



CITY COUNCIL WORK SESSION ITEM
CITY OF BILLINGS, MONTANA
Monday, April 3, 2017

TITLE: Unified Zoning Regulation Revisions
DEPARTMENT: Planning and Community Services
PRESENTED BY: Wyeth Friday, AICP, Director
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PURPOSE

The current zoning regulations adopted for the City date from May of 1972 – 45 years ago. Over the past several decades, the code has been amended, added to, and merged with the County’s zoning regulations. The document now spans more than 450 pages and represents volume-wise at least 1/3 of the entire current City Code. Over the decades, the policies and goals of the City and County have changed considerably but the essential tools the Council and community use to implement new goals and policies have remained essentially un-changed. It is time to address revising the zoning code to reflect where Billings is now and where it is going. Staff believes this entire code update process will take between 1.5 years and 2.5 years to be completed.

BACKGROUND

There are many challenges that residents, developers, boards and commissions, and staff encounter applying the current zoning code to Billings in 2017. These range from lot size, lot coverage, and setback requirements that have resulted many variances for existing development in some of the most stable neighborhoods in Billings, to almost no way to address aesthetic and architectural elements of residential and commercial construction to support infill and new development that fits into existing neighborhoods.

The City’s 2016 Growth Policy – Billings Beyond – has goals, and guidelines on how the City wants and needs to grow over the next 20 years. The main tools cities use to implement community growth and development goals and objectives are zoning, subdivision rules, and other land use development regulations. A revised zoning code would be a significant step for the community in these efforts.

FIRST STEPS

Code Separation: After preliminary review and discussion, staff recommends the first step in this multi-year project is for the City and County to seriously consider separating the City zoning code from the County zoning code. Twenty years ago (1997), the City and County merged the codes to ease implementation. Even 20 years ago, this was a year-long effort to ensure the code

was properly drafted and revisions were acceptable to both governing bodies. Changes to the code over the last 20 years have fractured this “unified” code so now it is difficult to determine what code does or does not apply inside or outside the City limits. The City and County also have diverged in some areas of their approach to land use regulations and it may be time to separate these codes again. This is not intended to create a disparity in the quality of new development but to recognize the real differences in development challenges between the City and County. It is also not to say that there may be areas of code overlap that the City and County may establish as the revised codes are developed.

Establishing Process Oversight: The Yellowstone County Board of Planning is a willing and logical partner for the City and County in assisting in the oversight of the zoning code rewrite process. The Board has already expressed an interest in facilitating appointment of a steering committee to help guide the community through the code revisions. Staff also expects that it will be necessary to engage the services of a consultant to help in these revisions. The consultant would also provide support for community outreach and education during the revision process, work through the steering committee, and keep the Council and Commissioners advised as progress is made. It is expected that several specialized sub-committees may be needed as well to address specific code areas like landscaping, signage, or design elements.

Funding Approach: A dashboard review of recent RFPs for zoning code updates for communities of varying sizes across the country shows a wide range of costs depending on the complexity of requested code revisions. For example, Albuquerque, NM (population 500K) engaged a consultant to revise its land use development code for \$900K, while the city of Sebastopol, CA (population 7K) engaged a consultant for \$108K for the same sort of revisions.

Staff recommends starting with an RFQ process based on a scope of the code revisions developed through the steering committee. It is anticipated that the entire code revision process might be accomplished in several stages, with consultant support at key points, resulting in a reasonable total cost to the community. The Planning Division has identified an initial \$35K of its own reserves for this project but anticipates a total of \$60K per year for Fiscal Year 2018 and Fiscal Year 2019 may be needed to cover potential consultant costs.

COUNCIL DIRECTION

Staff is seeking City Council direction on the following items:

- Proceed with concept of separating the City and County zoning codes
- Support Yellowstone County Board of Planning formation of a Steering Committee
- Consider contributing City funds toward the code revision process in FY18 and FY19