility	Multi-family >3 units
Vehicle Sales, Repair & Services		Government Buildings & Facilities
School	Restaurant	

4.3.113 Dimensional Standards

Development in the C-2 District shall comply with the Dimensional Standards established in Table 4.3.113.

4.3.114 Specific District Standards

The following standards shall apply to development in the C-2 Zoning District:

A. Change of Use

All changes of use from residential to non-residential uses shall comply with

Section 4.4.10, Conditional Uses.

B. Screening

Service areas associated with non-residential uses, such as dumpsters, and parking

lots larger than four (4) parking spaces shall be screened from adjoining residential uses with an opaque wall and/or fence at least six (6) feet in height, along with vegetation.

C. Industrial, Manufacturing, and Assembly

Industrial, Manufacturing and Assembly structures shall not exceed 5,000 square feet in gross floor area.

D. Building Orientation

Primary building facades and entries shall face the adjacent avenue.

E. Sidewalk

Sidewalks shall be required in accordance with Section 4.5.86, Pedestrian Access.

F. Residential Appearance

All development, including the construction of new buildings, expansion of existing buildings and the conversion of existing buildings to commercial use, shall have a residential appearance. Criteria for evaluating residential appearance include, but are not limited to, the sizes of windows and doors, building materials and site design.

G. Non-Residential Uses

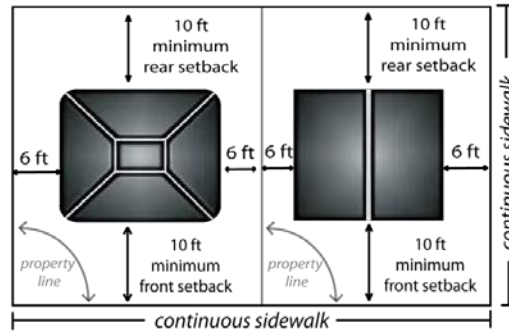
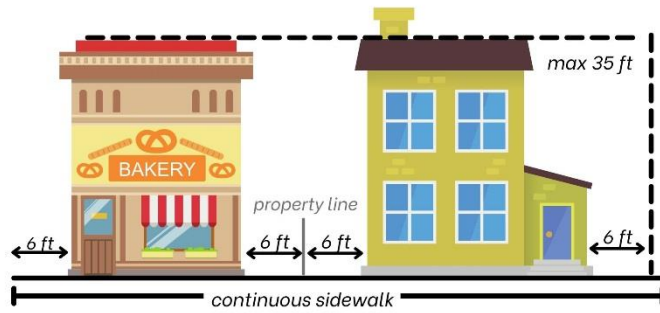
Allowed commercial uses and all Conditional Uses that propose to construct or expand gross floor area by 2,000 square feet or more are required to comply with Section 4.4.10, Conditional Uses, and obtain a Conditional Use Permit; and Section 4.5 Standards of General Applicability. When said expansion is less than two thousand (2,000) square feet, the Zoning Administrator may waive the conditional use permit and standards of general applicability requirements when such a waiver is deemed to not be inconsistent with the intent of this code

H. Design Review Required

Designs and plans for all new buildings and expansions. to existing buildings that increase gross floor area shall be reviewed by the Planning Board / Zoning Commission pursuant to Section 4.9.82, Design Review, for compliance with Subsection F, Residential Appearance. Sign packages as part of Secondary and Tertiary Uses are subject to Design Review. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these design review requirements when such a waiver is deemed to be consistent with the intent of this code.

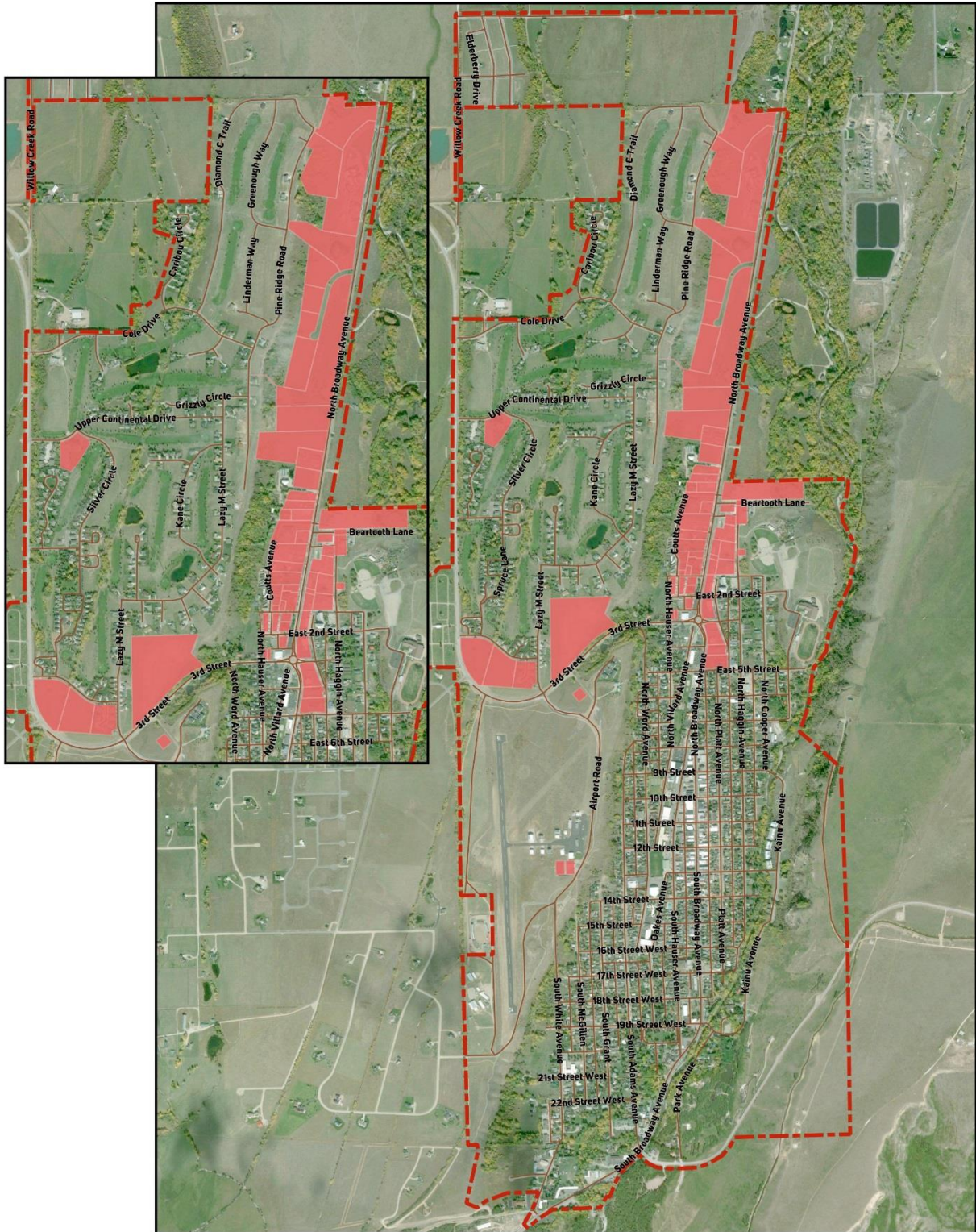
Table 4.3.113 Dimensional Standards C-2	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Minimum Setbacks (feet)	
Front	10
Side	6
Rear (when Not on an Alley or Row)	10
Rear (when on an Alley or Row)	0
Building Standards	
Building Height	35

C-2 Commercial Mixed Use Zoning District Standards Illustration



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Commercial Entrance Zoning District- North (C-3-N)



4.3.120 Commercial Entrance Zoning District 3 (C-3-N)

4.3.121 Purpose and Intent

The purpose and intent of the C-3-N Zoning District is to provide a mix of uses and promote aesthetically compatible, multi-modal approaches to the City Center that is consistent with the Community Entrance Goals, Strategies and Regulations. This zoning district is intended to encourage high-density residential, commercial and light industrial uses in an urban context that is consistent with Red Lodge’s historic image. A further intent of the C-3-N district is to maximize connectivity between new development and the city by extending the existing street grid and the trail system into the zoning district. The C-3-N District is intended to avoid typical strip commercial development, ensure controlled access to U.S. Highways 212 and 78 and promote a mix of types of transportation, or multi-modal transportation, for the purpose of coordinating land use with major transportation corridors and announcing the arrival into Red Lodge.

4.3.122 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the C-3-N District are in Table 4.3.122. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.122. All Uses shall comply with Article 4.5.0., Standards of General Applicability.

TABLE 4.3.122 Allowed Uses C-3-N		
Principal		
Single Family	Day Care, Group, See 4.4.22 (B)	Day Care, Family, See 4.4.22 (B)
Worship Facility	Group Home	Retail
Medical Office	2-3 family/ Duplex- Triplex	Long-Term Care Facility
Bed & Breakfast, See 4.4.22 (A)	Health Care Facility (i.e. clinic, hospital)	Professional Office
Short-term Rental, See 4.4.22 (M)	Government Buildings, Facilities	Public Parks & Recreation
Restaurant	Art Gallery	Pharmacy
Commercial Entertainment		Hotel, Motel, Lodging
Accessory		
ADU/Guest House, See 4.4.22 (F)	Home Occupation, See 4.4.22 (C)	
Storage/Garage	Building/Shed	
Conditional		
Light Industrial/ Manufacturing & Assembly	Vehicle Sales, Repair & Service	Warehousing /Freight Distribution
Mini-Storage	Waste Collection	School
Multi-Family, >3 units	Manufactured Home Communities, See 4.4.22 (D)	
Drive-through facilities		
Alcohol-Consumption/ Sales as a Secondary Use	Propane Distribution & Bulk Storage, See 4.4.22 (J)	Animals, See 4.4.22 (L)
Outdoor Storage, See	Gambling as Tertiary Use	Marijuana Dispensary

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

4.3.123 Dimensional Standards

Development in the C-3-N District shall comply with the Dimensional Standards established in Table 4.3.123.

4.3.124 Specific District Standards

The following standards shall apply to development in the C-3-N Zoning District:

A. Parking lots

All parking spaces shall be located on the side or rear of the principal building and are prohibited between the principal building and highway.

B. Controlled Access

Access to U.S. Highways 212 and 78 shall be consistent with the Resolution 3228, *Controlled Access Plan*. Said access shall comply with Section 4.5.45, Access, Curb Cuts.

C. Sidewalk

Sidewalks shall be required in accordance with Section 4.5.86, Pedestrian Access.

D. Rock Creek Views

Site plans shall be designed to preserve views of Rock Creek from the State Highway to the maximum extent practicable.

E. Screening

Service areas associated with non-residential uses, such as dumpsters, and parking lots larger than four (4) parking spaces shall be screened from adjoining rights-of-way and uses with an opaque wall and/or fence at least six (6) feet in height, along with vegetation.

F. Street Wall Length and Shape

To avoid long and monotonous building facades, the building façade facing any street or avenue shall not be more than fifty (50) feet without an offset in the wall plane or architectural features or indents designed to break up the apparent mass of the wall and prevents the building from being a rectangle or square.

G. Roof Standards

Roofs shall be of a color and design that are compatible with the rest of the building. Roofs shall have varying pitches, parapets, angles and other acceptable styles that prevent the monotony of roofs. All roof penetrations shall be ganged and screened to the maximum extent practicable.

Table 4.3.123 Dimensional Standards C-3-N	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Setbacks (feet)	
Front	10
Side	10
Rear (when Not on an Alley or Row)	10
Rear (when on an Alley or Row)	0
Building Standards	
Building Height	40

H. Historic Character

The design of all new buildings and the design of existing buildings that are expanded in gross floor area shall be compatible with the historic architecture of Red Lodge as described in the *Red Lodge Revitalization Master Plan*. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these compatibility requirements when such a waiver is deemed to be consistent with the intent of this code. Compatible design includes, but is not limited to, the use of false fronts, and the type of ground floor windows typically used on historic buildings in Red Lodge.

Acceptable exterior building materials traditionally used on historic buildings in Red Lodge, such as stone, brick, and wood (or modern alternative materials with the look of traditional materials; an example of a modern alternative to wood siding could be cementitious board siding such as the brand name of Hardi-Plank) shall be used. Stucco and other similar materials are not historic materials of Red Lodge.

I. Design Review Required

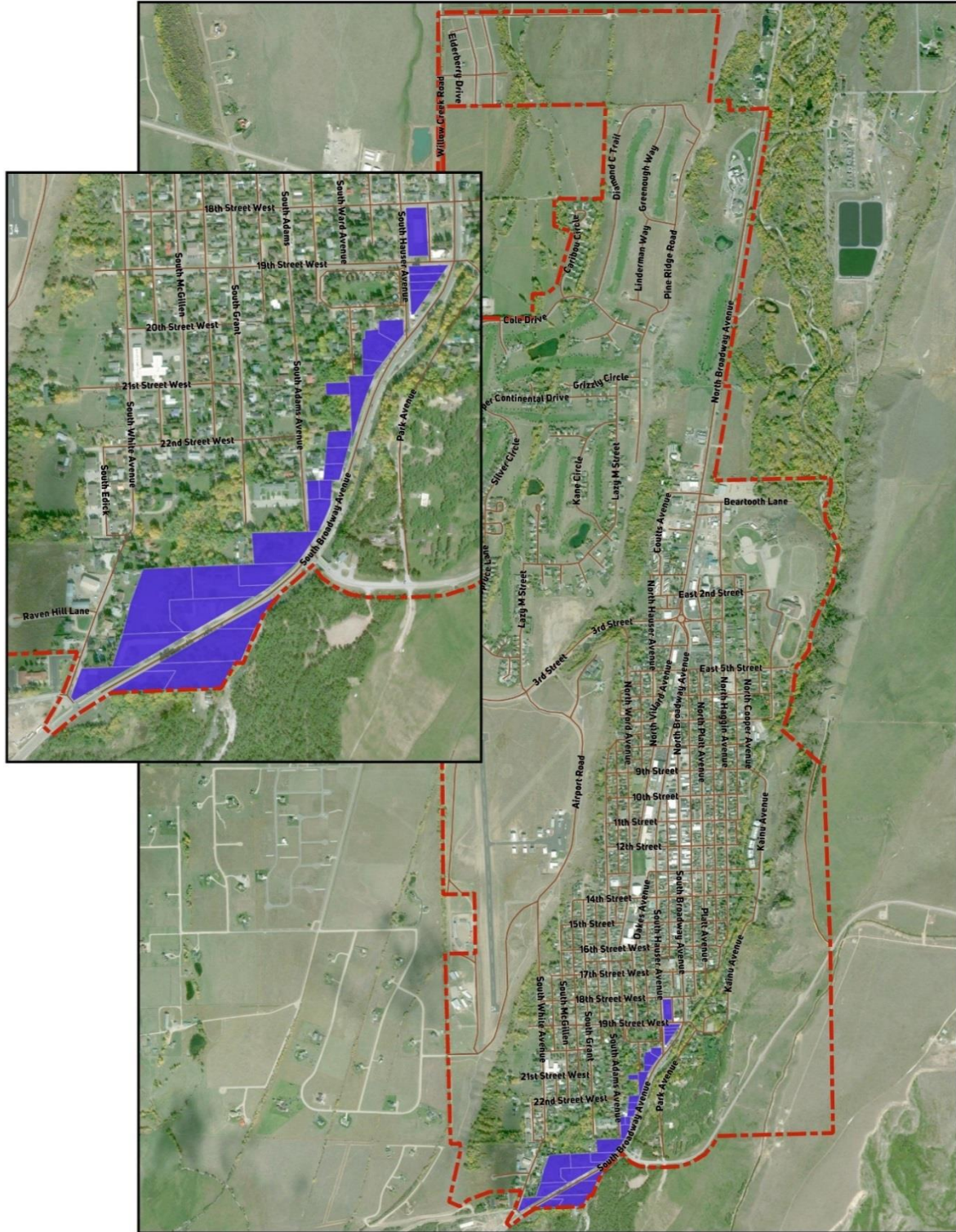
Designs and plans for all new buildings and expansions to existing buildings that increase gross floor area shall be reviewed by the Planning Board / Zoning Commission pursuant to Section 4.9.82, Design Review, for compliance with Subsection H, Historic Character, above. Sign packages as part of Secondary and Tertiary Uses are subject to Design Review. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these design review requirements when such a waiver is deemed to be consistent with the intent of this code.

J. Non-Residential Uses

Allowed commercial uses and all Conditional Uses that propose to construct or expand an area by 2,000 square feet or more are required to comply with Section 4.4.10, Conditional Uses and obtain a Conditional Use Permit and Section 4.5 Standards of General Applicability. When said expansion is less than two thousand (2,000) square feet, the Zoning Administrator may waive the conditional use permit and standards of general applicability requirements when such a waiver is deemed to be consistent with the intent of this code.

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Commercial Entrance Zoning District- South (C-3-S)



4.3.130 Commercial Entrance Zoning District 3 (C-3-S)

4.3.131 Purpose and Intent

The purpose and intent of the C-3-S Zoning District is to provide a mix of uses and promote aesthetically compatible, multi-modal approaches to the City Center that is consistent with the Community Entrance Goals, Strategies and Regulations. This zoning district is intended to encourage high-density residential and commercial uses in an urban context that is consistent with Red Lodge’s historic image. A further intent of the C-3-S district is to maximize connectivity between new development and the city by extending the existing street grid and the trail system into the zoning district. The C-3-S District is intended to avoid typical strip commercial development, and promote a mix of types of transportation, or multi-modal transportation, for the purpose of coordinating land use with major transportation corridors and announcing the arrival into Red Lodge.

4.3.132 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the C-3-S District are in Table 4.3.132. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.132. All Uses shall comply with Article 4.5.0. Standards of General Applicability.

TABLE 4.3.132 Allowed Uses C-3-S		
Principal		
Single Family	Day Care, Group, See 4.4.22(B)	Day Care, Family, See 4.4.22(B)
Worship Facility	Group Home	Retail
Medical Office	2-3 family/ Duplex- Triplex	Long-Term Care Facility
Bed & Breakfast, See 4.4.22(A)	Health Care Facility (i.e. clinic, hospital)	Professional Office, See 4.3.134 (B)
Short-Term Rental See 4.4.22 (L)	Government Buildings, Facilities	Public Parks & Recreation
Restaurant	Art Gallery	Pharmacy
Commercial Entertainment		Hotel, Motel, Lodging
Accessory		
ADU/ Guest House, See 4.4.22(F)		Home Occupation, See 4.4.22 (C)
Storage/Garage		Building/Shed
Conditional		
Light Industrial/ Manufacturing & Assembly	Vehicle Sales, Repair & Service	Multi-Family, >3 units
Drive-through	Distribution	School
Alcohol-Consumption/ Sales as a Secondary Use	Gambling as tertiary use	Animals, See 4.4.22 (L)
		Marijuana Dispensary

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use,

the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

4.3.133 Dimensional Standards

Development in the C-3-S District shall comply with the Dimensional Standards established in Table 4.3.133.

4.3.134 Specific District Standards

The following standards shall apply to development in the C-3-S Zoning District:

A. Parking lots

All parking spaces shall be located on the side or rear of the principal building and are prohibited between the principal building and highway.

B. Screening

Service areas associated with non-residential uses, such as dumpsters, and parking lots larger than four (4) parking spaces shall be screened from adjoining rights-of-way and uses with an opaque wall and/or fence at least six (6) feet in height, along with vegetation.

C. Sidewalk

Sidewalks shall be Section 4.5.86, Pedestrian Access.

D. Rock Creek Views

Site plans shall be designed to preserve views of Rock Creek from the state highway to the maximum extent practicable.

E. Street Wall Length and Shape

To avoid long and monotonous building facades, the building façade facing any street or avenue shall not be more than fifty (50) feet without an offset in the wall plane or architectural features or indents designed to break up the apparent mass of the wall and prevents the building from being a rectangle or square.

F. Roof Standards

Roofs shall be of a color and design that are compatible with the rest of the building. Roofs shall have varying pitches, parapets, angles and other acceptable styles that prevent the monotony of roofs. All roof penetrations shall be ganged and screened to the maximum extent practicable.

G. Historic Character

The design of all new buildings and the design of existing buildings that are expanded in gross floor area shall be compatible with the historic architecture of Red Lodge as described in the *Red Lodge Revitalization Master Plan*. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these compatibility requirements when such a waiver is deemed to be consistent with the intent of this code. Compatible design includes, but is not limited to, the use of false fronts, and the type of ground floor windows typically used on historic buildings in Red Lodge.

Acceptable exterior building materials traditionally used on historic buildings in Red

Table 4.3.133 Dimensional Standards C-3-S	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Setbacks (feet)	
Front	10
Side	10
Rear (when Not on an Alley or Row)	10
Rear (when on an Alley or Row)	0
Building Standards	
Building Height	35

Lodge, such as stone, brick, and wood (or modern alternative materials with the look of traditional materials; an example of a modern alternative to wood siding could be cementitious board siding such as the brand name of Hardi-Plank) shall be used.

Stucco and other similar materials are not historic materials of Red Lodge.

H. Design Review Required

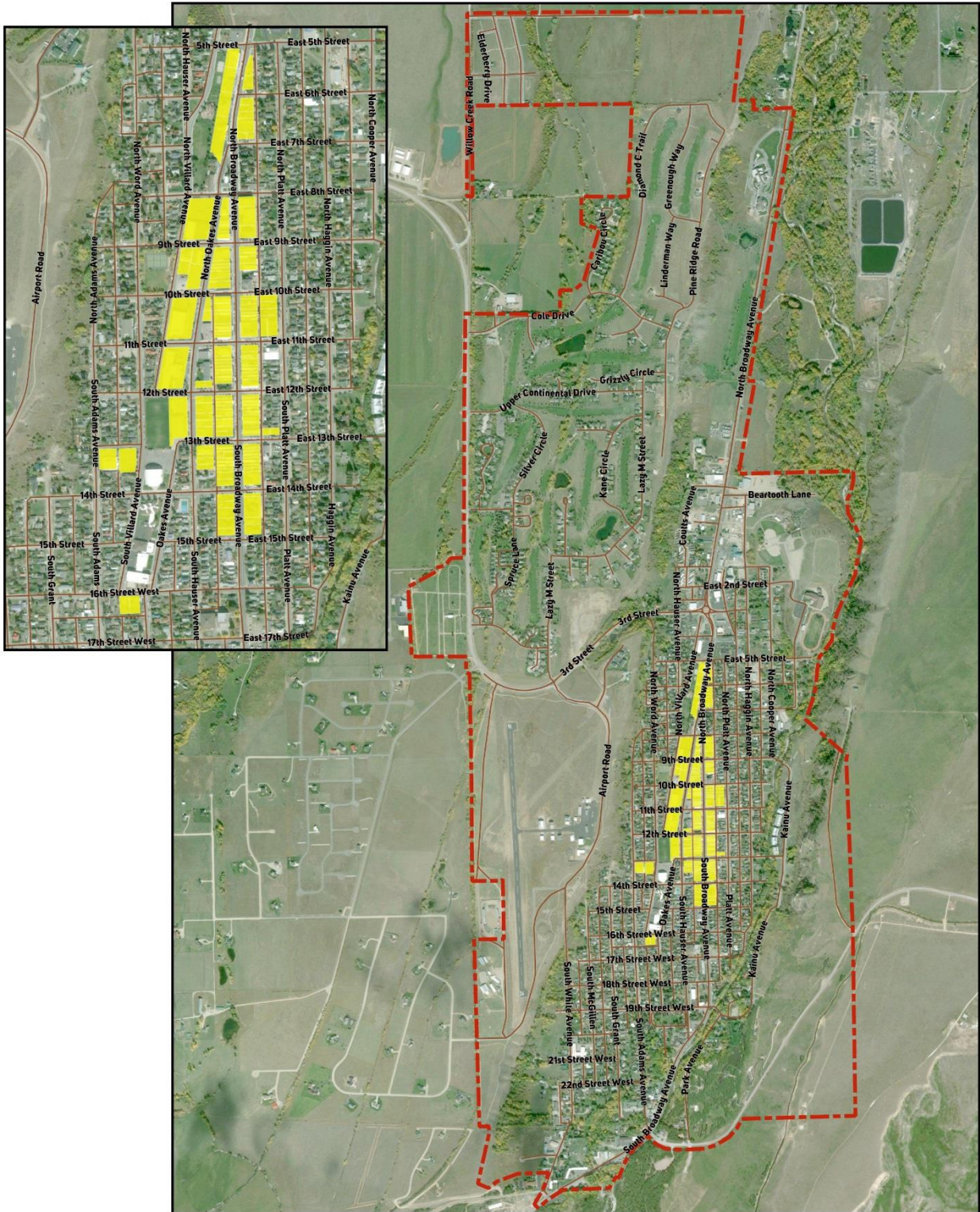
Designs and plans for all new buildings and expansions to existing buildings that increase gross floor area shall be reviewed by the Planning Board / Zoning Commission pursuant to Section 4.9.82, Design Review, for compliance with Subsection G, Historic Character, above. Sign packages as part of Secondary and Tertiary Uses are subject to Design Review. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these design review requirements when such a waiver is deemed to be consistent with the intent of this code.

I. Non-Residential Uses

Allowed commercial uses and all Conditional Uses that propose to construct or expand gross floor area of 2,000 square feet or more are required to comply with Section 4.4.10, Conditional Uses and obtain a Conditional Use Permit; and Section 4.5 Standards of General Applicability. When said expansion is less than two thousand (2,000) square feet, the Zoning Administrator may waive the conditional use permit and standards of general applicability requirements when such a waiver is deemed to be consistent with the intent of this code.

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Central Business Zoning District -South (C-4)



**4.3.140 Central Business
Zoning District 4 (C-4)**

4.3.141 Purpose and Intent

The purpose and intent of the C-4 Zoning District is to provide the business, social, cultural, and governmental center in the heart of the City that is consistent with the *Red Lodge Growth Policy*, Central Business District, and Commercial Historic District Goals. This district provides for a mix of commercial, office, and residential uses in two- and three-level mixed-use buildings where the citizens of Red Lodge and the surrounding area conduct daily business and seek entertainment. In addition to providing for business activities, it is the further intent of this district to preserve the small- town character, pedestrian character, pedestrian scale of development and historic structures that contribute to the appeal and economic vitality of the community. The C-4 District promotes the continued infill, investment, and development of the city center.

4.3.142 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the C-4 District are in Table 4.3.142. All Conditional Uses must comply with Section 4.4.10, Conditional Uses.

Some Principal Uses shall comply with specific standards as referenced in Table 4.3.142. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

TABLE 4.3.142 Allowed Uses C-4		
Principal		
Single Family	Multi- Family ≥ 2 units	Vehicle Repair, Service & Sales
Short-Term Rental, See 4.4.22 (L)	Public Parks & Recreation	Health Care Facility (i.e., clinic,
Commercial Entertainment	Day Care, Group, See 4.4.22 (B)	Professional Office, See 4.3.144 (E)
Medical Office	Long-Term Care Facility	Bed & Breakfast, See 4.4.22 (A)
Pharmacy		
Worship Facility	Retail	Group Home
Government Buildings, Facilities	Day Care, Family, See 4.4.22(B)	Alcohol, Consumption & Sales
Restaurant	Marijuana Dispensary, See 4.4.22 (I)	Hotel, Motel, Lodging
Art Gallery		
Accessory		
ADU/Guest House, See 4.4.22 (F)	Home Occupation, See 4.4.22 (C)	
Storage/Garage	Building/Shed	
Conditional		
Sexually Oriented Business, See 4.4.22 (H)	Manufacturing, Light Industrial & Assembly	Gambling as a Primary Use
Parking Garage	School	Freight & Distributio

4.3.143 Dimensional Standards

Development in the C-4 District shall comply with the Dimensional Standards established in Table 4.3.143.

4.3.144 Specific District Standards

The following standards shall apply to development in the C-4 Zoning District:

A. Reverse Frontage

Reverse frontage (parking beside or behind the building) shall be required per Section 4.5.46 Parking Lots on Broadway.

B. Building Orientation

Primary building facades and entries shall face the adjacent street or avenue with an entry door recessed at least two (2) feet from the front building wall.

C. Exemptions

All development within the Central Business District is exempt from Section 4.5.40, Parking and Loading Standards.

D. Maximum Setback

Maximum front setback shall be five (5) feet. Matching the setback of adjoining buildings is encouraged and a zero setback is allowed.

E. Screening

Service areas associated with non-residential uses, such as dumpsters, and parking lots larger than four (4) parking spaces shall be screened from adjoining residential uses with an opaque wall and/or fence at least six (6) feet in height, along with vegetation.

F. Historic District

Development shall comply with Section 4.3.173, Commercial Historic District Overlay.

G. Street Wall Length and Shape

To avoid long and monotonous building facades, the building façade facing any street or avenue shall not be more than fifty (50) feet without an offset in the wall plane or architectural features or indents designed to break up the apparent mass of the wall and prevents the building from being a rectangle or square.

H. Roof Standards

Roofs shall be of a color and design that are compatible with the rest of the building. Roofs shall have varying pitches, parapets, angles and other acceptable styles that prevent the monotony of roofs. All roof penetrations shall be ganged and screened to the maximum extent practicable.

I. Building Height

Multi-level buildings are encouraged; however, building height shall be consistent with adjoining buildings. The Planning Board/Zoning Commission may require upper floor(s) of new buildings or additions to be setback from the street up to thirty (30) feet to allow the lower floor(s) of the new building or addition to match the height of adjoining building.

Table 4.3.143 Dimensional Standards C-4	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Minimum Setbacks (feet)	
Front, Maximum	5 feet, See 4.3.144(D)
Side	0
Rear	0
Building Standards	
Building Height	45 feet, See 4.3.144(I)

J. Minimum Ground Floor Height

The minimum floor-to-ceiling height of the ground floor shall be ten (10) feet for a depth of twenty (20) feet from the front wall.

K. Sidewalk

Sidewalks shall be required in accordance with Section 4.5.86, Pedestrian Access.

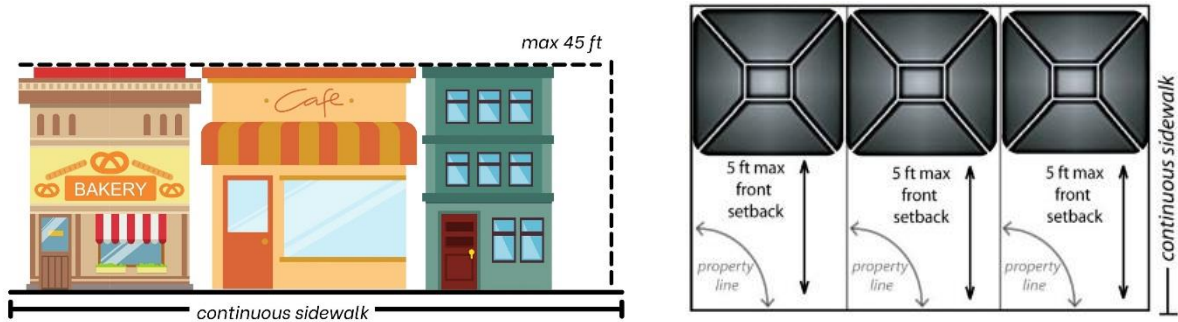
L. Design Review Required

Designs and plans for all new buildings and expansions to existing buildings that increase gross floor area shall be reviewed by the Planning Board/Zoning Commission pursuant to Section 4.9.82, Design Review, for compliance with the following above Subsections: Historic District, Street Wall Length and Shape, Roof Standards, Building Height, Minimum Ground Floor Height, and Sidewalk. Secondary and Tertiary Use sign packages are subject to Design Review. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these design review requirements when such a waiver is deemed to be consistent with the intent of this code.

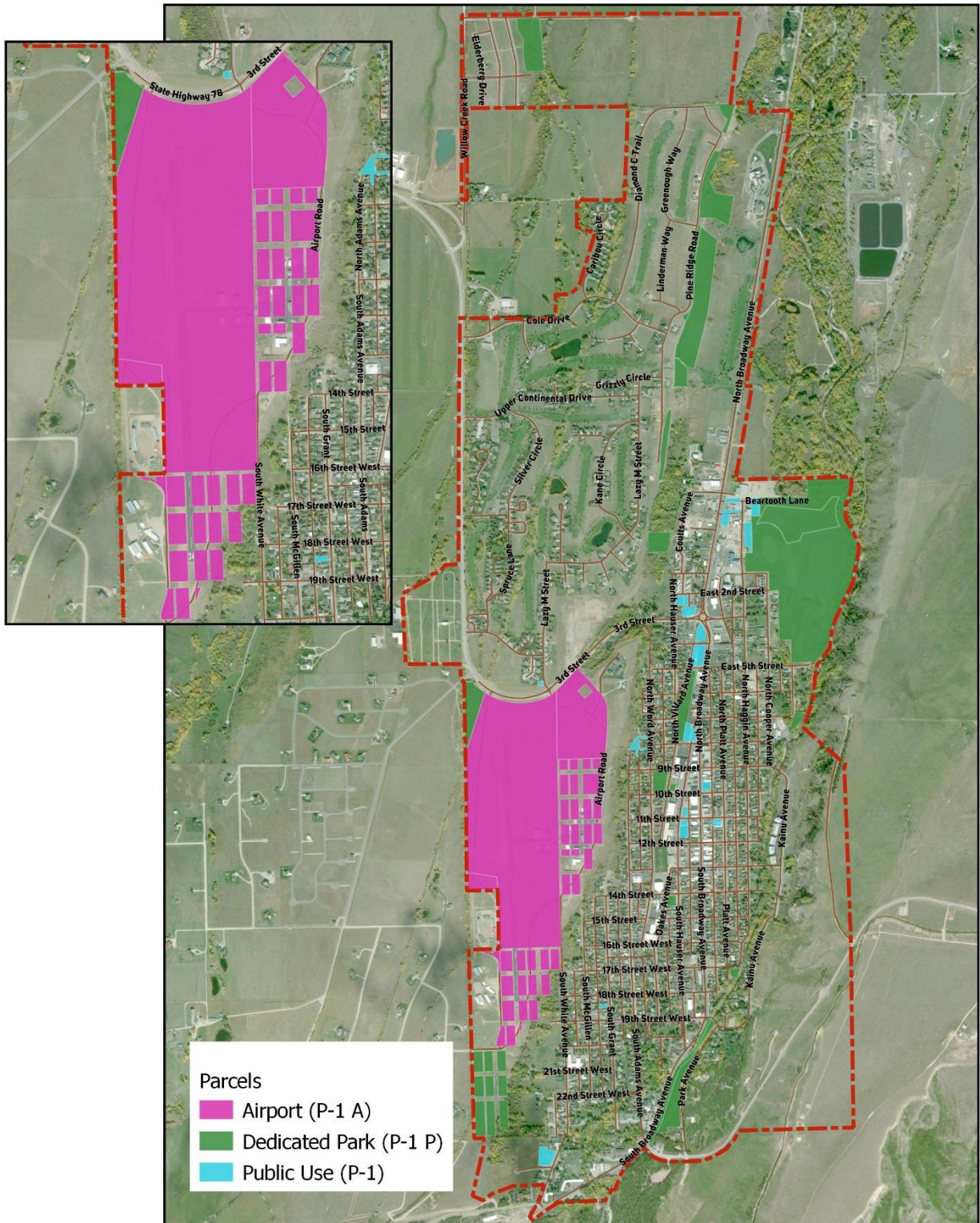
M. Non-Residential Uses

Allowed commercial uses and all Conditional Uses that propose to construct or expand gross floor area of 2,000 square feet or more are required to comply with Section 4.4.10, Conditional Uses, and obtain a Conditional Use Permit; and Section 4.5 Standards of General Applicability. When an expansion is less than two thousand (2,000) square feet, the Zoning Administrator may waive the conditional use permit and standards of general applicability requirements when such a waiver is deemed to be consistent with the intent of this code.

C-4 Central Business Zoning District Standards Illustration



Public Use Zoning District (P-1, P-1-A, P-1-P)



4.3.150 Public Use Zoning District 1 (P-1)

4.3.151 Purpose and Intent

The purpose and intent of the P-1 Zoning District is to provide an adequate amount of land for a variety of public and semi-public uses that serve the public health, safety and general welfare, implement the *Red Lodge Growth Policy* and protect critical natural resources. These include various public buildings, parks and recreational facilities, and open spaces. This zoning district further intends to minimize incompatibility between the public uses and neighboring private uses.

Table 4.3.152 Allowed Uses P-1		
Permitted		
Airport	Health Care Facility (i.e. clinic hospital)	Public Park, Recreation
Rodeo & Fairgrounds		Governmental Buildings, Facilities
Accessory		
Storage/Garage		Building/Shed
Conditional		
Schools		Waste Collection

4.3.152 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the P-1 District are in Table 4.3.152. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.152. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

Table 4.3.153 Dimensional Standards P-1	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Minimum Setbacks (feet)	
Front, Maximum	10
Side	6
Rear (when Not on an Alley or Row)	5
Rear (when on an Alley or ROW)	0
Building Standards	
Building Height	35 feet

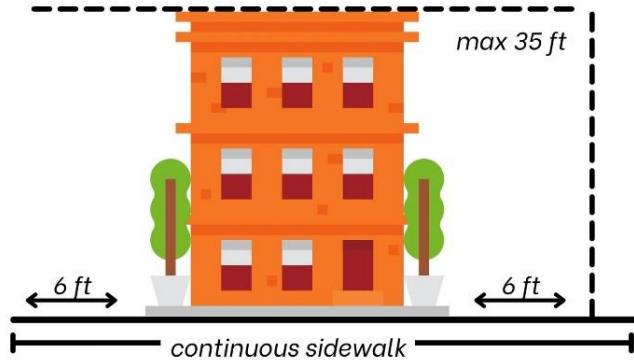
4.3.153 Dimensional Standards

Development in the P-1 District shall comply with the Dimensional Standards established in Table 4.3.153.

4.3.154 Specific District Standards

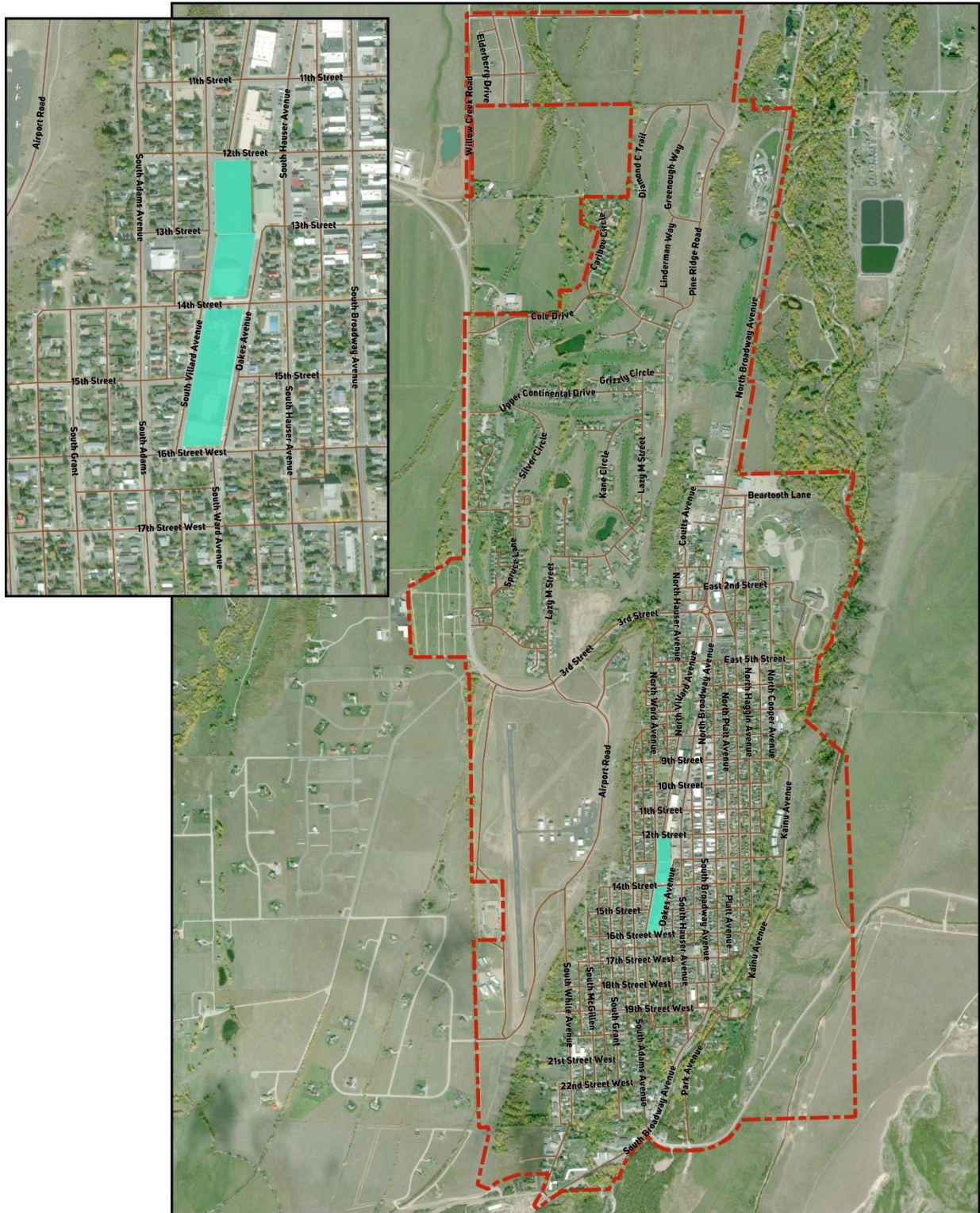
The following standards shall apply to development in the P-1 Zoning District.

P-1 Public Use Zoning District Standards Illustration



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Public Use Zoning District 2 (P-2)



4.3.160 Public Use Zoning District 2 (P-2)

4.3.161 Purpose and Intent

The purpose and intent of the P-2 Zoning District is to provide adequate land for schools in the heart of the City and to avoid the construction of schools in the outlying areas of the City.

4.3.162 Allowed Uses

Principal, Accessory, and Conditional Uses allowed in the P-2 District are in

Table 4.3.162. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Principal Uses shall comply with specific standards as referenced in Table 4.3.62. All Uses shall comply with Article 4.5.0, Standards of General Applicability.

An Accessory Structure shall be allowed only when a Principal Use has been established on the lot. In the event the applicant desires to construct an Accessory Structure prior to establishing a Principal Use, the Building Permit for both the Accessory Structure and Principal Use shall be issued together. When an Accessory Structure is constructed prior to the Principal Use, the Final Inspection for the Accessory Structure shall not be issued until the Principal Use has received its Rough Framing Inspection.

4.3.163 Dimensional Standards

Development in the P-2 District shall comply with the Dimensional Standards established in Table 4.3.163.

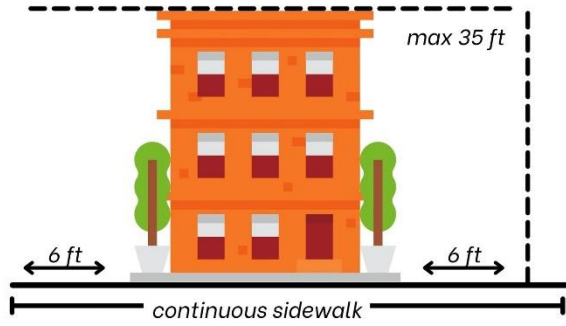
4.3.164 Specific District Standards

The following standards shall apply to development in the P-2 Zoning District.

Table 4.3.162 Allowed Uses P-2	
Permitted	
Public Park, Recreation	
Accessory	
Storage/Garage	Building/Shed
Conditional	
Schools	Governmental Buildings, Facilities

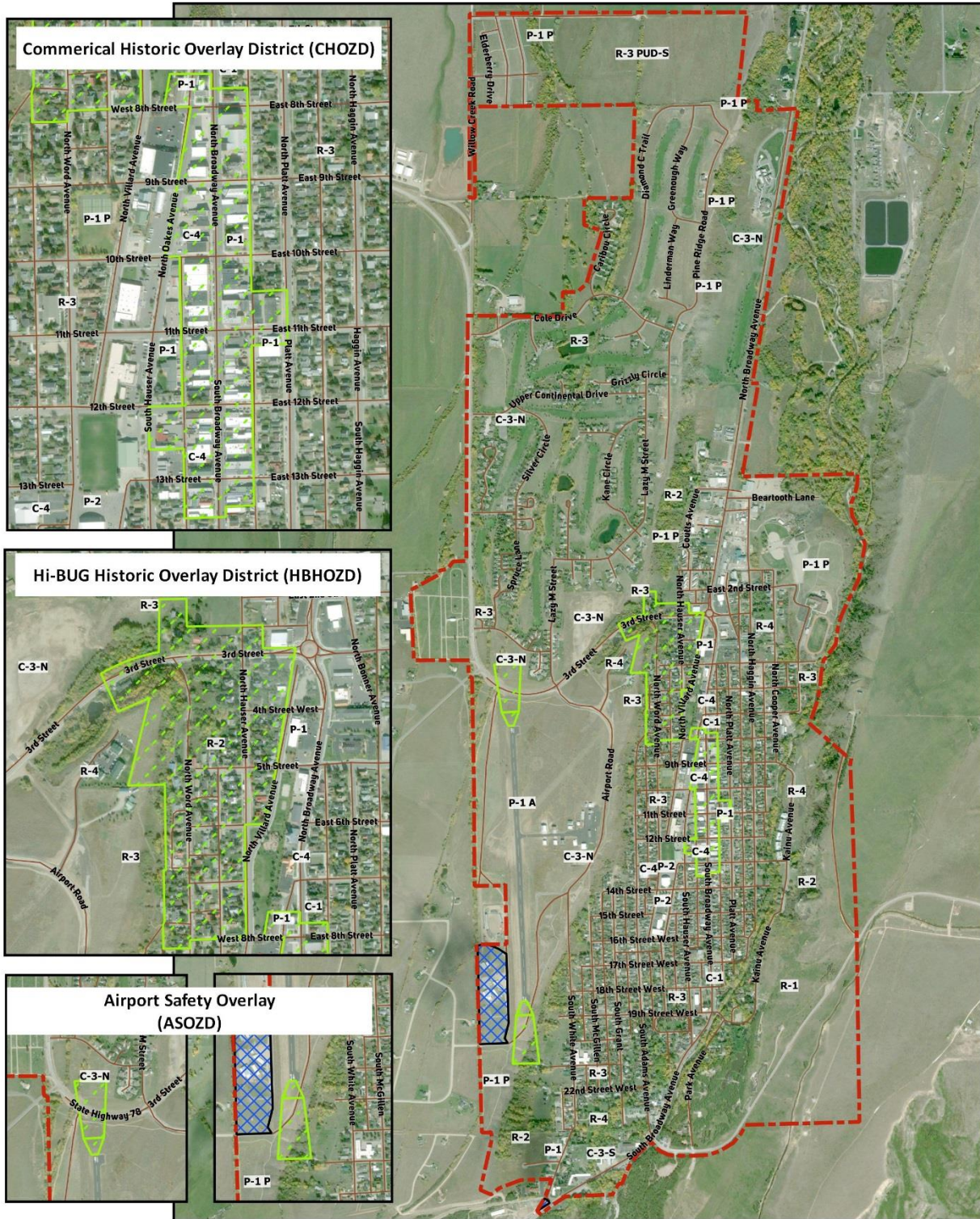
Table 4.3.163 Dimensional Standards P-2	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Minimum Setbacks (feet)	
Front, Maximum	10
Side	6
Rear (when not on an Alley or Row)	5
Rear (when on an alley or Row)	0
Building Standards	
Building Height	35

P-2 Public Use Zoning District Standards Illustration



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Overlay Zoning Districts



4.3.170 Overlay Zoning Districts

4.3.171 Overlay Zoning Districts Created

This section establishes the following Overlay Zoning Districts: Skyline Overlay Zoning District, Commercial Historic Overlay Zoning District, Hi Bug Historic Overlay Zoning District, and Airport Safety Overlay Zoning District. Development located in an established overlay district shall comply with the standards created in this Section for the overlay district in addition to all other standards and procedures of these regulations unless expressly exempted from certain standards or procedures. The Skyline Overlay Zoning District is not mapped due to the complexity of the overlay.

4.3.172 Skyline Overlay Zoning District (SOZD)

A. Purpose and Intent

The purpose and intent of the Skyline Overlay Zoning District is to protect the health and safety of Red Lodge citizens and avoid property damage to homes and other structures near the rims of the East and West benches. The SOZD also preserves view sheds that serve as public and private amenities and contribute to the character and aesthetic appearance of the City.

B. Location

The SOZD applies to the land generally described as being within 100 feet of the rim of the East bench or within 100 feet of the rim of the West bench. The Zoning Administrator shall define the rim based on a distinct change of topography.

C. Setback

All buildings shall be set back from the rim, as determined by the Zoning Administrator, a minimum of forty (40) feet.

D. Building Height

The maximum height of buildings shall be eighteen (18) feet, measured from original grade at the forty (40) foot setback from the rim and shall increase one (1) additional foot in height for each additional two (2) feet of setback from the rim (Table 4.3.164), not to exceed the maximum building height of the underlying zoning district. This building height standard shall apply to buildings located above and below the rim, so as not to disturb the skyline.

Table 4.3.164 Building Height Examples	
Setback	Height
40 ft	18 ft
42 ft	19 ft
44 ft	20 ft

E. Existing Lots

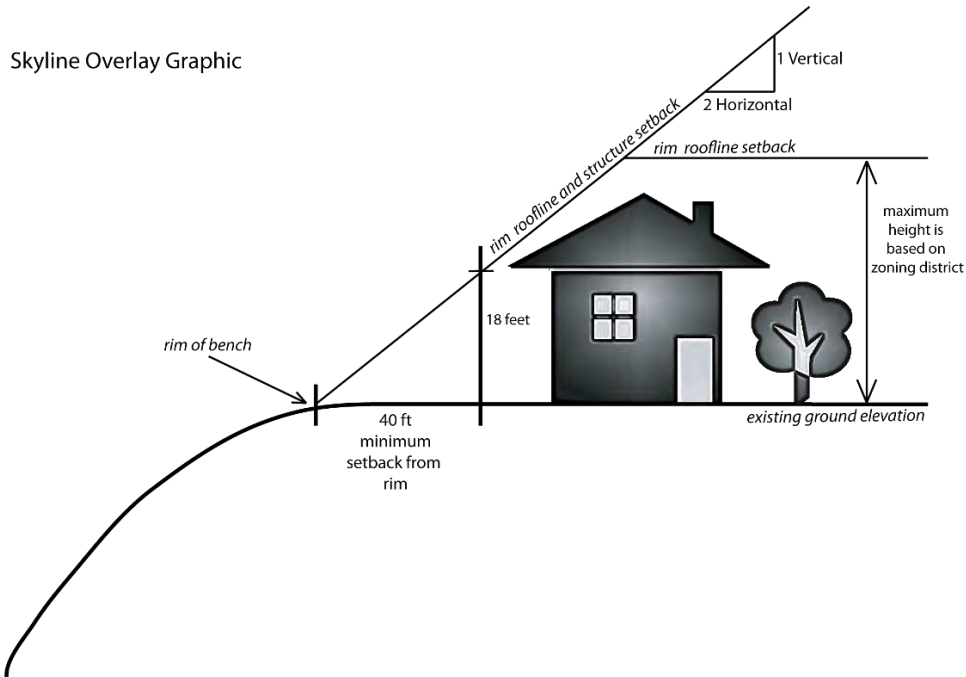
Notwithstanding the standards of this Section, platted lots, parcels and tracts that were lawfully created prior to the enactment of this Section shall be entitled to a single-family dwelling. If said lots, parcels or tracts do not have a building site that complies with the standards of this Section, a building site shall be approved that minimizes the penetration of the natural skyline and mitigates the visual impact of the building in accordance with the following standards.

1. Minimum Penetration

The natural skyline is defined as the line where the earth or the vegetation meets the sky as viewed from any location along Highway 212. The permitted building site is a location on the lot, parcel or tract on which a twenty (20) foot tall building, measured from original grade, penetrates the natural skyline the least.

2. Building Height

The maximum height of a building that penetrates the natural skyline pursuant to this Subsection shall be twenty (20) feet measured from original grade.



4.3.173 Commercial Historic Overlay Zoning District (CHOZD)

A. Purpose and Intent

The purpose and intent of the Commercial Historic Overlay Zoning District is to encourage preservation of the history, character and heritage of the City of Red Lodge. The CHOZD further promotes the preservation, rehabilitation and restoration of distinctive architectural features, landmarks and historic structures that characterize downtown Red Lodge and contribute to tourism and the overall economic stability of the community. The CHOZD accommodates new construction provided the new construction is in keeping with the purpose and intent of this CHOZD and contributes to the aesthetic character of the downtown area.

B. Location

The boundaries of the CHOZD are hereby re-established and affirmed and shown on the Official Zoning Map of the City of Red Lodge, which is on file in the office of the Carbon County Clerk and Recorder.

C. Applicability

The following development within the CHOZD, not exempted below, shall comply with the Standards of this Section and require a Record of Decision pursuant to this Section:

1. New Development

The construction of a new building;

2. Expansion

Development that increases the gross floor area of an existing building. When said expansion is less than twenty (20) percent the Zoning Administrator may

waive these compatibility requirements when such a waiver is deemed to be consistent with the intent of this code.

3. Increase Building Height

Development that increases the height of an existing building;

4. Façade Modification

A modification of a façade of an existing building. A modification is a change to building materials, windows, doors, trim or other exterior building elements or repainting to a color not on the Benjamin Moore's Historical Color Collection; and, when said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these compatibility requirements when such a waiver is deemed to be consistent with the intent of this code.

5. Removal of Historic Structure

The complete or partial removal of an historic structure.

D. Exemptions

Routine building maintenance, provided said maintenance does not modify twenty (20) percent or more of a building façade, is exempt from this Section. Routine maintenance includes:

1. Repainting

Repainting an existing building with the same color or another color from the Benjamin Moore's Historical Color Collection.

2. In-Kind Replacement

Replacement of windows, doors, trim or other building elements with the same type of element or the closest current-day replica of the building element.

3. Damage Repair

The repair of damage caused by fire, vandalism or natural causes provided the repairs alter less than twenty (20) percent of a building façade as described in Subsection C.4, above.

4. Structural Repairs

Structural enhancements designed to strengthen a building provided the repairs alter less than twenty (20) percent of a building façade as described in Subsection C.4, 20% Façade Modification, above.

E. Standards

All development performed within this CHOZD shall comply with the following standards:

1. Maximum Setback on Broadway

Notwithstanding the setbacks established in other Sections of these regulations, the maximum front setback for a new principal building on Broadway shall be one (1) foot.

2. Exterior Materials

Primary exterior building materials shall be brick or stone, except single-story buildings may have as the primary material painted horizontal clapboard siding that is not more than six (6) inches wide. Secondary building materials used for trim or architectural features may be wood or an alternative trim material, provided they do not exceed twenty (20) percent of a building façade. Entry doors facing Broadway shall be painted or stained wood and may include some glass.

3. Bulkhead, Kick Plate

All front building elevations that face Broadway shall incorporate a bulkhead or kick plate across the full building front, excluding doorways, that is at least one (1) foot in height, but not more than two and one-half (2 1/2) feet in height.

4. Ground Floor Windows

Ground floor windows facing Broadway shall be designed and constructed as display windows with a transom window. The top of the display window shall be at least seven (7) feet high and the top of the transom window shall be at least nine (9) feet high, as measured from the adjoining sidewalk.

5. Upper Floor Windows

Windows to floors above the ground floor shall be double-hung windows with a height at least one and a half (1 ½) times the window width. These upper floor windows shall be symmetrically aligned across the building facades.

6. Parapet

When a building contains a parapet, the parapet shall have a minimum height of four (4) feet and a maximum height of ten (10) feet as measured from the top of the glass in the top floor windows.

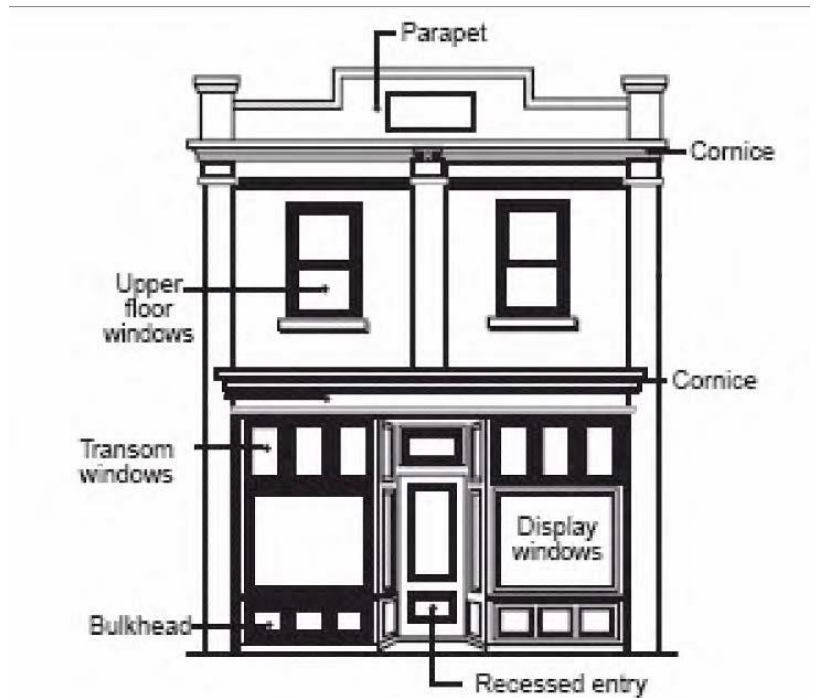
7. Cornice

When a building contains a parapet, the parapet shall include a cornice that protrudes from the building façade at least eight (8) inches but not more than twenty-four (24) inches

and shall have a minimum height of twelve (12) inches. A cornice may protrude into the public right-of-way but not onto neighboring private property that is in a different ownership, unless the neighboring owner grants an easement to allow such a protrusion.

8. Paint Colors

In order to reflect the historical colors used during the era in which most buildings in the Commercial Historic District were constructed, paint colors shall be selected from the Benjamin Moore’s Historical Color Collection or an alternative source that contains similar colors that are reflective of the historic era, as approved by the Zoning Administrator. Unpainted stone and brick shall not be painted; however, the Planning Board/Zoning Commission may authorize painting of pre-colored grey



smooth or split-face block. Information on the Benjamin Moore's Historical Color Collection is available at the City of Red Lodge Community Development Department.

9. Prohibited Lights

Flashing or blinking lights and strings of lights are prohibited on the exterior of buildings. The "Snowflakes across Broadway" and the "strings of lights" around light poles in all intersections are exempt as strings of lights.

10. Historic Building Removal

Prior to the issuance of a permit or other approval to remove all or a portion of an historic structure, the owner shall meet with the Planning Board/Zoning Commission and the County Historic Preservation Officer to determine if groups or persons interested in historic preservation may convince the owner to preserve the structure or facilitate the purchase of the property by someone who will preserve it.

F. Design Review Approval for Compliance with Standards

All development within this Overlay District shall be subjected to design review and approval, pursuant to Section 4.9.82, Design Review, in addition to other review and approval procedures of these regulations.

G. Guidelines

In addition to the standards established in Subsection E, Standards, above, all development within this Overlay District that is not exempted in Subsection D, Exemptions, shall be reviewed for consistency with the United States of America Secretary of the Interior's Standards for Preservation, or Standards for Rehabilitation, or Standards for Restoration, or Standards for Reconstruction, whichever is applicable. These Guidelines are intended to guide the design, construction, remodeling and reconstruction of buildings within this Overlay District. The Secretary of the Interior's Standards are available at the office of the City of Red Lodge Community Development Department and the County Historic Preservation Office.

H. Record of Decision for Consistency with Guidelines

A Record of Decision shall be required for all development in this Overlay not exempted in Subsection D, Exemptions. Applications for a Record of Decision shall be reviewed and issued or denied pursuant to Section 4.9.82, Design Review. A Record of Decision demonstrates that the design and plans for construction, remodeling or reconstruction are consistent with the Secretary of the Interior's Guidelines and appropriately maintain the historical character of the subject property.

I. Deviations from Underlying Zoning

For the purpose of complying with the Standards or Guidelines of this Section, deviations from the development standards of the underlying zoning district may be approved pursuant to the following criteria:

1. Achieve Purpose

The deviation is determined to be essential to achieve the purpose and intent of the Commercial Historic Overlay District; and,

2. Health and Safety

The deviation will not create an unsafe or dangerous condition for occupants of the subject property or neighboring properties; and,

3. Minimal Impact

The deviation will create no impact or minimal impact on neighboring property; and,

4. Procedure

The deviation is approved by the Planning Board/Zoning Commission pursuant to the procedure of Section 4.9.82, Design Review.

4.3.174 Hi Bug Historic Overlay Zoning District (HBHOZD)**A. Restricted Uses**

Medical offices and professional offices are prohibited in the HBHOZD

4.3.175 Airport Safety Overlay Zoning District (ASOZD)**A. Purpose and Intent**

The purpose and intent of this section is to conform to regulations of the Federal Aviation Administration (FAA) that are designed to protect the lives of pilots and passengers of aircraft, nearby residents and the general population. It also is the purpose of this section to conform to FAA regulations to protect the investment in the Red Lodge Airport and prevent damage to neighboring property.

B. Applicability

The ASOZD applies to all property within the Approach Zone for utility Visual approach runways as defined in FAA regulations.

C. Approach Zone, Height Limitation

Notwithstanding other dimensional limitations and allowances established by these regulations, no manmade building, tower, antenna or other structure and no tree or other vegetation shall penetrate the vertical plane described as the Approach Zone in FAA regulations for utility visual approach runways. The vertical plane in the Approach Zone is defined by the combination of subsections 1 and 2, below.

1. The interior edges of the Approach Zone coincide with edges of the primary surface and is 250 feet wide, and expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the ends of the primary surface and its center line is a continuation of the center line of the runway.
2. Furthermore, the surface of the Approach Zone slopes upward one (1) foot for each twenty (20) feet outward beginning at the ends, and at the same elevation as the primary surface and extending a horizontal distance of 5,000 feet along the extended runway centerline.
3. By way of example, the Approach Zone establishes a maximum height of ten (10) feet at a distance of 200 feet from the ends of the runway (200) divided by 20 times 1.

D. Use Limitations

No use is permitted that will interfere with navigational signals or radio communications between the airport and aircraft, or create difficulty for pilots to distinguish between airport lights, or create glare or impair the visibility of pilots, or create an attraction for birds that may increase the likelihood of bird strikes.

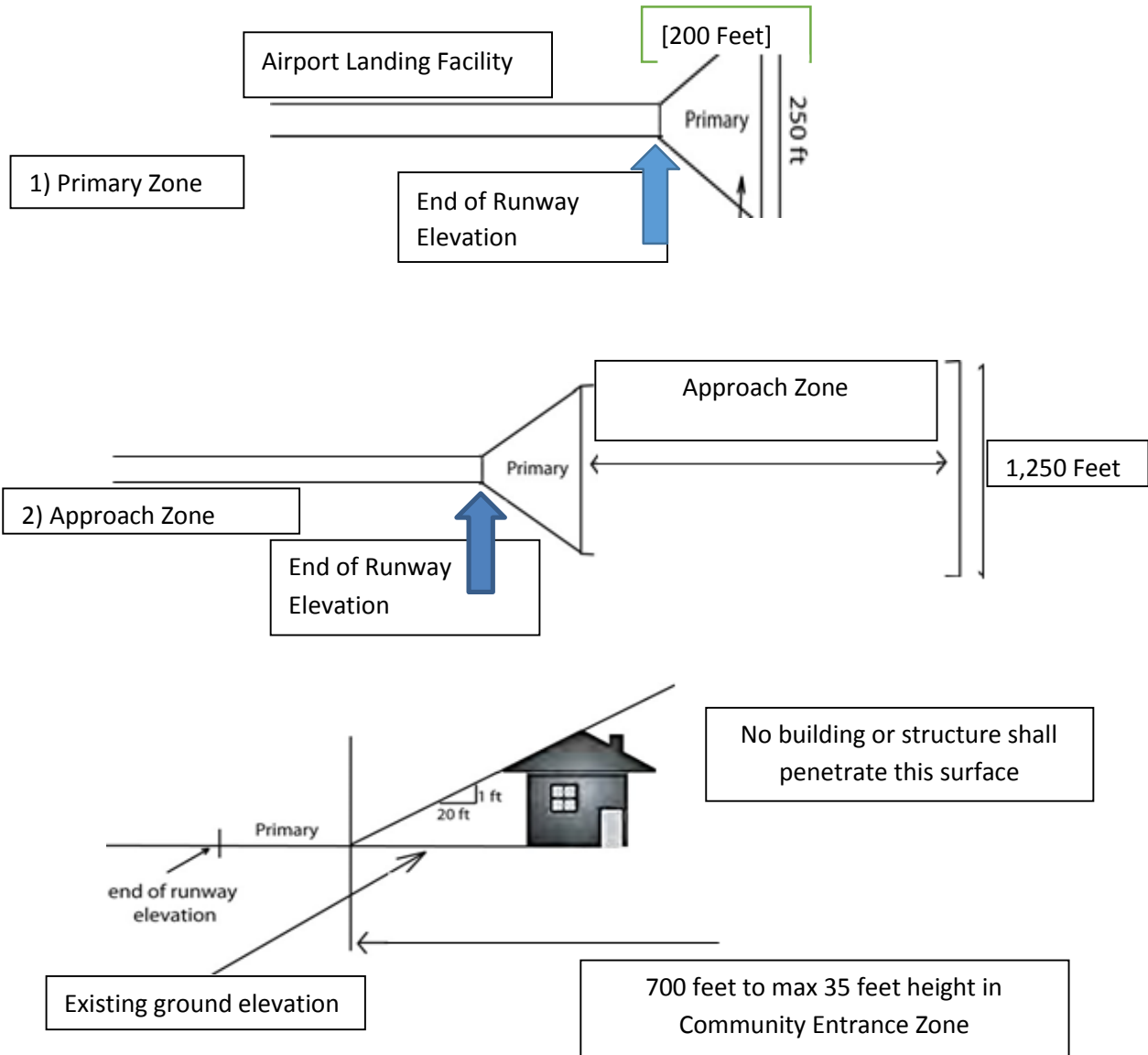
E. Nonconforming Conditions

In addition to the standards of Article 4.7.0, Nonconformities, the owner of any nonconforming structure or vegetation within the ASOZD shall permit the Airport Board to install, operate and maintain markers or lights the Board deems necessary to indicate the presence of the structure or vegetation to aircraft pilots. Furthermore, no such nonconformity shall be made more nonconforming or in any way become a greater hazard for aircraft.

F. Notice to FAA

In addition to other standards and procedures established by these regulations, the Zoning Administrator or City board granting approval of a permit or variance within

the ASOZD shall solicit review comments from the FAA or require the applicant to notify the FAA of the pending application.



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4.3.180 Planned Unit Development

4.3.181 Purpose and Intent

The purpose and intent of the Planned Unit Development (PUD) is to create a procedure that allows flexibility to design and develop a site in a creative and unified approach rather than a traditional lot-by-lot approach. The flexibility and unified approach are intended to promote high quality open spaces that are created by clustering development, create a diversity of housing types, permit a compatible mix of land uses, and achieve context sensitive design that conforms to topography and minimizes impacts on natural resources. The flexibility of the PUD also is intended to accomplish goals of the Red Lodge Growth Policy.

4.3.182 Location

A PUD is a development approved pursuant to the standard and procedures of this Section and can be located on any site within the City that contains the following characteristics:

A. Infrastructure

Water, wastewater, roadway and storm water facilities with sufficient capacity to accommodate the PUD, or these facilities can be reasonably extended to create the required capacity.

B. Connectivity

The opportunity for a PUD with extensive connectivity to the existing roadway, sidewalk and trail systems.

C. Natural Resources

Natural resources that can be better protected by the flexible design of a PUD than by a traditional lot-by-lot development.

4.3.183 Allowed Uses

A. Residential Underlying Zoning

When the underlying zoning is residential, the PUD may contain all types of residential structures and commercial uses, provided the mix of uses complies with the findings of Section 4.3.187, Required Findings. Industrial uses are not allowed in PUD when underlying zoning is residential.

B. Non-residential Underlying Zoning

When the underlying zoning is commercial, industrial or another non-residential classification, the PUD may contain all types of residential structures, commercial and industrial uses, provided the mix of uses complies with the standards of Section 4.3.187, Required Findings.

4.3.184 Dimensional Standards

A. Lot Sizes, Frontage, Setbacks

Lot sizes, lot frontage and setbacks established for the underlying zoning district maybe varied for the purpose of clustering buildings in a small footprint of development and setting aside open spaces or protecting natural resources.

B. Density, Impervious Coverage

The number of residential units and the amount of impervious coverage may exceed the limits established for the underlying zoning in portions of the PUD provided the total property covered by the PUD complies with these two standards in an overall calculation.

C. Building Height

Building heights within the PUD may exceed the maximum height of the underlying zoning district for the purpose of clustering development in a small footprint of development and setting aside open spaces or protecting natural resources.

4.3.185 Site Design Standards

PUD shall comply with the following site design standards:

A. Building Sites

The configuration and arrangement of development shall provide each lot and building with a suitable site that minimizes disturbance of sloping hillsides, protects natural resources and is serviceable by adequate infrastructure.

B. Access

Safe and adequate vehicular access shall be provided to all lots and building sites to accommodate routine and emergency accessibility.

C. Natural Resources

Natural resources shall receive greater protection than is routinely provided by the standards of these regulations or other state and federal regulations. Examples of compliance with this standard include but are not limited to:

1. Setbacks

Providing greater setbacks from water bodies and wetlands than required by other sections of these regulations or by the state and federal regulations, or

2. Hillsides

Avoiding the disturbance of hillsides that is otherwise permitted by other sections of these regulations, or

3. Wildlife

Protecting wildlife habitats and migration corridors.

D. Connectivity, Circulation

The roadway system shall maximize connectivity to the adjoining streets and promote efficient circulation within the PUD.

E. Pedestrian System

A safe and logical system of sidewalks, trails and pathways shall provide for convenient pedestrian connections throughout the PUD and to adjoining neighborhoods.

F. Integration, Compatibility

Site design and the arrangement of land uses shall integrate the PUD with surrounding developments and maximize compatibility with neighboring properties. The PUD design shall blend with the existing development pattern and street network of the City.

G. Human Interaction

Site design, arrangement of buildings and open spaces and the circulation system shall provide places for, and promote, interaction among the residents and workers occupying the PUD.

H. Growth Policy

A PUD application shall demonstrate in a convincing and persuasive way that the proposed development will implement goals and strategies of the *Red Lodge Growth Policy*.

4.3.186 Statements of Standards

Upon approval of a PUD, the owner shall prepare a Statement of Standards for review and approval by the Zoning Administrator that describes the specific uses,

development standards, deviations from the underlying zoning standards and conditions of approval. This Statement of Standards shall be approved as to form by the City Attorney, and upon approval by the Zoning Administrator recorded in the land records of Carbon County.

4.3.187 Required Findings

Approval of a PUD shall require the Planning Board/Planning Commission making the following findings of fact:

A. Growth Policy

The PUD implements the goals and strategies of the *Red Lodge Growth Policy*.

B. Consistent with Purpose, Intent

The PUD is fully consistent with the stated purpose and intent of this Section and in no way contradicts the purpose and intent of this Section.

C. Complies with Standards

The PUD fully complies with all applicable standards of this Section and these regulations.

D. No Adverse Impact

The PUD creates no significant adverse impact to neighboring property and does not negatively impact natural resources.

4.3.188 Expiration

Approval of a PUD shall expire and become null and void one (1) year after the date of final approval if development has not commenced. Development of the PUD shall proceed with reasonable diligence to completion or proceed consistent with an approved phasing schedule. If development does not proceed with reasonable diligence to completion or in accordance with an approved phasing schedule, the Planning Board/Zoning Commission may initiate a review of the partially completed PUD and determine if a specific schedule of development should be established for completion or if the PUD approval should be deemed expired. To render the decision about a completion schedule or expiration of approval, the Planning Board/Zoning Commission shall consider the following criteria:

A. Functionality

Does the partially complete PUD contain functional infrastructure, including but not limited to water, wastewater, streets, storm water management and pedestrian facilities?

B. Visual Blight

Does the partially complete PUD create visual blight that deteriorates the aesthetic quality of the neighborhood or the city?

C. Community Changes

Has the City of Red Lodge enacted changes to the policies, goals, strategies or regulations that would cause the PUD to be denied approval if it were newly submitted for applicable Zoning Conformance Permits?

Article 4.4.0 STANDARDS FOR SPECIFIC USES

4.4.10 Conditional Uses

4.4.11 Purpose and Intent

This section establishes standards and required Findings of Fact for Conditional Uses. The purpose of Conditional Uses is to allow uses that may be suitable in some but not all locations in the zoning district in which they are allowed, or require special consideration because of unusual operational or physical characteristics, or must be designed and developed with conditions to assure compatibility with adjoining uses.

A Conditional Use Permit (CUP) may be granted to allow a Conditional Use only for a use listed as a "Conditional" use in an Allowed Uses table and only after the Planning Board/Zoning Commission has made Findings of Fact that the Conditional Use complies with the following standards. The following standards apply in addition to standards of general applicability.

4.4.12 Findings of Fact

The Planning Board/Zoning Commission shall make Findings of Fact that a Conditional Use complies with the following standards as a prerequisite to granting a CUP.

A. Consistent with Growth Policy

The Conditional Use is consistent with the policies, goals, objectives and strategies of the *Red Lodge Growth Policy*.

B. Compatibility

The Conditional Use is compatible with the character of the immediate vicinity including the bulk, scale, and general appearance of neighboring buildings and uses.

C. Minimizes Adverse Impact

The design, development, and operation of the Conditional Use minimize and mitigate adverse effects, including visual impact of the proposed use on adjacent lands.

D. Minimizes Adverse Environmental Impact

The development and operation of the proposed Conditional Use minimizes adverse environmental impacts. Environmental resources to be assessed include, but are not limited to, wetlands, riparian areas, steep slopes, mature vegetation and the floodplain.

E. Impact on Public Facilities and Services

The Conditional Use does not have a significant adverse impact on public facilities and services, including, but not limited to, transportation systems, potable water and wastewater facilities, storm drainage, solid waste and recycling, parks, trails, sidewalks, schools, police, fire, and EMT facilities.

F. Hazard, Nuisance

The proposed Conditional Use will not create a hazard to persons or property and will not create a nuisance arising from, but not limited to, traffic, noise, smoke, odors, dust, vibration or illumination.

G. Other Codes

The Conditional use complies with all applicable City codes and ordinances.

4.4.13 Run with the Land

An approved CUP shall run with the land and may be transferred to another owner.

4.4.14 Expiration, Discontinuance or Abandonment

An approved CUP shall expire on the one (1) year anniversary date of approval if the permit is not put to use, unless an alternate timeline is established in the development approval. If a Conditional Use is operationally discontinued or abandoned for a period of more than twelve (12) consecutive months, regardless of the removal or non-removal of furniture/equipment or any intention to resume such activity in the future, the Conditional Use may not be reestablished or resumed. Any subsequent use of the site shall conform to this Ordinance.

4.4.20 Use Specific Standards**4.4.21 Purpose and Intent**

The purpose and intent of this Section is to establish certain standards that apply to specific uses. Some uses listed in the Allowed Uses tables are required to comply with use-specific standards. The Allowed Uses tables contain references to sub-sections below that establish the use-specific standards.

4.4.22 Specific Uses**A. Bed and Breakfasts****1. Definition**

A Bed and Breakfast a dwelling where a maximum of 5 guest units for overnight or otherwise short-term temporary lodging is provided and may include meals. The operator of the facility shall live on the property.

2. Maximum Number of Rooms

A Bed and Breakfast shall not exceed five (5) rooms that are rented to guests in addition to the rooms dedicated to the owner/manager. More than 5 rented rooms in a structure is considered a motel.

3. Meals

A Bed and Breakfast includes breakfast in the lodging rate. No other meals are served to guests and no meals are served to the general public.

4. Duration of Stays

Bed and Breakfasts provide short-term lodging and guests shall not stay more than fourteen (14) days in a thirty (30) day period.

5. Residential, Historic Character

Bed and Breakfast facilities shall be compatible to the bulk, scale and appearance of the neighborhood in which it is located. When a Bed and Breakfast is located in an historic structure, the historically significant architectural elements of the structure shall be maintained.

6. Parking

One (1) space per two (2) rooms rented to guests shall be provided on-site.

7. Signage

Notwithstanding the standards of Article 4.6.0, Outdoor Advertising, a Bed and Breakfast shall be allowed one (1) sign, not to exceed six (6) square feet in sign area. This sign may be freestanding provided it is setback a minimum of ten (10) feet from the property line. A Bed and Breakfast located within a Commercial Zone falls entirely under Article 4.6.0, Outdoor Advertising for sign requirements.

B. Day Care or Group Care Centers**1. Definitions****a. Day Care Facility**

A commercial facility that provides care for more than two (2) children or adults on less than a 24-hour basis for someone other than a family member or a person who lives with the children or adult. Adult Day Care is the provision of services and assistance to help adults with daily living.

b. Day Care Group, Day Care Center

An out-of-home place in which care is provided to thirteen (13) or more children or adults, or provides adult day care in conjunction with a Long-Term Care Facility or Health Care Facility.

c. Day Care Family, Day Care Home-Large

A private residence or other structure in which day care services are provided to seven (7) to twelve (12) children or adults.

2. License, Registration Certificates

Day Care Centers shall be licensed, and day care home facilities shall be issued a registration certificate, by the Montana Department of Family Services.

3. Compatible Appearance

Day Care Centers in residential zoning districts shall maintain a residential appearance as viewed from the street.

4. Centers for Children**a. Outdoor Play Area**

Day Care Centers for children shall provide at least seventy-five (75) square feet of outdoor play area per child.

b. Fence

Notwithstanding other standards of this Ordinance that regulate fences, Day Care Centers for children may be required to provide a six (6) foot high solid fence, or a minimum twenty (20) foot wide landscape buffer to separate outdoor play areas from adjoining residential dwellings.

5. Signs

Notwithstanding Article 4.6.0, Outdoor Advertising, a Day Care Center shall be permitted one (1) sign not to exceed twelve (12) square feet in sign area when in a residentially zoned district.

C. Home Occupations**1. Purpose and Intent**

The purpose and intent of these standards are to provide for limited commercial uses on the site of a residential dwelling unit. Home occupations provide for businesses that are carried out by residents of the dwelling and are incidental

and subordinate to the residential use. Home occupations provide a place for businesses to start but do not permit their continued existence once the business has grown beyond the size that can maintain the residential character and scale of the residential property. It also is the purpose of these standards to provide peace, quiet and tranquility in residential neighborhoods and to guarantee all residents freedom from excessive noise, traffic, nuisance, fire hazard and other deleterious effects of commercial uses.

2. Standards

Home Occupations on single-family sites shall comply with the following standard:

a. One Per Residence

Not more than one (1) Home Occupation can be located on a single-family lot or property as an Accessory Use.

b. Residents

A Home Occupation shall employ at least one (1) resident of the home with which the Home Occupation is associated and may include one (1) non-resident employee.

c. Character

Home Occupations shall not diminish the residential character of the property.

d. Inside Structure

Except for agricultural activities, Home Occupations shall be carried out within the dwelling unit or accessory structure.

e. Maximum Area

Home Occupations shall not occupy more than thirty-three (33) percent of the total floor area of the dwelling unit, including accessory buildings.

f. Equipment

Mechanical equipment used in connection with the Home Occupations shall be limited to equipment normally found in a dwelling unit, including accessory buildings.

g. Outside Storage

Outside storage of equipment, materials, merchandise, inventory or heavy equipment that is associated with the Home Occupation shall be prohibited.

h. Parking

Off-street parking shall be provided pursuant to Section 4.5.40, Parking and Loading Standards.

i. Signs

Notwithstanding Article 4.6.0, Outdoor Advertising, each Home Occupation shall be limited to one (1) wall sign containing the name, title and occupation of the Home Occupation not exceeding six (6) square feet in sign area. Window areas shall not be used to display or advertise merchandise to the exterior of the dwelling unit or accessory building and no freestanding business sign is permitted. Home occupations in commercial districts are permitted twelve (12) square feet of sign area.

j. Trucks Prohibited

No trucks, vehicles or equipment with a manufacturer's rated capacity of over two (2) tons shall be parked overnight on the street or on the premise unless totally enclosed in a building.

k. Deliveries

Delivery trucks shall not operate from the residential property. This standard does not prohibit infrequent deliveries in a truck or vehicle to/from the occupants of the dwelling unit.

l. Nuisance Prohibited

Home Occupations shall not create a fire hazard or constitute a nuisance or detrimental condition for neighboring property from excessive traffic, noise, odor, vibrations, electrical disturbance or other impact.

m. Hazardous Material Prohibited

The storage of flammable liquids in excess of ten (10) gallons or hazardous materials related to the Home Occupation is prohibited in the dwelling unit, accessory building or parked vehicles.

3. Single Family Standards

The residence containing the Home Occupation shall comply with all applicable standards for single-family dwellings in the zoning district in which it is located.

D. Manufactured Home Communities**1. Purpose and Intent**

Manufactured home communities, including tiny homes, are included in the state classification of land subdivisions by rent or lease. Therefore, applicants for such developments shall apply for and be reviewed under both site plan and subdivision. When both review processes are required they will be reviewed concurrently when appropriate. All standards of this chapter are applicable unless explicitly waived.

2. Standards**a. State Requirements**

All manufactured home communities developed under this section shall comply with State Department of Public Health and Human Services, Department of Environmental Quality and any other applicable state regulations. Prior to final approval for a manufactured home community, copies of approval letters from relevant state agencies shall be submitted or compliance with all applicable regulations shall be certified by a professional civil engineer licensed by the State.

b. Lot Improvements

The location of boundaries of each manufactured home lot for rent or lease shall be clearly and permanently marked on the ground with flush stakes, markers or other suitable means. The location marked must be closely approximate to those depicted on the approved plans.

i. Utility Hookup

Every manufactured home shall be permanently connected to electric power, water supply, sewage disposal, gas and telephone service lines in compliance with applicable City codes, and all utility distribution and service lines shall be installed underground.

ii. Permanent Foundations and Anchoring

All manufactured homes shall be required to be tied or otherwise physically anchored to an approved permanent concrete foundation. Building permits for foundations and anchoring, issued through the city building department in accordance with the adopted International Building Code, are required. The method of anchoring and foundations shall be specified as part of the required preliminary development review. Manufactured home communities for lease may be allowed to use temporary blocks with an approved foundation and support.

iii. Maintenance

- a. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies.
- b. No manufactured home may be parked on a public or private street for more than 24 hours.
- c. An abandoned, burned or wrecked manufactured home must be secured against entry as directed by the fire marshal and may not be kept on a lot for more than 45 days.
- d. Each manufactured home must bear an insignia that attests that the construction of the manufactured home meets regulation A 119.1 of the American National Standards Institute (adopted by the U.S. Department of Housing and Urban Development), or be certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.
- e. Within 21 days of placement, standard manufactured home skirting of fire-resistive material similar in character to that of the manufactured home must be provided around the entire perimeter of the manufactured home between the bottom of the body of the manufactured home and the ground, except where the running gear has been removed and the manufactured home itself is attached directly to the permanent foundation.
- f. All required front yards of lots for manufactured homes shall be landscaped.
- g. All private, commonly owned recreation areas not devoted to buildings, structures, surfaced courts, sand boxes, etc., shall be landscaped and irrigated, as needed.

iv. Manufactured Home Lots for Rent or Lease

All units shall be arranged to permit the practical placement and removal of manufactured homes. Every lot for rent or lease must have direct access on a public or private street.

c. Permits and Inspections**i. Owner's and Agent's Responsibility**

It shall be the responsibility of the individual property owners or, in the case of a rental community, the managers of the rental community, to

see that all sections of this article are complied with, including requirements relative to placement of manufactured homes, and all required permits.

ii. Move-in Permit Required

All manufactured homes moved into the city must be issued a move-in permit, pursuant to this section, and be inspected by the City Building Official, prior to gas and electric service being turned on by the servicing utility. A copy of the original sales contract shall be available for permit informational purposes.

iii. City Inspection Required

- a. The required inspections for manufactured homes shall include: on-site utilities requirements including gas, electric, sewer and water; setback requirements; and off-street parking requirements.
- b. It is unlawful for any person, firm, corporation or agency to turn on, or allows to be turned on, any gas or electric service without an inspection and clearance from the City Building Official.

iv. Post Factory Home Improvements to Manufactured Homes Subject to the International Building Code

Permits must be obtained for additions, alterations, awnings, carports, storage areas and detached refrigeration units that were not included in the original sale. Any required fees which are set by the International Building Code and International Mechanical Code.

d. The Preliminary and Final Plans Shall Accurately Depict:

i. All Proposed and Required Landscaping

ii. Storage Areas

Recreational vehicles storage and other chattels of the residents

iii. A Layout of Typical Lots

All lots for rent or lease, showing the location and dimensions of the lot, manufactured home stand, driveway and parking spaces

iv. Mail Delivery Area(s)- As Determined by United States Postal Service

v. Foundation and Anchoring Details

e. Permanent Enclosure for Temporary Storage of Garbage

A permanent enclosure for temporary storage of garbage, refuse and other waste material shall be provided for every manufactured home space. If trash dumpsters are to be used, they shall be centrally and conveniently located, shall not be located in any front yard, and shall otherwise comply with the requirements of this Chapter.

f. Landscaping Buffer

Landscaping may be required by the review authority (Planning Board) to provide a buffer between manufactured home communities and adjacent uses, and to enhance the appearance of the development. The landscaping may be interspersed with a fence or wall. Specific perimeter landscape/buffering treatments shall be determined on a case-by-case basis, with the city

considering appropriate factors such as the nature of adjacent uses, noise and proximity to busy streets.

E. Manufactured Homes on a Single Lot

Manufactured homes on a single lot shall comply with Sec., *MCA 76-2-302(4)*. A manufactured home means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or house trailer, as defined in Sec., *MCA 15-1-101*.

F. Accessory Dwelling Unit (ADU) /Guest Houses

1. Relationship to Principal Dwelling

a. Attached, Separate

The ADU/Guest House may be attached to the principal dwelling with an independent access or in a separate building on the same lot as the principal building.

b. Dimensional Standards

The ADU/ Guest House shall comply with all dimensional standards that are applicable to the principal building.

c. Not Sold Separately

An ADU/Guest House cannot be sold separately from the principal dwelling.

d. Permanent Structure

The ADU/ Guest House shall be on a permanent foundation. A mobile home, travel trailer, RV or similar temporary or transportable vehicle or structure shall not be approved as an ADU/Guest House.

2. Size

An ADU/Guest House shall not exceed 1,200 square feet in gross floor area.

3. One per Lot

Not more than one (1) ADU/ Guest House can be located on a single lot, tract or parcel.

4. No Home Occupation

An ADU/ Guest House shall not contain a Home Occupation.

5. Parking

A minimum of one (1) off-street parking space shall be provided for the ADU/Guest House.

G. Temporary Uses, Building

1. Definition

Temporary Uses are allowed for a certain length of time that is determined by the Zoning Administrator and prescribed in the permit authorizing such use. The allowed duration of the use and any related structure should reflect the purpose of the Temporary Use. Temporary Uses include, but are not limited to, Christmas

tree sales, on-site construction office or construction equipment shed, community event, food and merchandise vendors, temporary real estate office, farm stand or a similar short-term activity.

2. Temporary Use Permit

The Zoning Administrator may approve a Temporary Use Application for a site or building provided the use complies with all applicable standards of this Ordinance.

3. Duration

An approval for a Temporary Use shall expire in six (6) months unless granted a one-time six (6) month extension by the Zoning Administrator. After one (1) year, a Temporary Use may be renewed and valid for not more than one (1) year. An annual renewal is subject to denial by the Zoning Administrator for good cause.

H. Sexually Oriented Business

Sexually Oriented Business shall comply with the following standards.

1. Definition

See Section 4.11.0. – Sexually Oriented Business

2. Separation from Other Uses

A building containing a Sexually Oriented Business shall be set back a minimum of 300 feet from the boundary of a lot or a parcel that contains a church, public or private school, public park or a Medical Marijuana Dispensary.

3. Separation from Another Sexually Oriented Business

A Sexually Oriented Business shall not be located, or an existing business expanded, within 500 feet from another Sexually Oriented Business.

4. One Per Building

No more than one (1) Sexually Oriented Business can be located in the same structure or building.

5. Measurement

For the purpose of determining compliance with Subsection 4.4.22(3) Separation from Other Uses, above, measurement shall be made in a straight line measured from the lot line of the Sexually Oriented Business to the lot line containing a church, school, public park, Marijuana Dispensary or another Sexually Oriented Business.

6. Signs

In addition to the standards of Article 4.6.0, Outdoor Advertising, signs visible from the exterior of the structure may state there is adult material inside but no pictures or other advertising may be displayed that indicates a nude person is available for viewing.

7. No Alcohol

Alcohol sales, consumption and gambling are prohibited within a building containing or in conjunction with a Sexually Oriented Business.

I. Marijuana Businesses

1. Purpose and Intent

The new marijuana statutes under the ballot initiative and House Bill 701 regulate the sale and use of marijuana and establish taxation and licensing programs to be administered by the state. Local land use regulations focus on determining appropriate locations within the City of Red Lodge for the

operation of dispensaries, cultivation, and manufacturing by providing for those facilities within certain zones and pursuant to zoning criteria.

2. Business Categories

a. The following marijuana business categories per MCA 16-12-301 include,

- i. Cultivator;
- ii. Manufacturer;
- iii. Medical marijuana dispensary;
- iv. Adult-use dispensary
- v. Combined-used marijuana licensee;
- vi. Testing laboratory; and
- vii. Marijuana transporter facility.

b. A moratorium via a separate Ordinance on marijuana business categories for cultivator, manufacturer, testing laboratory, and combined-use licensee will be placed until further review by the Planning Board and Zoning Commission.

c. Medical marijuana and adult-use dispensaries are permitted uses under these Regulations. Dispensary licenses are allowed as a Principal Use in the Central (C-4) Business District, *See Table 4.3.142*; and as Conditional Uses in the Commercial Entrance North (C-3-N) and South (C-3-S) Districts, *See Table 4.3.122 and Table 4.3.132*.

3. Definition

a. "Adult-use dispensary" means a licensed premises from which a person licensed by the department may:

(i.)obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and

(ii.)sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.

b. "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.

4. Limited Licenses

The number of Marijuana Business licenses allowed within Red Lodge city limits shall be capped to two (2). The City shall determine the method of allocating licenses.

5. Separation from Other Uses

A dispensary shall comply with all licensing restrictions set by the Department of Revenue and MCA 16-12-207.

In addition to any licensing restrictions set by the Department of Revenue, a dispensary shall be set back a minimum of 100 feet in any direction from the boundary of a lot or parcel that contains a school, including Day Care Facilities and Preschools (*see Definitions, 4.11*).

6. Measurement

For the purpose of determining compliance with Subsection 4.4.22 I (5) Separation from Other Uses, above, measurement shall be made in a straight

line without regard to intervening structures or objects from the nearest portion of the building or structure containing the Marijuana Dispensary to the nearest property line of the lot or parcel that is a church, synagogue, or other place of worship or as a school or postsecondary school.

7. Signs

Marijuana Businesses shall comply with the regulations set by MCA 16-12-211, as well all other State laws and regulations. In addition to the standards above, Marijuana Businesses shall follow the standards in Article 4.6.0 Outdoor Advertising.

8. Compliance with State Codes

The operation of a Marijuana Dispensary shall comply with all applicable provisions of the Montana Marijuana Regulation and Taxation Act and all other applicable State laws and regulations.

I. Propane Bulk Storage

Compliance with the International Fire Code as adopted by the City of Red Lodge and all subsequent referenced codes shall be required, such as the National Fire Protection Association standards titled *58 Liquefied Petroleum Gas Code*. All proposed installations shall be reviewed by the Fire Department prior to and post Conditional Use public hearings.

J. Fowl - Educational

Use of Fowl shall be limited to only female chickens (*Gallus gallus domesticus*). Slaughtering of Fowl is not permitted within City limits. Fowl shall be permitted only as set forth in Ordinance No. 924.

K. Hoofed Animals – Domestic

1. Purpose and Intent

To provide for the keeping of domestic hoofed animals while minimizing off-site impacts to neighbors and protecting the environment. To ensure adequate measures which minimize adverse odor, negative impacts to vegetation and water sources, as well as wildlife and riparian areas.

2. Definition

Hoofed Animals – Domestic. Include only horses and mules (whether boarded or owned by property owner). Animals less than 6 months of age shall not count toward the allowable number of animals.

3. Setbacks

Setbacks for all elements of the conditional use, including but not limited, to barns, loafing sheds, corrals, arenas, paddocks, run pens, round pens, other similar structures, and fenced areas shall be as follows:

SETBACKS:

SETBACKS:		
Avenues and Streets	Side Lot Line	Rear Lot Line
50'	100'	100'
but no closer than front wall of the principal structure when a principal structure exists	40' when contiguous with an Avenue or Street	75' when contiguous with an Alley, Row, or other type of street not listed

4. Animal Density Restrictions / Minimum Parcel Size

- The maximum density shall be one (1) domestic hoofed animal per acre.
- The minimum parcel size shall be based upon the fencing standards set forth above and as otherwise may be established via the CUP process.

5. Vegetation Standards

The following vegetation requirements shall apply to all lands on which domestic hoofed animals are permitted by a CUP.

Areas designated as pasture or grazing area, will be managed according to best grazing management practices as outlined in USDA-Natural Resources Conservation Service Montana Conservation Practice Prescribed Grazing Standard (Code 528), as amended. The purpose is to maintain vegetative ground cover and land health that will improve or maintain desired plant species, improve or maintain quality and quantity of forage for grazing animals' health, improve or maintain surface and/or subsurface water quality, and reduce soil erosion and run-off. Vegetative groundcover includes live native or introduced grasses and forbs, but does not include weeds or bare dirt. In areas where exposed shelf-rock or cap-rock is the natural terrain, this will be considered to be acceptable vegetative groundcover.

6. Fencing Standards

Animal containment fencing may be of wooden pole/rail or individual wire strand construction; and with metal or wooden posts. All wooden pole/rail fencing shall be of a minimum 4 pole/rail style. All wire strand fencing shall be of a 5 wire style (smooth or barbed); and shall be so constructed as to ensure adequate containment of the animal(s).

In the event electrically energized fencing is proposed, the Planning Board may permit it to be included in the CUP on a case by case basis based upon the compatibility with adjacent uses. All such electrically energized fencing shall be clearly marked along all it sides to alert passersby of the electrically energized fencing.

7. Animal Waste and Odor Standards

The following regulations shall apply to all lands on which domestic hoofed animals are permitted by a Conditional Use Permit.

Manure piles shall not be permitted within the required setback areas and shall

be removed on a regular basis; and in no event shall be permitted to remain on-site more than 14 days. Manure shall not be buried.

Manure piles shall be set back a minimum distance of 100' from any well, spring, stream, or waterbody. Manure shall not be allowed to create excessive odor problems, present a health hazard to surrounding lands, or result in excessive fly problems.

Adequate drainage facilities or improvements shall be provided by the landowner and constructed to protect all adjacent lands from runoff containing contaminants such as sediment or organic wastes.

8. Hoofed Animals Additional Requirements

In addition to general submission requirements in the Conditional Use Section herein, the applicant shall submit one (1) copy of a Management Plan and of a Site Plan, in both hardcopy and electronic format (pdf or Word preferred, however Staff reserves the right to accept other formats).

a. Management Plan

The Management Plan shall, at a minimum, include and adequately address the following:

- number of horses to be kept on the proposed site; and
- the duration of the terms of hours per day, days per week, and weeks per year that horses will be kept on the proposed site; and
- number of acres owned or leased by the applicant included in the application; and
- zoning of the land; and
- the use and zoning of the abutting lands; and
- amount of land to be used for CUP related elements; and
- method and frequency of manure disposal; and
- fly control program; and
- fencing (types, sizes, and locations); and
- proof of water availability – a minimum water supply of 20 gallons per animal per day shall be required (specific only to parcels not served by City water service); and

- an explanation of whether or not any grazing is proposed, and to what extent in terms of areas and hours per day, days per week, and weeks per year that grazing is proposed (see Site Plan requirements below).

Additionally, if required by the Planning Board, the Management Plan shall include a provision for semi-annual site inspections. Staff will conduct the site inspections to ensure continued compliance with the approved Management Plan.

b. Site Plan

The Site Plan shall show and note that the entire parcel, exclusive of all Principal Uses and permitted CUP elements (including but not necessarily limited to, barns, loafing sheds, corrals, arenas, paddocks, run pens, round pens, other similar structures, and fenced areas) shall be maintained at all times with healthy, live vegetative groundcover.

The Site plan shall be drawn to a scale of 1" = 20', or as otherwise approved by Staff to assure adequate legibility and clarity, and which depicts, at a

minimum:

- a north arrow and graphic bar scale; and
- location and dimensions of all property lines, existing and proposed structures; and
- location and dimensions of all existing and proposed corrals, outdoor arenas, run pens, round pens, manure storage areas, parking areas, fencing, and trailer parking areas, etc.; and
- access to the site – delineate public and private roads, dimensions, and note surface material; and
- distances to the nearest residences or other structures on the adjacent lots; or photos of adjacent uses; and
- all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site; and
- vegetation on the site described by general type (grasses, shrubs, trees); and
- areas that any grazing is proposed (grazing is specifically prohibited within the required setback areas); and
- all existing and proposed lighting (all CUP lighting shall be of the full cut-off type to prevent off-site glare and trespass); and
- any other elements requested by Staff to improve the clarity and understanding of the plan.

c. Permit Duration

- The Conditional Use Permit may be limited in duration.
- The Conditional Use Permit may be revoked by the City Council, after written notice:
 - i. of failure to operate the CUP in accordance with the approved Conditional Use Permit;
 - ii. of a chargeable offense regarding the mis-treatment of animals as determined by the City and/or Carbon County law enforcement authorities;
 - iii. of any form of cruelty to animals as set forth in the State law at MCA 45-8-211, as amended

L. Short-Term Rentals

The purpose of this article is to provide for the regulation of short-term rentals within the City in order to preserve neighborhood character while encouraging economic activity and diversity, and to ensure the public health, safety, and welfare of the occupants.

1. Applicability

The provisions of this article apply only to short-term rentals as defined herein. This article does not apply to any rental of a dwelling unit which is governed and defined by The Montana Residential Landlord and Tenant Act of 1977.

A lower-priced or moderate-priced dwelling that received financial support from the City, including but not limited to down payment assistance, or other financial subsidy, may not be used as a short-term rental until such time as the lien instrument against the property in favor of the City securing the amount of such subsidy has been released and the release recorded with the Carbon

County Clerk and Recorder's Office.

2. Definitions

a. Short-Term Rental

A home that is rented by or on behalf of the owner to the general public for compensation for transient occupancy of 30 days or less.

b. Owner-Occupied Short-Term Rental

A short-term rental of one or more bedrooms in an owner-occupied or agent-occupied dwelling while the owner/agent is occupying the same dwelling unit for the entire rental period.

c. Hosting Platform

A person or entity that provides a means through which an owner may advertise and offer for rent a short-term rental to the general public.

d. Local Property Manager/Owner

A person who must be available to take and respond, within 30 minutes, to reports of concerns and complaints 24 hours per day, 7 days per week during the rental period. The local property manager may be an owner or authorized agent of the property.

3. Compliance with Laws

In addition to the provisions of this article, the short-term rental owner must comply with all other applicable local, state and federal laws, including but not limited to City business license, resort tax, lodging facility use tax and accommodations sales tax regulations; permitting requirements; fair housing laws; approved codes; building code and health department regulations. Loss of any required permit or license will result in revocation of the short-term rental license.

Compliance with all applicable laws and regulations is the sole responsibility of the owner. City approval of an application for short-term rental license in no way waives or transfers to the City such responsibility. In addition, the owner is solely responsible for verifying that the use of a property as a short-term rental is compatible with insurance and mortgage contracts, homeowners' association covenants, rental agreements and any other contracts which govern the use of the property.

4. Safety, Health, Nuisance, and Environmental Regulations

Owners of short-term rental property shall comply with applicable rules and regulations of the Red Lodge Fire Department and Carbon County Health Department.

a. Safety hazards and public health

The owner or their representative acknowledges that the City has the right to suspend operation of any short-term rental when the City determines the rental is causing or contributing to an imminent public health, safety hazard, or nuisance, as defined in municipal code (4-1-1).

b. Maximum occupancy for short-term rentals

The maximum occupancy of a short-term rental will be determined by the fire chief, or designee. The maximum occupancy will be noted on the short-term

rental registration and must be included in the list of short-term rental rules.

c. Signage

The list of rules must be prominently displayed within the short-term rental.

i. Safety

During a rental period, there must be a sign posted inside the short-term rental showing the locations of all fire extinguishers in the unit, the gas shut-off valve, and fire exits.

ii. Trash removal

The local property manager/owner must ensure proper disposal of solid waste pursuant to local and state rules, regulations and laws. The schedule for trash and recycling collection must be included within the short-term rental rules.

iii. Noise

All activities producing noise discernible from a neighboring property (as defined in municipal code) shall cease by 10:00 p.m. This requirement must be included in the short-term rental rules.

d. Change in Ownership

A short-term rental license does not run with the land.

e. Expiration

Licenses are valid for one year from date of issue.

f. Renewal

The registrant may apply to renew the license annually.

g. Short-term rental agreement; written rules for guests

The guest must be provided with a written list of rules applicable to the short-term rental with the rental agreement, and the rental agreement must include a written acknowledgement by the renters of their agreement to comply with such rules.

h. Property Management

The short-term rental property shall be managed by a local property manager/owner, which is a person who must be available to take and respond, within 30 minutes, to reports of concerns and complaints 24 hours per day, 7 days per week during the rental period. The local property manager may be an owner or authorized agent of the property.

i. Parking

Local property manager/owner needs to be cognizant of on-street parking issues and not infringe on parking of neighbors.

4.4.30 Outside Storage

A. Standards

Commercial and industrial uses permitted to have outside storage of merchandise, material or equipment shall provide screening from neighboring properties and streets. Notwithstanding other standards of this Ordinance regulating fences and walls, stored material shall be fully screened to preclude viewing of said stored materials from adjacent streets or properties. Screening methods may consist of any combination of earthen berms, fences, and walls,

along with vegetation to both enhance the screening efforts and to visually break up the wall and/or fence. Berms shall be designed and constructed in such a manner as to ensure stability and successful vegetation growth. Walls and fences shall be designed and built in conformance with the Building Code as adopted by the City. When a permit for fences and walls is required by the Building Codes adopted by the City, said permit will be available from City Building Inspector in the Building Division office.

B. Exemptions

This requirement shall not apply to the storage of plant material associated with nurseries, the display for sale or rent of new and used automobiles in operational condition, recreational vehicles, boats, mobile homes, or the use and sale of farm and construction equipment.

4.4.31 Storage Units and Containers

A. Non-residential Districts, Sites

Secure Storage Units, Cargo, Freight or Overseas Containers are permitted as accessory structures on non-residential sites in non-residential zoning districts in accordance with the following standards.

1. These units shall be located to the rear of the building they serve and screened from view from the street.
2. The maximum size of these units is eight (8) feet by forty (40) feet.
3. The number of these units shall be limited to one (1) per acre or fraction thereof.

B. Residential Districts, Sites

Secure storage units or containers are prohibited in all residential zoning districts and on residential sites in non-residential zoning districts except as temporary storage units during active construction jobs.

4.4.40 Wireless Communication Facilities

A. Purpose and Intent

The purpose and intent of this Section is to provide for commercial Wireless Communication Facilities in a safe, efficient and orderly manner, to encourage the co-location of facilities to reduce the number of new communication towers and to minimize the adverse visual effects of such towers.

B. Definitions

For the purpose of this Section, certain words and terms are defined below:

1. **Antenna** means the arrangement of wires, poles, rods or similar devices used in the commercial transmitting and/or receiving of electromagnetic waves, digital signals and other communication signals.
2. **Communication Tower** means an antenna support structure designed and constructed for the primary purpose of supporting one (1) or more antennas, including a mast, pole, monopole, guyed or lattice tower, freestanding tower or any similar structure.
3. **Camouflage** means the integration of an antenna or communication tower with an existing building, structure, or natural surroundings to disguise it from the true purpose of the facility.
4. **Conceal** means to place an antenna or tower out of sight by enclosing it in a structure.
5. **Co-locate** means placing more than one (1) antenna or wireless

communication provider on a single communication tower or antenna support structure.

6. **Wireless Communication Facility** means a tower/antenna support structure and antenna(s) that transmits and/or receives electromagnetic signals for commercial wireless communications.

C. Exemptions

Amateur radio antennas or similar non-commercial wireless facilities shall be exempt from this Section.

D. Approvals

1. Antennas

Antennas that are co-located on existing buildings or communication towers, or are concealed or camouflaged, shall be approved by the Zoning Administrator pursuant to the terms of this Ordinance.

2. Communication Towers

Wireless Communication Towers may be approved with a Conditional Use Permit pursuant to Section 4.4.10, Conditional Uses and further provided they comply with standards of this Section.

E. Standards for Communication Towers

1. Location

Wireless Communication Facilities shall be located in the R-1 Low Density Rural Residential Zoning District.

2. No Attempt to Exclude

No Wireless Communication Facility owner or lessee shall act to exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless Communication Facility owners and lessees shall cooperate in good faith with other wireless providers to achieve co-location of antennas and Wireless Communication Facilities.

3. Excess Capacity

All new Communication Towers shall be constructed with excess capacity for co-location of future antennas or wireless facilities. Owners of Communication Towers shall work in good faith to reach mutually agreeable terms to allow co-location of Antennas and Wireless Communication Facilities.

4. Tower Height

A roof- or wall-mounted antenna shall not extend more than four (4) feet above the height of the roof or wall on which the antenna(s) is located. Freestanding towers or antenna(s) shall not exceed seventy-five (75) feet in height.

5. Setbacks

Ground mounted facilities and buildings related to a Communications Tower shall comply with the setbacks of the zoning district in which they are located. A Communication Tower shall be setback from all property lines at least one (1) foot for every foot of height of the tower but in no case less than the setback of the zoning district in which it is located.

6. Equipment Location, Visual Mitigation

a. Roof-Mounted

Roof-mounted wireless communications equipment shall be located as far from the edge of the roof as possible or screened by parapet walls.

b. Wall-Mounted

Wall-mounted wireless communication equipment shall be mounted as flush to the wall as possible and shall not project above the wall on which it is mounted.

c. Screening

Ground-mounted wireless communication equipment shall be screened by walls in a manner compatible with the building design, color and material, or by landscaping or a solid fence.

d. Color

Wireless communication equipment shall match as closely as practical the color, materials and texture of the wall, building or surrounding built environment.

7. Signals, Lights Prohibited

Signals, lights, illumination and signs are prohibited on a Communication Tower or facility unless required by the FAA or other applicable regulatory authority.

8. No Hazard, No Interference

Communications Towers shall be operated to avoid any health hazard to the general public and any interference with the operation of public safety/communication facilities and home appliances.

9. FAA Certification, FCC Standards

Certification shall be obtained from the Federal Aviation Administration that the Communications Tower poses no hazard to the operation of aircraft.

Wireless Communication Facilities shall comply with the technical emissions standards of The Federal Communications Commission.

F. Removal of Abandoned Wireless Communication Facilities

If due to changes in technology or other reasons, a Wireless Communication Facility, Communication Tower, antenna support structure or related equipment is not operated for a period of twelve (12) continuous months it shall be considered abandoned. The owner of such facility shall remove the facility, including antennas, attachments, related appurtenances and equipment building, within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such abandonment. If the abandoned Wireless Communication Facility is not removed within the ninety (90) day period, the City of Red Lodge shall have the authority to remove the facility and bill the owner for all costs associated with the removal.

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Article 4.5.0 STANDARDS OF GENERAL APPLICABILITY

4.5.10 Purpose and Intent

The following general development standards are established to assure that property in all zoning districts of the City will be developed in a uniform and orderly manner which will promote public health safety and general welfare, and implement the *Red Lodge Growth Policy*. These general development standards shall apply to all development in addition to specific standards for certain uses and zoning districts set forth in other Articles of this Ordinance.

4.5.20 Hillside Developments

4.5.21 Purpose and Intent

This Section is intended to provide for the orderly and reasonable use of hillside areas while protecting public health, safety and general welfare by accomplishing the following.

A. Soil Conditions

Steer development to locations that have stable soil and utilize appropriate engineering techniques that accommodate the natural site conditions as determined by the natural slope of the site.

B. Maintain Natural Conditions

Minimize alterations to natural hillsides to maintain significant landforms and natural drainage patterns.

C. Intensity

Permit an intensity of development compatible with the natural characteristics of hillside terrain.

D. Public Services

Promote cost effective public services by encouraging development in less steeply sloped areas and ensuring adequate access for emergency vehicles.

E. Safety

Protect the public from unsafe development and property damage by ensuring that hillside development is reasonably located and properly constructed. Minor and isolated slope variations occurring over a run of ten (10) feet or less are exempt.

TABLE 4.5.23 Percent Grading or Filling Allowed on Slopes	
Slope	Percent Allowed Grading
8-15%	70
15.1-20%	50
20.1-25%	30
>25%	0
Minor and isolated slope variations occurring over a run of ten (10) feet or less are exempt.	

Table 4.5.24 Percent Lot Coverage Allowed on Slopes	
Slope	Percent Coverage Allowed
0-15%	NA
15.1-20%	15
20.1-25%	10
>25%	0
Minor and isolated slope variations occurring over a run of ten (10) feet or less are exempt	

4.5.22 Applicability

This Section shall apply to all development on slopes steeper than eight percent (8%) except development occurring on minor and isolated slope variations in which the slope may be steeper than eight (8) percent for a run of ten (10) feet or less.

4.5.23 Grading and Filling**A. Amount of Grading Permitted**

The percentage of the site that can be graded and/or filled shall be determined by the natural slope of the site, with more grading allowed on less steep slopes. The amount of grading permitted is established in Table 4.5.23, Percent Grading Or Filling Allowed On Slopes.

B. Ungraded Area

The undeveloped portion of the site that is not graded or filled shall be maintained in an undisturbed state with natural grade and vegetation.

4.5.24 Lot Coverage**A. Amount of Coverage Permitted**

The percentage of the site that can be covered with impermeable surfaces is determined by the slope of the site, with more lot coverage allowed on less steep slopes. The amount of lot coverage permitted is established in Table 4.5.24, Percent Coverage Allowed On Slopes.

B. Uncovered Area

The portion of the site that is not covered with impervious surfaces shall be revegetated with native landscaping materials to minimize erosion and stabilize slopes. At a minimum, the density of vegetation shall approximate the density of vegetation that existed in the pre-construction state.

4.5.25 Cuts and Fills**A. Maximum Grade**

The slope of a cut or fill grade shall not exceed two to one (2:1) grade to allow revegetation.

B. Setback

The toe of a fill slope, or top of a cut or fill slope, shall be setback from the property line at least one-half (1/2) the height of the cut or fill slope.

C. Toe of Natural Slope

Cutting the toe of a natural slope is prohibited.

4.5.26 Drainage

Natural drainage channels shall be preserved.

4.5.27 Soils and Hillside Stability

Development shall not be located on unstable soils or in rock slide or avalanche areas. The Zoning Administrator may require a geotechnical study to determine the stability of soils and hillslope.

4.5.28 Retaining Walls/Fencing

Retaining walls shall not exceed the height of eight (8) feet. Fences in Residential Zones shall not exceed six (6) feet in height above natural grade. More than one (1) retaining wall in a terraced arrangement shall be permitted. Retaining walls designed and constructed to retain earth are exempt from other standards of this Ordinance that regulate walls.

4.5.30 Environmental Regulations**4.5.31 Wetlands**

Development shall comply with all applicable state and federal wetland regulations and standards. When a proposed development requires a state or federal wetland permit, the applicant shall include in the application for a City permit copies of the applicable permits to demonstrate compliance with the state or federal regulation. The Zoning Administrator may require verification that no such state or federal permit is required.

4.5.32 Water Quality

Development shall comply with all applicable state and federal water quality regulations and standards. When a proposed development requires a state or federal water quality or discharge permit, the applicant shall include in the application for a City permit copies of the applicable permits to demonstrate compliance with the state or federal regulation.

4.5.33 Air Quality

Development shall comply with all applicable state and federal air quality regulations and standards. When a proposed development requires a state or federal air quality permit, the applicant shall include in the application for a City Permit copies of the applicable permits to demonstrate compliance with the state or federal regulation.

4.5.34 Subsidence

When a development is proposed on areas mapped by the Montana Department of State Lands, or other governing agencies, as having a potential for mine subsidence, the applicant shall include in the application for a City permit a written report by an engineer licensed in the State of Montana that details how the development will avoid further damage and loss of property.

4.5.35 Rock Creek, Floodplain

All development shall be set back at least fifty (50) feet from the Ordinary High Water Mark (OHWM) of Rock Creek. The OHWM is to be determined consistent the following U.S. Army Corps. definition:

“The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

All development in the Special Flood Hazard Area (formerly known as the FEMA 100-year floodplain), according to current FEMA maps (<https://msc.fema.gov/portal/search#searchresultsanchor>), shall comply with the Floodplain Hazard Management standards set forth in Title 12, Chapter 3 of the City of Red Lodge Municipal Code.

4.5.40 Parking and Loading Standards

4.5.41 Purpose and Intent

The purpose and intent of this Section is to establish adequate off-street parking standards designed to lessen congestion on streets, but not excessive, off-street parking requirements, while remaining compatible with Growth Policy goals. These regulations are intended to encourage the use of alternate forms of transportation throughout the community.

4.5.42 Applicability

Any building or structure erected or located and any use of land established after the effective date of this Ordinance, including changes of use and additions to existing uses, shall provide off-street parking in accordance with the standards of this Section. Notwithstanding, development and uses located in the Central Business District (C-4) are exempt from the parking requirement.

A. Required Parking

All development shall provide the minimum number of off-street parking spaces as established in Table 4.5.43, Required Off-Street Parking. If two (2) or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking spaces shall be the sum of the requirement of the individual uses.

B. Uses Not Identified and Excess Parking

The required off-street parking for any building, structure or use of land not listed in Table 4.5.43, Required Off-Street Parking, shall be determined by the Zoning Administrator based on the required parking for similar uses listed in the Table and other reliable sources of data.

When similar uses cannot be readily identified, the applicant may request a ratio other than as required based upon the Required Off-Street Parking Table. The applicant shall submit citations of similar, existing built uses in other jurisdictions (preferably similar to Red Lodge); and supporting documentation from the Planning, Public Works and Law Enforcement Divisions of said jurisdiction(s). In the case of any discrepancies, the decision of the Zoning Administrator shall rule.

The Planning Board shall review requests for parking in excess of requirements as shown in Table 4.5.43 through a Conditional Use application. If a Conditional Use application is not required, the change of use shall follow the parking requirements as shown in Table 4.5.43. Documentation from acceptable industry publications justifying the request must accompany said request. Such acceptable publications include: ITE- Institute of Traffic Engineers, ULI- Urban Land Institute, APA- American Planning Association, and ICSC- International Conference of Shopping Centers. Approval of increased parking may require significant increases to both landscape area and planting density. The decision of the Planning Board shall rule.

C. Parking for Physical Disabilities

Parking lots shall provide parking for persons with physical disabilities pursuant to the currently adopted International Building Codes, and all other applicable regulations.

Approval of parking plans by the City of Red Lodge does not signify that the requirements of the Americans with Disabilities Act (ADA) or Federal Fair Housing Act have been satisfied. The applicant is responsible to ensure said requirements have been met. The following contact information is provided as a customer service only, and the applicant is advised to seek legal counsel for confirmation:

1. Office of the American with Disabilities Act, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Housing and Civil Enforcement Section, Washington, DC
2. U.S. Department of Justice, 950 Pennsylvania Avenue, Civil Rights Division, Disability Rights Section, Washington, DC

D. Change of Use

When an existing use of a structure or land is changed to another use, the number of off-street parking spaces shall be provided for the new use as established in Table 4.5.43, Required Off-Street Parking. In the event the new use requires more parking than is able to be accommodated on the site, the applicant may request a ratio other than as required based upon the Required Off-Street Parking Table. The applicant shall submit citations of similar existing built uses in other jurisdictions (preferably similar to Red Lodge); and supporting documentation from the Planning, Public Works and Law Enforcement Divisions of said jurisdiction(s). In the case of any discrepancies, the decision of the Zoning Administrator shall rule.

E. Expansion

When an existing use is expanded, off-street parking shall be provided for the expanded area in compliance with Table 4.5.43, Required Off-Street Parking. In the event the expanded use requires more parking than is able to be accommodated on the site, the applicant may request a ratio other than as required based upon the Required Off-Street Parking Table. The applicant shall submit citations of similar, existing built uses in other jurisdictions (preferably similar to Red Lodge); and supporting documentation from the Planning, Public Works and Law Enforcement Divisions of said jurisdiction(s). In the case of any discrepancies, the decision of the Zoning Administrator shall rule.

- F. If a development is proposed within a parcel that can extend or connect to a trail as identified in the Active Transportation Plan, or if a proposed trail can demonstrate a benefit to active transportation, an applicant can request a parking reduction of up to 15% from the parking requirements of Table 4.5.43. A permanent easement recorded by the Carbon County Clerk and Recorder will be required by the applicant to qualify for the parking reduction.

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Table 4.5.43 Required Off-Street Parking			
Residential		Public & Quasi Public	
1 Dwelling	2/du	Day Care, Family	2
2 Dwellings	1.5 /du	Day Care, Group	1/staff plus 5
≥3Dwellings ≥2Bedrooms	1.5 /du	Government Buildings	2/1000 sf
ADU/Guest House	0/du	Health Care Facility; Long-Term Care Facility	1/3 employee & 1/3 beds
Efficiency/Studio units	1/du	Library	1/600 sf
Assisted Living	.5/du	School, Elementary or Jr. High	1/staff & faculty
1 Bedroom Apartments	1/du	School, Senior High	1/staff & faculty & 1/10 students
Commercial		Worship Facility	1/5 seats
Auto, Vehicle Sales	1/ salesmen	Business or Trade	1/5 seats staff
Auto, Vehicle Service	2.5/ service bay	Auditorium	1/3 seats or 1/150 sf
Bank	1/250 sf 2 stacking spaces per drive up	Recreation & Entertainment	
Bed & Breakfast	0.5/1 room	Bowling Alley	3/ alley
Restaurants	1/3 seats	Golf Course	4/ hole
Fast Food Restaurants	1/4 seats	Indoor Entertainment	5.5/ 1,000 sf
Bars/Gaming Establishments	1/3 seats	Miniature Golf Course	1/ hole
Hotel & Motel	1/ room	Private Health Club	4/ court & 1/ 200 other sf
Conference w/ lodging	.5/ seat	Public Assembly	1/3 seats
Restaurant w/ lodging	1/4 seats	Theater	1/3 seats
Retail	3/1,000 sf	Industrial	
Office		Freight, Distribution	2/3 employees
General Professional	3/1000 sf	Manufacturing, Assembly	2/3 employees
Medical & Dental	3/1000 sf	Mini-storage	1/10 units
Notes: du = dwelling unit sf = square feet		Warehousing	2/3 employees

4.5.43 Computation of Required Spaces

For the purpose of computing off-street parking spaces required by this Section, the following rules shall apply:

A. Gross Floor Area

Floor area shall mean gross floor area unless otherwise specified for a particular use

B. Bench Seating

Churches and other places of assembly in which benches or pews are used in place of seats, each twenty-four (24) inches in length of such benches or pews shall be counted as one (1) seat.

C. Fractions

When calculation of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) required parking space.

4.5.44 Parking Lot Design

All required parking spaces shall comply with the standards of this sub-section.

A. Size

Parking spaces shall be at least nine (9) feet by eighteen (18) feet in size and have a minimum head clearance of seven (7) feet; except that parallel spaces may have width of eight (8) feet.

B. Setbacks

Parking shall not be located in the required minimum front setback.

C. Surfacing, Grading

All off-street parking and access drives shall be paved with asphalt, concrete or an approved permeable surface, and shall be graded and drained to shed all surface water.

Parking lots shall comply with Section 4.5.90, Storm Water Management and Erosion Control.

D. Parking Areas

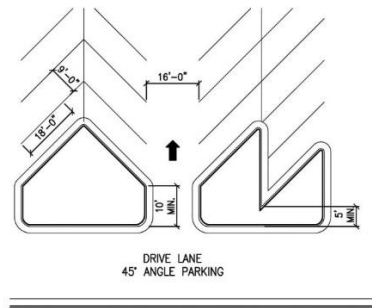
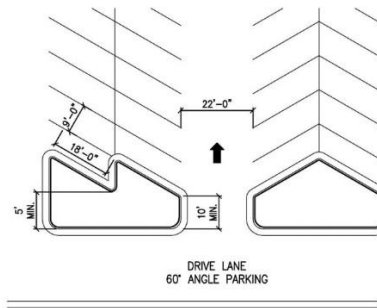
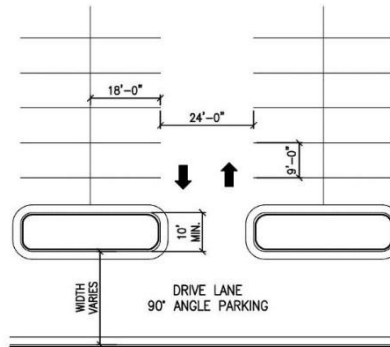
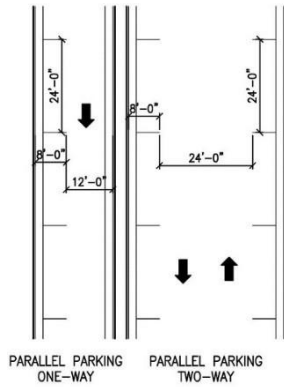
All parking lots, landscape islands, and drive lanes shall be designed and constructed as shown below.

1. The following tables establish minimum parking lot space, island and aisle dimensions. The illustrations are intended to assist the designer and show typical parking configurations; as such, each parking lot may be designed differently, but shall incorporate these concepts.
2. While parking aisles may terminate with landscape islands (as shown below), based upon specific site constraints, the designer may eliminate the landscape islands at the end of the aisles and instead aggregate larger islands elsewhere along the parking isles.
3. Accessible Parking spaces shall be designed in compliance with the Americans with Disabilities Act (ADA). It shall be the responsibility of the developer to ensure the design is ADA compliant. Approval of site plans shall not be construed as compliance with ADA.

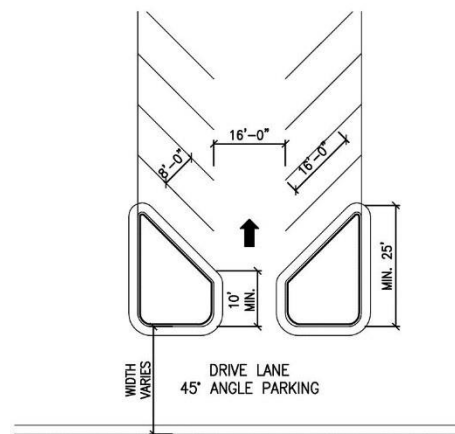
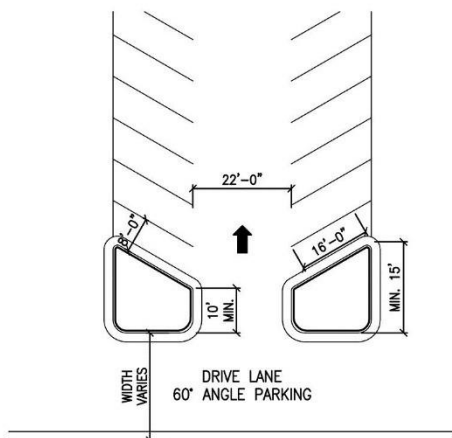
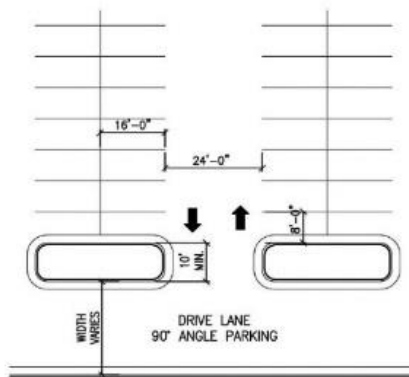
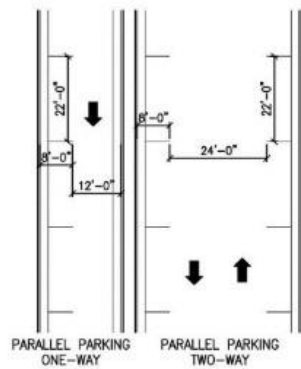
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(Note: Off-Street parking spaces shall not be situated at an angle less than 45 degrees, except parallel parking shall be permitted.)

Full-Size Car				
Angle	0°	45°	60°	90°
Width	8'	9'	9'	9'
Length	24'	18'	18'	18'
Aisle Width	12' (one-way) 24' (two-way)	16'	22'	24'



Compact Car				
Angle	0°	45°	60°	90°
Width	8'	8'	8'	8'
Length	22'	16'	16'	16'
Aisle Width	12' (one-way) 24' (two-way)	16'	22'	24'



(In the event that the designer chooses to incorporate compact parking spaces, the amount of compact parking spaces shall not exceed 20% of the total number of parking spaces provided. Compact spaces shall be aggregated within the lot to the maximum extent possible.)

E. Snow Storage

A snow storage area at least two (2) percent of the size of the parking lot, drive isles, and circulation area shall be provided to avoid the loss of required parking spaces to snow storage.

F. Tree Cover

Parking lots containing more than ten (10) parking spaces shall contain vegetative cover that provides shade for at least fifty (50) percent of the area of the parking lot as measured on August 15th at noon, 15 years after installation; based upon average growth rates consistent with the International Society of Arboriculture and the American Association of Nurserymen. The owner shall be responsible for maintaining the vegetation. The applicant proposing the parking lot shall submit for the review and approval of the Zoning Administrator the plan for vegetative cover designed to satisfy this standard.

G. Residential Garages

Parking spaces in residential garages shall count toward residential parking requirements.

H. Lighting

Parking lot illumination shall meet applicable Lighting Standards found in Section 4.5.70.

4.5.45 Access, Curb Cuts

All parking lots shall have adequate and safe ingress and egress to and from a local alley or street. The access shall not exceed twenty-four (24) feet in width measured at the property line and shall comply with Section 4.5.50, Intersection Visibility, unless a wider approach width is approved by the City Public Works Director. Curb cuts to a City street shall be approved by the City Public Works Director. Backing from a parking space into a street or alley is prohibited except for single-family and two-family dwelling units.

4.5.46 Parking Lots on Broadway**A. New Buildings Facing Broadway, Side Street**

Any new building facing Broadway or a side street between Broadway and alleys paralleling Broadway on the east or west shall:

1. Provide at least one (1) parking space at the rear of the building.

B. Parking along U.S. Highway 212

Off-street parking shall not abut U.S. Highway 212 between Two Mile Bridge Road and the southern City limits.

4.5.47 Loading Area Standards

Each commercial or industrial building larger than 10,000 gross square feet shall provide at least one (1) off-street loading area. Businesses in the Central Business District (C-4) are exempt from providing off-street loading areas.

A. Clearance

Loading areas shall contain a vertical clearance of at least fourteen (14) feet; and,

B. Dimension

Loading areas shall be at least twelve (12) feet wide and thirty-five (35) feet deep.

C. Location, Design

Loading areas shall be on the same lot as the building requiring the loading area and the loading area shall be designed to prevent vehicles parked in the loading area from extending into the public right-of-way.

4.5.48 Shared Parking

When parking is required as part of a Conditional Use Permit, the developer may reach an agreement with a neighboring property to reduce new parking spaces.

A. General

1. Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both.
2. Up to 20% of required parking spaces for any use may be used jointly by a temporary commercial use.
3. Applicants must provide a shared parking agreement executed by the parties establishing the shared parking spaces. The agreement must be filed with the Carbon County Clerk and Recorder. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.
4. Shared parking may be located off-site, subject to the regulations of *Section 4.5.48 E (2)*.
5. Required accessible parking spaces (for persons with disabilities) may not be shared and must be located on-site.

B. Shared Parking for Different Categories of Uses

A use may share parking with a different category of use according to only one of the following subsections:

1. If an office use and a retail sales-related use share parking, the parking requirement for the retail sales-related use may be reduced by up to 30%, provided that the reduction does not exceed the minimum parking requirement for the office use.
2. If a residential use shares parking with a retail sales-related use (expressly excluding lodging uses, restaurants and entertainment-related uses), the parking requirement for the residential use may be reduced by up to 40%, provided that the reduction does not exceed the minimum parking requirement for the retail sales-related use.
3. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to 50%, provided that the reduction does not exceed the minimum parking requirement for the office use.
4. If office, retail sales and residential uses share off-street parking, the applicant may elect to use any one of the shared parking reductions of *Section 4.4.494 B (1)* The applicant may also elect to prepare a shared parking analysis using the Urban Land Institute's (ULI) shared parking analysis methodology. Parking reductions based on the ULI methodology require review and approval by the Zoning Administrator after consultation with the City Public Works Department.

C. Shared Parking for Uses with Different Hours of Operation

1. For the purposes of this section, the following uses are considered daytime uses:
 - a. Customer service and administrative offices;
 - b. Retail sales uses, except restaurants, lodging uses, and entertainment-related uses;

- c. Warehousing, wholesaling, and freight movement uses;
 - d. Manufacturing, production and industrial service uses; and
 - e. Other similar primarily daytime uses, as determined by the Zoning Administrator
 2. For the purposes of this section, the following uses are considered nighttime or weekend uses:
 - a. Auditoriums accessory to public or private schools;
 - b. Religious assembly uses;
 - c. Entertainment-related uses, such as theaters, bowling alleys, and dance halls; and
 - d. Other similar primarily nighttime or weekend uses, as determined by the Zoning Administrator.
 3. Up to 90% of the parking required by this chapter for a daytime use may be supplied by the off-street parking provided for a nighttime or weekend use and vice-versa, when authorized by the Zoning Administrator.
 4. The applicant must show that there is no substantial conflict in the principal operating hours of the uses for which shared parking is proposed.

D. General, Location of Off-street Parking

Except as otherwise expressly stated, required off-street parking spaces must be located on the same parcel as the building or use they are required to serve.

E. Off-site Parking

1. General

All or a portion of required off-street parking may be provided off-site, in accordance with the provisions of this section. Off-site parking areas must comply with all applicable parking area design and accessibility standards. Required accessible parking spaces may not be located off-site.

2. Location

Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the farthest parking space within the off-site parking lot.

3. Control of Off-site Parking Area

The property to be occupied by the off-site parking facilities must be under the same ownership as the parcel containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

F. Use of Off-street Parking Areas

1. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.
2. Required off-street parking spaces may not be used for the display of goods for sale or lease or for storage of building materials.
3. Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces that are required by this Zoning Ordinance must be maintained for the life of the principal use.
4. No commercial motor vehicle repair work of any kind is permitted in a required

parking space.

G. Driveway Parking Area Design

Parking areas must be laid out and designed in accordance with Municipal Code requirements and City standards and specifications.

1. Driveways must be reviewed and approved by the City Public Works Department before issuance of a zoning compliance permit. Driveways exceeding 150 feet in length require an additional approval from the Fire Department.
2. Driveways from streets may not be created in residential zoning districts for parcels with access to an alley except those approved by the City Public Works Department due to topographic, physical or easement constraints.
3. Driveways may not exceed a grade of 8%, provided that a maximum grade of up to 10% may be allowed for short distances, not exceeding 50 feet, if approved by the Fire Department and the City Public Works Department.

4.5.49 Bicycle Parking

A minimum of 50% of required bicycle parking spaces shall be located within fifty (50) feet of the front door of the business or the multi-family entrance when bicycle parking is required. An inverted U or other similar device, approved through *Design Review*, shall be required. Bicycle racks shall be made of solid construction, resistant to rust, corrosion, hammers and saws, and be located in a well illuminated location.

A. Commercial Business

A minimum of two (2) bicycle parking spaces are required for every ten (10) automobile parking spaces required.

B. Multi-family Housing

A minimum of two (2) bicycle-parking spaces are required for multi-family housing units of at least five (5) units.

C. Industrial

A minimum of one (1) bicycle parking spaces are required for every twenty (20) automobile parking spaces required.

4.5.50 Intersection Visibility

4.5.51 Purpose and Intent

The purpose of this Section is to avoid traffic hazards that occur from obstructed visibility at intersections of streets, alleys and driveways.

4.5.52 Applicability

The standards of this Section apply to all development not exempted below. The Standards of this Section shall not apply to:

A. Existing Buildings

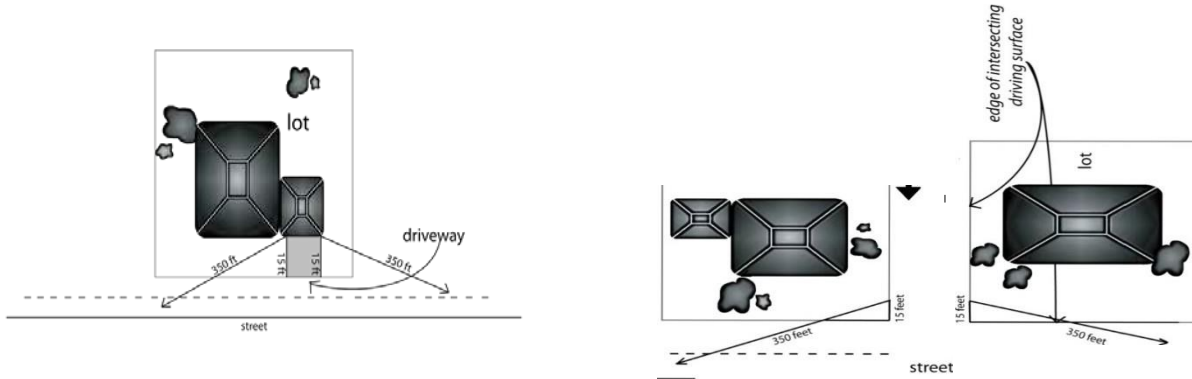
Permanent buildings existing on the effective date of this Ordinance.

B. Controlled Intersections

Stop sign controlled or traffic signal controlled intersections in the Central Business District (C-4).

4.5.53 Establishment of Sight Triangle

For the purpose of this Section a sight triangle is defined and established at the intersection of all streets, streets and alleys, and streets and driveways. The sight triangle is measured from the center of the approaching traffic lane for each direction for a distance of 450 feet for 45 mph, 400 feet for 40 mph, and 350 feet for 35 mph, and so on.



4.5.54 Standard

A. Height

Within the area of the sight triangle, the height of mature landscaping, walls and fences shall not exceed two and one-half (2 ½) feet in height measured from the top of the existing curb grade or crown of abutting road, whichever is lower.

B. Trees

Within the sight triangle, trees shall be permitted as long as only the tree trunk (no leaves, limbs, etc.) is visible within eight (8) feet of the ground.

4.5.60 Landscaping

4.5.61 Purpose and Intent

The purpose and intent of this Section is to establish landscaping requirements that promote attractive and high quality development and preserve and enhance the natural beauty of the City. It is further the purpose of this Section to require landscaping that ensures compatibility among adjacent land uses; controls dust, glare and erosion; screens objectionable objects; visually softens the mass of buildings; promotes air quality and enhances property values. Safe and attractive landscaping is encouraged adjacent to public streets and throughout parking areas. It is not the intent of this Section to prescribe a certain style of landscaping except to include plants that are indigenous to the area and tolerant of Red Lodge winter conditions.

4.5.62 Applicability

The standards of this Section shall apply to the following types of development.

A. New Development

All new developments and expansions of existing developments that result in an increase of more than 1,000 square feet of gross floor area shall comply with this Section.

B. Change of Use

The change of use of an existing development shall comply with this Section.

C. Conditions

Landscaping may be required as a condition of a Variance or the rezoning of a lot or parcel of land.

4.5.63 Landscape Plan**A. Plan Required**

A landscape Plan is required for all developments and changes of use except for single-family and duplex/2-family residential units. Despite the exemption from a Landscape Plan, single-family and duplex/2-family residential units shall comply with Section 4.5.64, Landscaping Standards.

B. Plan Contents

The Zoning Administrator shall establish a checklist of items required in a Landscape Plan.

C. Plan Review

Review of the Landscape Plan shall be performed concurrently with the Development Plan it accompanies.

4.5.64 Landscape Standards**A. Minimum Number of Trees**

The applicant shall select from the options described below for providing the required number of trees.

1. Overstory Trees

A minimum of one (1) deciduous overstory tree or one (1) large evergreen tree per 5,000 square feet of lot or parcel area; or,

2. Understory Trees

A minimum of four (4) understory trees or four (4) small evergreen trees per 5,000 square feet of lot or parcel area.

3. Additional Landscape Screening

Additional landscaping may be required by standards in other sections of this Ordinance to screen parking, loading areas and similar functions. Additional landscaping also may be required as a condition of approval to mitigate the visual or operational impacts of a specific development. These may include understory vegetation composed of shrubs, grass, or flowering plants which create vertical and horizontal structural variability.

B. Minimum Tree Sizes and Type

Trees planted to meet the requirements of this Section shall comply with the following requirements upon installation. Tree types shall be selected from a list of Red Lodge recommended tree species (the Urban Forest Management Plan Appendix of the *Growth Policy*) available from the City Zoning Administrator.

1. Overstory Trees

Deciduous overstory trees shall be a minimum two (2) inch caliper at breast height (DBH) and projected to reach a height of forty (40) feet at maturity.

2. Large Evergreen Trees

Large evergreen trees shall be at least six (6) feet tall and projected to reach a height of forty (40) feet at maturity.

3. Understory Trees

Deciduous understory trees or ornamental trees shall be a minimum of one and one-half (1 ½) inch caliper at breast height (DBH).

4. Small Evergreen Trees

Small evergreen trees shall be at least five (5) feet tall.

C. Design Elements

Landscape Plans shall be designed and installed to meet the following standards.

1. Landscape Area

The entire lot or parcel not occupied by impervious surface or left in natural vegetation shall be planted with trees, grass, ground cover or other live ground cover plantings that are known to be tolerant to the climate of Red Lodge.

2. Use of Landscape Planting

Landscape plans shall be designed and installed to landscape required setbacks, screen parking lots, soften the mass of buildings and buffer neighboring property from new development.

3. Landscape Material

Landscape plans shall use plant material that minimizes attraction to wildlife other than songbirds, e.g. berries.

D. Maintenance

Required landscaping shall be continually maintained by the owner after installation. Any landscaping or ground cover or other elements of the Landscape Plan that die or become damaged shall be replaced by the end of the growing season in which the plant material died or became damaged. Any required landscaping that dies or is damaged and is not replaced shall be considered a violation of this Ordinance.

4.5.70 Lighting**4.5.71 Purpose and Intent**

To set forth lighting standards for outdoor uses commensurate with the City's adopted Energy Conservation Plan (ECP). To create a safe and comfortable nighttime environment, while protecting the night sky as a feature of rural character by reducing sky glow. These lighting standards are designed with input from Northwestern Energy using the Model Light Ordinance (MLO), a joint document created by International Dark-Sky Association's (IDA) and the Illuminating Engineering Society of North America (IES). These standards ensure personal safety and prevent motor vehicle and pedestrian conflicts by reducing the negative effects of glare, light pollution and light trespass.

4.5.72 General Standards

This section sets out the requirements that apply to all outdoor lighting, both residential and non-residential.

A. Conformance with all Applicable Codes

All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the building Code.

B. Applicability & Requirements

All outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements except those exempted in Section 4.5.73, and Section 4.5.75. These

requirements include, but are not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

1. New Uses or Structures, or Change of Use

Whenever there is a new use of a property (zoning or variance change or the use on the property is changed) all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

2. Additions or Alterations

- a. Major Additions – if a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

Additions of 20% or more in terms of additional dwelling units, gross floor area, outdoor seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

- b. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings – For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 20% of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan to the Authority detailing all existing and any proposed new outdoor lighting.

Any new lighting shall meet the requirements of this Ordinance.

3. Full Cutoff Luminaire

All Luminaires, except as otherwise permitted herein, are required to be full cutoff as defined by the Illuminating Engineers Society of North America (IESNA). Full cutoff light luminaires result in a light distribution pattern where no light is permitted at or above a horizontal plane at the bottom of the fixture. Full cutoff fixtures may not be tilted or aimed in a manner that results in light distribution above the horizontal plane (see *Figure 1, "Uplight"*).

A full explanation of BUG rating codes, their meaning and how they are calculated is described in Appendix 3, "Bug Rating System and Nighttime LED Lighting".

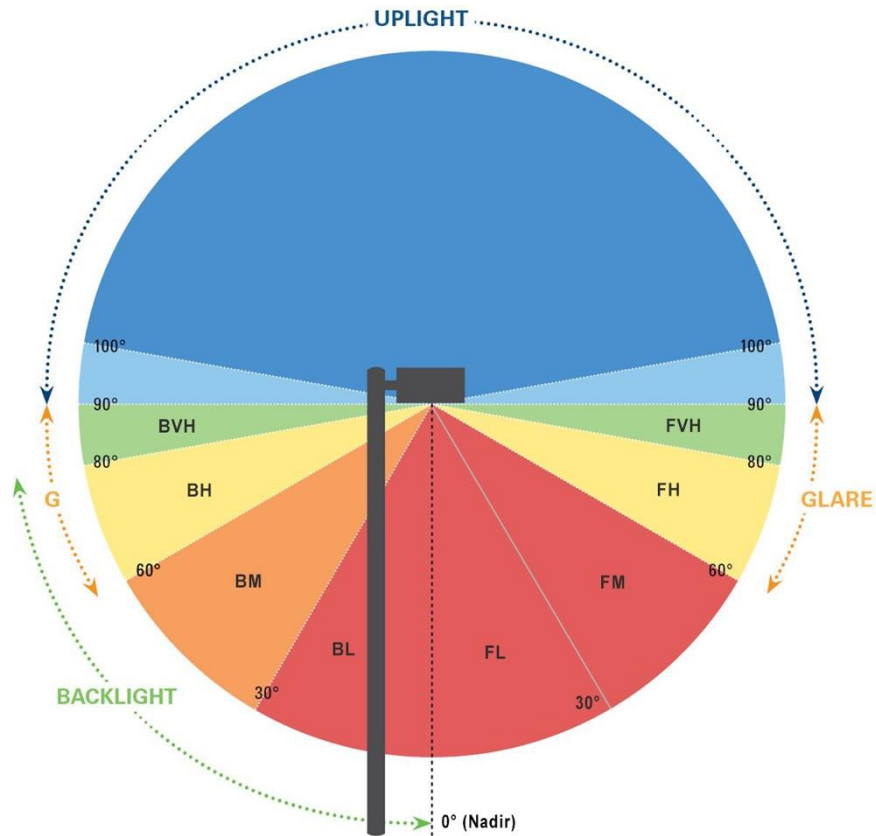


Figure 1 - Backlight, Uplight, and Glare (BUG) Ratings for Outdoor Lighting (created by Angelica Gutierrez)

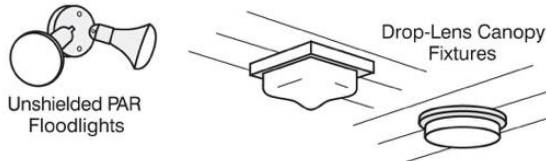
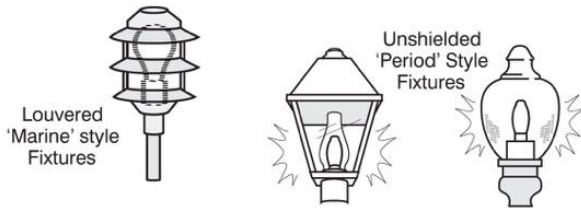
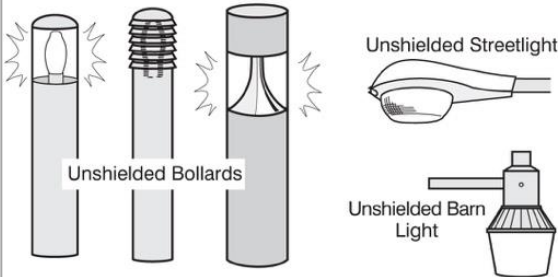
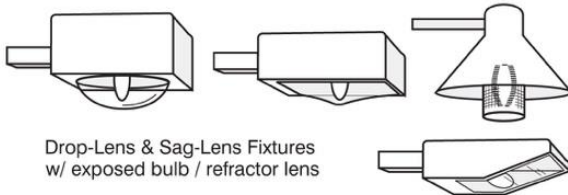
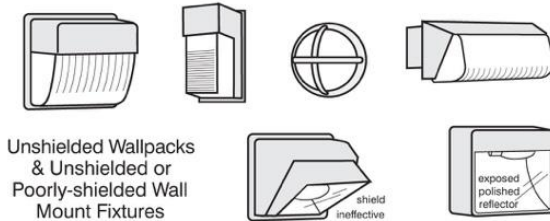
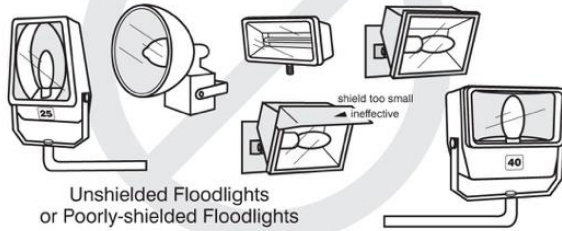
4. Shielding

All outdoor lighting fixtures may be fully or side shielded to mitigate light trespass. Unacceptable fixtures are those that expose a bare bulb allowing light to escape in multiple directions causing light trespass and glare. Acceptable fixtures are those that shield bulb(s) while directing light into only those areas necessary for better vision at night (see Figure 2).

Examples of Acceptable / Unacceptable Lighting Fixtures

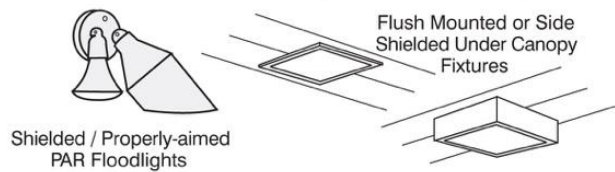
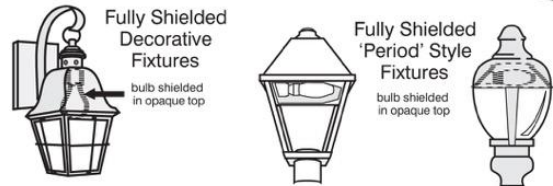
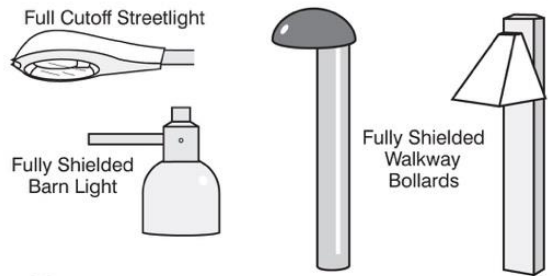
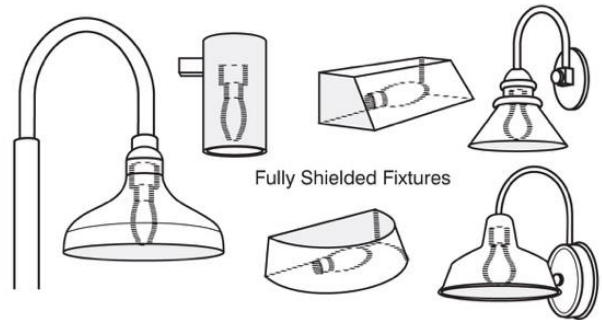
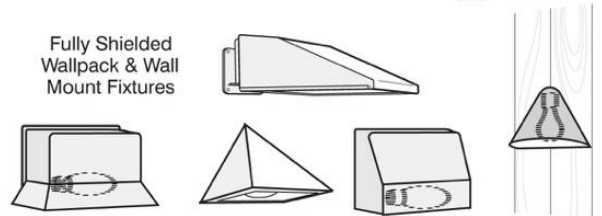
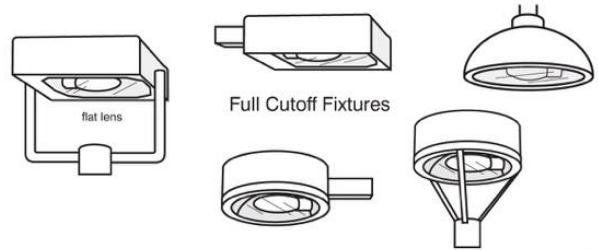
Unacceptable

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

Figure 2 - Examples of lighting fixtures published by IDA to demonstrate acceptable vs. unacceptable lighting fixtures

5. Lamps

To minimize blue light, use “warm-white” or filtered LEDs that are 3,000 Kelvin or lower, as recommended by IESNA and the American Medical Association (AMA). No lamps shall exceed 1,000 lumens for any single lamp, unless for temporary lighting or permitted by special use (see figure 3).

Correlated Color Temperature Scale - Measured in Kelvin

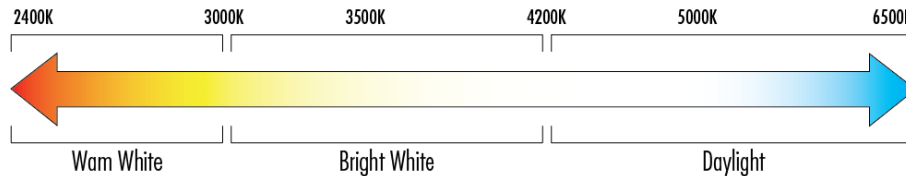


Figure 3 - Color Temperature Scale Measured in Kelvin

6. Backlight, Uplight and Glare (BUG) Rated Luminaires

Luminaires that are backlight, uplight and glare (BUG) rated and fitting to site and situation with exception of existing lighting (see figure 1). BUG ratings for Red Lodge are listed for Low Ambient Lighting, Moderate Ambient Lighting, and Moderately High Ambient Lighting (see Definitions) for purposes of fitting BUG ratings relative to the site and situation of variable projects (See Table 1).

For a full explanation of BUG rating descriptions and how they're calculated, see Appendix 3

Table 1 has been especially prepared for Red Lodge by adopting the three most applicable classifications/lighting zones from IESNA and IDA's MLO as indicated below:

Low Ambient Lighting Area – single or two-family residential areas

Moderate Ambient Lighting Area - light commercial business districts and high density or mixed-use residential districts

Moderately High Ambient Lighting Area - Recommended default for large cities' business district or areas with nighttime human activity needing higher security or safety.

The lowest and highest lighting classifications from IESNA and IDA's MLO have been excluded because they are not applicable to the site and situation of a small rural city such as Red Lodge (at present):

Non-permanent Lighting Area – Recommended default for wilderness areas, parks and preserves, and undeveloped rural areas

High Ambient Lighting Area – High intensity business or heavy industrial zone districts, not appropriate for most cities, only for special cases

For full descriptions of the Lighting Areas adopted by Red Lodge, see the section 4.5.79, Definitions.

Table 1 - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings

	Low Ambient Lighting Area	Moderate Ambient Lighting Area	Moderately High Ambient Lighting Area
Allowed Backlight Rating*			
Fixture greater than 2 mounting heights from property line	B3	B4	B5
Fixture 1 to less than 2 mounting heights from property line and ideally oriented**	B2	B3	B4
Fixture 0.5 to 1 mounting heights from property line and ideally oriented**	B1	B2	B3
Fixture Less than 0.5 mounting height to property line and properly oriented**	B0	B0	B1
Allowed Uplight Rating			
Allowed % light emission above 90 degrees for street or Area lighting for any fixture	0%	0%	0%
Allowed Glare Rating***			
Any luminaire not ideally oriented with 1 to less than 2 mounting heights to any property line of concern***	G0	G1	G1
Any luminaire not ideally oriented with 0.5 to 1 mounting heights to any property line of concern***	G0	G0	G1
Any luminaire not ideally oriented with less than 0.5 mounting heights to any property line of concern***	G0	G0	G0

**For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section.*

*** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.*

**** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating*

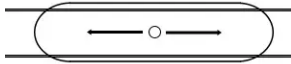
7. Lighting Control

Additional requirements for luminaires may be required to reduce overnight light trespass. Controls include, but are not limited to, automated switching systems, use of timers, light dimmers, or motion sensors and/or lighting reduction of at least 30% or extinguished by curfew as established by the Authority.

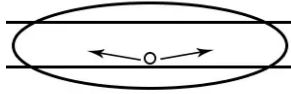
8. Light Distribution – Area and Roadway Lighting

All light fixtures mounted for the purpose of area or roadway lighting shall be classified as IESNA Type I – V with luminaires demonstrated to provide similar distribution patterns and shielding properties. Luminaires may be fitted with “side shield” reflectors on the sides facing adjacent property lines to prevent light trespass. IES distribution patterns as explained below shall be applied per site condition as appropriate:

Type 1 - This distribution is great for lighting walkways, paths, and sidewalks. This type of lighting is designed to be placed near the center of the pathway. This provides good lighting for narrower paths or roadway.

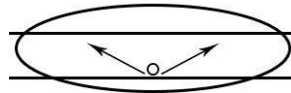


Type I is a two-way lateral distribution, with two concentrated light beams that illuminate in opposite directions, a preferred lateral width of 15 degrees and where the mounting height is approximately equal to the roadway width.



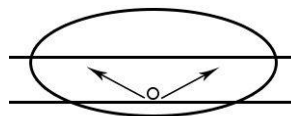
Type II - distribution is used for wide walkways, on ramps and entrance roadways, as well as other long, narrow lighting. This type is meant for lighting larger areas and usually is located near the roadside. You'll find this type of lighting mostly on smaller side streets or jogging paths.

Type II light distributions have a preferred lateral width of 25 degrees. They are generally applicable to luminaires located at or near the side of relatively narrow roadways, where the width of the roadway does not exceed 1.75 times the designed mounting height.



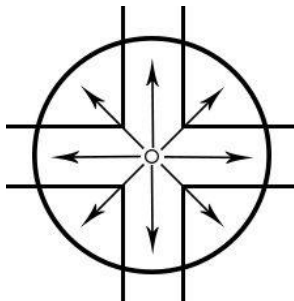
Type III - distribution is meant for general roadway lighting, parking areas and other areas where a larger area of lighting is required. Type III lighting needs to be placed to the side of the area, allowing the light to project outward and fill the area. Its throw is taller than Type II but its side-to-side throw is shorter.

Type III light distributions have a preferred lateral width of 40 degrees and are intended for luminaires mounted at or near the side of medium width roadways or areas, where the width of the roadway or area does not exceed 2.75 times the mounting height.



Type IV - distribution produces a semicircular light meant for mounting on the sides of buildings and walls. It's best for illuminating the perimeter of parking areas and businesses. The intensity of the Type IV lighting has the same intensity at angles from 90 degrees to 270 degrees.

Type IV light distributions have a preferred lateral width of 60 degrees. This distribution is intended for side-of-road mounting and is generally used on wide roadways where the roadway width does not exceed 3.7 times the mounting height.



Type V - produces a circular 360° distribution that has equal light distribution at all positions. This distribution has a circular symmetry of light that is essentially the same at all viewing angles. It is intended for luminaire mounting at or near the center of roadways, center islands of the parkway, and intersections. Type V distribution is great for parking areas or flooding large areas of light directly in front of the fixture. It is one of the most common distribution types available today.

C. Prohibitions

The following types of lighting or conditions shall be prohibited:

1. Light Bulb Types

The installation of any metal halide, mercury vapor, low pressure sodium, or high-pressure sodium fixtures for use as outdoor lighting is prohibited.

2. Searchlights

The operation of searchlights for advertising or any other purpose is prohibited.

3. Upcast Lights (Uplight)

Lights mounted on the ground or buildings aimed upward are prohibited

4. Off-site Glare/Light Trespass

Glare or light directed off-site or shining onto the adjacent property or street shall be prohibited.

4.5.73 General Exemptions

The following types of lighting situations are exempt from the standards of this Section:

A. Existing Outdoor Lighting

Luminaires installed prior to and operable before the effective date of this Ordinance provided the fixtures were not a pre-existing nuisance pursuant to Title 12, Chapter 4 of the Red Lodge Municipal Code.

B. Broadway Street Lights

Street lighting from the roundabout at 3rd Street to 8th are maintained solely by City of Red Lodge. Street lights from 8th to 14th are owned and operated by NorthWestern Energy. The above ornamental street lights shall be exempt.

C. Central Business District Alley Lights

Lighting mounted on utility poles within the alleys for safety and security

D. Highways

State highways are exempt as they follow jurisdiction of Montana Department of Transportation (MDT) Lighting Standards

E. Recreation Facility

Lighting period beyond curfew related to a recreational facility or event in agreement between the City and a User Group by Memorandum of Understanding (MOU), or by application for special permit.

F. Navigation Lights

Navigation lights at an air navigation facility (Montana Code Annotated 67-1-101 "Definitions and Policy") or similar lights providing a navigational function.

G. Temporary & Seasonal Lighting

Individual fixtures or arrays that do not exceed 70 lumens.

H. Lighting exempted by ordinance for special requirements:

1. Lighting required by federal, state, territorial, commonwealth or provincial laws or regulations. lights necessary for compliance with United States Code Title 4 Chapter 1 Section 6, as amended. For example, Federal law requires that US flags left up through the night are "properly illuminated" during hours of darkness so the flag is not enveloped in darkness.
2. Lighting specified or identified in a specific use permit

4.5.74 Non-Residential Standards

This sets standards for all non-residential properties including multi-family residential properties subject to Design Review. The lighting design shall be included at the time of application to the Authority. These standards are in addition to General Standards, section 4.5.72.

Non-Residential Applicability & Requirements

These standards are applicable to all non-residential outdoor lighting luminaires installed after the

effective date of this Ordinance and the new development of all buildings with exception of those exempted in Subsection 4.5.73, General Exemptions.

Any non-residential outdoor lighting installation complies if it meets the requirements outlined below:

- A. Amortization** - On or before 10 years from the effective date of this ordinance, all non-residential outdoor lighting shall be brought into compliance with this ordinance by the property owner.
- B. Residential Streets and Roadway Lights** - As of the adoption of this ordinance, all existing street and roadway lights are in compliance and shall continue to follow best practices of IES RP and AASHTO standards for the State of Montana (mdt.mt.gov).
- C. Recreation Facility** - Lighting period at any outdoor recreational facility or field is limited to curfew at 11:00 p.m. (or as revised by the Authority). Notwithstanding, said lighting may continue to allow the completion of a sporting event if it began earlier the same evening. Depending on the recreational activity and location, application for special permit may be required.
- D. Limits to Off Site Impacts** - All luminaires shall be rated and installed according to Table 1 (Section 4.5.72, 6)
- E. Light Shielding for Parking Lot Illumination**
 Non-residential lighting pattern types IV and V are recommended for non-residential parking areas that include lighting. Depending on the number of parking spaces (1-10) or for a larger lot, the requirements may be met using the Parking Space Method or the Hardscape method.

 See 4.5.72, B, 8 for general information about lighting pattern types.
 See 4.5.74,G describing the Parking space method (1-10 parking spaces) or hardscape method for a larger number of parking spaces (as in a lot).
- F. Resumption of Use after Abandonment** – If a property with non-conforming lighting is abandoned for a period of one year or more, then all outdoor lighting shall be brought into compliance by the property owner with this ordinance before any further use of the property occurs.
- G. Lighting Plan Compliance** - Considering the nature of small rural cities and outdoor lighting projects, IDA/IESNA's recommended "prescriptive method" as a fitting standard for non-residential lighting in Red Lodge. The prescriptive method contains precise and easily verifiable requirements for luminaire light output and fixture design that limits glare, uplight and light trespass and the amount of light that can be used. As most outdoor lighting projects do not involve a lighting professional, this method is simple to follow and does not require engineering expertise.

Submission to the Authority of a Lighting Plan/project is required as a precondition to any approvals. The Lighting Plan should include the location and BUG rating for each luminaire, specify compliance with the prescriptive method, and a worksheet to show that the luminaires and their BUG ratings, and total site lumen limits are compliant. The intent is to mitigate light trespass which is defined as "Light that falls beyond the property it is intended to illuminate, falling where it is not wanted or needed. Spill light. Obtrusive light."

Prescriptive Method: Total Site Lumen Limit

The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method (*Table 2*) or the Hardscape Area Method (*Table 3*). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the

calculation of total installed lumens.

The Parking Space Method may only be applied to properties up to 10 parking spaces (including handicapped accessible spaces). The Hardscape Area Method may be used for any project and when lighting intersections of site drives, streets, or roads, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

Both method tables (below) outline measures for Moderate Ambient Lighting and Moderately High Ambient Lighting. Light Commercial or multi-family residential units without common areas that are not active 24/7 may consider moderate lighting while centralized commercial operations with heavier night-time activity may apply moderately high lighting limits (see definitions).

The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

Table 2 – Parking Space Method: Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting

Parking Spaces	Allowed Lumens/space (Moderate Ambient Lighting)	Total Luminaire Lumens/Site (Moderate Ambient Lighting)	Allowed Lumens/space (Moderately High Ambient Lighting)	Total Luminaire Lumens/Site (Moderately High Ambient Lighting)
1	630 lmns	630	840 lmns	840
2	630 lmns	1,260	840 lmns	1,680
3	630 lmns	1890	840 lmns	2,520
4	630 lmns	2520	840 lmns	3,360
5	630 lmns	3150	840 lmns	4,200
6	630 lmns	3780	840 lmns	5,040
7	630 lmns	4410	840 lmns	5,880
8	630 lmns	5040	840 lmns	6,720
9	630 lmns	5670	840 lmns	7,560
10	630 lmns	6300	840 lmns	8,400

Table 3 – Hardscape Area Method: Allowed & Additional Total Initial Lumens per Site for Non-residential Outdoor Lighting

Lumens/SqFt of Hardscape	Moderate Ambient Lighting	Moderately High Ambient Lighting
Base Allowance		
	2.5 lumens per SqFt of Hardscape	5.0 lumens per SqFt of Hardscape
Additional Allowances for sales and service facilities No more than two additional allowances per site may be added to base allowance		
Outdoor Sales Lots. This allowance is lumens per square foot of un-covered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	8 lumens per SqFt	8 lumens per SqFt
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	1000 lumens per LF	1500 lumens per LF
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	4000 lumens per drive-up window	8000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	8000 lumens per pump (based on 10 fc horiz)	8000 lumens per pump (based on 20 fc horiz)

4.5.75 Non-Residential Exemptions

The following types of lighting situations are exempt from the standards of this Section:

Bollards, or similar light luminaires (trail lighting)

Fixtures that do not exceed 4 feet in height, intended to illuminate public landscape features or walkways, may be permitted as part of the overall design review lighting plan for non-residential properties. Lamps shall not exceed 900 lumens for any single lamp. A maximum of 2 fixtures per bollard.

4.5.76 Residential Standards

This section applies to single family homes, duplexes, row houses, and low-rise multi-family buildings of 6 dwelling units or less. These standards are in addition to General Standards, section 4.5.72.

Residential Applicability & Requirements

The standards of this Section shall apply to all outdoor lighting luminaires installed after the effective date of this Ordinance and the new development of all buildings with exception of those exempted in

Subsection 4.5.73, General Exemptions or 4.5.77, Residential Exemptions.

These standards shall also apply to the redevelopment, addition or remodeling of residential or multi-family property that increases the gross floor area of the building(s) or the area of developed land 25% or more. The intent is to mitigate light trespass which is defined as “Light that falls beyond the property it is intended to illuminate, falling where it is not wanted or needed. Spill light. Obtrusive light.”

A. Shielding

For residential properties including multiple residential properties (not exceeding 6 units) not having common areas, all outdoor luminaires shall be shielded as needed to prevent light trespass onto adjacent properties and shall not exceed the allowed lumen output in Table 4, row 2.

B. Landscape Lighting

1. Shall comply with Table 4, row 4 and/or 6
2. Shall not be aimed onto adjacent properties

C. Lighting Plan

Submission to the Authority of a Lighting Plan/project is required as a precondition to any approvals. The Lighting Plan should include the location and BUG rating for each luminaire and a worksheet to show that the luminaires and their BUG ratings are compliant.

4.5.77 Residential Exemptions:

- A. One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table 4, row 1.
- B. Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table 4, row 3.
- C. Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table 4, row 4.
- D. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table 4, row 5
- E. Motion Sensor and/or Time Controlled Lighting – lighting shall not be left on by default through the night. If lighting for safety and security is desired, residents may implement time controlled or motion sensor lighting that extinguishes after 15 minutes or less. Motion sensor and controlled lighting must also comply with Table 4, Residential Lighting Limits.

Residential Lighting Exemption within Limitations

Most residential lighting has traditionally used incandescent lamps which are identified by their wattage. However, since new technologies provide more light for fewer watts, it is no longer possible to regulate residential lighting solely by providing a maximum wattage. This table, therefore, lists maximum initial luminaire lumens only.

These lumen allowances assume IDA/IESNA recommendations for low ambient lighting areas (rural and low-density residential areas / single or two-family homes) and moderate ambient lighting areas (high density or mixed-use residential areas). See definitions for clarification.

Table 4 - Residential Lighting Limits

Row	Residential Lighting Application	Limit in Low Ambient Lighting Area	Limit in Moderate Ambient Lighting Area
1	Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	420 lumens	630 lumens
2	Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	1,260 lumens	1,260 lumens
3	Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	315 lumens	315 lumens
4	Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not allowed	1,050 lumens
5	Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Light	Not allowed	1,260 lumens
6	Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not allowed	525 lumens

* Luminaire lumens equals initial Lamp lumens for a lamp, multiplied by the number of lamps in the luminaire

4.5.78 Lighting by Special Permit Only

A. High Intensity and Special Purpose Lighting

The following lighting systems are prohibited from being installed or used except by special use permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting, defined as having a light source exceeding 200,000 initial luminaire lumens, or an intensity in any direction of more than 2,000,000 candelas.

B. Complex and Non-Conforming Uses

Upon special permit issued by the Authority or a Memorandum of Understanding (MOU) with the Authority, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, sports fields, and stadiums.
2. Construction lighting.
3. Lighting for industrial sites having special requirements, such as, but not limited to petrochemical manufacturing or storage, shipping piers, etc.
4. Parking structures or parking lots.
5. Urban parks.
6. Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
7. Theme and amusement parks.
8. Correctional facilities.
9. Traffic controls outside the jurisdiction of MDT.

To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

1. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures

2. Employs lighting controls to reduce lighting at a Project Specific Curfew time to be established in the Permit.
3. Complies with the General Lighting Requirements after curfew.

The Authority shall review each such application. A permit may be granted if, upon review, the Authority believes that the proposed lighting will not create unwarranted glare, sky glow or light trespass.

4.5.79 Definitions

Authority - The adopting municipality, agency or other governing body.

Backlight - For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG - A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).

Canopy - A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)

Curfew - A time defined by the Authority when outdoor lighting is reduced or extinguished. City of Red Lodge has established a lighting curfew of 11:00 p.m.

Full-cutoff Luminaire – An IES definition; Zero intensity at or above the horizontal plane (90 degrees nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80 degrees

Fully Shielded Luminaire - A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

Glare - Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Hardscape - Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.

Hardscape Area - The area measured in square feet of all hardscapes. It is used to calculate the Total Lumen Limit for the Prescriptive Method.

Illuminated sign – any informational or advertising sign that is illuminated by either internal or external means.

Illuminating Engineering Society of North America (IES or IESNA): The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

International Dark-Sky Association (IDA, Inc.): A non-profit organization whose goals are to build awareness of the value of dark skies, and of the need for quality outdoor lighting.

Kelvin – the color temperature measured on a scale of 1 – 10,000 degrees. Kelvin of 3,000 degrees or lower is red/yellow along the spectrum (warmer whites).

Below statements from American Medical Association (AMA):

More recently engineered LED lighting is now available at 3000K or lower. At 3000K, the

human eye still perceives the light as “white,” but it is slightly warmer in tone, and has about 21% of its emission in the blue-appearing part of the spectrum. This emission is still very blue for the nighttime environment, but is a significant improvement over the 4000K lighting because it reduces discomfort and disability glare. Because of different coatings, the energy efficiency of 3000K lighting is only 3% less than 4000K, but the light is more pleasing to humans and has less of an impact on wildlife.

That our AMA encourages the use of 3000K or lower lighting for outdoor installations such as roadways. All LED lighting should be properly shielded to minimize glare and detrimental human and environmental effects, and consideration should be given to utilize the ability of LED lighting to be dimmed for off-peak time periods.

Lamp - A generic term for a source of optical radiation (i.e. “light”), often called a “bulb” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

Landscape Lighting - Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

LED - Light Emitting Diode

Lighting - “Electric” or “man-made” or “artificial” lighting”

Light Trespass - Light that falls beyond the property it is intended to illuminate, falling where it is not wanted or needed. Spill light. Obtrusive light.

Low Ambient Lighting - Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Recommended default for rural and low-density residential areas (single or two-family homes)

Low Voltage Landscape Lighting - Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.

Lumen - The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

Luminaire - The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire Lumens - For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

Moderate Ambient Lighting - Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline. **Recommended for light commercial business districts and high density or mixed-use residential districts.**

Moderately High Ambient Lighting - Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline. **Recommended default for large cities' business district.**

Ornamental Street Lighting - A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- designed to mount on a pole using an arm, pendant, or vertical tenon;
- opaque or translucent top and/or sides;
- an optical aperture that is either open or enclosed with a flat, sag or drop lens;
- mounted in a fixed position; and
- with its photometric output measured using Type C photometry per IESNA LM-75-01.

Outdoor Lighting - Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

Partly shielded Luminaire - A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.

Sales area - Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.

Seasonal lighting - Temporary lighting installed and operated in connection with holidays or traditions.

Shielded Directional Luminaire - A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

Sky Glow - The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Temporary lighting - Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

Unshielded Luminaire - A luminaire capable of emitting light in any direction including downwards.

Uplight - For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane. Also referred to as upcast lighting.

4.5.80 Infrastructure

4.5.81 Purpose and Intent

The purpose and intent of this Section are to ensure required infrastructure and utilities are constructed and maintained to protect the health, safety and welfare of the occupants of developments approved pursuant to this Ordinance and the general community. Required infrastructure and utilities include but are not limited to water

distribution, wastewater collection, vehicular circulation, pedestrian and bicycle facilities, storm water runoff and erosion control, and the private utilities of electricity, cable television, telephone, and, where available, natural gas.

4.5.82 Required Infrastructure and Utility Improvements

All development shall provide and maintain safe and orderly infrastructure and utilities that connect to the infrastructure systems of the City of Red Lodge and private utilities. All development shall provide access to water and wastewater systems, public streets or roads, pedestrian trails and/or sidewalks, and wire utilities such as electricity, cable television and telephone, and, where available, natural gas. Street lighting shall be provided by means of lighting fixtures.

4.5.83 Public Water Supply, Public Wastewater System

A. Connection to Municipal Systems

All development shall connect to municipal water and wastewater infrastructure systems which may require off-site and on-site facilities to provide the necessary mains, lift stations, pump stations, service lines and other appurtenances necessary to connect the development to the City infrastructure.

B. Construction Standards

1. City, DEQ

All infrastructure systems shall be constructed and maintained to the applicable codes of the City of Red Lodge, the Montana Department of Environmental Quality standards and other federal and state codes that may be duly applicable.

2. Shared Use

All infrastructure lines in new developments shall be located and constructed to allow adjoining properties to access the infrastructure mains at the common property lines.

C. Developer's Expense

1. Developer's Expense

Installation of the required infrastructure shall be the developer's expense except where shared expenses are approved by the City.

2. City Participation

At its sole discretion and subject to adopted ordinances controlling infrastructure, the City may participate in funding the construction of infrastructure related to any development when an infrastructure facility is oversized to accommodate the current or future needs of adjacent properties.

3. Agreement

The City and developer may enter into a "late comer's" agreement or a reimbursement agreement to allow infrastructure costs to be shared by owners of neighboring properties when the infrastructure will benefit the neighboring properties.

4. Proportionate Share

The City shall establish appropriate shares of the infrastructure costs for all participating properties, whether the properties will benefit from the infrastructure now or in the future. The cost shares shall be determined on a proportional basis to reflect a reasonable approximation of the proportionate benefit or use to be enjoyed by each participating property

5. Sunset Provision

Any cost sharing agreement shall have a sunset provision or termination provision for reimbursement of infrastructure costs that is no later than fifteen (15) years from the execution date of the agreement.

4.5.84 Private Utilities

A. Underground Installation

All wire and natural gas utilities shall be installed underground except as provided below.

1. Above Ground Appurtenances

Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities that are necessary appurtenances to underground utilities may be placed above ground within utility easements or street right-of-way or easements with approval of the land owner or City Council, whichever is applicable.

2. Connections to Above Ground Facilities

Facilities reasonably necessary to connect underground utilities to existing or permitted overhead or above ground facilities shall be allowed above ground.

3. Existing Facilities

Existing above ground utility facilities may be allowed to remain. It shall not be required to remove or replace existing above ground utility facilities that are useful in serving the development.

4. Transmission, Distribution Feeder Lines

Overhead electric transmission and distribution feeder lines and overhead long distance communication, trunk and feeder lines shall not be required to be underground.

B. Construction Standards

All utilities shall be installed and maintained pursuant to the applicable utility company standards.

C. Structures in Utility Easements

Structures shall not be located in public or private utility easements except fences may be allowed as prescribed in this Subsection. Fences with a gate or removable sections may be placed across municipal utility easements if approved in writing by the Red Lodge Public Works Director. Fences across other utility easements shall be approved by the utility company benefitting from the easement or permitted by the terms of the easement.

D. Developer's Expense

Costs of installation and construction of all utilities pursuant to this Ordinance shall be paid by the developer, whether the utility is on-site or off-site. The developer shall make all necessary arrangements, including payment for installation and construction, with each utility company serving the development.

4.5.85 Vehicular Circulation

A. Safe Direct Access

All development shall include safe, legal and physical access to a public street or road. The access may first connect to a private street or road before then connecting to the public street or road.

B. Shared Use

When public streets or easements are provided in new developments, the streets or easements shall be located and constructed to allow an adjacent property owner(s)

to gain direct access to the public street or easement.

C. Circulation Planning

The location, layout, character and extent of legal and physical circulation shall comply with the following standards.

1. Red Lodge Growth Policy

Legal and physical accesses to public streets shall be consistent with the *Red Lodge Growth Policy*.

2. Natural Topography

Accesses, streets and roads shall be designed and constructed to conform to the natural topography to the greatest extent practical and minimize ground disturbance.

3. Drainage

Accesses, streets and roads shall not block natural drainage ways and shall be designed and constructed to provide positive storm water runoff.

4. Number of Access

The allowed number of access shall be determined by the *Red Lodge Subdivision Regulations*.

5. No Commercial Access Through Residential

A commercial or industrial development shall not have a principal access through a residential zoning district. This prohibition does not prevent a commercial or industrial access through a mixed-use district.

6. Emergency Access

All development shall provide safe and efficient access suitable for emergency vehicles.

7. Street Standards

Street extensions or construction shall be designed and constructed pursuant to the street standards in the *Red Lodge Subdivision Regulations*.

8. Arterial streets

Accesses to arterial streets shall be minimized and shall comply to any applicable access management plans in effect. A residential development that adjoins an arterial street shall use reverse frontage or side access to minimize accesses to arterial streets.

D. Developer's Expense

The construction of the required accesses, streets or roads shall be the developer's expense except where shared expenses are approved by the City.

1. City Participation

At its sole discretion and subject to adopted ordinances controlling streets and roads the City may participate in funding the construction of an access, street or road related to any development when the access facility is oversized or extended to accommodate the current or future needs of adjacent properties.

2. Agreement

The City and a developer may enter into a "late comer's" agreement or a reimbursement agreement to allow access costs to be shared by owners of neighboring properties when the access will benefit the neighboring properties.

3. Proportionate Share

The City shall establish the appropriate share of the access costs for all participating properties, whether the properties will benefit from the access now or in the future. The costs shall be determined on a proportional basis in which the costs reflect a reasonable approximation of the proportionate benefit or use

to be enjoyed by each participating property.

4. Sunset Provision

Any cost-sharing agreement shall have a sunset provision or termination provision for reimbursement of infrastructure costs that is no later than fifteen (15) years from the execution date of the agreement.

4.5.86 Pedestrian Access

Effective immediately, the below noted requirements of this Section 4.5.86, Pedestrian Access, shall be temporarily suspended and not enforced until such time as the City Council adopts an Ordinance to repeal this suspension. However any sidewalk built during the time of suspension shall comply with ADA requirements. Existing sidewalks may require repairs to meet ADA requirements. Sidewalks are required when a development abuts existing sidewalks. Boulevards shall not be paved.

The following italicized text (strike-through) has been left in the document for historic clarification purposes, and as noted above its requirements are no longer in effect.

~~All new development, including single-family houses, shall construct a sidewalk across the street frontages of the lot. The sidewalk(s) shall be within the public right-of-way at a location approved by the Red Lodge Public Works Director and extended to connect to existing sidewalks if present at the lot boundary.~~

~~A. Exemptions~~

~~Change of use, expansion to existing developments that increase the gross floor area by less than twenty (20) percent, and new development within existing subdivisions that have no sidewalks shall be exempt from a required sidewalk.~~

~~B. ADA~~

~~All sidewalks shall be constructed in compliance with the Americans with Disabilities Act (ADA).~~

~~C. Commercial Development~~

~~Commercial developments, not exempted above, shall provide a sidewalk from the entrance of the commercial development to the public right-of-way.~~

~~D. Construction Standards~~

~~Sidewalks shall be designed and constructed to comply with the construction specifications and widths as adopted in the Red Lodge Subdivision Regulations.~~

~~E. Developer's Expense~~

~~Sidewalks shall be designed and constructed at the developer's expense.~~

4.5.87 Development Agreement

A. Agreement Required

Developments that require the construction of public infrastructure or other public improvements shall require a Development Agreement that establishes the detailed requirements, responsibilities and timing of performance for both the developer and the City. The Development Agreement shall contain all requirements from Authority review.

B. Content of Agreement

A Development Agreement shall contain, but not be limited to the following items.

1. Site Plan

The Development Agreement shall incorporate or reference an approved development plan.

2. Required Improvements

Detailed description of infrastructure and other improvements required as part of the approved development including specifications.

3. Costs

Costs of the improvements required in the initial phase and projected costs of improvements of any future phases.

4. Phasing Plan/Schedule for Completion

An established schedule of completion required in the initial phase and a projected completion schedule of any future phases.

5. City Completion

A process by which the City may, if necessary, complete the required improvements using the surety or financial guarantee provided by the developer.

6. Renegotiation

A process by which either the developer or the City may request a renegotiation of the agreement.

7. Transfer

A process by which the agreement may be transferred with the prior written approval of the City Council.

8. Guarantee

The form of the financial surety or guarantee shall be specified.

9. Warranty

A statement or warranty for the materials and workmanship pursuant to Subsection G, Warranty of Improvements, below.

C. Phasing

The construction of public infrastructure or improvements may be phased in accordance with an approved phasing plan.

D. Effect of Agreement

An approved Development Agreement shall create a legal contract binding the parties to the contract.

E. Guarantee

Completion of the required improvements identified in the Development Agreement shall be guaranteed by a method in Section 2.4, Guarantee of Public Improvements, in the *Red Lodge Subdivision Regulations*.

F. Inspection and Acceptance of Improvements**1. Inspection Required**

All infrastructure and improvements related to the City shall be inspected by the Public Works Director and all other improvements shall be inspected by the Zoning Administrator for compliance with the approved Development Agreement, construction plans and specifications.

2. Developer Request

Upon completion of the infrastructure or improvements, the developer shall submit to the Zoning Administrator a written request for a Certificate of Compliance or acceptance.

3. Improvements Accepted

Upon a written verification from the developer and a project engineer licensed in the State of Montana that the infrastructure or improvements have been completed pursuant to all approvals, plans and specifications, and upon further verification from the inspection described in Subsection F.1, Inspection Required, above, the Zoning Administrator or Public Works Director, whichever is

designated by adopted City ordinances, shall issue a Certification of Compliance. Notwithstanding, some public infrastructure facilities or improvements may require City Council approval of acceptance based upon adopted City ordinances. In such instances, the Zoning Administrator shall place the developer's request on the City Council agenda following verification by the Administrator or Public Works Director that the infrastructure or improvements have been completed pursuant to all approvals, plans and specifications.

4. Fees

The City Council may establish fees to offset the administrative costs of inspecting public infrastructure or improvements. Any such fees shall be paid by the developer prior to the issuance of a Certificate of Compliance or acceptance.

G. Warranty of Improvements

The developer shall warrant the materials and workmanship of the public infrastructure or improvement for a period of one (1) year from issuance of the Certificate of Compliance or acceptance of the infrastructure or improvement by the Mayor and City Council, whichever is applicable.

1. Warranty Enforcement

The warranty shall be enforced or secured by one of the following methods.

a. Escrow

An escrow account containing funds equal to one hundred twenty-five (125) percent of the construction costs pursuant to Section 2.4, Guarantee of Public Improvements, in the *Red Lodge Subdivision Regulations*.

b. Letter of Credit

Continuing an Irrevocable Standby Letter of Credit or opening a new Irrevocable Standby Letter of Credit in an amount equal to one hundred twenty-five (125) percent of the construction costs pursuant to Section 2.4, Guarantee of Public Improvements, in the *Red Lodge Subdivision Regulations*.

2. Use of Funds

The City may use funds or draw upon the Letter of Credit to correct any deficiency in the materials or workmanship of the infrastructure or improvement. Notwithstanding, the developer may remedy the deficiency in lieu of the City drawing upon the funds.

3. Release of Funds

Warranty funds held in escrow or the Letter of Credit shall be released upon expiration of the one (1) year warranty period provided the funds were not spent to remedy a deficiency in the infrastructure or improvement.

4.5.88 Livestock Prohibited

The keeping or raising of domestic livestock or fowl for show, breeding or other purposes is prohibited in the City limits; except as otherwise permitted in the Municipal Code.

4.5.90 Storm Water Management Erosion Control

4.5.91 Purpose and Intent

The purposes and intent of this Section are to ensure storm water runoff is sufficiently managed to avoid dangerous conditions, flooding or property damage and to further minimize erosion from wind and water.

4.5.92 Applicability

All developments, not exempted below in Section 4.5.93, Exemptions, proposing to disturb a cumulative total of more than 20,000 square feet of contiguous impervious coverage shall comply with the standards of this Section, and meet Montana Department of Environmental Quality Regulations.

4.5.93 Exemptions

Development in the Central Business Zoning District (C-4) shall be exempt from this section.

4.5.94 Storm Water Runoff and Erosion Control Plan

Any application for a development permit, including a building permit if no other development application is required, not exempted in Subsection 4.5.93, Exemptions, shall include a storm water runoff and erosion control plan. The developer is to include calculations and techniques that demonstrate compliance with the standards of this Section and shall be prepared by a professional engineer licensed in the State of Montana. Encourage use of green infrastructure elements for storm water management and erosion control in the plan. Green infrastructure elements that slow run-off, encourage retention and absorption of storm water on site, and filter run-off may include bioswales, rain gardens, porous parking lot surface materials and use of terrestrial or wetland vegetation appropriate for the location.

4.5.95 Standards**A. Pre-development Discharge**

The post-development runoff rate from the site shall not exceed the pre-development runoff rate. Storm water retention areas may be required to comply with this standard.

B. Velocities Minimized

Runoff velocities shall be minimized and the receiving drainage ways shall be designed and constructed to accommodate the runoff.

C. 100-Year Detention

On-site storm water facilities shall be designed and constructed to detain a 100-year storm event that is 24 hours in duration, while meeting Section 4.5.95 A. Pre-development Discharge.

D. Maintenance

Storm water facilities shall be continually maintained to ensure on-going compliance with this Section

E. Retention of Vegetation

Existing natural vegetation shall be maintained as much as practical and disturbed areas that do not receive structures or impervious surfaces shall be revegetated.

F. Disturbed Areas Minimized

The amount of ground area disturbed at any one time shall be minimized as much as practical.

G. Silt Fencing

Silt fencing, hay bales or comparable techniques shall be used to prevent sediment from leaving the site due to erosion during construction and until the site is fully vegetated.

H. Water Quality

Water quality of nearby streams, wetlands or other riparian areas shall be protected by the use of vegetative buffer or other techniques.

4.5.100 Operational Performance Standards**4.5.101 Purpose and Intent**

The purposes and intent of this Section is to establish performance standards that ensure developments and land uses do not become dangerous or objectionable to neighbors or the general community. It is the purpose and intent of this Section that all land uses and related activities are maintained and operated to avoid detracting from the health, safety and welfare of the citizens of Red Lodge.

4.5.102 Air Quality

Dust, ash, vapors, fumes, gases or other forms of air pollution shall not be emitted from any development to an extent that can cause damage to the health of people, animals or vegetation or can degrade neighboring property.

4.5.103 Combustibles and Explosives

The storage of combustible and explosive materials shall comply with applicable standards of the Red Lodge *Fire Prevention and Safety Code* and the applicable building codes.

4.5.104 Hazardous Materials Storage**A. State, Federal Regulations**

Development that proposes to generate, handle or store hazardous materials shall comply with all applicable state and federal regulations and standards. When a proposed development requires a state or federal permit, the applicant shall include in the application for a City permit copies of the applicable permits to demonstrate compliance with the state or federal regulations.

B. Other City Codes

Development that proposes to generate, handle or store hazardous materials shall comply with all applicable regulations and standards in the currently adopted building code and *Fire Prevention and Safety Code*. When a proposed development requires approval for such activities under these additional codes, the applicant shall include in the application for a City permit copies of the applicable permits or plans that demonstrate compliance with the codes.

4.5.105 Noise**A. Noise Levels**

Developments and land uses shall not create noises that exceed the levels established in Table 4.5.106.

B. Exceptions

Notwithstanding the noise limitations established in Table 4.5.106, exceptions to the Subsection are:

1. During all hours the following items are exempt: Emergency vehicle safety and warning signals, other safety and warning signals and devices, aircraft operations at the airport and hospital, vehicles with legal and properly

functioning exhaust systems, those noise generators that in the opinion of the Zoning Administrator or law enforcement personnel meet the intent of this section, and limited temporary noises that occur for five (5) minutes or less.

2. During non-quiet hours the following items are exempt: home appliances, chainsaws, lawn mowers and snow blowers in private use, those noise generators that in the opinion of the Zoning Administrator or law enforcement personnel meet the intent of this Section, and limited temporary noises that occur for fifteen (15) minutes or less.
3. The City Council may grant waivers for special events (parades, street dances, grand openings, 4th of July Celebrations, etc.) or via the Conditional Use Permit or Use of City-Owned Lands approval process. All such waivers shall be in writing and on the property where the exemption is applicable.
4. If you have a City issued building permit, construction activities are exempt from the maximum sound level for any given district from 7:00 AM to 10:00 PM level for any given district.

C. Measurement

Noise levels shall be measured at the property line of the development or land use generating the noise and shall be measured with a sound meter.

4.5.110 Building Design

A. Street Wall Length and Shape

To avoid long and monotonous building facades, the building façade facing any street shall not be more than fifty (50) feet without an offset in the wall plane or architectural features or indents designed to break up the apparent mass of the wall and prevents the building from being a rectangle or square.

B. Roof Standards

Roofs shall be of a color and design that are compatible with the rest of the building. Roofs shall have varying pitches, parapets, angles and other acceptable styles that prevent the monotony of rectangular or square roofs. Roof penetrations shall be ganged and screened to the maximum extent practicable.

C. Historic Character

The design of all new buildings and the design of existing buildings that are expanded in gross floor area shall be compatible with the historic architecture of Red Lodge as described in the *Red Lodge Revitalization Master Plan*. When said expansion is less than twenty (20%) percent, the Zoning Administrator may waive these compatibility requirements when such a waiver is deemed to not be inconsistent with the intent of this code. Compatible design includes, but is not limited to, the use of false fronts, and the type of ground floor windows typically used on historic buildings in Red Lodge. Acceptable exterior building materials traditionally used on historic buildings in Red Lodge, such as stone, brick, and wood (or modern alternative materials with the look of traditional materials; an example of a modern alternative to wood siding could be cementitious board siding such as the brand name of Hardi-Plank) shall be used. Stucco and other similar materials are not historic materials of Red Lodge.

Article 4.6.0 OUTDOOR ADVERTISING

4.6.10 Purpose and Intent

To promote the public health, safety and general welfare through reasonable, consistent, and non-discriminatory regulations for the installation and maintenance of signs. This Section is intended to preserve free speech, expression, and content neutrality while balancing the need to regulate the secondary effects of signs, particularly those that may adversely impact scenic views; safety for motorists, bicyclists, and pedestrians; and the interests of the public. These regulations are intended to ensure that signs are not overwhelming; and are not a distraction or impediment due to brightness, movement, size, or height; and do not create a hazard.

The City recognizes that signs are a necessary means of visual communication for public convenience and way-finding; and businesses, services, and other activities have the right to identify themselves by using signs that are accessory and incidental to the uses on the premises where the signs are located.

This Section is not intended to regulate government signs.

The City has the authority to regulate signs under the United States Constitution, the State Constitution, and the Statutes of the State of Montana.

To the extent any provision of the sign standards can be read in a manner that makes such provision legally invalid, such interpretation is unintended and the provision shall be interpreted only in a manner that is legally compliant. If any provision is or becomes legally unenforceable, then such provision shall be deemed stricken and all remaining provisions shall be enforced as if the offensive provision did not exist.

4.6.20 Applicability

The standards of this Section shall apply to the erection, construction, relocation, installation or alteration of any outdoor advertising sign, structure, markings, symbol or other advertising device unless exempted in Subsection 4.6.30, Exemptions.

4.6.30 Definitions

For the purpose of this Section, certain words and terms shall have the meaning as established in this Subsection.

4.6.31 Sign

For purposes of this Ordinance the term sign shall mean any structure, marking, symbol, display, illustration or other advertising device designed or intended to announce, market or attract attention to a business, product or service.

4.6.32 Sign Area

A. Sign Area means the area of the surface of a sign designed to contain a message, logo, symbol, or other communication, and excludes the structural support members

and any decorative finials.

- B. Sign area for free-standing signs, or signs projecting from a building (i.e. not signs mounted to the surface of the building in a more or less parallel manner) may display a message on multiple sides. The sum total of the area of each side shall not exceed the allowed sign area.

4.6.33 Sign, Neon

Signs lit with luminous gas-filled tubes or exposed bulbs visible from outside the sign cabinet in a historic manner.

4.6.34 Sign, Externally Illuminated

Sign illuminated by light sources from the outside.

4.6.35 Sign, Internally Illuminated

Illumination in which neon, fluorescent, incandescent or other light sources are placed within a semi-transparent “can” and shine through sign panels, typically made of plastic, and bulbs not directly visible from outside the sign.

4.6.40 Exemptions

The standards of this Section shall not apply to the following:

4.6.41 Official Notices, Warning Signs, Historical Information

Notices posted by an official of a public body or utility that provides legal notification or information or warning of a dangerous area, including signs communicating information about the history of a property or the community.

4.6.42 Window Displays, Indoor Signs

Indoor signs and displays except as otherwise regulated herein.

4.6.43 Building Identification, Minor Residential

Signs, plaques and similar features not to exceed four (4) square feet in area containing building names, dates of erection, commemorative information or similar content. Wall signs not to exceed one (1) square foot in area identifying occupants or owners of a residential property.

4.6.44 Temporary and Seasonal Lighting

Temporary and seasonal lights and displays containing no commercial message and erected no sooner than forty-five (45) days prior to the holiday and removed no later than fifteen (15) days following the holiday. Seasonal lighting shall not exceed 70 lumens (See Section 4.5.73-G).

4.6.45 Real Estate

Not more than one (1) real estate sign per lot, parcel or tract of land or a building “for sale” or “for rent” that does not exceed six (6) square feet in area.

4.6.46 Religious Symbols, Non-commercial and Political Signs

Religious symbols, signs conveying a non-commercial message and temporary political signs.

4.6.47 Way Finding, Traffic Control and Events

Signs that provide directional information, identify entrances/exits and control traffic that does not exceed six (6) square feet in area. Temporary advertising for special events may be located at the Red Lodge Chamber of Commerce, but are still subject to Section 4.6.120 Temporary Signs.

4.6.48 Murals

Murals depicted on sides of buildings that contain an advertising message of an historical nature and not a specific existing business. Acknowledgement of fundraising and donors is permissible when not the dominant message.

4.6.49 Time and Temperature

Signs displaying time and temperature that do not contain blinking, rotating or moving lights.

4.6.50 Permit Required

The erection, construction, relocation or alteration of a sign or other advertising device not exempted in Subsection 4.6.30, Exemptions, requires a Sign Permit. Electrical and building permits pursuant to the currently adopted electrical and building codes may be required in addition to the Sign Permit from the Zoning Administrator.

4.6.51 Secondary and Tertiary Conditional Uses

All Secondary and Tertiary Conditional Use Permits are required to submit their advertising package as part of Design Review for review and approval.

4.6.60 General Standard**4.6.61 Size****A. Residential Districts**

The maximum amount of sign area allowed in a residential zoning district is six (6) square feet per lot, parcel or tract of land. Notwithstanding the above limitation, the size of sign area announcing the name of a development is one (1) square foot of sign area per one (1) linear foot of street frontage of the lot containing the sign, not to exceed forty (40) square feet.

B. Non-residential Districts

The total amount of sign area allowed in non-residential zoning districts shall not exceed one hundred twenty (120) total square feet per lot, parcel, or tract of land. The maximum size of any single sign shall not exceed forty (40) square feet. Total signage and sign area is calculated by measuring the surface area of one face of the sign.

4.6.62 Number, Type

There is no maximum number of signs permitted on a property and no restriction on the types of signs provided the total sign area of all signs does not exceed the amount permitted in Section 4.6.61, Size.

4.6.63 Height

The maximum height of all freestanding signs, including all embellishments, shall be eight (8) feet above natural grade. For properties below the grade of adjacent public road(s), the height limit including all embellishments shall be eight (8) feet above the adjacent road grade.

4.6.64 On-Site

Signs shall be on the same property as the business, service or product advertised.

4.6.65 Construction, Electrical Codes

Signs and other advertising devices shall comply with applicable construction and electrical codes.

4.6.66 Illumination

Sign luminance levels for operation between sunset and sunrise shall not exceed 700 candelas per square meter as measured under conditions of a full white display. Sign illumination shall be dimmed or extinguished completely at business closing.

A. Neon

Neon signs shall not have their luminous outputs counted toward the lumen allowances of Section 4.5.74, Non-Residential Lighting Limits Table 2 or 3.

B. Internally Illuminated

Outdoor internally-illuminated advertising signs constructed with faces of translucent materials and wholly illuminated from within do not require shielding. Colored or dark backgrounds with light lettering or symbols are preferred to minimize the detrimental effects of light pollution. Lamps used for internal illumination of such signs shall not be counted toward the lumen caps in Section 4.5.70, Lighting.

C. Externally Illuminated

Externally illuminated signs shall conform to the lamp source, shielding restrictions of Section 4.5.70, Lighting, and lumen allowances of Section 4.5.74, Non-Residential Lighting Limits, Table 2 or 3.

4.6.70 Prohibited Signs

The following signs shall be prohibited:

4.6.71 Flashing, Blinking, Moving Signs

Flashing, blinking, fluttering, rotating or otherwise moving signs including pennants,

rotating light beams, inflatable devices, holograms, balloons and similar devices.

4.6.72 Neon and Illuminated Signs

Neon and Illuminated signs are only allowed in the Downtown Historic Overlay District by Design Review, Section 4.6.80, Neon, Illuminated Signs in the Downtown Historic Overlay District.

4.6.73 Internally Illuminated Signs in the Downtown Historic Overlay District

Internally illuminated signs are prohibited in the Downtown Historic Overlay District and Residential Districts. They are subject to Design Review in all other Commercial Districts, Section 4.6.90, Internally Illuminated Signs.

4.6.74 Strings of Lights, Upcast Lights

Strings, banks or rows of lights including LED used to outline or highlight a building or portion of a building or create an advertising symbol, except holiday displays exempted in Section 4.5.73-G, Temporary and Seasonal Lightitng. Lights mounted on the ground or building aimed upward are prohibited.

4.6.75 Digital, Electronic Graphic Display

Signs that display moving or electronic images.

4.6.76 Off-Site

Signs located off-site or off-premises from the business, service or product advertised, including signs providing directions to a business.

4.6.80 Neon, Illuminated Signs in the Downtown Historic Overlay District

The historic nature of Downtown Red Lodge provides the City with a unique attraction for residents and visitors. Neon and illuminated signs have a long history in Red Lodge and can be used to improve the visual landscape of downtown if the signs are historic in appearance and do not hide architectural elements of our historic downtown buildings. Neon and illuminated signs may be approved if they meet the following standards:

4.6.81 Design Review Required

All neon and illuminated signs proposed in the Downtown Historic Overlay District shall be approved through Design Review, and are subject to maximum size limitations and total signage limitations outlined in this chapter. Internally Illuminated signs are prohibited.

4.6.82 Historically Appropriate Sign Design

All signage applying for approval under these guidelines will be reviewed for compliance with the following criteria:

A. Placement

Signs shall be installed in appropriate "sign areas" as defined by the existing architecture of the façade.

1. No signs shall be placed or located so as to obscure or cover a vertical architectural element such as a column or pilaster.

2. Signage will fit entirely within horizontal divisions between floors to the extent feasible.
3. Where no architectural divisions exist or are evident, signage will be proportionately scaled to the façade and placed to respect window and door openings.
4. No sign shall cover the entire width of any façade.

B. Material

Allowed materials include: metal (iron, steel, brass, copper, aluminum and other natural finishes), painted metal, wood, vinyl or other sheet claddings (only for backing panels or cut lettering), glass, fiberglass, high density urethane foam, and similar “cast” or formed materials to create 3-dimensional objects, including individual lettering.

C. Illumination

Illuminated signs shall use lighting forms consistent with traditional historic signs which includes exposed neon tubing and exposed incandescent or similar bulbs. A mixture of neon and exposed bulbs are encouraged. Internally illuminated signage is not traditional or subject to approval under these guidelines.

D. Shapes

Signs shall have complex shapes rather than simple rectangles, circles or squares.

E. Size

Signs shall have a maximum of 22 square feet.

4.6.90 Internally Illuminated Signs

Internally illuminated signs inside Commercially Zoned Districts, other than the Downtown Historic Overlay District, may be approved through Design Review. Applicants must fill out the same application as those of non-illuminated signs.

4.6.100 Nonconforming Signs

Any sign legally existing on the effective date of this Ordinance which does not comply with the provisions of this Article shall be deemed a nonconforming sign. No nonconforming sign shall be moved, altered, re-erected, relocated or replaced unless it is brought into compliance with the standards of this Article. This shall not prevent the repair or restoration to a safe condition any part of a nonconforming sign or sign structure, or a change of message or normal maintenance on a sign or sign structure.

4.6.110 Abandoned Signs

Any sign that is not structurally sound or no longer serves to inform or attract attention of the public, including illegible signs and signs advertising or identifying abandoned uses, shall be considered abandoned and its removal required. The owner of an abandoned sign shall be responsible for the removal of the sign within sixty (60) days of the adoption of this Ordinance or within sixty (60) days termination of the use advertised by the sign.

4.6.120 Temporary Signs

The Zoning Administrator may approve temporary signs to be erected for not more than thirty (30) days to advertise non-commercial special events, and short-term activities. Short-term

sales promotions for private businesses are not eligible for temporary signs under this provision. Temporary signs shall not exceed sixteen (16) square feet in sign area except banners that span a street may not exceed ninety-six (96) square feet in sign area. Temporary real estate signs of greater than six (6) square feet, but not more than thirty-two (32) square feet, may be approved by the Zoning Administrator for tracts of land greater than two (2) acres for up to six (6) months and is subject to renewal. Temporary real estate signage does not count towards an advertising package.

Article 4.7.0 NONCONFORMITIES

4.7.10 Purpose and Intent

Within the City of Red Lodge there exist land uses, structures and lots that were lawfully established before this Ordinance was adopted or amended that now do not conform to the terms and requirements of this Ordinance. It is the intent of this Ordinance to preserve the historic character of Red Lodge. The continuation of nonconforming uses and structures and the limited development of nonconforming lots are intended to prevent economic hardship and to allow the useful economic value of the structure to be realized. The purpose of this Article is to establish standards to regulate the continued existence of these uses, structures, and lots that do not otherwise conform to the provisions of this Ordinance.

4.7.20 Nonconforming Uses

Nonconforming uses may be incompatible with surrounding uses and development. Therefore, a nonconforming use may only be continued in accordance with the provisions in this Section.

4.7.21 Normal Maintenance or Repair

Normal maintenance or repair necessary to maintain a sound and safe structure may be performed on structures containing nonconforming uses.

4.7.22 Enlargement or Expansion

A nonconforming use may not be enlarged or expanded in area, space or volume except as provided in Subsections A and B, below.

A. ADA

Notwithstanding the prohibition stated above, expansions such as covered wheelchair ramps, lifts, and handicap accessible rest rooms, which are needed to meet requirements of the Americans with Disabilities Act (ADA), shall be allowed to buildings containing nonconforming uses.

4.7.23 Change in Use

A nonconforming use shall not be changed to another nonconforming use. Whenever a nonconforming use has been changed to a conforming use, the use of the property shall not revert back to a nonconforming use.

4.7.24 Discontinuance or Abandonment

If a nonconforming use is operationally discontinued or abandoned for a period of more than twelve (12) consecutive months regardless of the removal or non-removal of furniture/equipment or any intention to resume such activity in the future, such use may not be reestablished or resumed. Any subsequent use of the site shall conform to this Ordinance.

4.7.25 Repairs of Partially Destroyed Structures**A. More than Fifty Percent**

If fifty (50) percent or more of the floor area of a structure containing a nonconforming use is damaged by fire or other action not the willful act of the owner, the structure shall not be restored or reconstructed to a nonconforming use; except as otherwise in conformance with section 4.7.50 herein.

B. Less than Fifty Percent

If less than fifty (50) percent of the floor area of a structure containing a nonconforming use is damaged by fire or other action not the willful act of the owner, the structure may be restored or reconstructed provided:

1. Not Larger

The reconstructed building shall not exceed the height, area or volume of the structure prior to the damage; and,

2. One Year

Reconstruction shall commence within one (1) year of the date of the damage and proceed diligently until completion.

4.7.30 Nonconforming Structures

Nonconforming structures may be incompatible with surrounding uses and development.

Therefore, a nonconforming structure may only be continued in accordance with the provisions in this Section.

4.7.31 Normal Maintenance and Repair

Normal maintenance or repair may be performed without additional administrative review on a nonconforming structure provided that the maintenance or repair does not increase any nonconformity.

4.7.32 Enlargement, Expansion or Reconstruction**A. Alteration**

Any demolition, enlargement, expansion or reconstruction to a legally nonconforming structure is subject to Administrative Review by the Community Development Department as set forth in Section 4.7.50 to build outside of the required setbacks.

B. Mobile/Manufactured Home

Notwithstanding the prohibition stated above, a Mobile Home that is a nonconforming use may be replaced with a larger Manufactured Home, if the enlargement meets all of the setback standards of the zoning district in which the Manufactured Home is to be located and it complies with *Section 4.4.22(D)*.

C. Garages

Nonconforming garages may be expanded into legal setbacks. Nonconforming garages seeking to expand outside of the legal setbacks are subject to Administrative Review by the Community Development Department as set forth in *Section 4.7.50* to build outside of the required setbacks.

4.7.33 Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless the structure in its new location will conform to the standards of the zoning district in which it is located.

4.7.34 Unsafe Because of Maintenance

If a nonconforming structure, or portion thereof, becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by the Building Official to be an unsafe structure, it shall be removed or rebuilt or repaired in conformance with the standards of this Ordinance and the currently adopted Building and Fire Codes.

4.7.35 Repairs of Partially Destroyed Structures**A. Primary Structure**

If fifty (50) percent or more of the floor area of a structure containing a primary nonconforming structure is damaged by fire or other action not the willful act of the owner, the structure can be rebuilt within the legal setback or prevailing setback. If the structure was located on a nonconforming lot of record, the applicant may apply for an Administrative Review Permit through the Community Development Department as set forth in *Section 4.7.50* to build outside of the required setbacks.

B. Garages

Nonconforming garages may be expanded into legal setbacks. Nonconforming garages seeking to expand outside of the legal setbacks are subject to Administrative Review by the Community Development Department as set forth in *Section 4.7.50* to build outside of the required setbacks.

4.7.40 Nonconforming Lot of Record

4.7.41 Consolidation

The consolidation of adjacent nonconforming lot is required when such lots are owned by the same individual(s) or by entities controlled by the same individual(s).

4.7.42 Boundary Line Adjustment

Boundary line relocation of a nonconforming lot that is not subject to consolidation is permitted where the relocation would create a conforming lot or fully merge the nonconforming lot with an adjacent parcel. As provided by Sec. 76-3-207, MCA, such boundary line relocations are exempt from the standards of this Ordinance.

4.7.43 Development of Lot

A nonconforming lot of record may be developed pursuant to standards of *Section 4.7.50*.

4.7.44 Additions and Expansions on Nonconforming Lots

Any addition or expansion to a legally nonconforming structure is subject to Administrative Review by the Community Development Department, as set forth in *Section 4.7.50*.

4.7.50 Administrative Review of Nonconforming Structures, Lots, and Uses.

It is the intent of this Section to allow for improvements and the potential redevelopment of non-conforming structures and uses beyond normal maintenance and repair if potential negative impacts can be sufficiently mitigated. Rooflines and building location shall be designed in a manner that protects and minimizes negative impacts to view-sheds and sunlight availability of adjacent homes/businesses on neighboring properties to the maximum extent practicable. Whenever practicable, basement additions shall be used as the primary method of building expansion on nonconforming lots to minimize impacts on neighboring properties.

The following standards shall be met:

- A.** A pre-application meeting with Planning Staff prior to submittal of a formal project application.
- B.** A site plan and elevation plan showing all existing and proposed structures, property lines, setbacks, height of all structures, rooflines, parking, lighting and landscaping.
- C.** Prior to an Administrative Approval by the Zoning Administrator, letters of No-Objection signed by the owner(s) of all adjoining property shall be provided.
- D.** In the event the Zoning Administrator does not receive letters of No-Objection from all adjoining property owners, an Administrative Approval shall not be granted.

- E. When an Administrative Approval is not granted, the applicant may submit the application to the Red Lodge Planning Board and Zoning Commission for a Conditional Use and Design Review Approval; and such application shall be heard at Public Hearing. The Planning Board has authority for final action.

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Article 4.8.0 RESERVED

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Article 4.9.0 ADMINISTRATION

4.9.10 Organization of Article

4.9.11 Overview of Duties and Responsibilities

Table 4.9.20, Summary Table of Review Procedures, presents an overview of the roles of the various decision makers in the review and approval processes of these regulations. In the event of conflicts, the specific standards and procedures contained within the applicable specific section shall rule.

4.9.12 Decision Making and Administrative Bodies

Section 4.9.40, Duties and Responsibilities of Decision Making and Administrative Bodies, sets out the detailed authority, duties and responsibilities of the various decision making and administrative bodies in the review processes of these regulations.

4.9.13 Common Review Procedures

Section 4.9.50, Common Procedures, establishes the common review procedure that applies to all permits unless certain supplementary procedures are created in subsequent sections of these regulations.

4.9.14 Public Hearing, Public Notice

Section 4.9.80, Supplementary Review Procedures, establishes supplementary review procedures for certain permits that either supplement or replace a portion of the common review procedures.

4.9.15 Supplementary Review Procedures

Section 4.9.70, Supplementary Review Procedures, establishes supplementary review procedures for certain permits that either supplement or replace a portion of the common review procedures.

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4.9.20 Overview of Duties and Responsibilities

Table 4.9.20 SUMMARY TABLE OF REVIEW PROCEDURES					
	Zoning Administrator	Building Official	Planning Board & Zoning Commission	Board of Adjustment	Mayor & City Council
Receive applications	A				
Determine completeness	A				
Residential development of 1 or 2 units	A				
Residential development of 3 or more units*	R		A		
Residential development of more than 4 units in R-4 district	R		A		
Non-residential development 2,000 sq. feet or less	A				
Non-residential development more than 2,000 sq. feet	R		A		
PUD	R		R		A
Design review	R		A		
Appeal				A	
CUP	R		A		
Variance	R			A	
Building Permit		A			
Certificate of Occupancy		A			
Zoning Map Amendment	R		R		A
Zoning Ordinance Amendment	R		R		A
Enforcement Action	A				
Annexation	R		R		A
Appoint Zoning Administrator					A
Appoint Building Official					A
Appoint Members of Boards & Commissions					A
Floodplain-related Actions				A	
Airport-related actions				A	
R= Review & Recommend; A = Authority for Final Action *All Zoning Districts other than R-4					

4.9.30 Duties and Responsibilities of Decision Making and Administrative Bodies

The following decision-making and administrative bodies shall have the duties and responsibilities in administering these regulations as established in this Section.

4.9.31 Mayor and City Council

A. Powers and Authority

In addition to all powers and authority granted to the Mayor and City Council by general or specific law, the Mayor and City Council shall have the following powers and authority under the provisions of these regulations.

1. Appoint a Zoning Administrator and Building Official

The Mayor, with the consent of the City Council, shall appoint a Zoning Administrator and a Building Official. The Zoning Administrator and Building Official may be employees of the City of Red Lodge or contract consultants.

2. Appoint Planning Board/Zoning Commission and Board of Adjustment

The Mayor shall appoint and the City Council shall consent to appointing members of the Planning Board/Zoning Commission and Board of Adjustment.

3. Growth Policy

The Mayor and City Council shall have the authority to adopt the Red Lodge *Growth Policy* and, from time to time, approve or disapprove amendments to the *Growth Policy*.

4. Zoning Ordinance and Zoning Map

The Mayor and City Council shall have the authority to adopt the Red Lodge Zoning Ordinance and the Official Zoning Map of the City of Red Lodge, and from time to time, approve or disapprove amendments to the Ordinance and Map.

5. Planned Unit Development

The Mayor and City Council shall hear, consider and approve, approve with conditions or disapprove applications for Planned Unit Developments.

6. Annexations

The Mayor and City Council shall have the authority to approve, approve with conditions or disapprove applications for annexation of land to the City of Red Lodge.

7. Other Actions

The Mayor and City Council shall have the authority to take other action not delegated to another decision making or administrative body that the Mayor and City Council deem necessary and desirable to implement provisions of the *Growth Policy* or these regulations.

4.9.32 Planning Board/Zoning Commission

A. Establishment

There is hereby reaffirmation of the creation and existence of the Red Lodge Planning Board and Red Lodge Zoning Commission to be known as the Planning Board/Zoning Commission.

B. Duties and Authority

The Planning Board/Zoning Commission shall have the following powers and authority under these regulations:

1. Growth Policy

To prepare and recommend to the Mayor and City Council the Red Lodge *Growth Policy*.

2. Amend Growth Policy

To initiate, hear, consider and make recommendations to the Mayor and City Council on amendments to the *Growth Policy*.

3. Adopt Ordinances

To initiate, hear, consider and make recommendations to the Mayor and City Council on the adoption of Ordinances related to these regulations and other regulations and codes authorized by general or specific law.

4. Amend Ordinances

To initiate, hear, consider and make recommendations to the Mayor and City Council on amendments to Ordinances related to these regulations and to other regulations and codes authorized by general or specific law.

5. Adopt Zoning Map

To initiate, hear, consider and make recommendations to the Mayor and City Council on the adoption of the Official Zoning Map of the City of Red Lodge.

6. Amend Zoning Map

To initiate, hear, consider and make recommendations to the Mayor and City Council on amendments to the Official Zoning Map of the City of Red Lodge.

7. Approve Development Permits

To hear, consider and approve, approve with conditions or disapprove applications for permits pursuant to the terms and procedures of these regulations for residential developments containing three (3) or more residential units in all zoning districts other than R-4, residential developments containing four (4) or more units in the R-4 District; and for all non-residential development except as may otherwise be exempted by the Zoning Administrator.

8. Conditional Uses

To hear, consider and approve, approve with conditions or disapprove applications for Conditional Use Permits pursuant to the terms and procedures of these regulations.

9. Planned Unit Development

To initiate, hear, consider and make recommendations to the Mayor and City Council on applications for Planned Unit Developments.

10. Design Review

To hear, consider and approve, approve with conditions or disapprove applications for Design Review Approval and Certificates of Appropriateness as required in Section 4.3.163, Commercial Historic District Overlay (CHD), Section 4.3.100, Central Business Transition Zoning District C-1, Section 4.3.120, Community Entrance Zoning District (C-3), and Section

4.3.130, Central Business District Zoning District (C-4), pursuant to the procedures in Section 4.9.72, Design Review.

11. Annexation

To initiate, hear, consider and make recommendations to the Mayor and City Council on approval, approval with conditions or disapproval of applications for annexation of land to the City of Red Lodge.

12. Other Actions

To undertake and execute other duties the Mayor and City Council deems necessary and desirable to assign to the Planning Board/Zoning Commission.

4.9.33 Board of Adjustments

A. Establishment

There is hereby reaffirmation of the creation and existence of the Red Lodge Board

of Adjustments (BOA).

B. Powers and Authority

The BOA shall have the following powers and authority under these regulations:

1. Appeals

The BOA shall evaluate the application, staff report and public testimony; and shall approve, conditionally approve, table for further study, or deny the appeal based on the evidence presented, and compliance with the applicable criteria herein.

2. Variances

The BOA shall evaluate the application, staff report and public testimony; and shall approve, conditionally approve, table for further study, or deny the variance based on the evidence presented, and compliance with the terms of these regulations pursuant to Section 4.9.81, Variance.

4.9.34 Zoning Administrator

The Zoning Administrator shall have the following powers and authority and shall perform the following duties under these regulations.

A. Interpret Regulations

Interpret, make day-to-day decisions and administer these regulations.

B. Receive Applications, Determine Completeness

Receive applications for all permits required by these regulations, except applications for Building Permits that are received by the Building Official, and make determinations of completeness of the submittal information.

C. Approve Development Permits

Review, consider and approve, approve with conditions or disapprove applications for which the terms and procedures of these regulations assign Final Action to the Zoning Administrator. Applications for which the Zoning Administrator has authority to approve or disapprove include residential development containing one (1) or two (2) residential units; and new construction or a change of use of non-residential developments of 2,000 square feet or less of gross floor area, signs, fences, walls, grading and other applications for which authority for Final Action has not been assigned to another decision-making body.

D. Recommendations

Review, consider and make recommendations to the Planning Board/Zoning Commission, Board of Adjustment and the Mayor and City Council on applications for which these decision-making bodies have duties to review and/or make final decisions.

E. Minor Deviations

Review, consider and approve or disapprove minor deviations to a development plan that has received final approval by a decision-making body.

F. Administrative Duties

Assist all decision making bodies in setting agendas, providing proper legal notice and maintaining complete record of proceedings.

G. Inspections, Enforcement

Perform all necessary inspections to enforce the provisions of these regulations, conditions of approved permits and approved development agreements, and to initiate enforcement actions to remedy violations of these regulations, permits or agreements.

H. Legal Action

Investigate and pursue legal action pertaining to violations of these regulations or conditions of approved permits or the terms of approved development agreements.

I. Other Duties

Perform all other duties assigned by the terms of these regulations, deemed necessary to assist all decision-making bodies, or determined necessary or desirable by the Mayor and City Council.

4.9.35 Building Official

In addition to all powers and authority granted to the Building Official by general or specific law or by other codes and ordinances, the Building Official shall have the following powers and authority and shall perform the following duties under these regulations.

A. Building Permits

Receive applications for Building Permits, determine acceptability and completeness of submittal information, review and approve, approve with conditions or disapprove applications for building permits pursuant to the terms and procedures of the currently adopted Building Codes and these regulations.

B. Zoning Ordinance

Consult with the Zoning Administrator to ensure proper compliance with these regulations on all Building Permits.

C. Historic Districts

Consult with the Carbon County Historic Preservation Officer to ensure compliance with historic preservation standards, where applicable.

D. Certificates of Occupancy

Issue Certificates of Occupancy pursuant to the terms and procedures of the currently adopted Building Codes, these regulations and conditions of the Development Agreement as accepted by the Zoning Administrator.

4.9.40 Common Procedures

4.9.41 General

Unless otherwise stated in this Article, the submission of a development plan or application, and the subsequent steps for Determination of Completeness, staff review, notice and scheduling of public hearings, and decisions of approval or disapproval shall comply with the procedures established in this Section. The terms development application and development plan are used interchangeably in these procedures and refer to any submission made to the City for review and approval under these regulations.

4.9.42 Application Forms

All development applications shall be on City forms prepared and made available by the Zoning Administrator. The Zoning Administrator shall develop application forms and a checklist of submission items to accompany an application. The application forms and checklists shall be distributed to the Public indicating all information that must be presented in order for City officials and Boards to evaluate applications. No application shall be accepted for consideration unless the information required on the checklist is found by the Zoning Administrator to be in sufficient detail to evaluate the application and determine whether it complies with the substantive requirements of these regulations.

4.9.43 Fees

All applications shall be accompanied by the applicable fee required by the regularly adopted City Fee Schedule. The Fee Schedule shall be established and may be revised from time to time by the Mayor and City Council. Its purpose shall be to defray the costs of processing applications. The Fee Schedule shall be available for review on the City

Website as well as in the Community Development Department during normal business hours.

4.9.44 Pre-application Conference

A. Pre-application Conference Required

A pre-application conference shall be held with the Zoning Administrator prior to submission of an application for approval of residential development containing three (3) or more dwelling units, all developments containing commercial, industrial, and other non-residential land uses, a Conditional Use Permit, Design Review, a Planned Unit Development, annexations and for amendments to the Zoning Map and text of these regulations.

B. Initiation of Pre-application Conference

An owner, developer or their authorized agent shall initiate a pre-application conference with the Zoning Administrator by submitting a written request. Along with the request for the pre-application conference, the applicant shall submit the Pre-Application Fee as approved by the City Council, general information on the proposed land use, layout, existing features of the site including topography and other information necessary to describe the character, location and magnitude of the proposed development.

C. Scheduling of Pre-application Conference

Upon receipt of a request for a pre-application conference, the Zoning Administrator shall schedule the pre-application conference. The pre-application conference shall be held within fifteen (15) calendar days of receipt of the request for such a conference.

D. Pre-application Conference Purpose

The purpose of the pre-application conferences is to familiarize the City officials with the general location and character of the proposed development, identify the applicable provisions of these regulations, and provide the applicant the submittal requirements for the application. The submittal requirements shall be derived from the checklist of submittal items with certain items waived or modified to reflect the size, scale and type of the proposed development. At the pre-application conference, the applicant and the Zoning Administrator shall discuss the proposed development, and based upon the information provided by the applicant, identify the provisions of these regulations that apply to the proposed development. During the subsequent review of the development plan or upon submission of more detailed information about the proposed development, additional provisions of these regulations may be identified at a later time to be applicable.

E. Written Summary

The Zoning Administrator shall provide the applicant a written summary of the pre-application conference within fifteen (15) calendar days of the completion of the pre-application conference.

F. Expiration of Pre-application Conference

A development plan shall be based on the written summary of a pre-application conference held no more than one (1) year previous to the plan submittal. A new pre-application conference is required before submission of a plan if more than a year has elapsed since the prior conference.

4.9.45 Submission of Application and Determination of Completeness

The submission of an application and the Determination of its Completeness shall comply with the following standards:

A. Initiation

The appropriate application and all required information for the requested permits

and approvals shall be submitted to the Zoning Administrator by the owner, developer or their authorized agent.

B. Required Contents of Application

The submittal requirements established by the Zoning Administrator during the pre-application conference shall be submitted. Additional information may be required during review of the application if the Zoning Administrator finds the information necessary to determine compliance with these regulations.

C. Determination of Completeness

Within fifteen (15) calendar days of the submittal of an application, the Zoning Administrator shall determine if the application is complete. An application is complete if it contains the submittal requirements identified during the pre-application conference in sufficient completeness and detail to commence review and evaluation of the application.

1. Determined Incomplete

If the Zoning Administrator determines that the application is not complete, a written notice shall be provided to the applicant specifying the deficiencies. No further action shall be taken on the application by the Zoning Administrator until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. If

the Zoning Administrator fails to provide written notice of any deficiencies to the applicant within fifteen (15) calendar days of submission of the application, the application shall be deemed complete.

2. Determined Complete

When the application is determined complete, the Zoning Administrator shall notify the applicant of the determination and commence review and evaluation of the application to determine compliance with these regulations and other applicable ordinances and regulations.

4.9.46 Technical Review

A. Technical Review Committee

The City may establish a Technical Review Committee (TRC) and host Committee meetings as needed to facilitate the technical review and evaluation of applications for permits. The Zoning Administrator may schedule a complete development application for a TRC meeting. Said meeting shall occur within thirty (30) calendar days of the Determination of Completeness. The applicant is provided an opportunity to meet with representatives of applicable utilities and governmental agencies in this meeting to receive comments on the technical elements of the application.

1. Committee Members, Responsibilities

The TRC consists of the representatives of the following core departments with their general responsibilities. After determining an application complete, the Zoning Administrator forwards the application materials to the TRC members for review.

a. Community Development Department to review development applications for compliance with the existing zoning of the site, compliance with these regulations and other applicable ordinances, codes and regulations, and to review the relationship of the proposed development to the neighboring property, characteristics of the site such as topography, floodplain and unstable soils, and the *Red Lodge Growth Policy*.

b. Public Works Department to review development applications for the relationship to streets and utility systems and to determine required street

improvements, rights-of-way, extensions to water and wastewater systems and other related public improvements and dedications.

c. Building Official to review development applications for any building code provisions that may affect the general site plan. Review of construction drawings that are appropriate for building permit applications is not appropriate for a TRC meeting.

d. Fire Department to review development applications for adequacy of the water distribution system and firefighting capabilities in the vicinity, and for compliance with applicable *Fire Prevention and Safety Codes*.

e. School District to review development applications to project demand for school facilities and to identify needed land areas to reserve for development of schools and other related facilities.

f. Police Department to review the proposed development for appropriate safety considerations.

g. Ambulance and Emergency Response for appropriate access and other safety considerations.

2. Additional Members

The Committee may expand to include the City Engineer, City Attorney, Carbon County Historic Preservation Officer, and representatives from utility companies and state and federal agencies when their review comments are applicable to a particular development application.

B. Written Summary

Within fifteen (15) calendar days following the TRC meeting the Zoning Administrator shall provide the applicant a written summary of the TRC comments and a description of any revisions to the plans that are necessary to comply with the technical requirements of the applicable ordinances and regulations.

C. Revised Submission

The applicant shall submit a revised application that incorporates the changes necessary to comply with the technical requirements of the applicable ordinances and regulations.

D. Additional TRC Meetings

Extensive revisions resulting from TRC comments or by voluntary action of the applicant may require additional TRC meetings to review the subsequent submission, prior to the Zoning Administrator scheduling the application for a Planning Board/Zoning Commission meeting, or rendering a decision for which the Zoning Administrator has authority for Final Action.

4.9.47 Procedures for Zoning Administrator Decisions

A. Authority for Final Action

The review and decisions on applications for which the Zoning Administrator has authority of Final Action shall occur pursuant to the standards of this Section.

B. Reclassify Application

If the Zoning Administrator determines that a proposed development, for which the Administrator has authority for Final Action, may have a significant impact on the surrounding neighborhood or the community, the Zoning Administrator may reclassify the application to require review and approval by the Planning Board/Zoning Commission. When an application is reclassified, the authority for Final Action is transferred to the Planning Board/Zoning Commission and the administrative procedures that are applicable to the Planning Board/Zoning Commission's actions shall apply.

C. Staff Review, Staff Report and Decision

After determining an application is complete, the Zoning Administrator shall conduct the technical review pursuant to Subsection 4.9.46, Technical Review, above, review the application for compliance with these regulations and other applicable ordinances and regulations, and prepare a Staff Report that describes the conclusions of the review. Based upon the conclusions in the Staff Report the Zoning Administrator approves, approves with conditions or disapproves the application. A copy of the Staff Report shall be provided to the applicant.

D. Timing of Decisions

Review and final decision by the Zoning Administrator shall be made within fifteen (15) calendar days of the TRC meeting, or within fifteen (15) calendar days of a plan resubmission that is based upon the TRC meeting. If additional TRC meetings are required, a decision shall be made within fifteen (15) calendar days of the final TRC meeting or plan resubmission that is based upon the final TRC meeting.

E. Issuance of Permit, Corrected Application

If the Zoning Administrator finds the application complies with the applicable standards of these regulations and all other applicable ordinances and regulations, the permit shall be issued. If it is determined that the application does not comply with the applicable standards of these regulations or other ordinances and regulations, the applicant shall be notified in writing of the deficiencies and be provided sixty (60) calendar days from the written notice to submit a corrected application. If a corrected application is received, the Zoning Administrator shall approve, approve with conditions or disapprove the corrected application based on the applicable standards of these regulations and other applicable ordinances and regulations. If the application is not resubmitted within sixty (60) calendar days from said written notice, the application shall be considered withdrawn.

F. Public Notice after Decision

The Zoning Administrator shall submit a Record of Decision on a City website or at City Hall following a final decision. Any aggrieved party may appeal the Zoning Administrator's decision within thirty (30) calendar days of the date the notice appeared in the Carbon County News. Decisions on applications for single-family houses, sign permits, and grading permits are exempt from this requirement.

G. Expiration of Permit

A permit shall expire on the one (1)-year anniversary date of the permit issuance, unless otherwise noted in the development approval, if the next step in the normal development process is not commenced. The next step in the normal development process includes obtaining a building permit, grading permit, or commencement of the use if no further permit is required.

4.9.48 Procedures for Decisions by Planning Board/Zoning Commission or Board of Adjustment

A. Authority for Final Action

The review and decisions on applications for which the Planning Board/Zoning Commission or the Board of Adjustment have authority of Final Action shall occur pursuant to the standards of this Section, except appeals of prior decisions. See Section 4.9.73, Appeals for the applicable procedure to consider Appeals.

B. Zoning Administrator Recommendation

After an application has been reviewed by the TRC the Zoning Administrator shall prepare a staff report that evaluates the application for compliance with these regulations. The Zoning Administrator shall present in the staff report a recommendation for approval, approval with conditions or denial, based upon the

standards and procedures of these regulations. The staff report shall be made available to the applicant, the Public and the Planning Board/Zoning Commission or Board of Adjustment at least seven (7) calendar days prior to the scheduled public meeting.

C. Scheduling of Public Hearing

An application for which a public hearing is required shall be scheduled for meeting of the Planning Board/Zoning Commission or Board of Adjustment within 120 calendar days of an application being determined by the Zoning Administrator to be complete.

D. Public Hearings, Public Notice

The Planning Board/Zoning Commission or Board of Adjustment, whichever is applicable, shall conduct a public hearing on the application pursuant to the procedures of Section 4.9.50, Public Hearing Procedure, and a written notice of the public hearing shall be mailed by first class mail to owners of all land that is adjacent to or adjoining to the site for which the application is submitted pursuant to Section 4.9.70, Public Notice.

E. Decision

Within thirty (30) calendar days of the close of the public hearing, the Planning Board/Zoning Commission or Board of Adjustment, whichever is applicable, shall approve, approve with conditions or deny the application based upon the standards and procedures of these regulations. Written notice of the decision containing the required findings of fact and conclusions reached by the Board shall be provided to the applicant within fifteen (15) calendar days of the decision. Written notice of a denial shall specify the reasons for denial.

F. Issuance of Permit

If the application is approved, the Zoning Administrator shall issue a permit at the first practical opportunity that describes any conditions of approval established by the Board and the expiration date if no action is pursued by the applicant.

G. Expiration of a Permit

A permit shall expire on the one (1)-year anniversary date of the permit issuance, unless otherwise noted in the development approval, if the next step in the normal development process is not commenced, unless the Zoning Administrator issues an extension as noted below. The next step in the normal development process includes obtaining a building permit, grading permit, or commencement of the use if no further permit is required.

H. Administrative Time Extension

It is the intent of this Section to allow for an extension of time to previously approved permits that are ready to expire so as to avoid the unnecessary expense of time and expense to the applicant. The Zoning Administrator shall review the applicant's request subject to the following standards:

1. The applicant shall submit a written request for the Permit Time Extension Request, no later than 30 days following the permit expiration, along with the applicable Fee as such may be approved by the City Council from time to time.
2. The Zoning Administrator shall review the request to ensure an extension of time would not be contrary to any section(s) of then current Zoning Regulations.
3. Prior to an Administrative Approval, the Zoning Administrator may require the applicant to contact adjacent owners and other potential TRC members to ascertain specific concerns which may exist.
4. In the event the Zoning Administrator receives concerns from the above noted parties and such concerns are deemed applicable, an Administrative Time

Extension shall not be granted.

5. When an Administrative Approval is not granted, the applicant may either submit a new application for the desired use or the applicant may appeal the decision of the Zoning Administrator to the Planning Board.

4.9.50 Public Hearing Procedure

Public Hearings required by these regulations shall be conducted pursuant to the standards and procedures of this Section.

4.9.51 Notice

Written notice of the public hearing, pursuant to Section, 4.9.70 Public Notice, shall be sent by first class mail to the owner of the property that is subject to the public hearing and to owners of land that are adjacent/adjoining to the property that is subject to the public hearing. In addition to the mailed notice, a Public Notice of the hearing shall be published in a newspaper of general local circulation that describes the application and provides the time, date and place of the public hearing. The Public Notices shall be mailed and the published notice shall appear in a newspaper of general local circulation no later than fifteen (15) calendar days prior to the public hearing.

4.9.52 Announcement

The presiding officer shall announce the purpose and subject of the public hearing, verify that proper public notice was given and provide the opportunity for any member of the Board to declare a conflict of interest. The presiding officer may excuse any member of the Board who has a conflict of interest.

4.9.53 Right to Speak

Any interested person may appear at the public hearing and submit evidence or make comments either as an individual or on behalf of an organization. Each person appearing at the public hearing shall be identified by name and address of residence and name of organization if applicable.

4.9.54 Staff Report Presentation

The Zoning Administrator shall present the Staff Report.

4.9.55 Applicant Presentation

The applicant shall present any information the applicant deems appropriate.

4.9.56 Public Statements

Members of the public shall be provided the opportunity to speak about the merits or shortcomings of the application. At the discretion of the presiding officer, reasonable time limits may be placed on all speakers in the interest of accommodating all people desiring to speak and to provide for an efficient meeting. Comments shall be directed only to the presiding officer.

4.9.57 Applicant Response

After the public comment the applicant shall be provided the opportunity to respond to any public comments made during the public hearing.

4.9.58 Staff Response

After the public comment, the Zoning Administrator or any other City official shall be provided the opportunity to respond to public comments made during the public hearing.

4.9.59 Deliberation, Decision

The presiding officer shall declare the public comment period of the meeting to be closed and invite discussion, deliberation and a decision by the Board.

4.9.60 Record of Proceedings

The public hearing and meeting shall be audio taped and the tape shall be retained by the City for a minimum of one (1) year. A recording secretary shall record written minutes of the public hearing. All exhibits, reports, evidence and written materials submitted during the public hearing shall be retained by the City as part of the record of the proceeding.

4.9.61 Continuance

The Board conducting the public hearing, on its own initiative, may continue the hearing to a future date. The applicant has the right to one (1) continuance to a future date. Notice of continuance shall be posted in a conspicuous and visible location at City Hall and other regular locations determined by the Zoning Administrator.

4.9.70 Public Notice

Public Notice required to be mailed or published in a newspaper of general local circulation shall contain the following information and comply with public notice requirements of state law.

4.9.71 Type of Application

The type of application, such as Development Permit, Conditional Use Permit, Variance, Appeal, Amendment to the Zoning Map or Ordinance, Planned Unit Development.

4.9.72 Description of Decision

A brief description of the decision or action sought by the applicant.

4.9.73 Name of Owner, Applicant

The name of the land owner and applicant.

4.9.74 Location of Land

A legal description and a general description of the location of the subject land.

4.9.75 Location, Date, Time

The location, date and time of the public hearing or public meeting.

4.9.76 Where Information Available

The location where information about the application may be viewed and the general hours available.

4.9.77 Proposed Use

A description of the type of use being proposed

4.9.80 Supplementary Review Procedures

4.9.81 Variance

Applications for Variances shall be reviewed and decided pursuant to the standards and procedures of this Section.

A. Procedure

The Board of Adjustment (BOA) is assigned authority for Final Action on Variance applications. These applications are reviewed and decided pursuant to procedures in Section 4.9.48, Decisions by Planning Board/Zoning Commission or Board of Adjustment.

B. Standards

Approval of a Variance shall require the BOA making each of the following Findings of Fact:

1. Special Conditions

There are special circumstances or conditions that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood; and

2. Not Result of Applicant

The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent these regulations; and

3. Strict Application Unreasonable

Due to the special circumstances or conditions, the strict application of these regulations would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner; and

4. Necessary to Provide Reasonable Use

Granting the Variance is necessary to provide a reasonable use of the land or building; and

5. Minimum Variance

The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and

6. Not Injurious

Granting the Variance will not be injurious to the neighborhood or detrimental to the public welfare; and

7. Consistent with Regulations

Granting the Variance is consistent with the purposes and intent of these regulations. A variance to the Allowed Uses of a zoning district is prohibited.

C. Conditions

Conditions or restrictions may be placed on the approval of a Variance.

D. Expiration

A Variance shall expire one (1) year from the date of approval if the next logical step in the development process is not commenced. The next step in the development process includes but is not limited to applying for a building permit, commencing the use or applying for a Development Permit.

4.9.82 Design Review

Development that requires Design Review approval or a Record of Decision pursuant to Section 4.3.173, Commercial Historic District Overlay, Section

4.3.100, Commercial Transition Zoning District 1, Section 4.3.110, Commercial Mixed Use Zoning District 2, Section 4.3.120 and 4.3.130, Community Entrance Zoning District 3, and Section 4.3.140, Central Business Zoning District 4, shall be reviewed by the procedures of this Subsection.

A. Authority of Final Action

The Planning Board/Zoning Commission has authority for Final Action on all applications for Design Review Approval and for approval of a Record of Decision required by Section 4.3.173, Commercial Historic District Overlay, Section 4.3.100, Commercial Transition Zoning District 1, Section 4.3.110, Commercial Mixed Use Zoning District 2, Section 4.3.120 and 4.3.130, Community Entrance Zoning District 3, and Section 4.3.140, Central Business Zoning District 4, shall be reviewed by the procedures of this Subsection.

B. Procedure

The following procedure shall apply to applications for Design Review and Certificates of Appropriateness:

1. Applications

Applications for Design Review Approval or a Record of Decision shall be submitted to the Zoning Administrator.

2. Submittal Requirements

The Zoning Administrator shall prepare and make available application forms and a list of submittal requirements that will allow the applicant to demonstrate compliance with the applicable standards and guidelines that require Design Review.

3. Receive Applications, Determine Completeness

The Zoning Administrator shall receive applications for Design Review and Certificates of Appropriateness and review them for completeness. If complete, the Zoning Administrator shall schedule the application for a Public Hearing before the Planning Board/Zoning Commission.

4. Zoning Administrator Recommendation

Upon determining the application complete, the Zoning Administrator shall prepare a staff report that evaluates the application for compliance with the applicable standards and guidelines that require Design Review. The Zoning Administrator shall present in the Staff Report a recommendation for approval, approval with conditions or denial, based upon the applicable standards and guidelines. The staff report shall be made available to the applicant, the Public and the Planning Board/Zoning Commission at least seven (7) calendar days prior to the scheduled public meeting.

5. Scheduling of Public Hearing

The application shall be scheduled for a public hearing before the Planning Board/Zoning Commission within 120 calendar days of an application being determined by the Zoning Administrator to be complete.

6. Public Hearings, Public Notice

The Planning Board/Zoning Commission shall conduct a public hearing on the application pursuant to the procedures of Section 4.9.50, Public Hearing Procedure, and a written notice of the public hearing shall be mailed by first class mail to owners of all land that is adjacent/adjoining to the site for which the application is submitted pursuant to Section 4.9.70, Public Notice.

7. Decision

Within thirty (30) calendar days of the close of the public hearing, the Planning Board/Zoning Commission shall approve, approve with conditions or deny the application based upon the applicable standards and guidelines. Written notice of the decision containing the required findings of fact and conclusions reached by the Board shall be provided to the applicant within fifteen (15) calendar days of the decision. Written notice of a denial shall specify the reasons for denial.

8. Issuance of Permit, Certificate

If the application is approved the Zoning Administrator shall issue a Design Review Permit and a Record of Decision at the first practical opportunity that describes any conditions of approval established by the Board and the expiration date if no action is pursued by the applicant.

C. Concurrent Review, Additional Approvals

Review of applications pursuant to this Section shall occur concurrently with review of any additional applications that may be required by these regulations. Review and approval pursuant to this Section shall not infer or compel approval of any other application that may be required by these regulations.

4.9.83 Appeal

Any person aggrieved by a decision of the Zoning Administrator or the Planning Board/Zoning Commission may appeal the decision to the BOA. For the purposes of this Section an aggrieved person shall be either a person who has submitted an application, received an interpretation or a person who is adversely affected by an action on an application or by an interpretation. Appeals shall be submitted, reviewed and decided pursuant to the standards and procedures of this Section.

A. Initiation

An appeal is initiated by the aggrieved person filing a written appeal with the Zoning Administrator within thirty (30) calendar days of the decision being appealed or within thirty (30) calendar days of the date the notice appeared in the Carbon County News, whichever is applicable.

B. Contents of Appeal

The appeal shall include a statement describing the decision prompting the appeal, the date of that decision, the basis for the appeal, and all supporting materials related to the appeal.

C. Scheduling of Hearing

The BOA shall schedule a hearing on the appeal within thirty (30) calendar days of receipt of the written notice of appeal. This deadline may be extended by the BOA if additional time is required to compile information that is needed to evaluate the appeal.

D. Produce Record

The Zoning Administrator shall organize and provide to the BOA the record pertaining to the decision being appealed.

E. Hearing

The appeal hearing shall be conducted in accordance with the Montana Administrative Procedure Act.

F. Decision

Within thirty (30) calendar days of the close of the hearing on the appeal, the BOA shall uphold, uphold with conditions or overturn the decision being appealed. In rendering the decision on the appeal, the BOA shall have the authority of the decision-maker whose decision is being appealed.

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Article 4.10.0 ENFORCEMENT

4.10.10 Purpose and Intent

The purpose and intent of this Article is to establish procedures for the City of Red Lodge to ensure compliance with this Ordinance and obtain corrections of violations that may occur. It also establishes remedies and penalties that apply to violations of this Ordinance.

4.10.20 General

The standards, guidelines and procedures of this Ordinance shall be enforced by the Mayor and City Council of the City of Red Lodge through its authority to abate any violations and enjoin and restrain any person violating this Ordinance pursuant to Montana law.

4.10.30 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance.

A. Establish Use, Structure or Sign Without Permit or Approval

To establish or place any use, structure or sign upon land that is subject to this Ordinance without all required approvals, permits and certificates.

B. Development Without Permit or Approval

To develop, construct, remodel, expand or any other activity of any nature that is subject to this Ordinance without all required approvals, permits and certificates.

C. Establish Use Or Development Inconsistent With Permit

To engage in a use or develop, construct, remodel or expand a structure or sign, or any other activity of any nature that is inconsistent with the terms and conditions of any permit, approval, certificate or any other form of authorization required for such activity.

D. Establish Use Or Development Inconsistent With Ordinance

To use, construct, erect, remodel, expand, maintain or move any building, structure or sign in violation of any provision of this Ordinance.

E. Create A Nonconforming Condition

To reduce or diminish any lot area or structure setback, or to increase the intensity or density of any use of land or structure, except in accordance with the standards and procedures of this ordinance.

4.10.40 Continuing Violations

After the Zoning Administrator issues a written notice of violation to the owner of the land, building, structure or sign that is the subject of a violation, each calendar day the violation remains uncorrected shall constitute a separate and additional violation of this Ordinance.

4.10.50 Responsibility of Enforcement, Compliance

The Zoning Administrator shall have the responsibility to enforce this Ordinance. The owner of the land, building, structure or sign that is subject to a violation has the responsibility to eliminate the violation and achieve compliance with this Ordinance.

4.10.60 Enforcement Procedures

In addition to any additional authorities and procedures provided to the City of Red Lodge by general or specific law, the following procedures shall apply to the enforcement of this Ordinance.

A. Inspection

The Zoning Administrator or their designee shall have the authority to enter onto land within the boundaries of the City of Red Lodge to inspect for violations of this Ordinance.

B. Withhold Permit

The City may deny or withhold any permit, approval, certificate or any other form of authorization required by the provisions of this Ordinance upon determining that an uncorrected violation of this Ordinance exists on the land, building, structure or sign for which a permit or authorization is sought.

C. Condition a Permit

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that a violation be corrected.

D. Revocation or Suspension of Permit

The Zoning Administrator may revoke or suspend a permit, approval, certificate or other authorization upon determining any of the following actions has occurred:

1. Departure from Plans

The actions of the landowner, contractor, developer or authorized agent of the owner have departed from the approved plans or specifications, or the conditions or terms of an approved permit or other authorization.

2. False Representation

The permit, approval, certificate or other authorization was obtained by false representation or was issued in error.

3. Violation

A violation exists on the land, building, structure or sign that is subject to the permit or other authorization.

E. Stop Work Order

The Zoning Administrator may require that work stop on any land, building, structure or sign that is subject to an uncorrected violation of this Ordinance or the terms or conditions of a permit or other authorization. This Stop Work Order may be issued in conjunction with or separate from a revocation or suspension of a permit.

F. Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or the terms or conditions of a permit or other authorization.

G. Abatement

The City may seek a court order in the nature of mandamus, injunction, or other action to abate or remove a violation and to restore the premises to the condition that existed prior to the violation.

H. Civil Remedies

The City may seek civil penalties and other punishment provided by the law.

I. Cumulative Remedy

The City shall have any and all other remedies provided by law to enforce this Ordinance and the terms and conditions or permits, approvals, certificates and other forms of authorization issued pursuant to this Ordinance.

Article 4.11.0 DEFINITIONS

4.11.10 Purpose and Intent

The purpose and intent of this Article is to define words, terms and phrases that are important in the application of this Ordinance, and require specification beyond the definitions in a common dictionary to describe their applicability in this Ordinance.

4.11.20 Hierarchy of References for Definitions

When a term is not defined in this chapter, the following references shall be used, in the order listed below, to determine the applicable definition. The term shall be defined for the purposes of this Ordinance as it is defined in the first of the references below to contain a definition for the term. Where a reference provides more than one definition for a term, the Zoning Administrator shall determine which definition shall be used in this Ordinance.

- A.** A definition located elsewhere in the City Codes.
- B.** Title 76, MCA.
- C.** Title 7, MCA.
- D.** Titles 70 and 75, MCA
- E.** Find Law Online legal dictionary (<http://dictionary.lp.findlaw.com>).
- F.** Merriam Webster Online (<http://www.m.-w.com>).

4.11.30 Use of Singular and Plural

Unless otherwise specified by text or the context, the terms listed apply the plural as well as singular. A term in the singular shall include the plural and a term in the plural shall include singular.

4.11.40 Definitions

Abutting: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Accessory Equipment: An enclosed structure, cabinet, shed or box that houses power boxes, electrical equipment, and other related equipment of a telecommunications or personal wireless communication facility.

Accessory Dwelling Unit (ADU): An accessory dwelling unit (ADU) is a secondary house or apartment that shares the building lot of a larger, primary dwelling. The unit cannot be bought or sold separately but can be used for rental income. An ADU will provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU shall not exceed 1,200 square feet in gross floor area.

Accessory Structure: A subordinate structure detached from, but located on the same lot as the principal structure; the use of which is incidental and accessory to that of the principal structure. An Accessory Structure shall be located behind, or to the side of the principal structure. A two-story Accessory

Structure shall be setback from the rear and side property lines a minimum of 1.5 times the required setback of the Zone District in which it lies. When an Accessory Structure is to be located on a lot which is accessed via a Row, the Accessory Structure may be located between the Row and Principal Structure.

Accessory Use: A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use.

Adjacent/Adjoining: Includes all lots or parcels that directly border a subject lot or parcel and all lots or parcels separated from that subject lot or parcel by only a public or private easement or right-of-way, including streets, railroads, and irrigation canals, or by a creek. Lots or parcels that adjoin only corner-to-corner, including those lots or parcels where corners are separated by a public or private easement or right-of-way, or creek are adjacent and adjoining.

Administrator. ---- SEE ---- Zoning Administrator

Airport: Any area of land or water designed for the landing and take-off of aircraft for private, business or commercial purposes, including all necessary facilities for passenger and cargo loading, fixed based operations (FBOs), maintenance, weather facilities, fueling facilities, and housing (temporary or permanent) of aircraft.

Alley: A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property. An alley shall not be considered to be a street, nor shall it be considered a Row (also see Street and Row).

Ambient Lighting: All available light surrounding a subject sign at any point in time with the subject sign light source extinguished.

Ambient Noise Level: The average equivalent sound level (LEQ) occurring during a six-minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Animal, Exotic: An animal introduced from another country not normally kept as a household pet or farm animal.

Animal, Hoofed Domestic: Cattle, Horses, and Mules only are included.

Animal, Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose.

Animal, Non-Domestic: An animal not normally adapted to live and breed in a tame condition.

Antenna: A system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception of electromagnetic waves.

Directional (or panel or rectangular): A flat surface antenna used to achieve transmission or reception from a specific direction.

Parabolic: A round, often concave, antenna generally no greater than 24" in diameter used primarily for point-to-point transmission of radio signals.

Omnidirectional (or whip): A thin, self-supporting rod antenna that beams and receives a signal in all directions.

Antenna Array: Groups of directional panel antennas designed to send and receive wireless transmissions.

Applicant: The property owner, developer, or designated agent who submits an application for development under this Ordinance.

Arterial Street: --- SEE ---- Street

Assisted Living: A congregate residential setting that provides or coordinates for the residents of the property personal care and assistance that is to occur on less than a 24-hour basis. The care and assistance may be both scheduled and unscheduled, and include activities and health-related services. Assisted Living does not include a nursing home or Long-Term Care Facilities (as otherwise defined herein.)

Avigation Easement: An easement that allows the grantee the right to use the airspace within said easement area. The easement may include restrictions regarding the height of structures, the use of reflective glass, or the interference of radio transmissions by the grantor and an acknowledgment by the grantor that airplanes flying overhead may present a physical danger, increase noise levels or cause pollution.

Batch Plant, Concrete, Mortar, or Asphalt: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt.

Bed and Breakfast: A dwelling where a maximum of 5 guest units for overnight or otherwise short-term temporary lodging is provided and may include meals. The operator of the facility shall live on the property. *(This does not include hotels/motels.)*

Bench: The colloquial term commonly used to describe the ancient alluvial terraces that more or less parallel Rock Creek and located on both the east and west sides of the City.

Berm: Mound of earth used in landscaping for screening, definition of space, noise attenuation or decoration.

BOA: The Board of Adjustment, as required by Sec. 76-2-321(2). MCA.

Borrow Site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the legally described site and characterized by a short-term operation and a limited quantity of earthen material.

Buffer: A landscaped area designed to effectively separate or screen land uses.

Building: A structure enclosed by a roof and walls or portion thereof that is used or intended to be used to shelter any use or occupancy, including the parking or storage of vehicles.

Buffer Area: An area of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

Building Envelope: The portion of a lot within applicable setback requirements where building construction

will be permitted, or other activities if so limited or described on the subdivision plat or certificate of survey.

Building Height: The vertical distance from mean natural grade to the highest point on a building. Building height excludes chimneys, vents and antennae.

The reference datum shall be selected by either of the following; whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest adjacent grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in number one (1) above is more than 10 feet above the lowest adjacent grade.
3. The height of a stepped or terraced building is the maximum height of any segment of the building.

Campground: See Recreational Vehicle Park

Canopy: A roof-like cover, including an awning that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting cover over an outdoor service area, such as at a gasoline station.

Capacity: The maximum demand that can be accommodated by a public facility or service without exceeding the level of service as determined by the service provider.

Capital Improvements: Large scale physical assets constructed or purchased to provide, improve, or replace a costly public facility. "Capital improvements" shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a development.

Carrier: A company that provides personal wireless communication services.

Cellular Communication: A type of personal wireless communication service consisting of low-power mobile radio communication that occurs through a network of radio wave transmitting and receiving devices.

Central Water: Water service provided by the City of Red Lodge through its water distribution infrastructure.

Central Sanitation: A centralized wastewater collection and treatment facility operated by the City of Red Lodge.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel Flow: The water which is flowing within the limits of the defined channel.

Church: A building where people regularly assemble for worship, or other type of religious practice, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship.

Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom inpatient and overnight

Club (Country Club): Individuals gathered for social, educational or recreational purposes, including buildings or facilities owned/operated by such organization, excluding a golf course unless specifically permitted in that zoning district.

Co-location: The circumstance occurring when one or more carriers install antenna arrays on the same single structure.

Commercial Entertainment: A commercial business that provides entertainment to the general public and includes movie theater, musical and performance theater, bowling alley, indoor skating rink, amusement game arcade and similar activities.

Commercial Retail: A commercial use characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer. (also see wholesale)

Conditional Use: A land use which is not permitted by right but may be allowed in specified zoning districts upon issuance of a Conditional Use Permit.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Conflict of Interest: A circumstance in which an official's or employee's personal or financial interest conflicts or appears to conflict with official responsibility or when any private economic benefit may result from his or her official service. Specifically applicable state law is *Sec. 2-2-105, MCA*.

Conformance: The compliance with all standards and regulations established by applicable code(s), laws, regulations, ordinances and other requirements. If all standards are not met, the building or property or use or other activity is nonconforming and may be illegal.

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating, and filling.

Construction, Start of: The commencement of any and all activity necessary and incidental to the erection, demolition, assembling, altering, remodeling of buildings or the preparation of a site for construction to include clearing, grading, filling, or excavating to prepare a site for construction.

Convenience Store: A small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

Cultural Facility: A building or area designed and intended for intellectual or artistic activities, including a museum, art gallery, outdoor amphitheater, fairground, sports stadium/arena, performing arts center, or similar facility.

Day-Care Facility/Preschool: A commercial facility where care and training is provided for more than two (2) children or adults for periods of less than 24 consecutive hours. Adult Day Care is the provision of services and assistance to help adults with daily living.

Day-Care Group: An out-of-home place in which care is provided to thirteen (13) or more children or adults, or provides adult day care in conjunction with Long-Term Care Facility or Health Care Facility.

Day-Care Family/Home:

Small - A residence in which care is provided for up to 6 children or adults, including the provider's own children, plus 2 additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes.

Large - A residence in which care and training is provided for 7 to 12 children or adults, including the provider's own children, except as provided for above.

Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be permitted as a conditional use only. Outdoor holding facilities are prohibited in connection with the conditional use, unless otherwise approved.

dB(A): A sound level in decibels measured on the "A" scale of sound level having characteristics defined by the American National Standards Institute.

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference pressure of $2 \times 10^{-5} \text{N/m}^2$ (Newton/square meter.)

Density: The number of units per area of measure, for example the number of dwelling units per acre.

Density, Gross: The total number of units divided by the total land area within the boundary of the project including publicly dedicated streets, open space or other public facilities.

Density, Net: The number of units divided by the land area within the boundary of the project excluding publicly dedicated streets, open space or other public facilities.

Development: Any change to improved or unimproved real estate, including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Ordinance as determined by the Zoning Administrator.

Development Plan: A specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Unit Development District approved by the City and recorded in the Office of the Carbon County Clerk. The current and future owners and their assigns are required to develop their property in accordance with this plan.

Driveway: A private vehicular access abutting a street for the exclusive use of the owners and occupants of the lot, lots or project, and their invitees, not considered to be a street.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including hotels, motels, motor homes, or tents. Manufactured homes consistent with this Code shall be deemed a dwelling unit.

Dwelling, Multi-Family: A dwelling situated on one lot and arranged, designed or intended for occupancy by two or more families living independently of each other, including condominiums and duplexes, but excluding therefrom hotels and motels.

Dwelling, Single-Family: A dwelling situated on one lot and arranged, designed or intended for occupancy by not more than one family in compliance with the City Building Code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.

Dwelling, Single-Family, attached: A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on one lot. The term is intended primarily for such dwelling types as townhouses, cluster units, patio homes.

Easement: An acquired right of use, interest or privilege in land owned by another.

Efficiency Unit (Studio): A unit containing only one habitable room.

Enhanced Specialized Mobile Radio Service (ESMR): A type of communication technology that is used primarily by fleet-dispatched service providers and closed-system mobile radio users.

Entertainment Event: A public presentation, for which admission is made available to the general public, held on a one-time or occasional basis that provides amusement for, or holds the attention of, those in attendance.

Entertainment Event, Major: An Entertainment Event that exceeds the limitations placed on Minor Entertainment Events.

Entertainment Event, Minor: An Entertainment Event that meets one of the following limitations:

- A one-day event, such as a concert, with a maximum daily attendance of 500 persons.
- A multi-day event, such as a festival, carnival, or revival, with a maximum daily attendance of 300 persons and duration of seven days or less.

Equipment, Small: Vehicles/equipment not exceeding the following gross vehicle weights: Motorized 18,000 lbs.; non-motorized - 6,000 lbs.

Event Center: A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein.

Existing Manufactured Home Park or Subdivision: A development or subdivision for manufactured homes where the facilities were completed before the effective date of floodplain management regulations. Facilities include utilities, streets, and either final site grading or concrete pads.

Façade: The exterior portion of a building at the front of a lot and any side of a building on a corner lot that faces a street without obstruction of a structure on a different lot.

Family: An individual or two or more persons living together as a single household unit, where unit includes pooled finances used to pay household expenses.

Farm and Commercial Garden Building: A building or structure used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Farmers Market: An outdoor market open to the public and operated by a governmental agency, a not-for-profit corporation, an individual or one or more agricultural producers where the products offered for sale are agricultural products, value-added agricultural products, and incidental sale of other items.

Feedlot: Any tract of land or structure, pen/corral wherein cattle, horses, sheep, goats, swine, or similar livestock are maintained in close quarters for the purpose of feeding such livestock in order to fatten them prior to final shipment to market.

Fence – Solid/Opaque: Any structure used as a barrier, boundary or means of concealing the interior portion of a lot.

Firearm: Any handgun, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to discharge bullets, shot, or other projectile by means of gasses released by burning a solid propellant.

Fire Protection Facilities: Fire stations and major pieces of fire fighting apparatus, including, but not limited to, pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by county fire districts.

Firing Range: A facility used to provide, in exchange for remuneration of any kind, training in conjunction with, or for practice in, discharging firearms.

Flag: A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square, or triangular, typically attachable on one edge to a staff, pole, or cord.

Flood, Base: The flood having a 1% chance of being equaled or exceeded in any given year. (*Refer to Flood – 100-year*)

Floodplain, 100-year: The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood.

Flood Area, Net: The sum of the horizontal floor area, measured in square feet, of all floors of a building measured from the interior face of the exterior wall excluding therefrom, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

Floor Area, Gross: The sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall including stairwells or elevator shafts and excluding unfinished basements or attics, garage space, or unenclosed porches.

Floor Area Ratio – (F.A.R.): Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

Fowl: Use of fowl shall be limited to female chickens (*Gallus gallus domesticus*).

Frontage: The side of the lot that is considered the front and has the shortest dimension to an abutting street or the side of the lot that directly abuts an avenue. Notwithstanding, a lot may have multiple street fronts.

Gambling/Gaming as a Primary Use: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the property are accessory. The scale, gross floor area for each specific use, hours of operation and advertising package will be used to determine whether the gambling establishment is a primary, secondary or tertiary use.

Gambling as Secondary Use: A subordinate use of a building, other structure, or use of land;

1. Which is clearly incidental to the primary use of the building or use of land; and

2. Which is located on the same zoned lot with the principal building, other structure, or use of land.
3. The scale, gross floor area for each specific use, hours of operation, revenue and advertising package will be used to determine whether the gambling establishment is a primary, secondary or tertiary use.

Gambling as Tertiary Use: A subordinate use of a building, other structure, or use of land;

1. Which is clearly incidental to the primary and secondary use of the building or use of land; and
2. Which is located on the same zoned lot with the principal building, other structure, or use of land; and
3. The scale, gross floor area for each specific use, hours of operation, revenue and advertising package will be used to determine whether the gambling establishment is a primary, secondary or tertiary use.

Garage:

- Private - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles/trailers used by the owners or resident tenants of the land are stored or kept.
- Public - A building or portion thereof, other than a private garage, used for the parking of vehicles.

Golf Course: A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

Grade: The elevation of the finished surface of the ground.

Greenhouse: A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

Group Home: A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows:

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities

Group Homes that do not meet the conditions listed shall be considered Group Residential Facilities for purposes of this resolution.

Group Residential Facility: A residence that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to, specialized group child-care home, facility or center; residential child-care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus.

Guest House/Accessory Dwelling Unit: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling or held in ownership by other than the owner of the principal dwelling.

Hazardous Materials: All substances that are physical and health hazards and subject to regulation as hazardous by the *Fire and Safety Code*. They include items such as explosives and blasting caps, compressed gasses, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, toxic materials, and other health hazards.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Historic Building: A structure originally erected before 1930 and/or designated as historic by a state or national agency or organization that has as its mission the preservation of historic structures, such as the National Trust for Historic Preservation.

Home Occupation: A business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential, light industrial, or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home. Such uses as a motor vehicle repair or body shop, bed and breakfast establishment, medical clinic, hospital, kennel, animal clinic/hospital, retail business, warehousing and distribution, or any similar use generating more than occasional or minimal vehicular or pedestrian traffic shall not be allowed as a home occupation.

Homeowners' Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: Any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are 6 or more guest rooms or suites, and in which only minimal provision may be made for cooking in any individual room or suite. (Also see Motel)

Hunting/Fishing Club: Individuals gathered for the express purpose of participating in recreational activities directly related to hunting, fishing and similar outdoor sportsman activities that typically take place on club-owned land.

Includes/Including: Any list or example following either of these words is not to be considered complete or comprehensive.

Industrial: Land uses that process, manufacture, assemble, package, treat or fabricate materials and products from previously manufactured materials or from raw materials, usually for the mass sale to wholesalers or other industrial uses.

Industrial, Light: The manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All such processing must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property boundary line.

Industrial Park: A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

In-Home Elder Care: Providing 24-hour in-home care for 6 or fewer elderly persons (*60+ years old*), not related to the members of the household, who are ambulatory and are not mentally ill or developmentally disabled, who because of impaired capacity for independent living elect protective oversight, but do not require regular 24-hour medical or nursing care. The care provider shall reside at and maintain their primary place of residency in this home,

Intensity: The extent to which a use or uses occurs. Intensity may be said to increase in a variety of ways, such as by expansion of physical area for a use, added hours of operation, and any change that increases traffic or noise or other nuisances.

Junk Trash Inoperative Vehicles: No land or building (or any portion thereof) may be used as an outside storage area for the purpose of collecting, dismantling, storing, or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use.

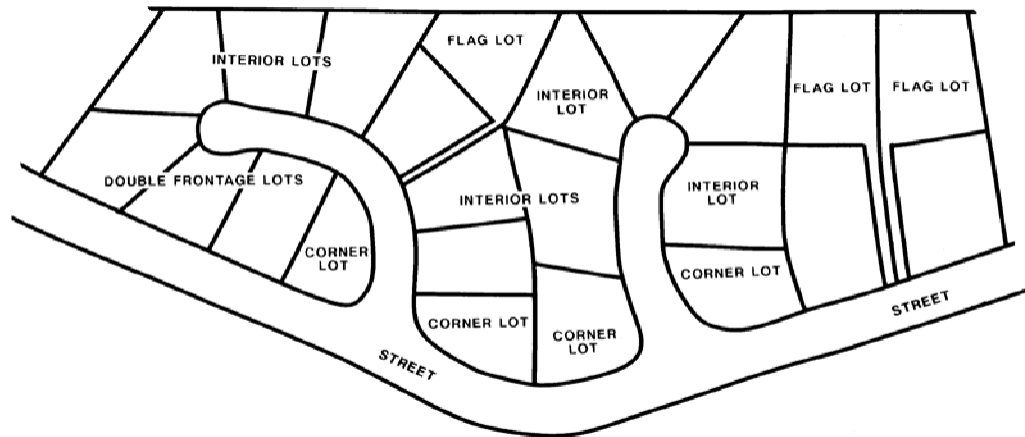
LEQ - LEQ is the sound pressure Level in dB, equivalent to the total sound energy over a given period of time.

Long-Term Care Facility: A congregate residential setting that provides or coordinates for the residents of the property personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. Long-Term Care Facility includes nursing home facilities but does not include assisted living facilities.

Lot: A parcel of land designated as a lot on a subdivision plat/certificate of survey duly recorded in the Office of the Carbon County Clerk.

- **Corner** - A lot abutting two or more adjacent streets which have an angle of intersection of not more than 135 degrees.
- **Double Frontage** - A lot abutting two non-intersecting streets as distinguished from a corner lot.
- **Flag** - A lot having access or an easement to a public or private street by a narrow, private right-of-way

- Interior - A lot other than a corner lot.



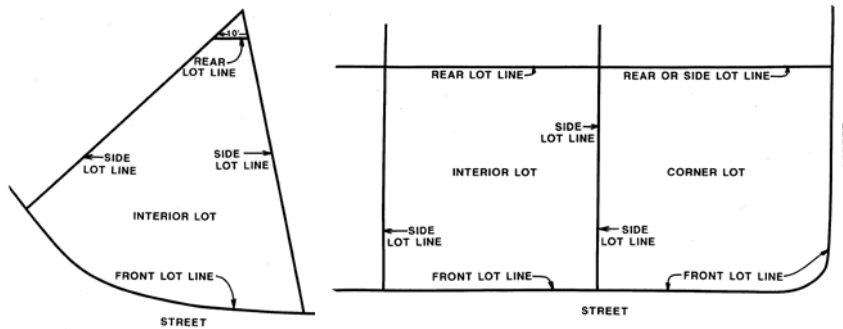
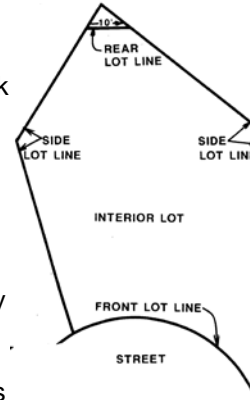
Lot, Area of: The area of a lot exclusive of streets, alleys and City-dedicated land or open space.

Lot, Buildable: A lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot provided such lot was created in compliance with the State land-use laws and the City Subdivision and Zoning Regulations in effect at the time the lot was created. *(A tax parcel may or may not be a buildable lot.)*

Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone district in which it is located.

Lot Line: Any boundary of a lot. The classifications of lot lines are:

- **Front:** The lot line separating the lot from a street. Where a sidewalk is present, the edge of the sidewalk farthest from the street is typically also the lot line. As such, the sidewalk, the landscape area between the sidewalk and the parking lane (also known as a tree boulevard), the parking lane, and the driving lane are all within the area also referred to as the Public Right-of-Way. On a corner or double frontage lot, only one lot line will be considered a front lot line (typically the narrower frontage and/or frontage with the primary structure's predominant access.) The street frontage deemed not the front, will be considered a side lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.
- **Rear:** The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly-shaped lots the rear lot line shall be deemed to be a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.
- **Side:** Any property boundary line which is neither a front lot line nor rear lot line.



Lot Coverage: That portion of a lot or parcel in which any improvement is situated in a manner that prevents direct infiltration of water, including rooftops, paved areas, and other totally or largely impervious surfaces.

Manufactured Home: Per MCA 76-2-302, " 'manufactured housing' means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or house trailer, as defined in MCA 15-1-101."

Manufacturing and Assembly: Establishments or businesses that engage in the on-site production,

processing or assembling of goods, generally requiring truck delivery of products and materials, and the use of tools and equipment.

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

Microwave Dish: A device for receiving or transmitting radio frequency/electromagnetic waves.

Mineral: A naturally formed, generally inorganic, chemical element or compound having a definite chemical composition and, usually a characteristic crystal form. Minerals have characteristic physical and chemical properties.

Mineral Resource Area: An area in which minerals are located and capable of economic recovery.

Mining: The withdrawal or refinement of materials including but not limited to minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals.

Mobile Home: means a residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mobile Home Park: Any lot or parcel used for occupancy by mobile homes.

Modular Home: Modular home” or “factory-built housing” means a dwelling unit constructed in accordance with the standards set forth in the International Building Code and local codes applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Montana Subdivision and Platting Act: *Sec. 76-3-10, et seq., MCA.*

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking area adjacent to the building. (also see Hotel)

New Construction: Structures for which construction, substantial improvement, or alteration commences on or after the effective date of this Ordinance.

Nonconforming: A lot, structure or use that fails to comply with all applicable standards of this Ordinance. The degree of nonconformity is the measured extent to which an existing building or use fails to comply; for example, the degree of nonconformity of a parking lot that has four spaces, but serves a use requiring nine, is five parking spaces. Nonconforming uses/structures differ from illegal uses/structure/lot in that at the time the nonconforming use/structure/lot was created, it was in compliance with the then applicable codes. (also see Lot, Buildable)

Occupancy: The use or habitation of a building, structure or lot. A change in occupancy is the change

from the existing use to another use identified in the Allowed Uses tables of this Ordinance.

Office, Professional: A place of business for predominantly administrative, professional, or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist, chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union; credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer; clerical services.

Open Space: Public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. Open space shall be deemed not to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Outdoor Storage: The keeping, stockpiling, or storing of materials for any reason in the out-of-doors.

Park: A tract of land identified for public use by zoning or subdivision action, or designated by an authorized public entity, for recreational, educational, or cultural purposes.

Parking, Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis - daily or overnight.

Permit: An action by the City that allows a proposed development to proceed.

Personal Communication Service (PCS): A type of wireless communication technology capable of transmitting voice, data and paging that utilizes small geographic areas on a tight grid of interconnected sites.

Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures.

Personal Wireless Communication Services: The term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies, to a small geographic area within a network of interconnected sites. The power density at the property line or lease area shall not exceed the radio frequency emission standards set by the FCC.

Pharmacy: A retail establishment where prescription drugs and medicine are sold. A pharmacy can be a stand-alone facility or combined with an establishment that sells other retail items. A pharmacy does not include a Medical Marijuana Dispensary.

Planning Board: The Red Lodge Planning Board, appointed as authorized by *Sec. 76-1-101, et seq., MCA.*

Plant Nursery: An area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Pole Barn: A traditionally agricultural building which uses a post-frame structural system in which the exterior wall system is typically metal.

Principal Structure: A building in which the primary use of the lot on which the building is located is

Principal Use: The main use of land or structures, as distinguished from an accessory or conditional use.

Public Facilities: Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle, snowmobile, or all-terrain vehicle.

Recreational Vehicle:

1. A motor home, travel trailer, van or truck camper or camping trailer with or without self-motive power that is:
 - a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projections;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily for use as temporary living quarters for recreation, camping, travel, seasonal, or emergency use, and not for use as a permanent dwelling; and
2. A boat, jet ski, motorcycle, snowmobile, or all-terrain vehicle.

Recreational Vehicle Park: Any lot or parcel used for temporary occupancy (not to exceed 30 days in any one calendar year) by placement of Recreational Vehicles (as defined above in Recreational Vehicle Sub-Section 1). Recreational Vehicle parks are subdivisions.

Recreation Facility, Indoor: An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, firing range, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

Recreation Facility, Outdoor: An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, ice rink, soccer field, baseball diamond, firing range, park, playground or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage.

Recreational Vehicle Storage Yard: An area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

Referral Agency: A public or private organization which is interested in providing advisory comments to the City on a land use proposal or proposed legislative action.

Religious Retreat: A building or site designed and designated for religious teaching, reflection, or contemplative activities, maintained and controlled by a religious organization to sustain worship or other religious practice, and may include overnight guest accommodations. This use is distinct from that of a church, which is separately defined herein.

Retail: See Commercial Retail.

Retirement Home: One or more buildings containing dwellings where the occupancy is restricted to persons at least 55 years of age, or couples where either spouse is at least 55 years old. This may contain special support services, *i.e., convalescent or nursing facilities, and central dining facilities.*

Reverse Frontage: For the purposes of this Ordinance reverse frontage means the location of parking in the rear or on the side of the structure that is served by the parking as viewed from the street. It is

distinguished from sites with parking in front of the building as viewed from the street. No portion of a parking lot shall sit in front of any portion of a building.

Rezoning: A revision to the City Zone District Map.

Right-of-Way (or R.O.W.): Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

Row: A minor public or private vehicular passageway dedicated or permanently reserved as a means of primary access to properties which generally do not otherwise have vehicular access. Properties without vehicular access other than from the Row shall have their property line abutting the Row considered their front lot line. Parking shall not be permitted on a Row. The minimum clear travel-way of a Row shall not be less than 20'. (Also see Alley and Street)

Satellite Dish: A ground or building mounted antenna, generally exceeding 24" in diameter, incorporating a solid, open mesh, or bar configured surface used to transmit or receive radio or electromagnetic waves.

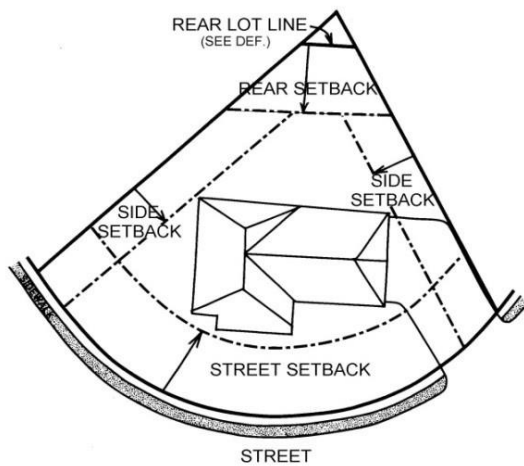
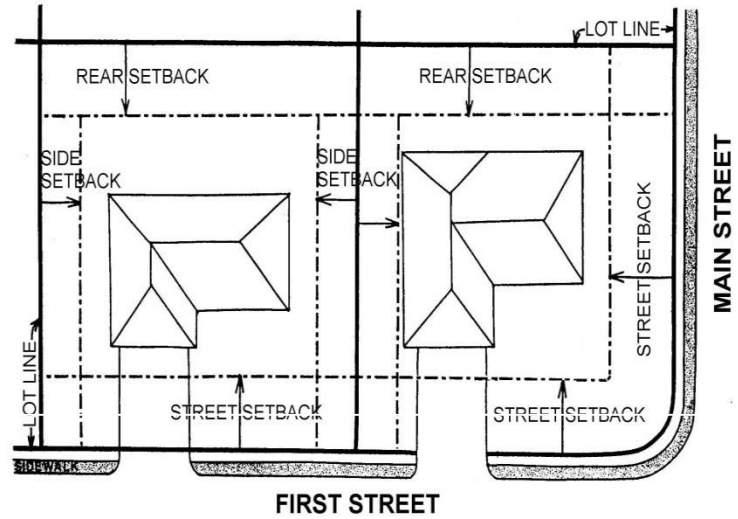
Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, rear, or alley lot line measured perpendicular to such lot line. Measurements are taken to the outer foundation wall (at ground level) from the property line. For the purpose of setback calculations, any structural extension that projects more than three (3) feet beyond the outer foundation wall of a building on the same lot, including but not limited to, roof overhangs, windows, steps, stoops, porches whether covered or not, and decks regardless of height above grade shall be included in the setback measurement; however concrete flatwork, pavers or similar on-grade hardscape areas are exempt from setback measurements.

Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

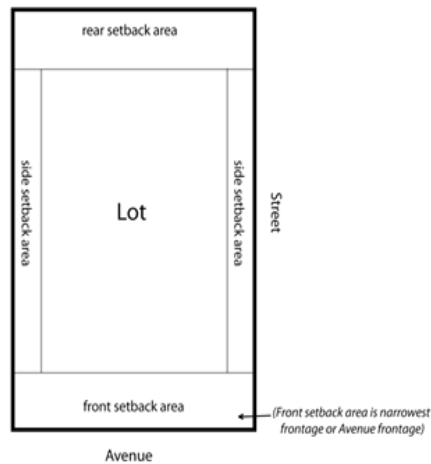
Rear - a setback extending across the full width of the lot measured perpendicular to the rear lot line.

Side - a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

Street: a setback extending across the full width of the lot measured perpendicular to the front lot line.



Setback Diagram



Sewage: Refers to the entire system (mains, treatment plant, etc.) used to collect, and treat and discharge sewage wastes.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, sadomasochism or bestiality;
3. Masturbation, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (d) of this subsection.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

1. A commercial establishment which:
 - a. Devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
 - b. Receives a significant or substantial portion of its revenues from; or
 - c. Devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
2. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of the above sub-section (1) are otherwise met.

Adult Cabaret: A nightclub, bar, restaurant or other commercial establishment, which regularly features:

1. Persons who appear nude or in a state of nudity; or
2. Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which:

1. Offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by magazines, pamphlets or leaflets, radio or television, or

2. Offers a sleeping room for rent for a period of time less than 10 hours, or
3. Allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Nudity or State of Nudity: (1) the appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio: Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of "nude model studio" does not apply to:

- (1) A college, junior college or university supported entirely or partly by taxation;
- (2) A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and where no more than one nude model is on the premises at any one time.

Sexual Encounter Establishment: A business or commercial establishment, that as one of its primary business purposes offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms to rent.

Shopping Center: A grouping of retail business or service uses on a single site with common parking facilities and open space.

Sign: Any display, object, or structure regardless of form or material used to identify or display or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. (See Section 4.6)

Single-Family Dwelling: A building or part of a building designed for occupancy by one family. By state law, this includes foster and youth homes, community residential facilities, and manufactured homes that:

1. Comply with the *National Manufactured Home Construction and Safety Standards Act (42 USC 5401, as amended)* or the IRC or IBC;
2. Are of a minimum size consistent with the standards of the United States Department of Housing and Urban Development (HUD); and
3. Are attached to a permanent foundation and, where available, permanently connected to municipal utilities; and

4. Have a pitched roof and siding and roofing materials that are customarily used on site-built homes in the Red Lodge area. Mobile homes, recreational vehicles, and travel trailers are not single-family dwellings.

Site Plan: A map which details property lines, structure placement, parking lots and other features on the property.

Sketch Plan: A general or conceptual site plan of a development.

Solar Energy Systems: Any mechanism including photo-voltaic surfaces designed for the purpose of converting solar energy into mechanical or electrical power. Support structures and bases, guy wires and any other structures necessary for the installation of small solar energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Ordinance.

Staff: City employees with a role in reviewing or administering the provisions contained herein.

Stealth or Faux Design: A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

Street: Land intended primarily for vehicular traffic and providing the principal means of access to property, including a roadway, road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway or alley.

- Alley – see definition at “Alley.”
- Driveway – see definition at “Driveway.”
- Regional/Major Arterial - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving the area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.
- Minor Arterial - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.
- Collector - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.
- Local - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through-traffic movement usually is deliberately discouraged.

Street, Private: A privately owned access way generally constructed to City specifications and not maintained by the City.

Street, Public: All public property reserved or dedicated for vehicular traffic constructed in compliance with Red Lodge Roadway Design and Construction Standards.

Structure: Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

- Permanent – That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.
- Temporary – A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of a permanent structure.

Subject Land: Real property which is the subject of the regulations set forth in this Code.

Subsidence: The sinking of ground related to the structural and geologic failure of underground structures such as mine workings.

Such As: Any list or example following this phrase is not to be considered complete or comprehensive.

Support Tower: A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

- Lattice Tower: A self-supporting tower with multiple legs and cross bracing designed to support antennas.
- Monopole: A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.
- Guyed Tower: A tower designed to support antennas and requiring guy wires for stability.

Swimming Pool: Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground.

Telecommunications Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an Federal Communications Commission (FCC) licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal Wireless Communication facilities that exceed the height requirements provided for by these Zoning Regulations shall be considered telecommunications facilities and therefore subject to all applicable provisions.

Temporary Emergency Shelter: A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

Townhome: An individual dwelling unit situated on one lot but attached to one or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

Tiny Home: A structure of 400 square feet or less in floor area excluding lofts, and which are intended to be mounted on a permanent foundation and used as a single-family dwelling (2018 International Residential Code).

Use: A purpose or activity on a lot or in a structure.

Utility - Major Facility:

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the utility-major facility
- Power Plant: Any electrical energy generating facility with an energy generation capacity of 50

megawatts or more, and Appurtenance(s);

- Substation: Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- Transmission Lines: Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- Wastewater Treatment Facility: A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Utility Service Facility: Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- Neighborhood Substation: Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Value-Added Agricultural Processing: Value-added Processing may include the sales of Value-Added Agricultural Products produced on or off the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like.

Value-Added Agricultural Product: A product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods.

Variance: A modification of the specification or performance standards of any code, law, regulation, or requirement, where the modification sought or permitted for a specific property, lot or parcel is not normally allowed.

Veterinary Clinic/Hospital: A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Warehousing: A building or property where goods, merchandise or equipment are stored for eventual distribution to retail or other establishments. Warehousing includes the storage of commodities, refrigerated items, and general merchandise. Warehousing does not include the inventory for retail purpose and is not a liquor store.

Wastewater Facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

Water Facilities: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

Watercourse: A channel, ditch, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which water flows either regularly or intermittently, including major drainage ways for carrying urban storm runoff.

Wholesale Business: A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products. (also see Commercial Retail)

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Ordinance.

Written (or Writing): Includes any form in which words are provided in a visual form that can be copied, filed, stored, forwarded (as opposed to spoken or oral words) and, unless specifically excluded, includes electronic composition, delivery, and storage (e.g., e-mail).

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

Zoning Administrator: The City employee(s) or contractor(s) appointed by the Mayor and confirmed by the City Council, who is (are) responsible for the administration of this Code or any part of it.

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APPENDIX 1 Planned Unit Development – (PUD-S)

Appendix 1.1 Purpose and Intent
 The purpose and Intent of the PUD-S District is to allow for various densities and types of uses that are primarily residential with potential home businesses and professional uses.

Appendix 1.2 Allowed Uses
 Permitted and Conditional Uses allowed in the PUD-S District are listed in Table Appendix 1.2. All Conditional Uses must comply with Section 4.4.10, Conditional Uses. Some Permitted Uses shall comply with specific standards as references in the Table Appendix 1.2.

Appendix 1.3 Dimensional Standards, Building Typology
 Development in the PUD-S District shall comply with the Dimensional Standards and Building Typology established in following diagrams.

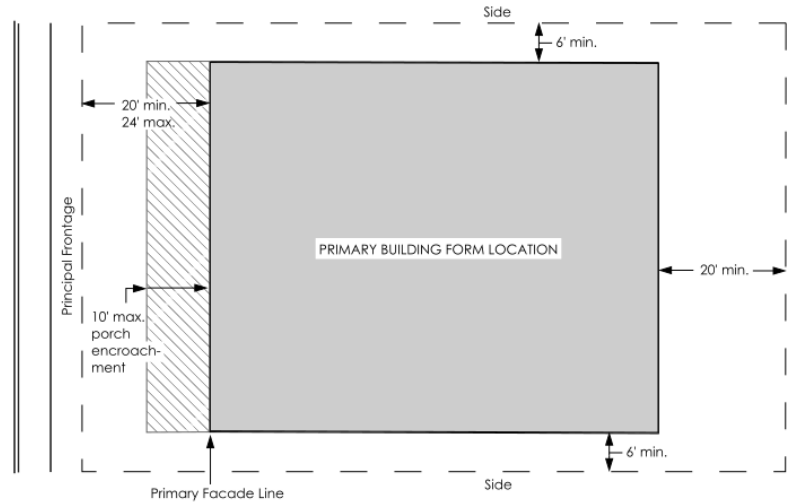
Appendix 1.4 Specific District Standards
 The following standards shall apply to development in the PUD-S District.
A. Retail
 Retail structures shall not exceed 5,000 square feet in gross floor area.

TABLE APPENDIX 1.2 Allowed Uses PUD-S		
Permitted		
Single Family	Day Care, family See 4.4.22(B)	Home Occupation See 4.4.22(C)
Short-term Rental See 4.4.33	Public Parks & Recreation	ADU/Guest House See 4.4.22(F)
Retail, See Appendix 1.4A	Accessory Buildings	Multi-family, >2-units
Government Buildings, Facilities	Worship Facility	Cluster Condos, Townhouses
School	Day Care, Group, See 4.4.22(B)	Health Care Facility (i.e., clinic, hospital)
Conditional		
Light Industrial / Manufacturing and Assembly	Outdoor Storage, See 4.4.30	Alcohol-Consumption /Sales
Auto, Vehicle Sales, Repair and Service	Drive Through Facilities	Gambling as a tertiary use
Rodeo & Fairgrounds	Waste Collection	Warehousing
Alcohol – Consumption / Sales as a Secondary Use		

BUILDING TYPOLOGY PATIO SINGLE FAMILY

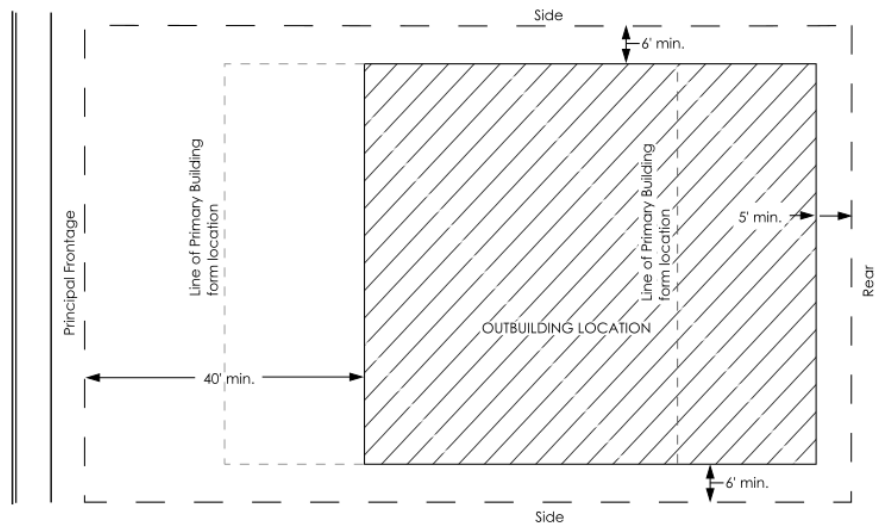
Building Placement (primary form)

1. The Primary building form shall be located on the lot in relation to its property line and setbacks as shown.
2. The Primary building form shall be setback 20' – 24' from the principal frontage.
3. Porches on the principal frontage may encroach the setback a maximum of 10'
4. Encroachments - Bays and balconies may encroach principal frontage, side and rear a max. of 5'. Steps on principal frontage may encroach setback a max. of 13'.
5. The maximum lot coverage shall be 50% of the total lot area. Porches located on the principal frontage are excluded from this calculation.



Building Placement (outbuilding)

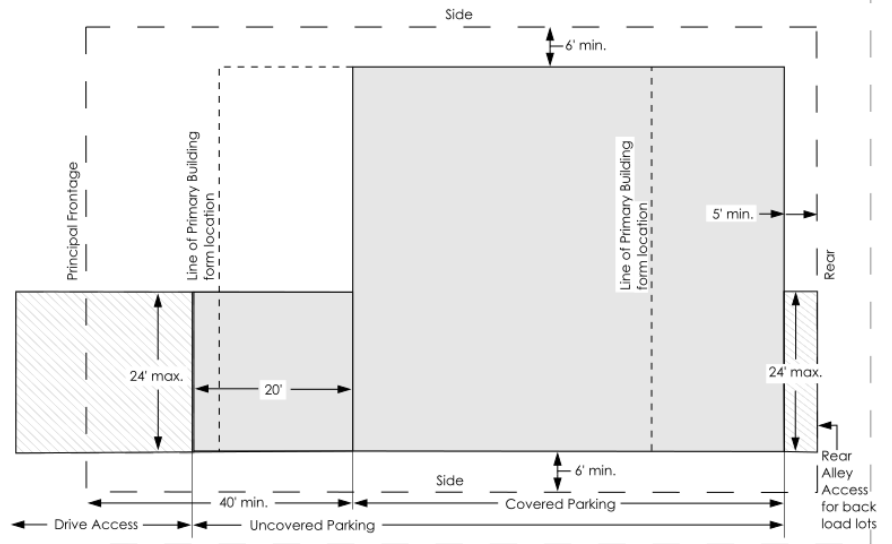
1. The outbuilding form shall be located on the lot in relation to its property line as shown
2. Outbuilding to be separated from primary form by a minimum of 5'. Outbuilding may be attached to primary form by an enclosed single story link form



BUILDING TYPOLOGY PATIO SINGLE FAMILY

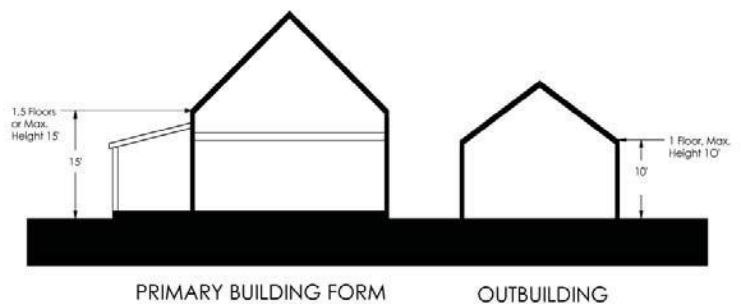
Parking

1. A minimum of two parking spaces shall be provided within the outbuilding.
2. Uncovered parking may be provided in the areas indicated. Uncovered parking shall be screened from adjacent properties in rear and sides.
3. Drive Access area from street shall be located on principal frontage. This area shall not be used for parking. Drive access may be located in area shown but may not exceed 12' in width for a distance from public road edge to sidewalk adjacent to property line. Drive Access may widen after this point to a max. width of 24'
4. Trash containers shall be stored in the uncovered/covered parking zone(s). Containers shall be screened from view.



Building Height(s)

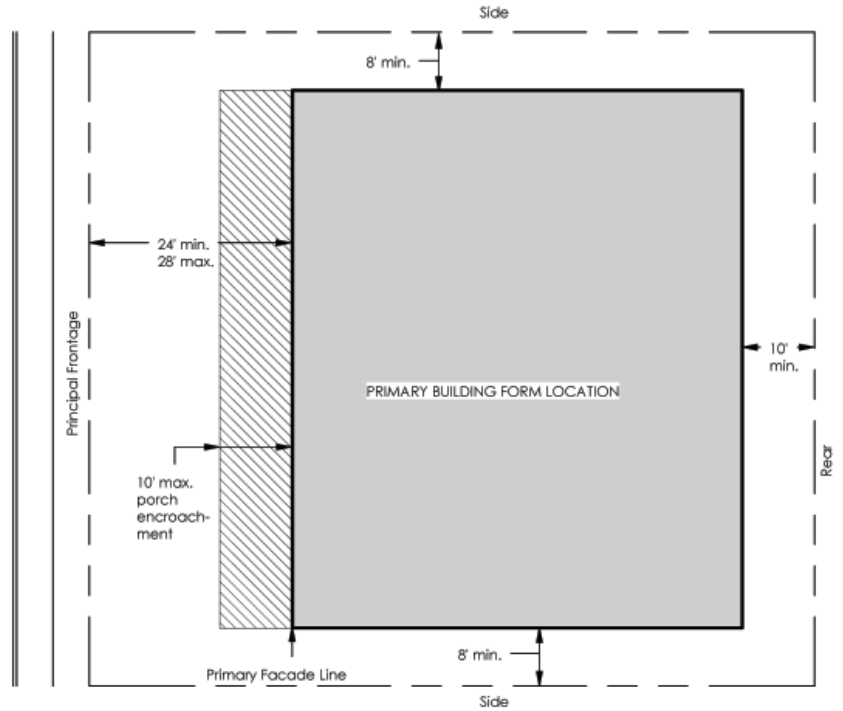
1. Building height shall be measured relative to the principal frontage sidewalk average elevation.
2. Building height shall be measured to the eave or parapet as shown.
3. The first floor elevation shall be 1'6" above principal frontage sidewalk.
4. Garage floors may beat grade.
5. Fences may be installed per requirements of the Architectural Regulations.



BUILDING TYPOLOGY UPPER BUG SINGLE FAMILY

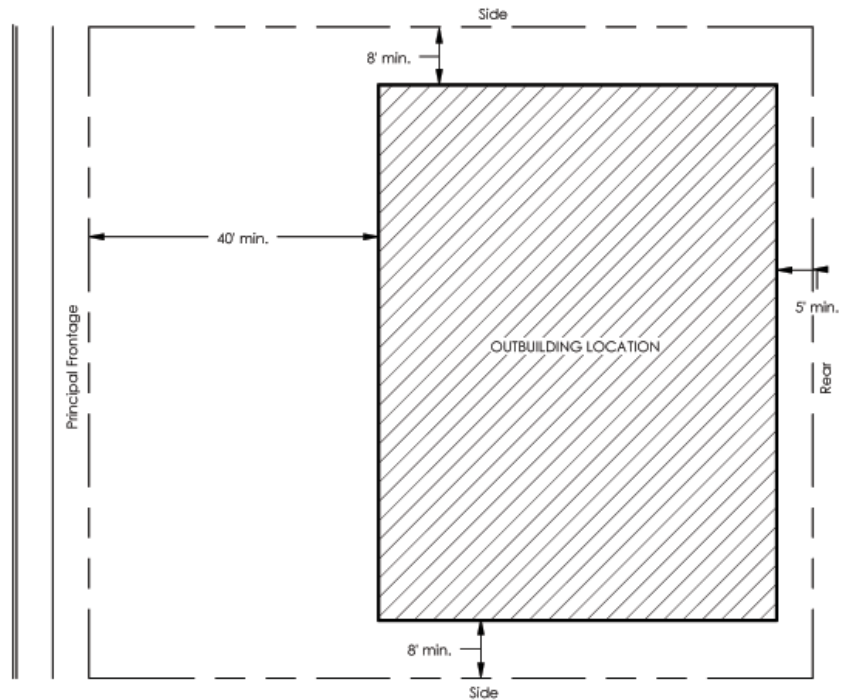
Building Placement (primary form)

1. The Primary building form shall be located on the lot in relation to its property line and setbacks as shown.
2. The Primary building form shall be setback 24' – 28' from the principal frontage.
3. Porches on the principal frontage may encroach the setback a maximum of 10'
4. Encroachments - Bays and balconies may encroach principal frontage, side and rear a max. of 5'. Steps on principal frontage may encroach setback a max. of 13'.
5. The maximum lot coverage shall be 50% of the total lot area. Porches located on the principal frontage are excluded from this calculation.



Building Placement (outbuilding)

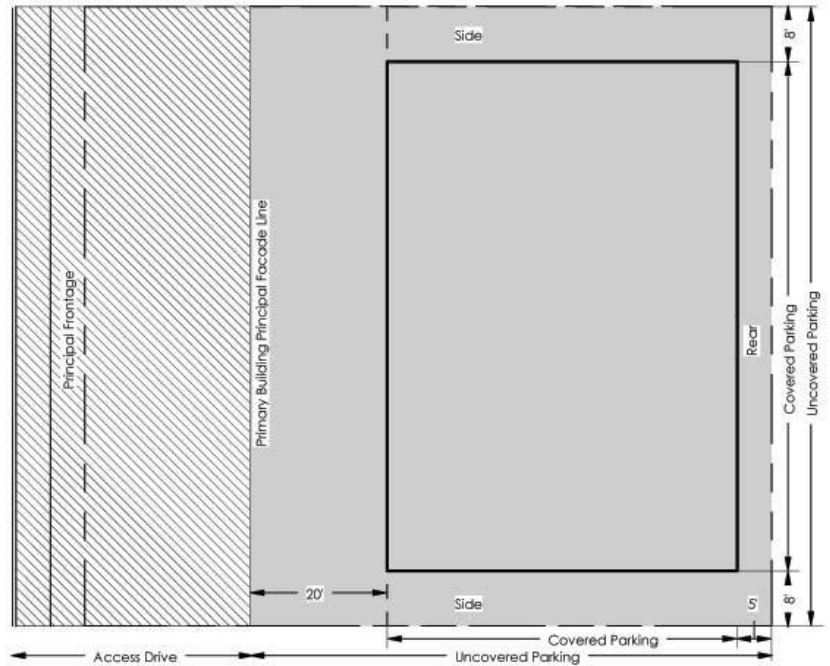
1. The outbuilding form shall be located on the lot in relation to its property line as shown
2. Outbuilding to be separated from primary form by a minimum of 5'. Outbuilding may be attached to primary form by an enclosed single story link form



BUILDING TYPOLOGY UPPER BUG SINGLE FAMILY

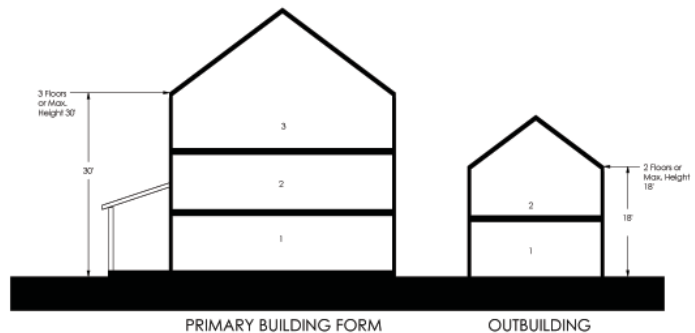
Parking

1. A minimum of two parking spaces shall be provided within the outbuilding.
2. Uncovered parking may be provided in the areas indicated. Uncovered parking shall be screened from adjacent properties in rear and sides.
3. Drive Access area from street shall be located on principal frontage. This area shall not be used for parking.
4. Drive access may be located anywhere in area shown but may not exceed 12' in width for a distance from public road edge to sidewalk edge adjacent to property line. Drive Access may widen after this point to a max. width of 24'
5. Trash containers shall be stored in the uncovered/ covered parking zone(s). Containers shall be screened from view.



Building Height(s)

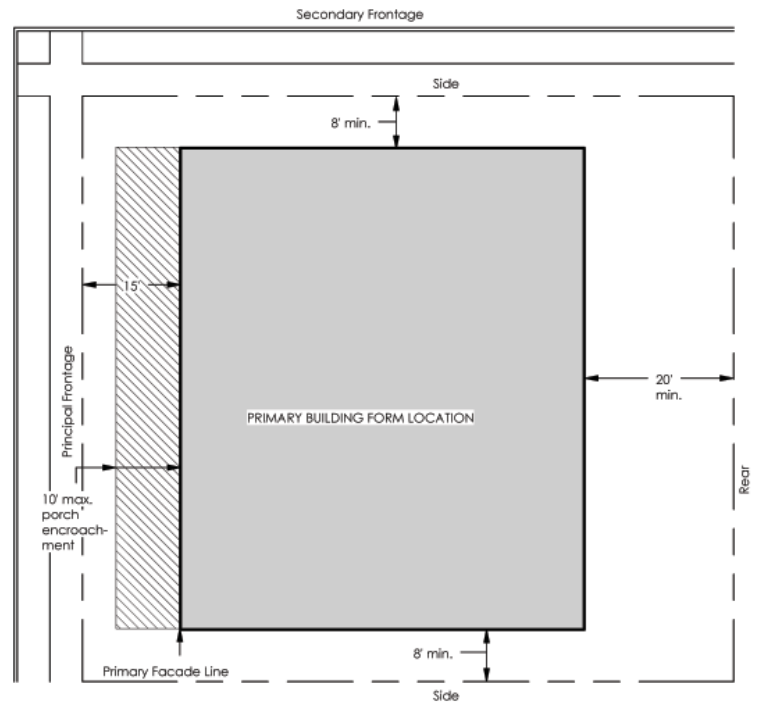
1. Building height shall be measured relative to the principal frontage sidewalk average elevation.
2. Building height shall be measured to the eave or parapet as shown.
3. The first floor elevation shall be 1'6" to 2'6" above principal frontage sidewalk.
4. Garage floors may be below grade.
5. Fences may be installed per requirements of the Architectural Regulations.



BUILDING TYPOLOGY HYBRID UPPER BUG SINGLE FAMILY - corner condition

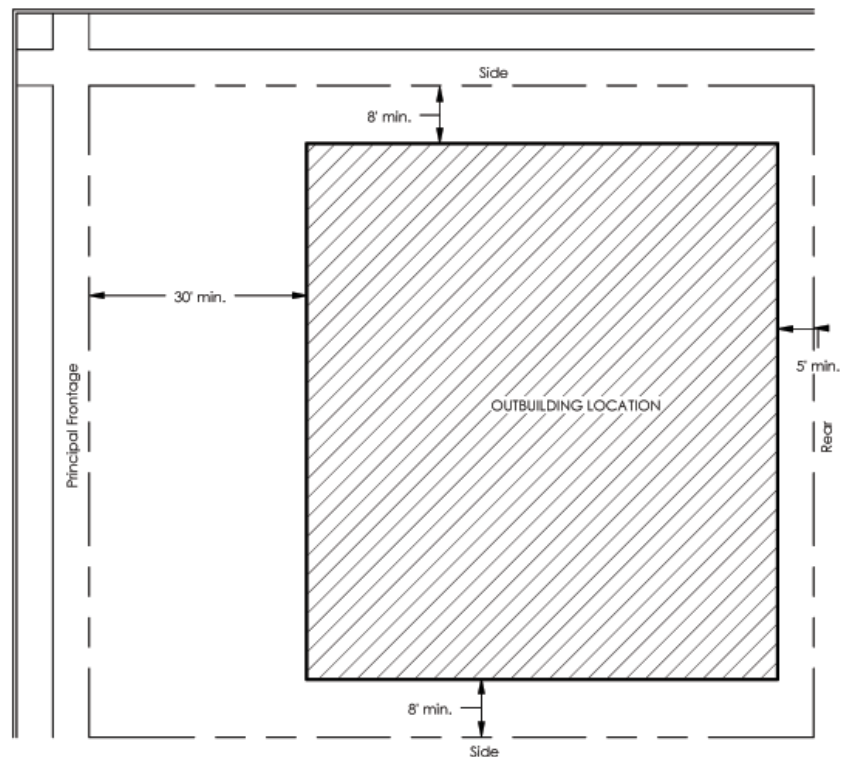
Building Placement - (primary form)

1. The Primary building form shall be located on the lot in relation to its property line and setbacks as shown.
2. The Primary building form shall be setback 15' from the principal frontage. Primary facade must be located on this setback.
3. Porches on the principal frontage may encroach the setback a maximum of 10'. In the corner condition porches are encouraged to wrap around to the secondary frontage.
4. Encroachments - Bays and balconies may encroach principal frontage, side and rear a max. of 3'. Steps on principal frontage may encroach setback a max. of 13'.
5. The maximum lot coverage shall be 50% of the total lot area. Porches located on the principal frontage are excluded from this calculation.



Building Placement (outbuilding)

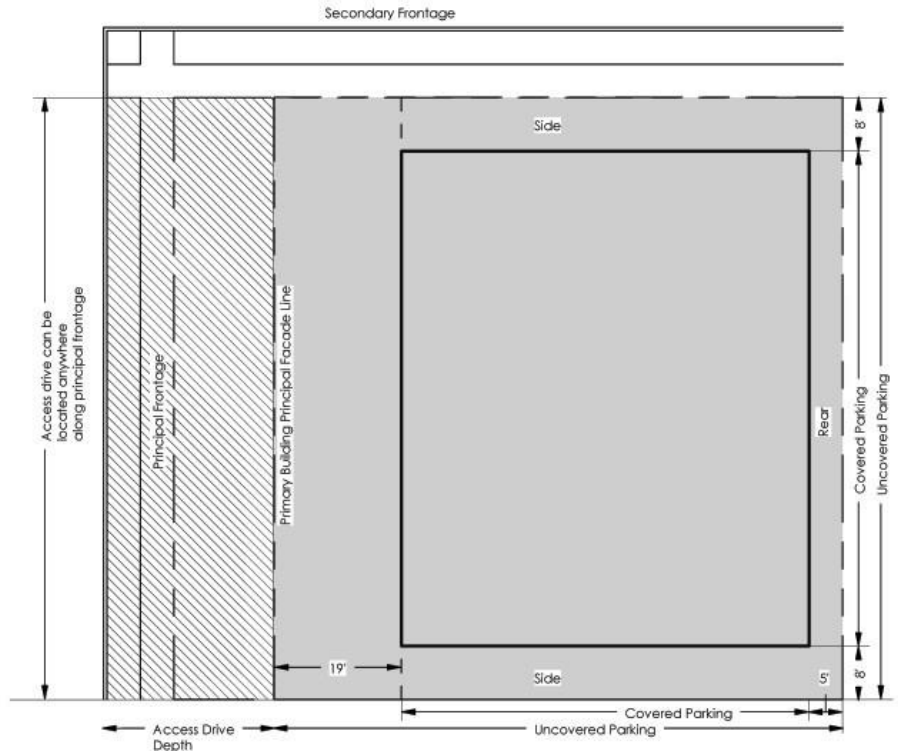
1. The outbuilding form shall be located on the lot in relation to its property line as shown
2. Outbuilding to be separated from primary form by a minimum of 5'. Outbuilding may be attached to primary form by an enclosed single story link form



BUILDING TYPOLOGY HYBRID UPPER BUG corner condition

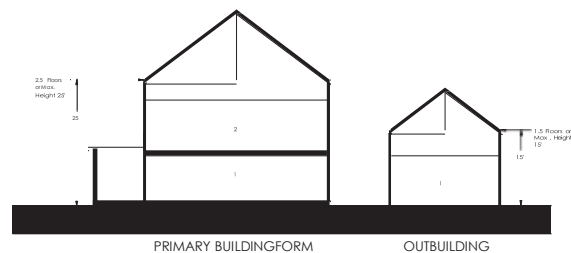
Parking

1. A minimum of two parking spaces shall be provided within the outbuilding.
2. Uncovered parking may be provided in the areas indicated. Uncovered parking shall be screened from adjacent properties in rear and sides.
3. Drive Access area from street shall be located on principal frontage. This area shall not be used for parking.
4. Drive access may be located anywhere in area shown but may not exceed 12' in width for a distance from public road edge to sidewalk edge adjacent to property line. Drive Access may widen after this point to a max. width of 24'.
5. Trash containers shall be stored in the uncovered/covered parking zone(s). Containers shall be screened from view.



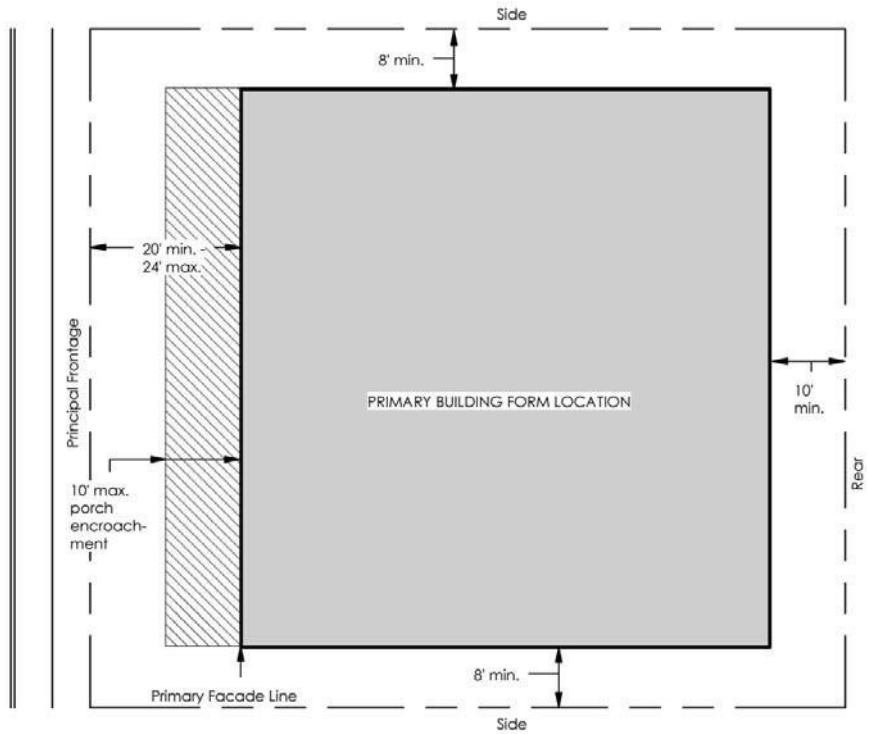
Building Height(s)

1. Building height shall be measured relative to the principal frontage sidewalk average elevation.
2. Building height shall be measured to the eave or parapet as shown.
3. The first floor elevation shall be 1'6" to 2'6" above principal frontage sidewalk.
4. Garage floors may be at grade.
5. Fences may be installed per requirements of the Architectural Regulations.



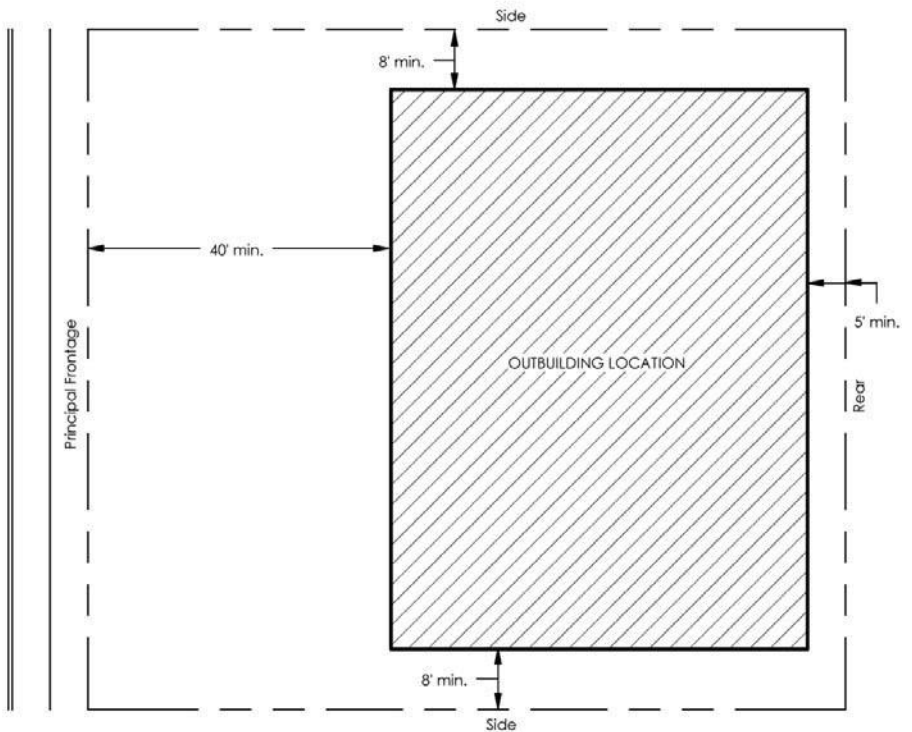
Building Placement (primary form)

1. The Primary building form shall be located on the lot in relation to its property line and setbacks as shown.
2. The Primary building form shall be setback 20' min. to 24' max. from the principal frontage.
3. Porches on the principal frontage may encroach the setback a maximum of 10'
4. Encroachments - Bays and balconies may encroach principal frontage, side and rear a max. of 3'. Steps on principal frontage may encroach setback a max. of 13'.
5. The maximum lot coverage shall be 50% of the total lot area. Porches located on the principal frontage are excluded from this calculation.



Building Placement (outbuilding)

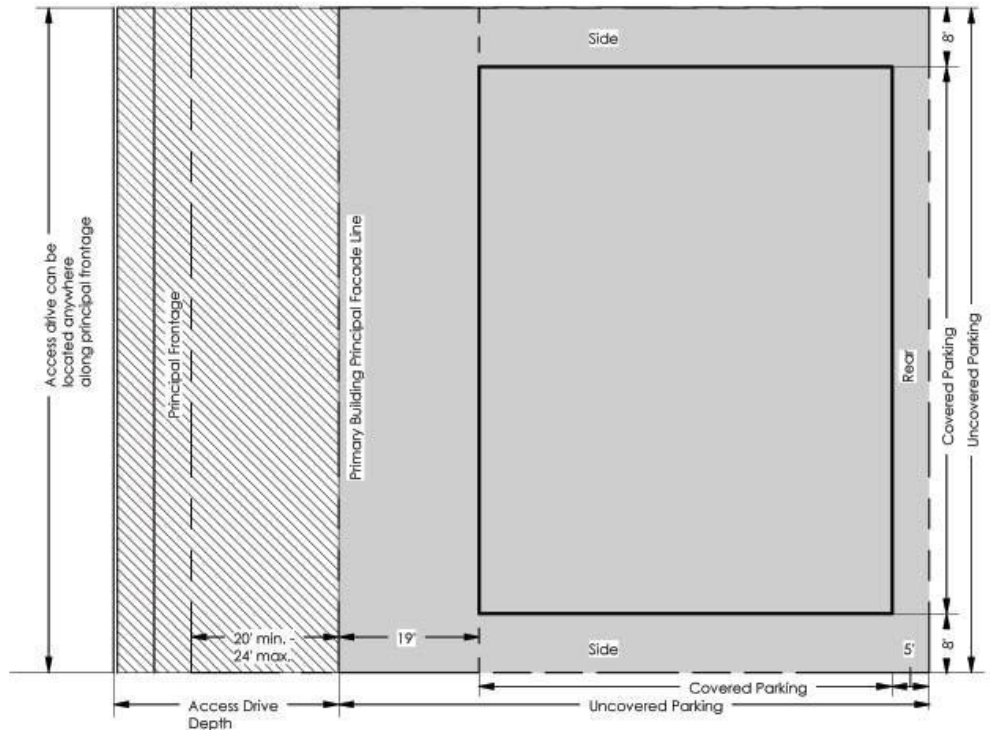
1. The outbuilding form shall be located on the lot in relation to its property line as shown
2. Outbuilding to be separated from primary form by a minimum of 5'. Outbuilding may be attached to primary form by an enclosed single story link form



BUILDING TYPOLOGY HYBRID UPPER BUG
mid-block condition

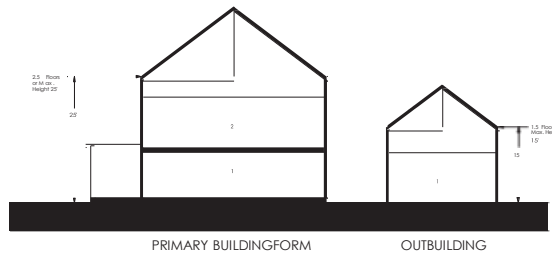
Parking

1. A minimum of two parking spaces shall be provided within the outbuilding.
2. Uncovered parking may be provided in the areas indicated. Uncovered parking shall be screened from adjacent properties in rear and sides.
3. Drive Access area from street shall be located on principal frontage. This area shall not be used for parking.
4. Drive access may be located anywhere in area shown but may not exceed 12' in width for a distance from public road edge to sidewalk edge adjacent to property line. Drive Access may widen after this point to a max. width of 24'
5. Trash containers shall be stored in the uncovered/covered parking zone(s). Containers shall be screened from view.



Building Height(s)

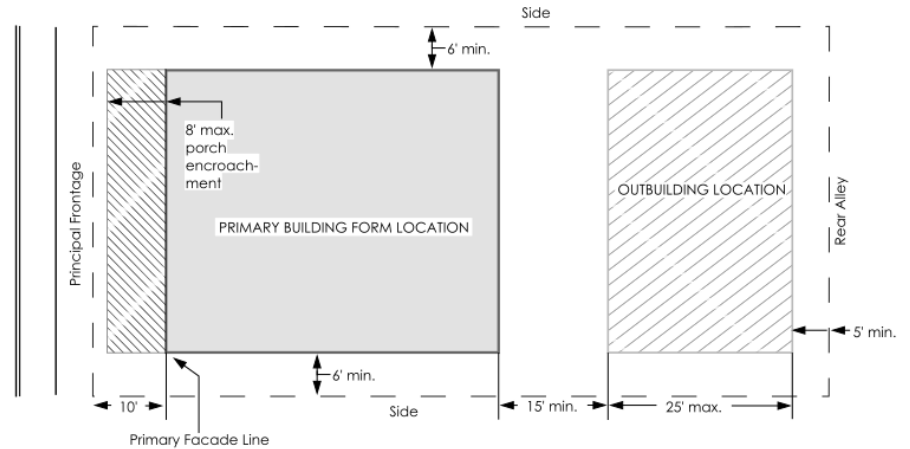
1. Building height shall be measured relative to the principal frontage sidewalk average elevation.
2. Building height shall be measured to the eave or parapet as shown.
3. The first floor elevation shall be 1'6" above principal frontage sidewalk.
4. Garage floors may be at grade.
5. Fences may be installed per requirements of the Architectural Regulations.



BUILDING TYPOLOGY LIVE - WORK

Building Placement (primary form and outbuilding)

1. The Primary building form shall be located on the lot in relation to its property line and setbacks as shown.
2. The Primary building form shall be setback 10' from the principal frontage. Primary Facade must be located on the setback line.
3. Porches on the principal frontage may encroach the setback a maximum of 8'.
4. Encroachments - Bays and balconies may encroach principal frontage a max. of 5'. Steps on principal frontage may encroach setback a max. of 10'.
5. The maximum lot coverage shall be 50% of the total lot area. Porches located on the principal frontage are excluded from this calculation.

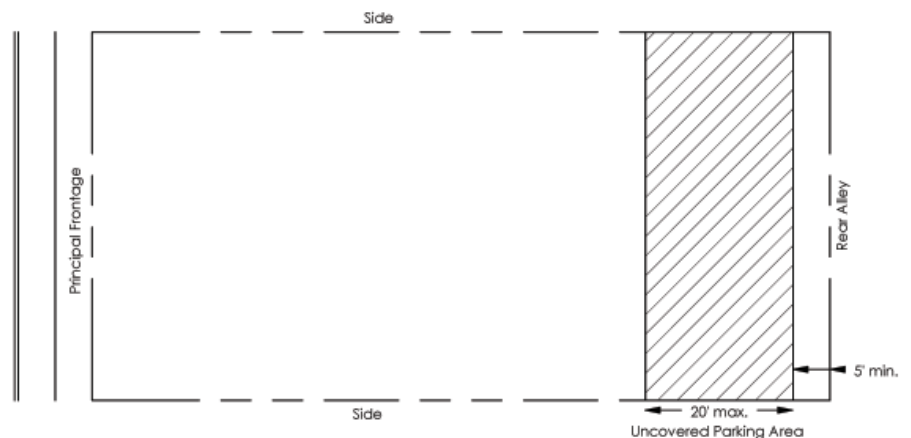


Building Placement (outbuilding)

1. The outbuilding form shall be located on the lot in relation to its property line as shown and have a max. footprint of 25' x 25'
2. Outbuilding to be separated from primary form by a minimum of 15'. Outbuilding may be attached to primary form by an enclosed single story link form with a max.

Parking

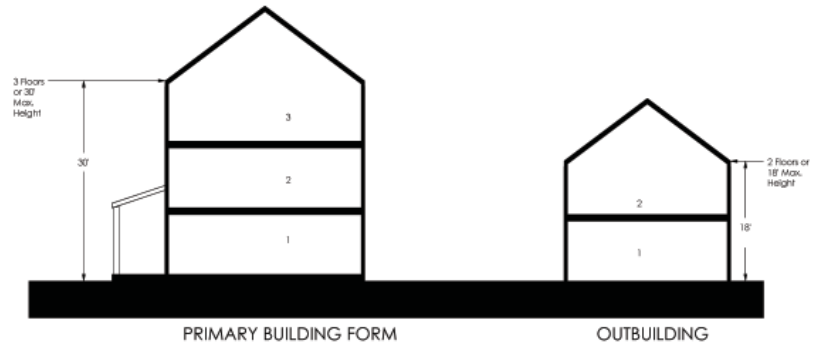
1. A minimum of two parking spaces shall be provided within the outbuilding.
2. Uncovered parking may be provided in the areas indicated. Uncovered parking shall be screened from adjacent properties on sides.
3. A min. of one uncovered parking space must be provided in area shown.
4. Trash containers shall be stored in the uncovered/covered parking zone(s). Containers shall be screened from view.



BUILDING TYPOLOGY LIVE - WORK

Building Height(s)

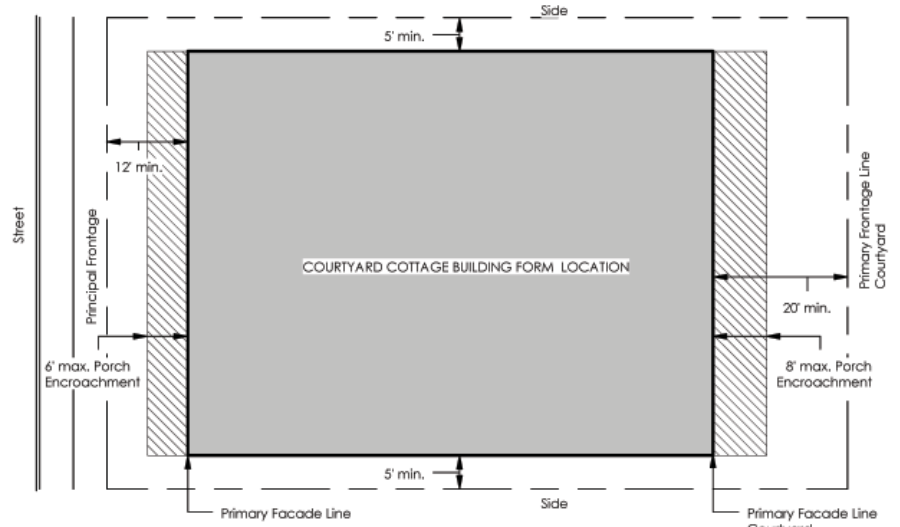
1. Building height shall be measured relative to the principal frontage sidewalk average elevation.
2. Building height shall be measured to the eave or parapet as shown.
3. The first floor elevation shall be 1'6" above principal frontage sidewalk.
4. Garage floors may beat grade.
5. Fences may be installed per requirements of the Architectural Regulations.



BUILDING TYPOLOGY COURT YARD COTTAGES

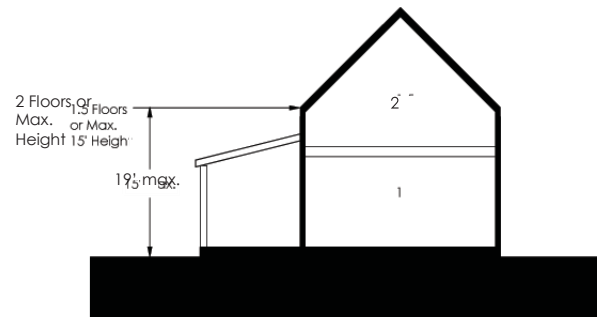
Building Placement (primary form)

1. The Primary building form shall be located on the lot in relation to its property line and setbacks as shown.
2. The Primary building form shall be setback 20' min. on the courtyard side and 12' min. on the street side.
3. Porches on the principal frontage (street and courtyard) may encroach the setback a maximum of 6' and 8' respectively
4. Encroachments - Bays and balconies may encroach principal frontage) a max. of 5'.
5. The maximum lot coverage shall be 80% of the total lot area.



Building Heights

1. Building height shall be measured relative to the principal frontage sidewalk average elevation.
2. Building height shall be measured to the eave or parapet as shown.
3. The first floor elevation shall be 1'6" above principal frontage sidewalk.



PRIMARY BUILDING FORM

Parking placement and Outbuilding

1. Parking and Outbuilding shall be in common area as described on plat layout

BUILDING TYPOLOGY MULTI-FAMILY

Building Placement (primary form)

1. Please reference City of Red Lodge Development code for building placement requirements

Outbuilding

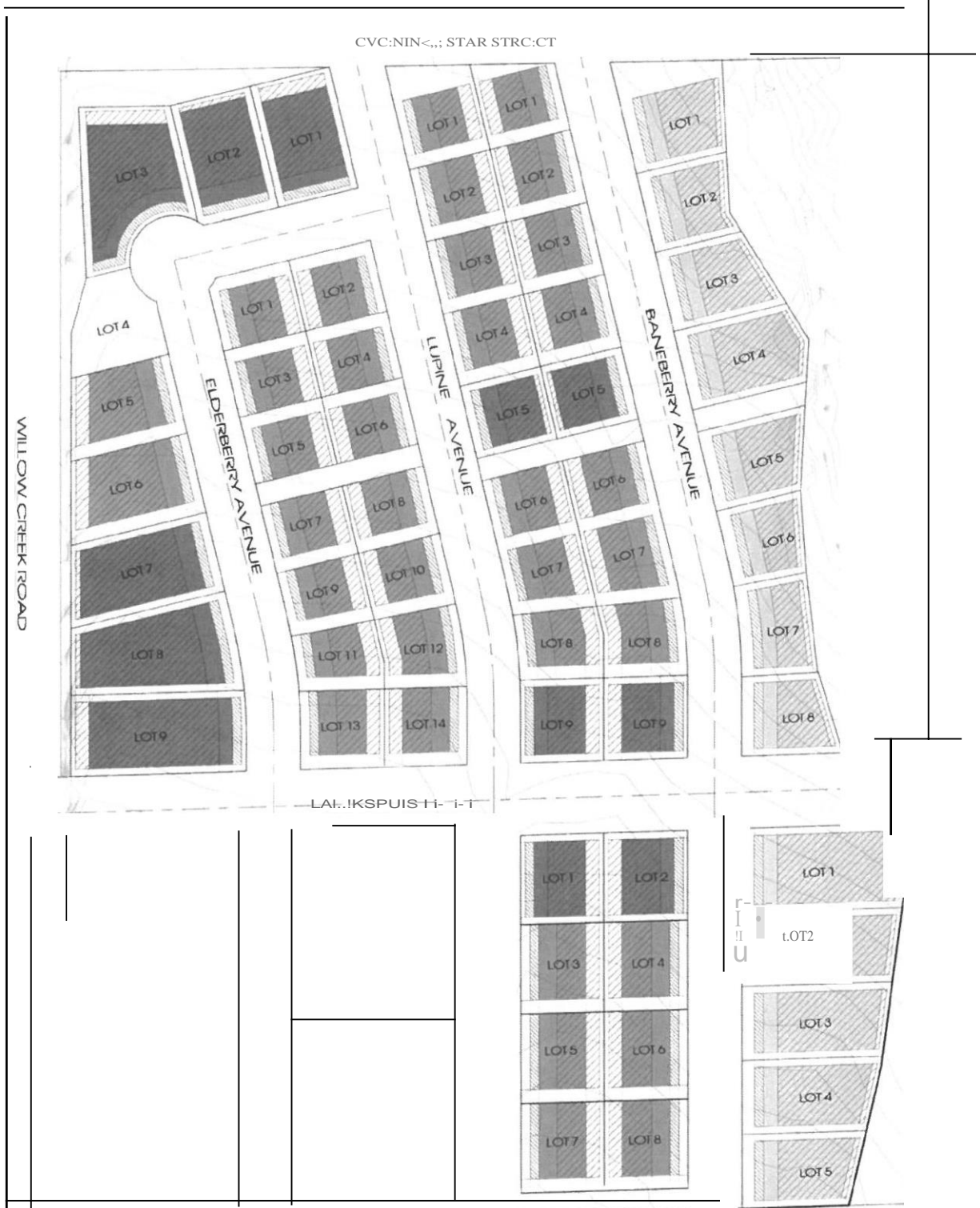
1. Please reference City of Red Lodge Development code for outbuilding requirements

Parking placement

1. Please reference City of Red Lodge Development code for parking requirements

Building Heights

1. Please reference City of Red Lodge Development code for building height requirements
-



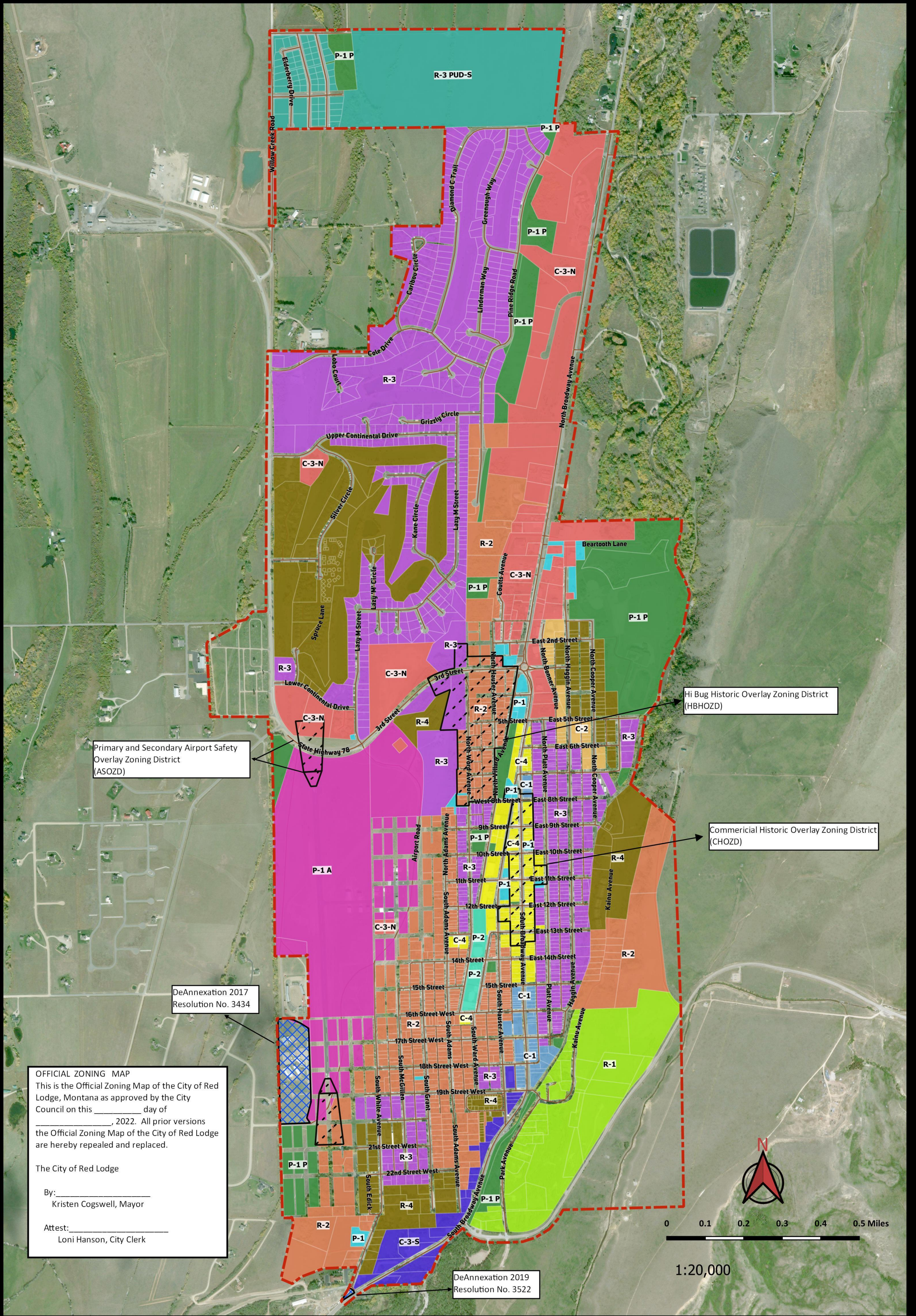
UPPER BUGH SINGLE FAMILY
 PATIO SINGLE FAMILY
 HYBRID UPPER BUGH SINGLE FAMILY

DENOTES OUTBUILDING
 BOUNDARY LOCATION
 OCCUPANCY LOCATION

PRIMARY BLDG FORM
 BOUNDARY LOCATION
 NOTE: REFERENCE BLDG
 TYPOLOGY DIAGRAMS

N
 EB

PHASF1A&18
 OF THE SPIRES
 AT 10000 W. ALPINE DRIVE
 SUBDIVISION



OFFICIAL ZONING MAP
 This is the Official Zoning Map of the City of Red Lodge, Montana as approved by the City Council on this _____ day of _____, 2022. All prior versions of the Official Zoning Map of the City of Red Lodge are hereby repealed and replaced.

The City of Red Lodge

By: _____
 Kristen Cogswell, Mayor

Attest: _____
 Loni Hanson, City Clerk



City Boundary	Community Entrance North (C-3-N)	Medium Density Residential (R-3)
Airport (P-1 A)	Community Entrance South (C-3-S)	Medium Density Residential, Planned Unit Development (R-3 PUD-S)
Central Business (C-4)	Dedicated Park (P-1 P)	Public Use (P-1)
Central Business Transition (C-1)	High Density Residential (R-4)	Public Use (P-2)
Commercial Mixed Use (C-2)	Low Density Rural Residential (R-1)	
	Low Density Urban Residential (R-2)	

Map Scale 1:20,000 or 1in=1,667 feet	Revision Date February 25, 2022	Cartographer Courtney Long
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Appendix 3-BUG Rating System and Nighttime LED Lighting

Copied from "Take 3 Lighting: Energy Efficient Lighting Solutions & Supply" (<https://www.takethreelighting.com/bug-rating.html>)

Quality lighting becomes even more important when you're outdoors. When the sun goes down, it is the only thing separating you from total darkness. But that lighting needs to be usable, as excessive amounts of stray light will send illumination every place except where you need it. Using the BUG exterior system can help you choose the best exterior lighting for street lights, area lights, walkway lights, wall packs, and other systems while reducing wasted light and light pollution.

What is a BUG Rating?

The BUG lighting classification system is a useful measurement of nighttime luminaire performance. The system was developed by the Illuminating Engineering Society (IES) and the International Dark Sky Association as a way of evaluating any outdoor light fixture. It was first added to the Luminaire Classification System (LCS) in 2009, replacing the previous system that was mainly geared toward street lights.

In the case of these ratings, the word "BUG" is an acronym for **Backlight, Uplight and Glare**. All three are forms of stray light that can be emitted from a fixture. Although each does have positive uses in certain applications, they are generally considered "bad" light, as they often are not light you can practically use. But each is noticeably worse for some tasks than others, and the BUG rating helps to quantify this.

LED Fixture Backlight (B)

Backlight, also known as light trespass, refers to the light emitting from behind a fixture. This light usually protrudes outwards or towards the ground, illuminating an area that is not intended to be illuminated. Backlight is great when you're talking about improving the visibility of wristwatches or viewing your smartphone. But when you can't sleep at night because of the light shining out from behind a streetlight into your room, you might think twice about enjoying backlight. In order to get more light to head towards the front, manufacturers can use optics, reflectors, or glare shields to redirect it.

Luminaire Uplight (U)

Uplight is the light that shines upwards from a fixture towards the sky — hence the alternate term "skyglow". This stray light is responsible for the light pollution often seen in large cities. In exterior lighting, any uplight is wasted light, as it is not going towards where people are. It will also block out the view of the stars and moon. Skyglow can be cut down by fully shielding your fixture and by making sure it's pointed towards the ground. This will also reduce energy use and cost. The IDA is particularly concerned with limiting uplight so more people can enjoy the stars at night.

Nighttime Glare (G)

Glare, or forward light, is sometimes called "offensive light" because that's exactly what it does for most people. This light, which can be reflected or directed, makes it very difficult for people to see — especially when it shines directly into their eyes. It is especially dangerous when operating a motor vehicle at night. Glare can be reduced by using lights that aren't as bright or by selecting a light with a distribution pattern that's appropriate for your intended use.

How to Calculate a BUG Rating

The BUG system might seem complicated at first, but it actually has an intuitive setup. Every zone of stray light is divided into subzones as follows:

Backlight Subzones

- BVH: Backlight Very High (80-90 degrees)
- BH: Backlight High (60-80 degrees)
- BM: Backlight Mid (30-60 degrees)

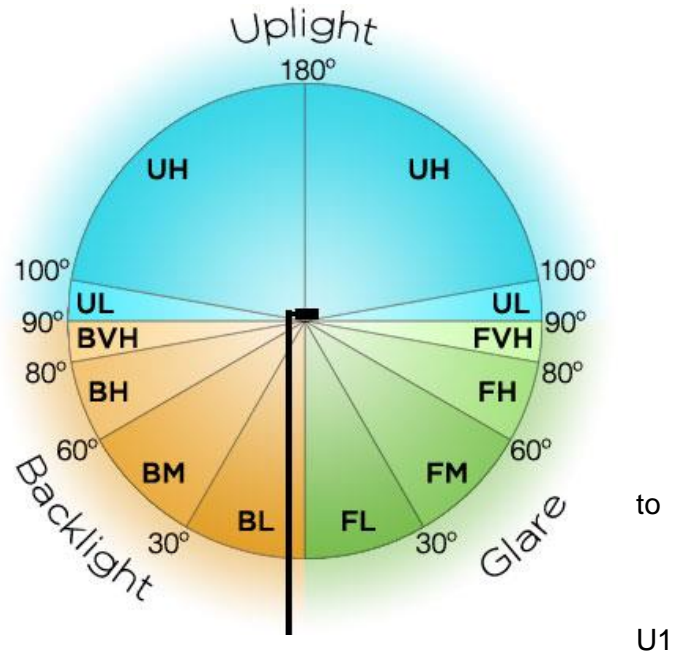
- BL: Backlight Low (0-30 degrees)

Uplight Subzones

- UH: Uplight High (100-180 degrees)
- UL: Uplight Low (90-100 degrees)

Glare Subzones

- FVH: Forward light Very High (80-90 degrees)
- FH: Forward light High (60-80 degrees)
- FM: Forward light Mid (30-60 degrees)
- FL: Forward light Low (0-30 degrees)



The subzones are individually rated on a scale from 0 to 5, going from lowest to highest luminous flux. The highest rating of a subzone is considered the overall rating for that zone, and these readings are compiled into the BUG lighting classification: for example, B3 G0. The tables below, which are based on the standards established by the IES, show the thresholds for each subzone.

Table 1: Backlight Ratings (in lumens)

		B0	B1	B2	B3	B4	B5
Backlight	BH	110	500	1,000	2,500	5,000	>5,000
	BM	220	1,000	2,500	5,000	8,500	>8,500
	BL	110	500	1,000	2,500	5,000	>5,000

Table 2: Uplight Ratings (in lumens)

		U0	U1	U2	U3	U4	U5
Uplight	UH	0	10	50	500	1,000	>1,000
	UL	0	10	50	500	1,000	>1,000

Table 3: Glare Ratings for Asymmetrical Fixtures (in lumens) (Type I, Type II, Type III, Type IV)

		G0	G1	G2	G3	G4	G5
Glare	FVH	10	100	225	500	750	>750
	BVH	10	100	225	500	750	>750
	FH	660	1,800	5,000	7,500	12,000	>12,000
	BH	110	500	1,000	2,500	5,000	>5,000

Table 4: Glare Ratings for Quadrilateral Symmetrical Fixtures (in lumens) (Type V, Type V Square)

		G0	G1	G2	G3	G4	G5
	FVH	10	100	225	500	750	>750

Glare	BVH	10	100	225	500	750	>750
	FH	660	1,800	5,000	7,500	12,000	>12,000
	BH	660	1,800	5,000	7,500	12,000	>12,000

BUG Rating Example

Let's assume we have an 80-watt LED outdoor area light, equivalent to a traditional 250W metal halide fixture, with a Type IV forward throw distribution. Based on photometric tests, the luminaire has the following zonal lumen distribution:

Backlight	Lumens
BL	985
BM	930
BH	136
BVH	16
Uplight	
UL	0
UH	0
Glare/Forward Light	
FL	1618
FM	6093
FH	3748
FVH	27

Calculate Backlight

Find the lowest B rating where the lumens for the secondary solid angles do not exceed the threshold lumens from Table 1. The subzone that has the highest rating determines the overall rating. In this case, the backlight rating would be B2 based on the BL lumen limit.

Calculate Uplight

Find the lowest U rating where the lumens for the secondary solid angles do not exceed the threshold lumens from Table 2. The subzone that has the highest rating determines the overall rating. In this case, the uplight rating would be U0 based on the UH and UL lumen limits.

Calculate Glare

Find the lowest G rating where the lumens for the secondary solid angles do not exceed the threshold lumens from Table 3 or 4, depending on the light distribution of the fixture. In this case, the fixture has an asymmetrical distribution pattern of Type IV, so we'll use Table 3. The subzone that has the highest rating

determines the overall rating. In this case, the glare rating would be G2 based on the FH lumen limit.

Therefore the combined BUG rating for this fixture would be: B2 U0 G2

The Future of BUG

BUG is a relatively new light rating, and as such, it is not currently required for manufacturers. However, some have already begun to use the system independently, and it is expected that its use will continue to rise. If you see an LED luminaire with a BUG rating, you will know the manufacturer is making a concerted effort to produce lights that are more effective.