

CITY OF THREE FORKS, MONTANA

ORDINANCE #404-2025

**AN ORDINANCE OF THE THREE FORKS CITY COUNCIL ADDING CHAPTER 22
“SOUTHEAST ZONING DISTRICT” TO TITLE 11 “ZONING REGULATIONS”**

WHEREAS, §76-2-301, MCA authorizes the City to establish zoning regulations. This includes regulating height, number of stories, size of buildings and other structures, percentage of lot occupied, size of yards/courts or other open spaces, density, and uses.

WHEREAS, the City of Three Forks completed an update to its Growth Policy in September 2022. The Zoning & Planning Board discussed in many meetings what it wished to update based on the policies in the revised Growth Policy.

WHEREAS, the property owner of land southeast of the existing City limits intends to annex roughly 350 acres to the municipality and develop.

WHEREAS, the City of Three Forks put a Request for Proposals out in 2024 to rewrite the City's Zoning Code. Lee Nellis was hired to perform the rewrite in conjunction with the City's already-appointed City Planner Randy Carpenter. Together, they began working with the Zoning & Planning Board to draft new regulations.

WHEREAS, the Zoning & Planning Board met starting in June 2024 to tour various subdivisions in the Bozeman area for inspiration to update the existing residential Code as well as draft a new chapter for property southeast of the existing city limits.

WHEREAS, the Zoning & Planning Board held meetings open to the public to discuss a zoning chapter specific to the southeast area on 10/1/2024, 10/17/2024, 11/21/2024, 12/12/2024, 1/27/2025, 2/20/2025, 3/24/2025 to refine the draft chapter, and finally on 4/22/2025 to forward a final draft to the City Council to be heard as an ordinance.

WHEREAS, all these meetings were advertised on the City's website, the City's Facebook page, emails sent directly from those who have signed to receive news on the City's website and MailChimp subscriptions, posted around town at the three banks, City Hall window, and the Post Office, as well as a direct mailing sent to all property owners of the Ridgeview Subdivision prior to the 3/24/2025 meeting.

WHEREAS, pursuant to §7-1-4131, MCA notice of public hearings for the first and second readings of this ordinance addition were published in the Bozeman Chronicle on 4/29, 5/3, and 5/24/2025, in the Belgrade News on 5/1, 5/15, and 6/5/2025, and in the Three Forks Voice on 5/7/2025, as well as posted on the City website, City Facebook page, and around town at various physical locations.

NOW THEREFORE BE IT ORDAINED by the Three Forks City Council, that Title 11, Chapter 22 is added as follows:

TITLE 11, CHAPTER 22 SOUTHEAST ZONING DISTRICT:

11-22-1: PURPOSE:

The Southeast Zoning District (SED) is established to implement Three Forks' growth policy by guiding the development of an amenable, primarily residential neighborhood that:

- is compatible with adjoining land uses;
- uses site planning, architectural, and landscape design to achieve compatibility within the neighborhood;
- provides on-site infrastructure and improvements in compliance with state and local standards;
- contributes to off-site infrastructure in fair proportion to the demand it creates;
- relies on low-impact stormwater management to the extent feasible given the site's constraints;
- provides adequate, but not excessive parking, and off-street storage for recreational vehicles;
- continues Three Forks' historic residential neighborhood pattern of boulevards with street trees;
- is child- and pedestrian-friendly, allowing childcare uses, and providing bicycle and pedestrian access throughout, as well as a connection to the regional trail system;
- is organized around focal points that include neighborhood parks or playgrounds, community gardens, or similar activity centers;
- offers a variety of housing choices; and
- addresses the need for housing affordable to the people who make Three Forks work, for example city employees, schoolteachers, and hospitality workers.

The SED will be a residential neighborhood, but low-impact commercial uses may be permitted to buffer the neighborhood from incompatible neighboring uses and the adjacent transportation corridor.

11-22-2: BOUNDARIES:

The boundaries of the SED are as shown on the Official Zoning Map of the City of Three Forks.

11-22-3: PERMITTING PROCESS:

- A. Approval of the proposed annexation and subdivision of the area within the SED shall be based on a finding of compliance with the regulations adopted or referenced in this chapter.
- B. Conditions may be imposed upon approval of the proposed annexation and subdivision of the area within the SED. All conditions must be based on specific standards adopted or referenced in this chapter.
- C. Subsequent development will require only a zoning permit issued by the Staff upon finding that it complies with all standards of these regulations, and the terms and conditions of the annexation agreement and subdivision approval.
- D. The Staff may seek the advice of the Planning and Zoning Board before making the decision to approve or deny a zoning permit. Such consultations must occur at the first Board meeting after the application for a zoning permit is filed and for which proper notice of the consultation as an agenda item can be posted.
- E. Any proposal to change an approved subdivision plat must meet all requirements of this chapter and the city's subdivision regulations.
- F. Any proposal to alter the terms of an approved annexation agreement must be reviewed and approved by the City Council.

11-22-4: PERMITTED USES:

- A. Dwellings at a minimum density of five (5) dwelling units per buildable acre, in any building form that complies with the standards of this chapter. The maximum density of dwellings shall be 12 dwelling units per buildable acre.
- B. Childcare with valid state licenses and in continuing compliance with state and local regulations and this Code.
- C. Home businesses in continuing compliance with this Title, and Title 4;
- D. Customary accessory uses and structures, including accessory dwelling units as mandated by state law;
- E. Off-street parking in compliance with the standards of this Title;
- F. Infrastructure, including but not limited to neighborhood parks and utilities, that serve the neighborhood.
- G. Low-impact commercial uses that buffer the neighborhood from potentially incompatible uses. Low-Impact Commercial Development permitted in the SED must be amply buffered from adjoining or nearby residences, single-story, and built with non-reflective materials in muted colors. **It must not:**
 - attract heavy trucks onto residential streets or generate traffic inconsistent with the enjoyment of nearby homes and a pedestrian-friendly neighborhood;

- generate potentially adverse impacts on neighboring uses, including, but not limited to blowing dust, litter, or smoke; more than occasional noise or vibration (routine maintenance and repair are allowed during daylight hours); odor, or runoff onto public ways or adjoining properties;
- have outdoor lighting that directs glare onto adjoining residential properties (functional and security lighting is permitted, but the application for a permit must show how it complies with this standard); or
- be classified as Group H Occupancies, as defined by the International Fire Code.

11-22-5: BUILDING HEIGHT:

The maximum building height in the SED is 24 feet to the eaves and 32 feet overall.

11-22-6: LOT COVERAGE:

- A. The maximum building coverage in the SED is 40%, except as provided by B, below.
- B. The application for annexation and subdivision may propose, and the city may approve specific exceptions to this standard on lots dedicated to, affordable housing.

11-22-7: SETBACKS:

- A. The minimum setbacks for principal buildings in the SED shall be: front – 15 feet, side – 5 feet, and rear – 15 feet.
- B. The minimum setback for accessory buildings or structures that rise above grade in the SED shall be: front – not allowed, side - 5 feet, rear – 5 feet.
- C. A deeper setback may be required as a condition of approval along any street that is expected to function as a collector at buildout, with the additional width required reflecting the anticipated traffic volume.
- D. Landscaped buffers required by Table 11-23-6.1 fulfill (are not in addition to) the setback requirements of A-C, above. Where the buffer requirement is greater than the setback requirement, the buffer requirement applies.
- E. Balconies, bay windows, eaves, and similar extensions of a building or structure that do not rest on the ground may extend no more than 40 inches into a required yard.
- F. Required yards may be used for parking, patios, and accessory structures within the setbacks provided by B above. Where not paved or otherwise covered, required yards shall be landscaped in accordance with the landscaping plan required in 11-23-2.

11-22-8: PERFORMANCE STANDARDS, COMPATIBILITY WITH ADJOINING USES:

A. The potentially adverse impacts of adjoining land uses must be effectively mitigated. The application for annexation and subdivision shall identify all adjoining land uses (existing and future, as allowed by the current zoning) that may adversely affect development in the SED. Proposed mitigation measures may include site planning (the arrangement of lots, streets, parking areas, open spaces, and buildings or building envelopes); landscaped buffers; berms, fences, or walls; and architectural features. Other mitigation measures proposed by the applicant may be found to be effective by the city.

B. The potentially adverse impacts of development in the SED on adjoining land uses (existing and future, as allowed by the current zoning) must also be effectively mitigated using any of the measures listed in A, above.

C. Approved mitigation measures are required improvements subject to continuing maintenance requirements.

11-22-9: COMPATIBILITY WITHIN SED:

A. The application for annexation and subdivision shall show how site planning, landscaping, and architectural design minimize potential land use conflict within the SED.

B. Potential land use conflict within the SED may be mitigated by conditions of approval that restrict operating and/or delivery hours.

C. Potential land use conflict within the SED may be mitigated by conditions of approval that restrict potential adverse impacts including blowing dust or litter, glare, noise, odor, smoke, and/or vibration.

11-22-10: CIRCULATION:

The application for annexation and subdivision must show how safe, effective access via driving, bicycling, and walking will be provided throughout the SED. It must also show how the neighborhood will be connected to the regional trail system.

11-22-11: PARKING:

A. The application for annexation and subdivision shall show how parking demand in the SED will be fulfilled in continuing compliance with Chapter 13 of this Title.

B. Too much pavement generates unnecessary stormwater runoff, increases the costs of cooling nearby buildings, and detracts from the pedestrian-friendly character called for in the SED neighborhood. A reasonable estimate of parking demand should be met, as required by A, above, but the city will not approve an application for annexation and subdivision that proposes more parking than is permitted by this Title.

C. There shall be safe pedestrian circulation within off-street parking areas that include 16 or more spaces.

D. Off-street parking areas that include 16 or more spaces shall be broken up by landscaping (see

Chapter 23) and effectively buffered by their location on the site, landscaped buffers, or screening.

E. Parking area landscaping should be integrated with stormwater management on the site as required by 11-22-14.

11-22-12: PEDESTRIAN-FRIENDLY DEVELOPMENT:

A. There shall be a direct pedestrian connection, ordinarily a sidewalk, between the sidewalk or trail serving the neighborhood and the main entrance of every principal building.

B. Cul-de-sacs shall have a bicycle/pedestrian connection wherever that enables a shorter travel time for bicyclists and pedestrians to other parts of the neighborhood.

11-22-13: OTHER ON-SITE INFRASTRUCTURE:

The application for annexation and subdivision shall show how water, wastewater, and private utilities will be provided throughout the SED in compliance with state, local, and utility standards.

11-22-14: STORMWATER MANAGEMENT (SWM)

A. The application for annexation and subdivision shall show how stormwater management (SWM) will be provided throughout the SED in compliance with state and local standards, using low-impact techniques, as feasible.

B. The application for annexation and subdivision shall show how stormwater management (SWM) is designed to be an asset in the proposed neighborhood. Filter strips, swales, grassed waterways and other channels, stormwater ponds, and other erosion and runoff control works shall be integrated with landscaped buffers, parking area landscaping, and other vegetated areas.

11-22-15: OFF-SITE INFRASTRUCTURE:

Development in the SED must pay impact fees as required by city ordinances.

11-22-16: NEIGHBORHOOD DESIGN:

A. The application for annexation and subdivision shall show how the SED neighborhood will be organized around one or more focal points. Focal points are spaces or facilities that are intended to bring neighbors together and may include parks, playgrounds, pools, community gardens, a neighborhood green or square, a community center, or similar activity centers.

B. The SED shall be served by one or more neighborhood parks that are within walking distance (2,640 feet) of every dwelling. The application for annexation and subdivision shall show the location of the proposed neighborhood parks and the facilities to be provided in them. It shall also show walking distance radii around the proposed park/s to demonstrate compliance with this standard.

C. Boulevards shall be provided along all streets as required by 11-23-15.

- D. Streetlights with full cutoff luminaires shall be provided throughout the SED.
- E. The application for annexation and subdivision shall show how off-street parking for recreational (and other excess) vehicles and boats will be provided to serve the SED neighborhood.

11-22-17: DESIGN AND CONSTRUCTION STANDARDS:

All required improvements must comply with the current edition of the City's *Standards for Design and Construction*.

SAVE AND EXCEPT for the addition described herein, this new Chapter is hereby confirmed and ratified as adopted.

1st Reading and Approval: DATED this 13th day of May 2025.

Mayor Randy Johnston

Attest: Crystal Turner, City Clerk

2nd Reading and Approval: DATED this 10th day of June 2025.

Mayor Randy Johnston

Attest: Crystal Turner, City Clerk