

Attachment B

Zoning Commission Determinations

Zone Change #934 – Text Amendment to allow Tow Trucks in Residential Zones

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 not 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 commercial tow trucks weighing as much as 19,500 pounds to be parked on any residential driveway throughout the city. This is not a predictable land use decision based on the intent of residential zones – to provide an area for the quiet enjoyment of residential living.

- *New development that is sensitive to and compatible with existing neighborhoods (Land Use Element Goal, page 6)*

The proposed text amendment does not meet the objectives of maintaining a high quality of life for existing residents and reducing conflicts between neighbors. Starting, running and warming up tow trucks on a residential neighborhood during overnight hours would tend to increase conflicts between neighbors and reduce the quality of life in those neighborhoods.

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

The new zoning would allow commercial tow trucks to park on residential driveways. Parking this type of equipment on a residential driveway may impede access to the dwelling unit depending on the layout of the site.

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

Public health, safety and general welfare will not be promoted in residential neighborhoods by allowing commercial tow trucks to park on driveways. Regular use of a residential street by higher weight vehicles will increase street maintenance costs. Regularly parking a commercial tow truck in a residential neighborhood will tend to depress the marketability of residential homes. Starting, running, and warming up commercial tow trucks adjacent to residential sleeping rooms and living areas would not promote the public health.

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

Transportation: The proposed zoning should have no impact on transportation.

Water and Sewer: The proposed zoning should have no impact on provision of water and sewer service.

Schools and Parks: The proposed zoning should have no impact on schools or parks.

Fire and Police: The proposed zoning should have no impact on the provision of adequate public safety services. The Association has pointed to a decrease in response times for towing vehicles to accident or emergency scenes as the motivation for the change in the zoning code. The call rotation service requires the business to be able to respond in 30 minutes or less. If the business cannot respond in

that time frame, the next company on the list is called. This standard and procedure will not change. Accident and emergency clearance services will not be enhanced or diminished. The ability of tow truck businesses to provide timely response will not be enhanced or diminished by this change to the zoning regulations. Commercial tow truck businesses are required to have an office and a storage yard for vehicles that are towed. These locations are in commercial zones. Tow trucks are stored here as well. Most residential zones are within 1-mile of a commercial zoning district.

5. *Will the new zoning provide adequate light and air?*
The proposed zoning may have a negative effect on air quality for at least brief periods of time in residential neighborhoods.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The transportation system in existing and new residential neighborhoods may be negatively affected by regular use of heavy tow truck traffic. Residential streets are not designed for regular use by commercial trucks.
7. *Will the new zoning will promote compatible urban growth?*
The new zoning does not promote compatibility with urban growth. The parking of tow trucks in residential neighborhoods would diminish the quality of life in these residence zones.
8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*
The new zoning does not consider the character of residential neighborhoods that are designed and intended for the quiet enjoyment of residential property.
9. *Will the new zoning conserve the value of buildings?*
The new zoning will not conserve the value of existing homes in residential neighborhoods. Parking 1 or more commercial tow trucks in a residential neighborhood would diminish the marketability of the adjacent homes.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*
The proposed zoning does not encourage the most appropriate use of residential land throughout the City.