



CITY ZONING COMMISSION
CITY OF BILLINGS, MONTANA
TUESDAY, AUGUST 7, 2012

SUBJECT: Zone Change #901, EBURD Code Zone Change
THROUGH: Candi Beaudry, AICP, Planning Director
PRESENTED BY: Steve Zeier, TIF Coordinator

UPDATE FOR AUGUST 7, 2012

At the July 3rd meeting of the City of Billings Zoning Commission, the Commission voted to keep the public hearing open and delay action on Zone Change #901 for 30 days to August 7, 2012. Multiple concerns were brought to the Commission by several property owners that own property in the affected area and the Zoning Commission voted to continue the hearing to allow for more dialogue between those who testified and city staff.

Over the last thirty days, staff has had multiple meetings with property owners in the Rail Spur Village Main Street corridor and the 13th Main Street Corridor. The property owners and the BIRD, Inc. Board of Directors have also held multiple meetings to make their concerns known and all parties are currently working on proposed changes to the draft document. These changes will be provided at the August 7th meeting and are outlined below:

LISTING OF PROPOSED CHANGES

Page 7, Under Vehicle Service add “permitted” to Rail Spur Village Main Street and 13th Street Main Street.

Page 7, Under General Manufacturing add “permitted” to 13th Street Main Street.

Page 7, Under Warehousing & Distribution add “permitted” to Rail Spur Village, Central Works, and 13th Main Street.

Page 7, Under Outdoor Storage of Material, add “permitted” to Rail Spur Village, Central Works, and 13th Main Street.

Page 11, Strike Section (s) subsection (1) & (2)

(1) Corner Lots. A corner lot shall not be used as a parking lot.

(2) Adjacent Parking Lots. Two (2) parking lots cannot be located directly adjacent to one another.

Page 55, Strike “Shall not project beyond the front edge of the canopy” from the Canopy Mounted Sign Table under the Placement on the Building or Site heading.

Page 57, Strike Section (2) (a)

“a. Multiple Tenants. Multiple tenant buildings on a lot with a width of greater than 300’ feet, measured across the front property line, may have signage with the following parameters:”

Page 57, Strike Section (2) (b)

“Pole-mounted Signs. monument signs may not be pole-mounted”, replace with “Display’s structure shall be monolithic and fully enclosed.”

Page 59, Strike (2) (c) (i)

“i. Residential District. “The sign may not be visible from any residential district.”

Page 59, Strike (2) (c) (ii)

“ii (1st Avenue North or 4th Avenue North)

Page 59, Under the Pole Mounted Sign Requirements Table Strike “40 sq ft maximum area per opposite sign additional 10 sq ft area (for a total of up to 50 sq ft) per sign face permitted by Special Review.”

Page 59, Under the Pole Mounted Sign Requirements Table Strike “6’ minimum clearance from bottom of sign to ground; Each pole shall have a maximum diameter of 6 inches”

REQUEST

This is a City initiated zone change which includes a map amendment and a text amendment for a 400-acre urban renewal area known as the East Billings Urban Renewal District (EBURD). The zoning amendment includes a change from the existing districts of Controlled Industrial (CI), Heavy Industrial (HI), Neighborhood Commercial (NC), Community Commercial (CC), Residential 6,000 (R-60) and Highway Commercial (HC) to EBURD Railspur Village (EBURD RSV), EBURD Rail Spur Village Main Street (EBURD RSVMS), EBURD Central Works (EBURD CW), EBURD 13th Main Street (EBURD 13th), and EBURD Industrial Sanctuary (EBURD IS). The amendment will add a new section to the Zoning Regulations that specifies the land uses, building types, signage allowances, landscaping requirements and location specific street improvements for these new districts.

RECOMMENDATION

The Planning Division is recommending approval.

APPLICATION DATA

OWNER:	Varied
AGENT:	None
LEGAL DESCRIPTION:	See Attachment D for Full Legal Description
ADDRESS:	East Billings Urban Renewal District
CURRENT ZONING:	Controlled Industrial, Heavy Industrial, Highway Commercial, NC, CC, R-60

PROPOSED ZONING: EBURD RSV, EBURD RSVMS, EBURD CW, EBURD 13th.
EBURD IS
EXISTING LAND USE: Varied
SIZE OF PARCEL: Approximately 400 acres

APPLICABLE ZONING HISTORY

Subject Property

Approximately 400 acres of CI, HI, HC, R60, NC, & CC

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: NC & R-60
Land Use: Residential & Commercial north of 6th Ave n
SOUTH: Zoning: HI & CI
Land Use: Railroad Corridor
EAST: Zoning: CI in the county & Public
Land Use: MetraPark & Commercial
WEST: Zoning: CBD
Land Use: Commercial & Residential

BACKGROUND

Form-based codes replace conventional zoning, which is focused on uses and numerical standards, and instead focuses on the physical form of a property to encourage compatibility of the structures. Form-based code is a more flexible tool to shape the character and composition of a community. In the EBURD, this code is proposed to be the foundation for revitalization as called for in the EBURD Master Plan. As this is a tool used only in the EBURD at this point, the name of EBURD Code is to be used.

Definition of a Form-Based Code

Form-based codes foster quality public and private spaces by physical form rather than separation of uses as the organizing principle for the code. They are regulations, not mere guidelines, adopted into a designated area of a city. Form-based codes offer an effective alternative to conventional zoning. Form-based codes address the relationship between building facades and the public right-of-way, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and visuals. They are keyed to a regulating plan that designates the appropriate form and scale, and therefore, character of development.

This approach contrasts with conventional zoning's focus on the segregation of land uses. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested urban forms. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community plan that a code implements.

Form-based codes include the following elements:

- Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply based on clear community intentions regarding the physical character of the area being coded.
- Public Space Standards. Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- Building Form Standards. Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- Administration. A clearly defined application and project review process.
- Definitions. A glossary to ensure the precise use of technical terms.

Form-based codes may also include:

- Architectural Standards -regulations controlling external architectural materials and quality.
- Landscaping Standards - regulations controlling landscape design and plant materials on private property as they impact public spaces.
- Signage Standards - regulations controlling allowable signage sizes, materials, illumination, and placement.
- Infrastructure Standards - regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.

Example of how this Form Based Code could be used for the EBURD

Under form-based code, all of the scenarios below would be required to conform to the form decided by the landowners, stakeholders, and community during the drafting of code. . The form includes provisions for setback and height primarily, with some consideration for the façade of a building and the lighting of the building as it relates to the public right of way.

Expansion of an Existing Industrial Land Use

A light manufacturer and retail business wants to expand its current facility that is zoned Controlled Industrial. The expansion would entail a doubling of the current work space and the addition of residential units to allow for a live-work environment. Under the current zoning this expansion would not be allowed. Form-based code would allow for this use as the control is the form of the property as opposed to the proposed land use.

Heavy Industrial Transition

A local scrap yard and recycling facility has been a legacy land use for many years. Market forces have gotten to the point that this property has been sold to a local developer for the purposes of a mixed use development that will include retail, commercial, office, and residential uses. The current zoning of the property would prohibit any other land use other than heavy industrial. Only a wholesale rezoning of the area would solve the problem. Under a form-based code this property could be developed if it met the prescribed form and not use.

Existing Business Expansion

A local transmission shop is currently located in a facility and it would like to expand its operation to increase capacity. The EBURD Master Plan contemplates this area to be a part of a residential type development. The property is in the transition zone from industrial land uses to a more mixed use type. Form-based code would allow for this expansion to fit the character of the surrounding development since the form-based code dictates how it will look as opposed to the

activity or use that is occurring. The code regulates the form making the project more compatible with neighboring structures and maintaining neighborhood character.

Residential Development Scenario

A vacant piece of property that has languished for decades in the EBURD is now seen as a good location for residential housing. The development would consist of a mix of housing types including small lot single family detached, duplexes, and multifamily town home or apartment buildings. It is important to note that under the current zoning code new multi-family residential development is NOT allowed and single family residential development must go through a Special Review. Any residential uses currently in the EBURD are classified as non-conforming use and cannot be replaced if destroyed or if a change of use occurs. Form-based code would allow for a mixed-use type of development. Form-based code allows for construction to occur with much less stringent setback requirements as well as a height restriction that has been agreed upon by the community of surrounding landowners during the drafting of the code. In addition, the façade of the building would be consistent in design to allow for more consistency and predictability in the design of all properties, not merely the residential.

RECOMMENDATION

The Planning Division is recommending approval.

ATTACHMENTS

Attachment A: Surrounding Zoning Map & Proposed Zoning Map & Aerial Photo

Attachment B: Zoning Commission Determinations

Attachment C: Site Photographs

Attachment D: Complete Legal Description

Attachment E: Draft Zoning Regulations EBURD Code

Attachment A: Surrounding Zoning
 Zone Change #901 – East Billings Urban Renewal District

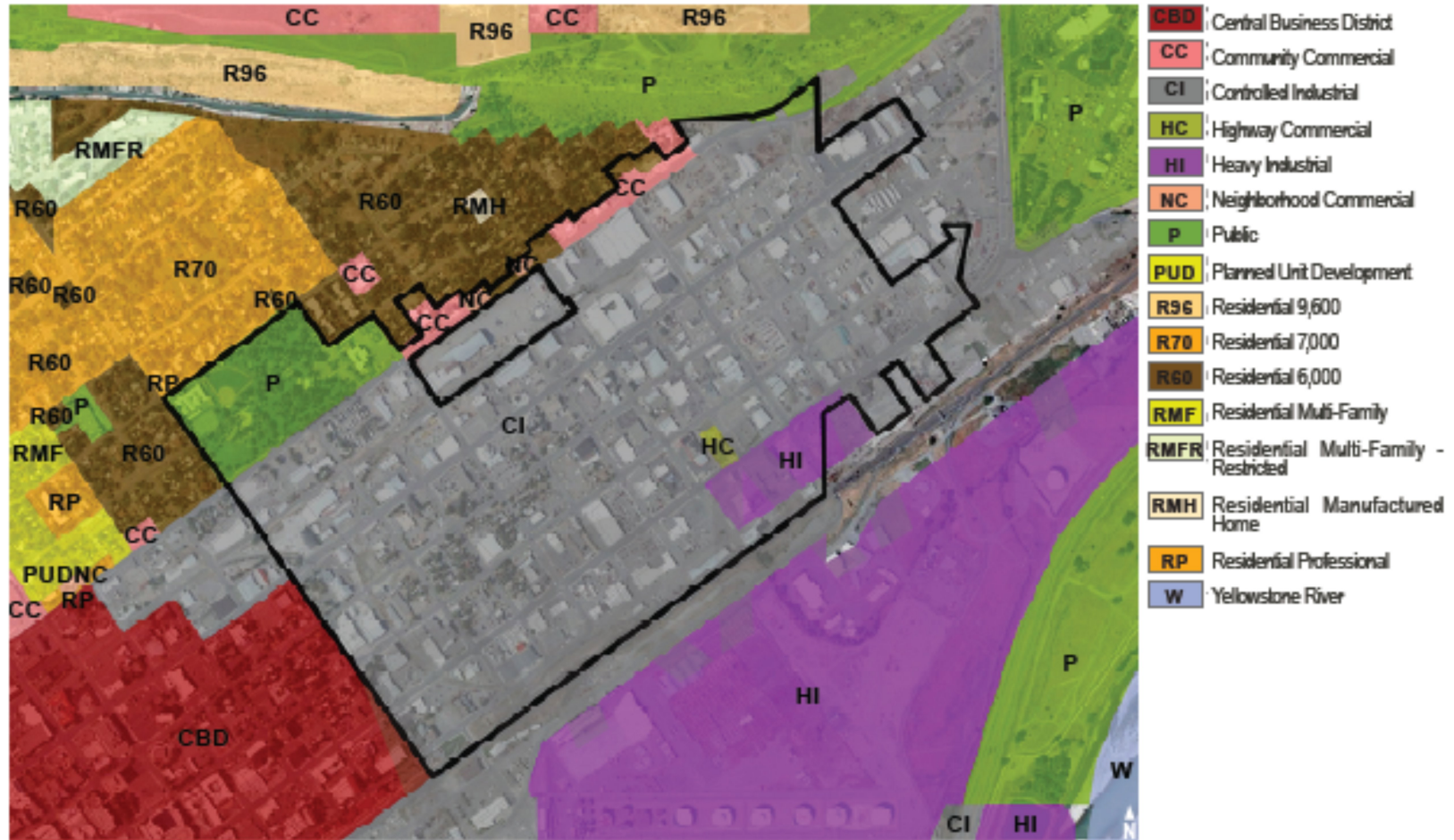


Figure 2.2-3 Zoning



Billings Industrial Revitalization District, Inc. BIRD

East Billings Urban Renewal District EBURD

13 May 2011

Attachment B

Zoning Commission Determinations

Zone Change #901 – EBURD Code

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would permit more land to be used for mixed use development and this is consistent with the neighborhood character and the planned development and redevelopment of the area. The proposed zoning is compatible with the existing uses adjacent in all directions.

- *More housing and business choices with each neighborhood. (Land Use Element Goal, page 6)*

The existing zoning is restrictive of the type of uses that can be allowed. The proposed zoning will allow more housing and commercial uses in the area as well as provide some protection for the land uses that are currently in place.

2. *Is the new zoning is designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks in a buildable area, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The City Fire Department will ensure safe access to the site and provision for minimum water fire flow to the new buildings.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. Lower density subdivisions increase response times by police and emergency service providers and stretch service delivery for other City services. The proposed zoning will increase the availability and variety of housing, commercial, retail and services options for Billings's residents in an area that is accessible near the downtown core.

4. *Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation: The proposed zoning may have some impact on the surrounding streets depending on the nature of the development. New development that generates 500+ new vehicle trips per day will require a Traffic Accessibility Study (TAS).

Water and Sewer: The City provides water, storm water, and sewer to many of the properties in the EBURD at this time. Additional infrastructure improvements are needed to foster expansion and redevelopment in the area.

Schools and Parks: There may be impacts to schools from the proposed zone change. The property is in SD#2 and it will serve any students in the EBURD.

Fire and Police: The subject property is currently served by the City Public Safety Services.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning provides for sufficient setbacks in the buildable area to allow for adequate separation between structures and adequate light and air.

6. *Will the new zoning effect motorized and non-motorized transportation?*

The proposed zoning may have some impact on the surrounding non-motorized transportation depending on the nature of the development. It should be noted that the Streets Section of the code has provisions for on street bike lanes and boulevard sidewalks to provide for greater safety and protection for non-motorized transportation. New development that generates 500+ new vehicle trips per day will require a Traffic Accessibility Study (TAS).

7. *Will the new zoning will promote compatible urban growth?*

The new zoning promotes compatibility with urban growth and promotes urban style growth and development. Lower density development is inefficient and ineffective in recovering the costs to extend city services. Higher densities of development, such as the proposed zoning, will allow the city to grow in a better urban pattern and form.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The proposed zoning does consider the character of EBURD and the suitability of the property for various uses. The Growth Policy and the EBURD Master Plan both encourage higher density housing in conjunction with a mixed use character that protects the current land use while still allowing for greater flexibility.

9. *Will the new zoning conserve the value of buildings?*

Yes, the new zoning will conserve the value of the properties in that it will allow for more flexible mixed used development, by right, than is currently allowed under the existing code.

10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*

The proposed zoning will permit denser development and allow more housing choices in the area. The new zoning will also help protect current land uses.

Attachment C, continued
Site Photographs, Zone Change #901 - EBURD Code



View south and west from 6th Ave N & N 10th



View North Park Posting at 6th Ave N & N 19th

Attachment C, continued
Site Photographs, Zone Change #901 – EBURD Code



View North & East at 3rd Ave N & N 22nd



View North at 1st Ave N & N 20th

Attachment D
Complete Legal Description

Railspur Village (EBURD RSV) on North Park Sub Block 1 - Lots 1-4 & 79-80; Billings 1st Add Block 275 - Lots 1-4 & 18-24; Billings 1st Add Block 274 - Lots 1-12 & 23-24; Billings 1st Add Block 273 - All Lots; Billings Original Town (BOT) Block 260 - All Lots & Abandoned Alley; BOT Block 261 - Lots 2 - 12 and Vacated N 19th St & East 1/2 Vacated Alley; BOT Block 262 - Lots 11-23 and West 1/2 Vacated Alley; BOT Block 263 - All Lots & Vacated N 21st between Blocks 262 & 263; MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - West 900 feet; BOT Block 14 - All Lots and Vacated Alley and East 1/2 Vacated N 22nd; BOT Block 37 Lots 17A & 18A; C/S 1513; BOT Block 38 - All Lots & Vacated Alley; BOT Block 64 - All Lots; MRL Property in S33, T01 N, R26 E Between 2nd Ave N and 3rd Ave N & N 20th & N 22nd; BOT Block 65 - Lots 13-24; BOT Block 66 - Lots 1-12; BOT Block 67 - Lots 13-24; BOT Block 83 - Lots 13-24; BOT Block 84 - Lots 1-12; BOT Block 85 Lots 13-24; BOT Block 86 - All Lots; MRL Property in S33, T01 N, R26 E Between 1st Ave N and 2nd Ave N & N 20th & N 22nd; MRL Property in S33, T01 N, R26E Between 1st Ave N and Montana Ave & N 20th & N 22nd; BOT Block 115 - Lots 13-24; BOT Block 117 - Lots 19-24; and BOT Block 118 - Lots 13-18.

Railspur Village Main Street (EBURD RSVMS) on MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 17th and N 22nd; BOT Block 115 - Lots 1-12; S33, T01 N, R26 E, MRL LEASE #501,406; Abandoned Portion of N 21st Between Blocks 115 & 116 South of MRL Land; BOT Block 116 - All Lots; S33, T01 N, R26 E, MRL LEASE # 501,252; S33, T01 N, R26 E, MRL LEASE #500256; BOT Block 117 - Lots 1 – 18; BOT Block 118 - Lots 1-12; BOT Block 119 - Lots 1-12; BOT Block 84 - Lots 13-24; BOT Block 85 - Lots 1-12; BOT Block 65 - Lots 1-12; BOT Block 66 - Lots 13-24; BOT Block 36 - Lots 13-24; BOT Block 37 - Lots 1-12; BOT Block 15 - All Lots, Vacated Alley and Vacated N 21st St; BOT Block 16 - All Lots & Vacated Alley; MRL Property S33, T01 N, R26 E Between N 18th and N 20th West 150 feet; BOT Block 261 - Lots 13-23 & West 1/2 of Vacated Alley; BOT Block 262 - Lots 2-10 & East 1/2 of Vacated Alley; and MRL Land in S33, T01 N, R26 E between N 20th and N 22nd - East 150feet.

Central Works (EBURD CW) on C/S 2124 Tr 2; Billings 1st Add Block 354; C/S 141 Lots 1 & 2; North Park Sub Block 5 Lots 1-3; North Park Sub Block 4 - Lots 1-8 & 23 – 32; North Park Sub Block 3 - Lots 1-4 & 44-47; North Park Sub Block 2 - Lots 1-6 & 61-66; Billings 1st Add Block 255, Lots 13-23 & West 1/2 of Vacated Alleys; C/S 326 and vacated N 14th Street; Billings 1st Add Block 256 & Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - West 530 feet; S33, T01 N, R26 E, MRL LEASE #233364 - West 250 feet; S33, T01 N, R26 E, MRL LEASE #229442; BOT Block 17 - All Lots; MRL Property S33, T01 N, R26 E Between N 18th and N 20th except West 150 feet; S33, T01 N, R26 E, MRL LEASE #501,277; BOT Block 18 - All Lots; BOT Block 19 - All Lots; BOT Block 20 - All Lots; BOT Block 21 - All Lots; MRL Land North of Blocks 18-20 to the City Limits; Vacated N 14th Street; BOT Block 22 - Lots 13A – 24; BOT Block 30 - Lots 13-24; BOT Block 31 - All Lots; BOT Block 32 - All Lots; BOT Block 33 - All Lots; BOT Block 34 - All Lots; BOT Block 35 - All Lots; BOT Block 36 - Lots 1-12; BOT Block 67 - Lots 1-12; BOT Block 68 - All Lots; BOT Block 69 - All Lots; BOT Block 70 - All Lots; BOT Block 71 - All Lots; BOT Block 72 - Lots 13-24; BOT Block 78 - Lots 13-24; BOT Block 79 - All Lots; BOT Block 80 - All Lots; BOT Block 81 - All Lots; BOT Block 82 - All Lots; BOT Block 83 - Lots 1-12; BOT Block 118 - Lots 19-24; BOT Block 119 - Lots 1A-2A & 19-24; BOT Block 120 - All Lots; BOT Block 121 - All Lots; and MRL Land in S33, T01 N, R26 E South of Montana Avenue & North of the Rail Tracks Between N 15th and N 17th.

13th Street Main Street (EBURD 13th) on Billings 1st Add Block 352, Lots 13 - 23 & West 1/2 of Vacated Alleys; Billings 1st Add Block 255, Lots 2-12 & East 1/2 of Vacated Alleys; MRL Land in S33, T01 N, R26 E BETWEEN N 13TH & N 15TH ST - East 150 feet; S33, T01 N, R26 E, MRL LEASE #233364 - East 150 feet; BOT Block 22 - Lots 1-12; BOT Block 30 - Lots 1-12; BOT Block 72 - Lots 1-12A1; BOT Block 78 - Lots 1-12; BOT Block 77 - Lots 13-24; BOT Block 73 - Lots 13-24; BOT Block 29 - Lots 13-24; BOT Block 23 - Lots

14-24; S33, T01 N, R26 E, MRL LEASE #501230 West 150 feet; and West 150 feet of MRL Property between N 13th and N 12th.

Industrial Sanctuary (EBURD IS) on C/S 1680; Billings 1st Add Block 353 - All Lots & Vacated Alleys; Billings 1st Add Block 352 - Lots 2-12 & East 1/2 of Abandoned Alley; Abandoned N 12th Street; S33, T01 N, R26 E, MRL LEASE #501230 East 1/2; East 900 feet of MRL Property between N 13th and N 12th; Billings Original Town (BOT) Block 23, Lots 1-11; BOT Block 24 - All Lots; BOT Block 25 - All Lots; BOT Block 27 - All Lots; LOTS 1-6 & 8-12 BLK 10 INDUSTRIAL SUB 2ND FILING; LOTS 7-11 BLK 10 INDUSTRIAL SUB 4TH FIL; BOT Block 28 - All Lots and Vacated Alley; BOT Block 29 - Lots 1-12; BOT Block 73 - Lots 1-12; BOT Block 74 - All Lots; LOTS 1-9 BLK 8 INDUSTRIAL SUBD 2ND AMEND; BOT Block 77 Lots 1-12; UNPLT FRAC ADJ 1ST & 12TH BLK 77; Industrial Sub 2nd Filing, Block 7 - All Lots; Industrial Sub 1st Filing, Block 3 - All Lots; Industrial Sub 1st Filing, Block 4 - All Lots; Industrial Sub 5th Filing, Block 4- All Lots; C/S 384; BOT Block 76 - All Lots; C/S 229; C/S 1758; S34, T01 N, R26 E, 73'X 140'N OF 1ST AV IN SWSWNW4; Exchange Sub, Block 1, Lots 1,2,4, and Lot 5 (portion within City Limits); BOT, Block 122 - All Lots & Vacated Alley; BOT, Block 123 - All Lots & Vacated Alley; S33, T01 N, R26 E, MRL LEASE #500099; and Vacated N 14th Between 1st Ave N & Montana Ave.

Attachment E
Draft Zoning Regulations EBURD Code