

COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, <@Date@, 4:00 p.m.

**Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of December 8, 2014

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. This is a zone change that will amend Section 27-306 of the Unified Zoning Regulations for Billings and Yellowstone County to allow Dog Grooming in Neighborhood Commercial (NC) zoning districts. In 1997, when the City and County unified the zoning regulations, dog grooming was designated as an allowed use in only 4 zoning districts – Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI). Prior to 1997, the City Zoning Regulations did not allow dog grooming or other Animal Services (SIC 075) in the CC zone. Prior to 1997, the County Zoning Regulations did not list dog grooming as a use in any zoning district.

Other Business/Announcements

- a. Election of the 2014 Yellowstone County Zoning Commission Officers

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The Board of County Commissioners public hearing will be held on Tuesday, January 27, 2015, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us



County Zoning Commission

Meeting Date: 01/12/2015

SUBJECT: Zone Change 655 - Text Amendment - Allow Dog Grooming in NC zone

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

This is a zone change that will amend Section 27-306 of the Unified Zoning Regulations for Billings and Yellowstone County to allow Dog Grooming in Neighborhood Commercial (NC) zoning districts. In 1997, when the City and County unified the zoning regulations, dog grooming was designated as an allowed use in only 4 zoning districts – Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI). Prior to 1997, the City Zoning Regulations did not allow dog grooming or other Animal Services (SIC 075) in the CC zone. Prior to 1997, the County Zoning Regulations did not list dog grooming as a use in any zoning district.

RECOMMENDATION

The Planning Division is recommending approval.

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:

Land Use:

SOUTH:

Zoning:

Land Use:

EAST:

Zoning:

Land Use:

WEST:

Zoning:

Land Use:

BACKGROUND

Ed Jorden, DVM and Gerry Neumann, are partners in a new development project currently under construction on the north east corner of 32nd Street West and Central Avenue. The property is zoned NC. Several years ago, the City Council changed the zoning of this land from Residential 9,600 (R-96) to Neighborhood Commercial (NC) to facilitate the redevelopment and infill of this corner property. Mr. Neumann did not chose the CC zoning for the property because of the directly adjacent neighborhood and the possibility of high intensity uses allowed in the CC zone, such as bars, casinos, warehousing and other high traffic uses. Mr. Jorden currently has a veterinary practice located on Shiloh Road. Part of his business is provision of dog grooming services. Mr. Jorden would like to re-locate the dog grooming services to this new location. Mr. Jorden and Mr. Neumann were not aware of the prohibition on dog grooming in the NC zone. Mr. Jorden was advised the issue could be resolved by either changing the zoning of the property from NC to CC or requesting an amendment to the text of Zoning Regulations to allow this use in the NC zone. On November 24, 2014, the City Council voted to initiate the amendment to the zoning regulations.

The Planning Division considered the amendment and attached one criteria for this use within the NC zoning districts. The criteria is meant to prevent potential impacts to surrounding residences. The criteria prohibits any outdoor kennels or exercise areas associated with dog grooming in NC zoning districts.

SUMMARY

The Planning Division is recommending approval.

RECOMMENDATION

Attachments

Draft Amendment

Attachment A – Draft Resolution Zone Change #655

Final Resolution 15-_____

A RESOLUTION TO AMEND THE UNIFIED ZONING REGULATIONS FOR THE CITY OF BILLINGS AND YELLOWSTONE COUNTY JURISDICTIONAL AREA BY REVISING SECTION 27-306 – COMMERCIAL AND INDUSTRIAL USES - TO ADD LANGUAGE TO ALLOW DOG GROOMING IN NEIGHBORHOOD COMMERCIAL ZONING DISTRICTS AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS

WHEREAS, pursuant to Title 76, Chapter 2, Montana Code Annotated, the Board of County Commissioners of Yellowstone County, Montana, held a public hearing and adopted a resolution of intent on the 27th day of January, 2015, on the following proposed amendments and additions to the City of Billings – Yellowstone County Unified Zoning Regulations.

Section 1. That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be amended by revising Section 27-306 as follows:

Sec. 27-306. District Regulations: Commercial and Industrial Uses.

TITLES AND DESCRIPTION OF INDUSTRIES	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
SR - SPECIAL REVIEW A - ALLOWED									

07 AGRICULTURAL SERVICES (EXCEPT BELOW): – Offices only 0741 Veterinary services for livestock: – Boarding – Outpatient only 0742 Veterinary services for animal specialties: – Boarding – Outpatient only 075 Animal services, except veterinary (except below): – Dog grooming* – Public animal shelters * In NC zones no outdoor exercise areas or kennels allowed	A	A	A	A	A	A	A		A
		SR	SR	A	SR	A	A		SR
		A*	A	A		A	A	A	

WHEREAS, the Board of County Commissioner received and considered the recommendations of the City/County Planning staff and the Yellowstone County Zoning Commission on the proposed amendment and additions.

NOW, THERFORE, BE IT RESOLVED that it is the intent of the Board of County Commissioners that the above-described amendment to the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be adopted.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 3rd day of March, 2015.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund

James E. Reno

Bill Kennedy

(SEAL)
ATTEST:

Jeff Martin
Clerk and Recorder