

CITY OF RED LODGE

1 PLATT AVENUE SOUTH, P.O. BOX 9, RED LODGE, MONTANA 59068



April 7, 2016

TO: Red Lodge City Council
Ed Williams, Mayor

FROM: James Caniglia,
City Planner
Peter A. Italiano,
Community Development Director

RE: 2016 Zoning Regulations Update
Project File: DR2016-001

OWNER / APPLICANT:
City of Red Lodge

CITY COUNCIL HEARING:

April 12, 2016 @ 7:00 p.m.

I. EXECUTIVE SUMMARY

The existing 2014 City Zoning Regulations and Zoning Map 8.0 are in need of an update. Both incorrect and out-of-date information made their implementation unnecessarily cumbersome for Staff, landowners, and applicants alike. In an effort to modernize the document and map, and provide a more user friendly platform for development applications, Staff and the Planning Board began the process to update the Regulations last Fall.

At its March 23, 2016 Public Hearing, the Planning Board unanimously recommended approval of the attached 2016 Update to the City Zoning Regulations, along with their associated Zoning Map 9.0. Planning Board Resolution 2016-01, with its formal recommendation is attached.

II. REQUEST

A. Specific Application Request

The request is for approval of Ordinance 925 to amend the current Municipal Code and adopt the proposed 2016 Zoning Regulations, including the updated Zoning Map 9.0, as recommended by Planning Board Resolution 2016-01.

Suggested Form of Motion:

1. I move to adopt Staff Report DR2016-001 as the Findings of Fact.
2. I move to approve and adopt Ordinance 925 to amend the current Municipal Code and adopt the proposed 2016 Zoning Regulations including the updated Zoning Map 9.0, as recommended by Planning Board Resolution 2016-01.

A. Process

Updates to the City Zoning Regulations and Map are a Legislative Process.

- The Planning Board with the assistance of Staff prepared the draft 2016 zoning regulations and an updated zoning map – version 9.0.
- The Planning Board conducted a duly noticed Public Hearing on the proposed regulations and map on March 23, 2016.
- The Planning Board, following the Public Hearing approved and adopted Planning Board Resolution 2016-01 which recommended that the City Council adopt the updated zoning regulations and map.
- The City Council will conduct a duly noticed Public Hearing to discuss the Planning Board recommendation; and to take action on Ordinance 925.
- Should the City Council recommendation or the recommendation with amendments pass on First Reading, another public hearing and Second Reading for adoption will be scheduled.
- If passed on Second Reading, the Regulations and Map would become effective 30-days following the date of the Second Reading.

RATIONAL BASIS OF ZONING:

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve point test that constitute the rational nexus/legal basis for the adoption of a zoning district, zoning regulations, or changes to zoning or zoning regulations. This rational nexus is called the “Lowe Test”.

I. Is the zoning in accordance with the Growth Policy:

- The proposed zoning regulations and map are based on the 2015 Growth Policy.

Finding: The recommended Zoning Regulations and Zoning Map 9.0 is in accordance with the Growth Policy and other adopted rules and regulations of the City of Red Lodge.

II. Is the zoning designed to lessen congestion in the streets:

- The regulations encourage compact walkable development throughout the City. One example of how this will be borne out can be seen in the proposed changes to parking standards.
- The regulations offer new potential for expansion on nonconforming lots and for nonconforming structures. The expanded uses will encourage higher density levels when compatible with neighboring properties which will encourage compact walkable development.
- The zoning regulations in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The recommended zoning regulations will lessen congestion in the streets by ensuring orderly growth and development in a manner consistent with the proposed zoning, and other regulations, adopted by the City of Red Lodge.

III. Is the zoning designed to secure safety from fire, panic, and other dangers:

- The recommended zoning regulations and zoning map will provide for consistency in development along with provision of police and fire protection.
- The recommended zoning regulations will incorporate enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Red Lodge.
- The recommended zoning regulations have provisions for lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the City from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare:

- The recommended zoning imposes setbacks, height limits and building restrictions in a manner aimed at promoting increase available daylight and fresh air flow for adjacent properties.
- The recommended zoning groups together like and consistent uses within existing neighborhoods.
- The recommended regulations restrict development in hazardous areas.

Finding: The grouping together of like and compatible uses promotes the health and general welfare of all citizens of the City of Red Lodge.

V. Is the zoning designed to provide adequate light and air;

- The recommended zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development in a manner aimed at promoting increase available daylight and fresh air flow for adjacent properties.
- The regulations implement and support the concept wherein the City of Red Lodge was developed historically on a North-South network with development facing East-West. The proposed zoning update continues to respect this paradigm. In doing so, as the City plans for growth the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The recommended zoning will insure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development to ensure a sustainable approach to growth management.

Finding: The existing standards of the recommended zoning will prevent the overcrowding of land.

VII. Is the zoning designed to avoid undue concentration of population;

- The recommended zoning is a holistic approach to land use regulation for the entirety of the City of Red Lodge and is not focused on any single special interest.
- The recommended zoning establishes areas that are suitable for exclusive residential, commercial and mixed uses.

Finding: The existing standards of the recommended zoning will prevent the undue concentration of population by encouraging the most appropriate use and residential density at any given location within the jurisdiction.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The recommended zoning maintains minimum standards for the provision of infrastructure such as roads, sidewalks, water, sewer, wire utilities and storm water management.
- The recommended zoning maintains two zoning districts for public facilities including schools, public buildings, public ownerships and parks. Parks are also allowed in numerous other districts in addition to the public districts. It is important to note that the P-1 zone is not exclusively a 'parks' zone but is intended to call out public ownerships in addition to dedicated parkland.
- The recommended zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Red Lodge while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the recommended zoning will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The proposed zoning maintains a series of overlay zones with special performance standards and tertiary regulations to ensure that clearly identified and historic neighborhoods remain intact.
- The proposed zoning imposes setbacks, height limits and building restrictions. These restrictions ensure compatible development in both the residential and commercial zones.
- The proposed zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods.
- The proposed zoning sets forth a strategy to promote usability of non-conformities. It established a new administrative process to ensure compatibility with adjacent existing uses.

Finding: The recommended zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The proposed zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhood.

- The recommended zoning will serve to implement the 2015 Growth Policy. It is important to remember that the preceding vintage of the current 2015 Growth Policy is the 2013 Growth Policy which was an update to the 2008 Growth Policy. The 2008 version represented a major turning point in the theory of land use, and land use regulation for the City of Red Lodge. While the Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction. The proposed zoning regulations and map reflect and fully support this change.

Finding: The recommended zoning update gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings:

- The proposed zoning groups together like and compatible uses and is consistent with the existing zoning in the various neighborhoods of the City of Red Lodge.
- The proposed zoning reinforces that commercial buildings will continue to have commercial potential.
- The proposed zoning reinforces that residential buildings will continue to be used for equal or greater potential residential purposes.
- The proposed zoning recognizes that buildings that are located in transitional areas have options either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property.

Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The proposed zoning and zoning map provide for use districts that group like and compatible uses.
- The proposed zoning and zoning map provide for transitional areas between uses that may be incompatible.
- The recommended zoning is consistent with the type of development that exists and is occurring in the neighborhoods within the City of Red Lodge.

- The proposed zoning recognizes that buildings that are located in transitional areas have options either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

C. Location

The proposed 2016 Zoning Regulations update affect all lands held within the Red Lodge City limits. A full sized copy of the official map is attached in your packet for a detailed review; and a pdf version is available on the City website.

D. Project Description

Last summer Staff and the Planning Board began the process to update the City Zoning Regulations. Formally the Planning Board work sessions began in the early Fall. Myriad work sessions were held and Public input was regularly received. Staff and the Planning Board also toured the City together to ensure the plethora of theoretical dialog was in sync with actual field conditions.

III. Attachments

- 2016 Zoning Regulations
- 2016 Zoning Map 9.0