

ORDINANCE No. 927-1st Amendment

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND ORDINANCE 927 PERTAINING TO LAND-USE AS GOVERNED IN TITLE 12 – DEVELOPMENT, CHAPTER 4 – ZONING REGULATIONS

WHEREAS, § 76-2-301 et. seq. of the Montana Code Annotated authorizes the City of Red Lodge to adopt and enforce local zoning regulation to promote the public health, safety, morals, or the general welfare of the community; and

WHEREAS, The Montana Code Annotated allows municipal governments to regulate and restrict, among other things, the uses and intensity of use of the land; and

WHEREAS, It is in the public and private interest for the City to establish use controls that limit the density of population; and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; and

WHEREAS, The Red Lodge City Charter provides for the exercise of self-government powers; and

WHEREAS, The Red Lodge Planning Board and Zoning Commission in concert with public comment caused to be prepared the updated Draft Zoning Regulations detailed in Exhibits A-C, as attached hereto for Domestic Hoofed Animals; and

WHEREAS, The Planning Board and Zoning Commission did on May 10, 2017 hear the proposed draft regulations; and

WHEREAS, The Planning Board and Zoning Commission on a unanimous roll call vote recommended that the City Council adopt the Draft Zoning Regulations; and

WHEREAS, The City Council did conduct a duly noticed Public Hearing on June 13th, 2017 on the proposed Hoofed Animal Zoning Regulations detailed in Exhibits A-C, as attached hereto; and

WHEREAS, The City Council did at its duly noticed Public Hearing on June 13th, 2017 on the proposed Hoofed Animal Zoning Regulations find that the requirements of MCA 76-2-304 had been fully satisfied.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL:

1. The Municipal Code of the City of Red Lodge, Montana is hereby amended in those parts set forth below:

A. Title 12 – Development, Chapter 4 – Zoning Regulations, shall be amended regarding Domestic Hoofed Animals in accordance Exhibits A-C, as attached hereto; and

B. The Zoning Regulation chapters specific to the abbreviated amendments to the 2016 City of Red Lodge Zoning Regulations detailed in Exhibits A-C, as attached hereto, shall be finalized into their full form and kept on file at the Office of the Carbon County Clerk.

2. Repealer.

All other Ordinances, Resolutions, and Documents (exclusive of Ordinance 927) of the City of Red Lodge, Montana, pertaining to above noted Sections of the City Municipal Code specific to Domestic Hoofed Animals are repealed upon the effective date of this Ordinance.

3. Effective Date.

This Ordinance shall be effective 30-days after approval of second reading by the City Council of the City of Red Lodge, Montana.

First Reading by the Council on the 13th day of June, 2017.

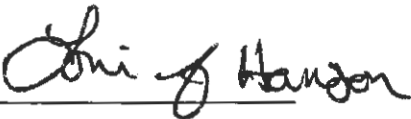
Second Reading by the Council on the 27th day of June, 2017.

PASSED and APPROVED this 27th day of June, 2017.

City of Red Lodge

By: 

Michael Schoenike, Mayor

Attest: 

Loni Hanson, City Clerk

Article 4.11.0 DEFINITIONS

4.11.40 Definitions

Animal, Hoofed Domestic: See Definitions at Section 4.4.22.L. (Conditional Uses) and Appendix 1, Spires PUD-S (Principal Uses)

Article 4.3.0 ZONING DISTRICT USES AND STANDARDS

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) guest house.

TABLE 4.3.62 Allowed Uses R-1		
Principal		
Single Family	Short-term Rental, See 4.4.33	Day Care, Family, See 4.4.22 (B)
Assisted Living, 8 or fewer persons served	Public Parks & Recreation	
Accessory		
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 Facility, See 4.4.32	Animals, See 4.4.22.L	

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

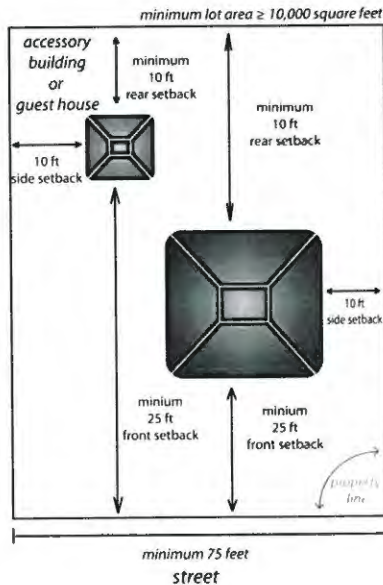
Drive-through facilities are prohibited in Residential Zoning Districts.

E. 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.

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



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 4.4.33	Day Care, Family, See 4.4.22 (B)
Assisted Living, 8 or fewer persons served		Public Parks & Recreation
Accessory		
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 D	Medical Office, See 4.3.74	Animals, See 4.4.22.L

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) 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.

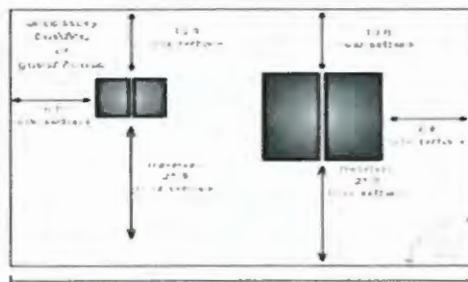
E. Office

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.

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



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 4.4.33	Day Care, Family, See 4.4.22 (B)
Assisted Living, 8 or fewer persons served	Public Parks & Recreation	
Group Home	2-family/duplex	
Accessory		
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 4.3.74 D	Medical Office, See 4.3.74	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.

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 4.3.84H)	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

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.

TABLE 4.3.92 Allowed Uses R-4		
Principal		
Single Family	Short-term Rental, See 4.4.33	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		
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 4.3.74 D	Medical Office, See 4.3.74	Animals, See 4.4.22.L

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

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

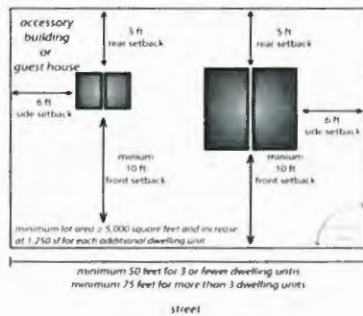
Drive through facilities are prohibited in Residential Zoning Districts.

G. 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 10 feet to remain consistent with neighboring properties.

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 4.3.94G)	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

R-4 Dimensional Standards Illustration



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 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 4.3.62. 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 4.4.33	Government Buildings, Facilities	Public Parks & Recreation
Restaurant	Pharmacy	
Commercial Entertainment	Hotel, Motel, Lodging	
Accessory		
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	Drive-through facilities	Mobile Home /Manufactured Park See 4.4.22 D
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 4.4.30	Gambling as Tertiary Use	

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 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
Minimum 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

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, DryVit 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 4.9.72, 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.

J. Non-Residential Uses

Permitted commercial uses and all Conditional Uses that propose to construct or expand 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.

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 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 4.4.33	Government Buildings, Facilities	Public Parks & Recreation
Restaurant	Pharmacy	
Commercial Entertainment	Hotel, Motel, Lodging	
Accessory		
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 facilities	Distribution	School
Alcohol-Consumption/ Sales as a Secondary Use	Gambling as tertiary use	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.

4.3.133 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 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 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

Table 4.3.133 Dimensional Standards C-3-S	
Lot Standards	
Lot Area, min. square feet	NA
Lot Frontage, min. feet	NA
Minimum 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

cementitious board siding such as the brand name of Hardi-Plank) shall be used. Stucco, DryVit 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 4.9.72, 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 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.

Article 4.4.0 STANDARDS FOR SPECIFIC USES

4.4.20 Use Specific Standards

4.4.22 Specific Uses

L. 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:		
Avenues and Streets	Side Lot Line	Rear Lot Line
50' but no closer than front wall of the principal structure when a principal structure exists	100' 40' when contiguous with an Avenue or Street	100' 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 its 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 in 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; and
round pens, manure storage areas, parking area, fencing, and trailer parking areas, etc.;
- 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:
 - a) of failure to operate the CUP in accordance with the approved Conditional Use Permit;
 - b) of a chargeable offense regarding the mis-treatment of animals as determined by the City and/or Carbon County law enforcement authorities
 - c) of any form of cruelty to animals as set forth in the State law at MCA 45-8-211, as amended

