



NOTICE TO THE PUBLIC

In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: bartleyr@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at 406.237.6165.
All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary.
Future delivery methods may be explored as best practice is learned.

Please direct questions to Administrative Secretary Robbin Bartley at bartleyr@billingsmt.gov or 406-247-8676

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of June 6, 2023

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 Exparte 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. **City Zone Change 1030 -- 4245, 4249, & 4253 King Ave W -- A to NX2 --** A zone change request to change the zoning from Agriculture (A -- a County zone) to Mixed Residential 2 (NX2) on C/S 2064 Parcel 6B, C/S 3125, Parcel 2A and C/S 1400, Parcel 1, a combined 5.89 acre parcel of land. There is a concurrent petition for annexation to the city limits. A pre-application neighborhood meeting was held on May 10, 2023, at the offices of Sanderson Stewart, 1300 N Transtech Way.
- b. **City Zone Change 1032 -- Northeast of Billings Airport -- A to Public 2 --** A zone change from Agriculture (A) to Public 2 (P2) for Parcel C, of C/S 3795, a 70.18 acre parcel of land. The property is owned by the City of Billings (Airport) and a concurrent annexation has been submitted.
- c. **City Zone Change 1031 -- Text amendments for Action Options on Special Review and Zone Changes; Open Space in NX districts and PND; Rebuild of Residential uses in Commercial and Mixed Use**

districts; and Step-backs for taller structures in NX adjacent to N districts -- An amendment to the text of the zoning regulation Section 27-307; 27-308; 27-802; 27-803; 27-1504, 27-1623; and 27-1628, for the purpose of clarifying and revising these sections regarding decisions on zone changes and special reviews (27-1623 & 27-1628); provision of open space in Mixed Residential and Planned Neighborhoods (27-307, 27-308, 27-802 and 27-803); rebuilding of residential uses in commercial and mixed use zones (27-1504); and step-backs for taller buildings in Mixed Residential 2 and 3 (NX2/NX3) districts adjacent to Neighborhood districts (27-308). The City Council initiated these amendments to the Zoning code on April 10, 2023.

Other Business/Announcements

Adjournment

The City Council has designated July 24, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for these **Zone Changes** and hold a public hearing. If approved on first reading, a **second reading will occur on August 14, 2023 at 5:30 pm.**

Before taking any action on an application for a **Zone Change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** map amendment signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office **by 5:00 p.m. on the Friday preceding the first reading of the ordinance by the City Council.**

Testimony regarding the above-mentioned item may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

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 Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@billingsmt.gov

City Zoning Commission
Meeting Date: 07/11/2023

Information

Subject

The minutes of the Board meeting of June 6, 2023

Attachments

BZC_2023_0606



**City of Billings Zoning Commission
Meeting Minutes June 6, 2023**

The City of Billings Zoning Commission met on Tuesday, June 6, 2023 at 4:30 p.m., 2825 3rd Ave North, 1st floor conference room of the Miller Building. The public may attend in person or watch the meeting live on Facebook (see below). Comments may be sent to **Board via email before 1:00 PM on Tuesday, June 6, 2023.** All e-mails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://tinyurl.com/yckr478k>

The City Council has designated June 26, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for this **Zone Change** and hold a public hearing. If approved on first reading, a **second reading will occur on July 10, 2023 at 5:30 pm.**

Commission and Staff		01/03/2023	02/07/2023	03/07/2023	04/04/2023	05/02/2023	06/06/2023	07/05/2023	08/01/2023	09/05/2023	10/03/2023	11/07/2023	12/05/2023
Mike Larson	Chairman	1	-	1	1	E	1						
Daniel J. Brooks	Commissioner	E	-	1	1	E	1						
Greg McCall	Vice Chairman	E	-	1	1	1	1						
Trina White	Commissioner	1		1	1	1	E						
David Goss	Commissioner	1	-	1	1	1	1						
Wyeth Friday	Director, PCSD	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	-	1	-	-	-	-	-	-	
Nicole Cromwell	Zoning Coordinator	1	-	1	1	1	1						
Tammy Deines	Planning Clerk	-	-	-	-	-	-						
Dave Green	Planner II	-	-	-	-	-	-						
Karen Husman	Planner I	-	-	-	-	1	-						
Robbin Bartley	Administrative Support	1	-	1	1	1	1						

Total Number of 2023 Applications	01/03/2023	02/07/2023	03/07/2023	04/04/2023	05/02/2023	06/06/2023	07/05/2023	08/01/2023	09/05/2023	10/03/2023	11/07/2023	12/05/2023	TOTAL
Zone Change	1	-	1		6	1							9
Special Review	1	-	-	1	-								2

Chair Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Monica Plecker, Planning Division Manager and Robbin Bartley, Administrative Assistant.

*RETURNING AGENDA ITEM.

Attending: Anna Vickers, Renae Heisler

Chair Larson called the meeting to order at 4:30 pm.

Public Comment

Chair Larson called for public comments. There were no public comments. Chair Larson closed the public comment portion of the meeting.

Approval of Minutes:

Motion by Commissioner McCall and seconded by Commissioner Brooks to approve the May 2, 2023 meeting minutes with corrections.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White				X

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks		x		
David Goss		x		
Greg McCall		x		
Trina White				X

Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks		x		
David Goss		x		
Greg McCall		x		
Trina White				X

Commissioners McCall and Goss visited the location.

Public Hearings:

City Zone Change 1027 – Viking Tvetene Planned Development amendment – A zone change request to amend and update an existing Planned Development agreement for Parcel 1A1 of C/S 832, Parcels 1 & 2A of C/S 3535, Parcel 2 thru 5 of C/S 234, an 89.704 Acre Parcel of land. The amendment would increase the area with underlying zoning of Highway Commercial and decrease the area with underlying zoning of Controlled Industrial. The language of the Planned Development agreement will be updated for current ownership and the governing body.

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the Growth Policy and improves compatibility between school and future development of neighborhood
- Adjacent uses and zoning compatible with proposed zoning
- Same restrictions and prohibited uses still apply

Discussion. Questions for staff:

Applicant: Anna Vickers, IMEG, 175 N 27th, Billings, MT
Representing the 4 owners. IMEG has met with the school many times as well as public outreach meetings. The biggest changes are to the landscaping.

Questions for applicant: Commissioners Goss and Brooks inquired about the 2019 zoning ordinances being archived and potential use eliminattions.

Public Hearing: 4:51 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1027.

In Favor: NONE

Opposed: NONE

Public Hearing closed at 4:52 PM

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Motion

Commissioner Brooks made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1027 with staff findings, recommendation and conditions.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White				X

The Motion **passed to approve City Zone Change 1027 with a 4-0 vote.**

Non-public hearing item: Review and Discussion of pending Phase 2 – Substantive Zoning Code Amendments including the following:

- Council action options for special reviews and zone changes
- Open Space provisions in NX and PND district assembly
- Allow rebuild of Residential Structures in Commercial and Mixed Use zones by right
- Step-backs of taller buildings between Neighborhood and Mixed Neighborhood zones



ZC 1031 Phase 2
Zoning Comm discu

Other Business: The July meeting will be on July 11, 2023 at 3:30 PM.

Adjournment: The meeting adjourned at 6:05 PM.

ATTEST: To be Approved by a motion at the next regularly scheduled meeting.

--Robbin Bartley, Administrative Assistant

Zoning Commission

Date: 07/11/2023
Title: Zone Change 1030 - 4245, 4249 and 4253 King Ave W - RR1 to NX2
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval for Zone Change 1030 and adoption of the findings of the 10 review criteria.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for three parcels of land located on King Ave W between the St Vincent's Healthcare Subdivision and the Lenhardt Square Subdivision. These parcels are wholly surrounded by the city limits and are petitioning for annexation to access city services. The two homes on the property are experiencing failure of both on site water(well) and wastewater systems (septic). The proposed zoning of Mixed Residential 2 (NX2) would allow the future re-development of the parcels and will allow continuation of the existing residential uses. This is an area of rapid development and the mixed residential zoning is appropriate given the adjacent zoning and development.

There are no existing plans to redevelop the property. The NX2 zoning would allow redevelopment with duplexes or multifamily structures with up to 8 dwelling units per building. The parcels currently share one access point on King Ave West. No additional access would be allowed on to King Ave West due to the volume and speed of traffic as well as complexity of the traffic environment. The redevelopment could be incorporated into existing development to the west (KWO Apartments) or be a stand-alone development. A traffic signal is planned at the intersection of 44th St West and King Ave West. This will help manage the existing and future traffic from the surrounding developments. The average daily traffic on King Ave West has more than doubled in the past decade. The current ADT on King is about 13,000 vehicles per day. Shiloh Road is about 19,000 vehicle trips per day. Both of these averages are 3-year rolling averages taken from counts only during the non-school months of the summer. Actual daily traffic on any given day and during the school year may be much higher or lower than the average daily traffic. Future contributions to the traffic volume will include some traffic from Vista West (north of Rocky Vista Way), Ridgeline Development (48th St W and King Ave W) as well as ongoing development in the Western Sky Subdivision and Montana Sapphire Subdivisions to the south of the subject property. Lenhardt Square is also building out with multifamily apartments. A large parcel in Lenhardt Square with frontage on King Ave West (~23 acres) is slated for mixed uses including additional apartment units.

The Billings 2016 Growth Policy and West Billings Neighborhood Plan both support the proposed zoning as appropriate along an arterial street frontage between major intersections, and for the provision of access to housing choices. The Shiloh Road and King Ave West intersection was identified more than two decades ago as the major regional commercial hub for West Billings. The surrounding developments are the result of planning for this growth and include zoning for mixed housing choices, transportation for all types of mobility and combining the need for open space and water quality improvements at the Shiloh Conservation Area. A new water reservoir system to the south will also provide long-term water security for the city while also preserving land for open space. Any redevelopment of land will trigger the installation of street frontage landscaping making the corridor between Shiloh Road and 44th St West complete on the north side of King Ave W.

The Planning staff has reviewed the application, the neighborhood and city growth policy plans, and the history of zoning in the area. The proposed zoning fits in with the adjacent development to the west and is compatible with the St Vincent's Healthcare Planned Development to the east and north. The St Vincent's zoning plan includes mixed uses with an emphasis on medical uses with the possibility of integrating housing options. The pre-application neighborhood meeting was attended by Gene Culver, one of the surrounding property owners. Mr. Culver stated his parcel on the southwest corner of 44th St W and King Ave West is not directly adjacent, but ongoing development in the area has created some traffic concerns and traffic management challenges. Mr. Steve Zeier, Chair of the West End Task Force, attended as well to learn more about the project. One of the property owners, Mickey Amen-Mack, also attended the meeting. As of the writing of this staff report, no comments or concerns have been received from the surrounding property owners.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting at the agent's offices at 1300 N Transtech Way. One surrounding property owner attended out of the 14 owners notified. The Zoning Commission will hold a public hearing for this zone change and the public is able to provide testimony during that time. The City Council will hold a subsequent hearing when considering the Zoning Commission's recommendation. The Hearing(s) are advertised in the Yellowstone

County News.No surrounding owners contacted the Planning staff prior to the writing of this report.

ALTERNATIVES

The City Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1030; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1030; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

In case of a tie vote on the zone change, the application will be delayed for 30 days until the next Zoning Commission meeting. The Zoning Commission must forward a recommendation with findings to the City Council. The applicant has not requested a delay or a withdrawal of the application at this time.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

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 does conform to the following guidelines of the 2016 Growth Policy:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zoning also conforms to the West Billings Neighborhood Plan. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed NX2 for the property is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning would allow the annexation of these parcels to provide services. Future development or re-development of the land could provide a range of housing options including duplexes, townhomes or apartment. The proposed zone is consistent with the City's Growth Policy and increases density without adding a large demand on city services. The Growth Policy supports infill development and this parcel could be redeveloped in line with the surrounding property. There is no longer a "default" zone district when annexing property to the city. A property owner is allowed to propose a zone or consult with the Planning staff on the most appropriate zone district for an annexed parcel. The new zone is compatible with the adjacent developed and developing parcels.

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

The new zoning requires minimum build-to zones, open and landscaped areas, and building separations (found in section 27-308 of the zoning code) The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

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

The proposed zoning (NX2) would allow the owner to ensure development is not intrusive to neighboring property and still allow compatible uses with the Planned Development zoning to the east and west. The site and structure regulations found in 27-300.7 in the NX2 district promote the minimum standards to ensure public health and safety and promote general welfare. The existing private utilities for the parcels are failing. Annexation and zoning of the property will promote public

health and public safety.

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

Transportation: The proposed zoning itself will have little impact on the surrounding transportation systems. Impact on traffic will depend on the number of residents and drivers on the site when redevelopment occurs. The NX2 zone is intended to be along arterial corridors between intersections. King Ave West is an arterial street designed to handle the potential additional traffic. Assessment of any traffic impacts will occur at the time of re-development.

Water and Sewer: The property will have city water and sewer services upon annexation. Water service is already stubbed to the property line. Sewer services are in King Ave West and a lateral could be installed to replace the on-site septic systems.

Schools and Parks: The proposed zoning itself should not affect schools and parks, this will depend on the new residents when a redevelopment plan moves forward. No plans for redevelopment are in the works. Schools and parks should not be negatively affected by the proposed zoning. The School district provided no comments on this zone change.

Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

Similar to criteria 2 and 3, the proposed NX2 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently developed with two single family homes and some agricultural buildings. Any new structure or structures will be required to meet the standards required by Section 27-300.7 under the NX2 zone. The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

The new zoning itself will not impact motorized and non-motorized transportation. Once redeveloped, there may be increased volume to the transportation network, both motorized and non-motorized. Off-street parking for any new dwellings will be provided as per code Section 27-1300. The multi-use path along King Ave West already exists along the property frontage. Internal sidewalks may be required at the time of redevelopment.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. The proposed zoning will allow infill development in the future and will allow the existing residents to have access to clean drinking water and safe wastewater disposal.

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

The proposed zoning will allow the existing uses to continue while creating opportunity for future redevelopment. The NX2 zone is compatible with the surrounding planned development zones and is considered suitable for the particular uses. The proposed zoning does consider the character of the district and the suitability of the property for the existing and possible future uses.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements in the zoning code. For the NX2 zone, this includes, but is not limited to, building heights, setbacks, and window and door facade coverage. In general, new building improves property value in the area.

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

The proposed zoning will allow existing uses and any proposed uses for redevelopment including duplexes, townhomes or multifamily dwellings. This is an appropriate location for the zoning to allow additional density that is compatible with adjacent uses. The parcel directly adjacent to the east is undeveloped but allows mixed uses including multifamily. The property to the west is already developed as a multifamily complex.

Attachments

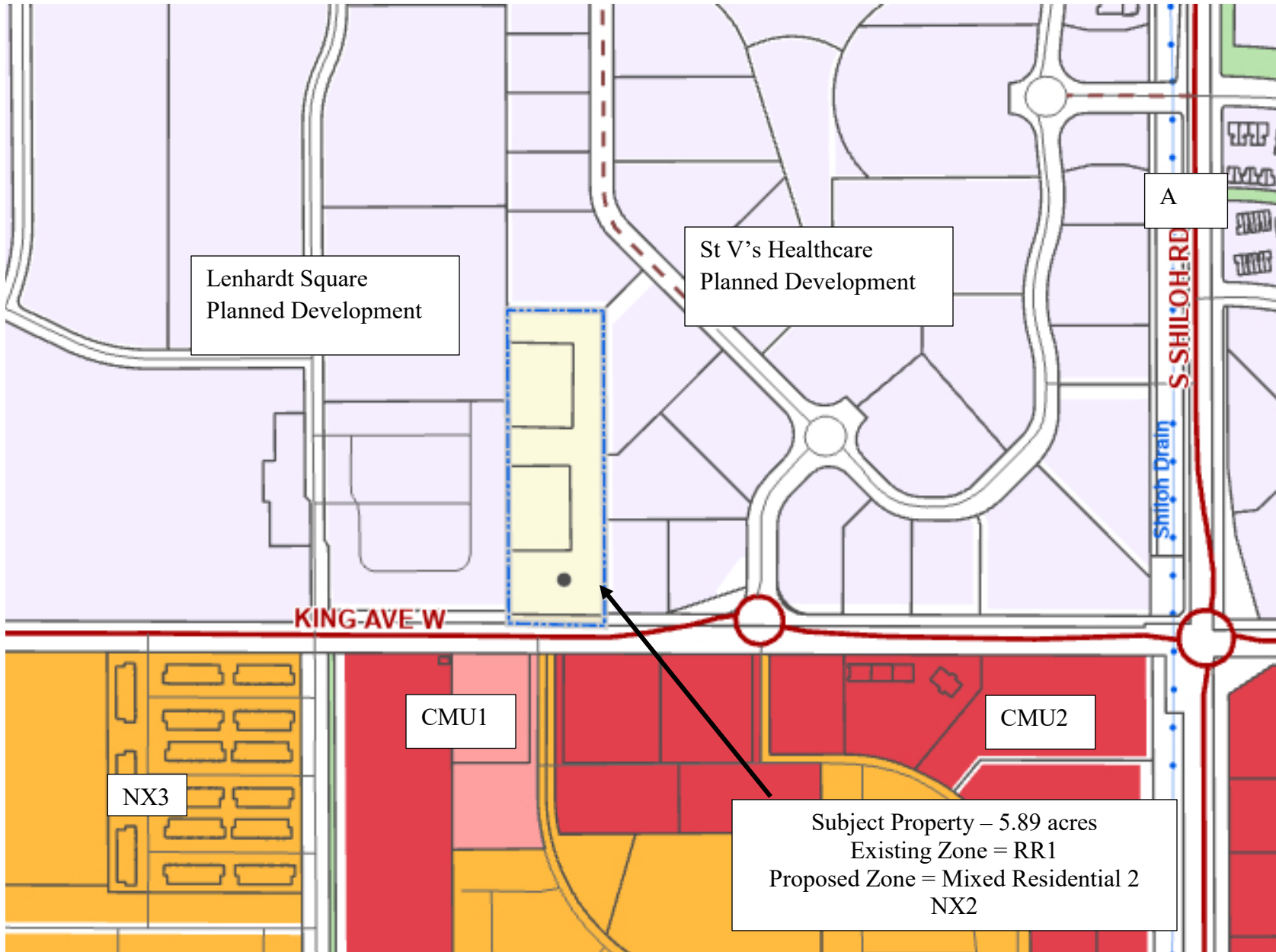
Zoning Map and Site Photos

Charting of Zoning History

Pre application and meeting notes

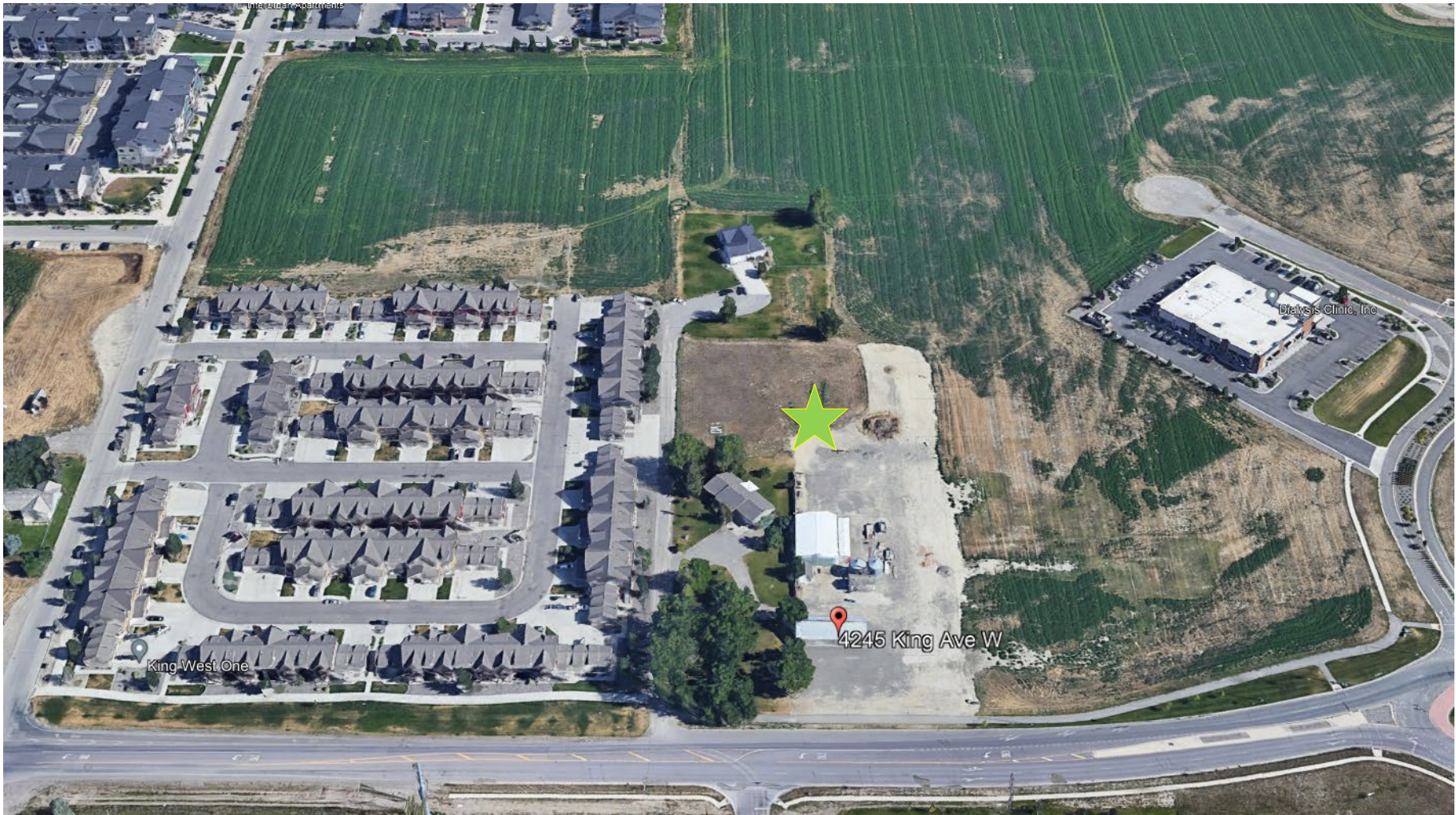
Application and Letter

City Zone Change 1030 – 4245, 4249 and 4253 King Ave W – A to NX2
Zoning Map and Site Photos





Subject Property



Subject Property



Subject Property view from King Ave West



View west on King Ave W



View south east across King Ave W



View north east – agricultural buildings on subject property



View north west – agricultural operations on subject property



View north east to Billings Dialysis Clinic

Zoning History for City ZC 1030 – 4245, 4249 & 4253 King Ave W

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	None				
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Vista West	City ZC 894	5/12/2012	A-1 to RMF-R	Withdrawn	
Vista West	City ZC 1004	2/25/2021	A to N2, NX2/NX3 and P1	Withdrawn	
Vista West	City ZC 1021	2/12/2023	A to PND N1, NX2/NX3 & P1	Y	
Ridgeline Development	City ZC 997	9/13/2021	A-1 to MU-PND – NX2, N2, CMU1, P1	Y	First PND zone change
Lenhardt Square	City ZC 991	6/14/2021	Update to PD agreement	Y	Increased density and normalized height measurements
Western Sky Sub	City ZC 977	July 13, 2020	Adjust Zone District Boundaries	Y	
Western Sky Sub	City ZC 975	Jan 27, 2020	Underlying zoning amendment	Y	
Western Sky Sub	City ZC 802	May 17, 2007	A-1 to CC, RMF-R, R-50, R-70, R-96 & Public	Y	Included entire NW section of 160 acres
Western Sky Sub	City ZC 957	Sept 11, 2017	CC, RMF-R, R-50, R-70, R-96 & Public to Planned Development	Y	Underlying zones CC, NC RMF & RMH
Hoop Dreams – Apartments	City ZC 900	Aug 13, 2012	R-50 to RMF-R	Y	Apartment Developments at 44th St W and King Ave W
Hoop Dreams – Apartments	City ZC 912	July 8, 2013	Public & R-50 to RMF-R	Y	Additional apartments
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 722	May 24, 2004	A-1 to Planned Development	Y	PD for healthcare & ancillary commercial uses
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 870	Jan 24, 2011	PD Amendment	Y	Adjustment to allow flexibility
Montana Sapphire Sub	City ZC 673	July 9, 2001	A-1 to Entryway Light Industrial (ELI)	Y	New industrial park
Montana Sapphire Sub	City ZC 903	Sept 24, 2012	ELI to HC	Y	Affinity of Billings Fuel Fitness Divide Bar & Grill
Montana Sapphire Sub Long Beach Apts	City ZC 878	Aug 22, 2011	ELI to HC	Y	New apartments
3815 Hesper Road	City ZC 907	March 25, 2013	A-1 to CI	Y	New FedEx Ground Terminal

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** RR1

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Existing RR1 residential use to be changed to NX2 Residential

3. **Subject Property Map:** please attach to this form Exhibit A

4. **Legal Description of Property:**

Exhibit B

5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:

West End Neighborhood Task Force

6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form Exhibit C

7. **A copy of the meeting notice.** please attach to this form Exhibit D

8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form Exhibit E

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 10th, day of May, 2023.

2) The zone change application is based on materials presented at the meeting.

Owner (s): Exhibit F Telephone: _____

Address: _____ Email: _____

Agent (s): _____ Telephone: _____

Address: _____ Email: _____

ZONING EXHIBIT

CERTIFICATE OF SURVEY NO.3125 TRACT 2A AMENDED,
CERTIFICATE OF SURVEY NO.1400 PARCEL 1 &
CERTIFICATE OF SURVEY NO.2064 PARCEL 6B AMENDED

PREPARED FOR : MICKEY MACK

PREPARED BY : SANDERSON STEWART

APRIL, 2023

BILLINGS, MONTANA



250 0 250 500
SCALE: 1" = 500'

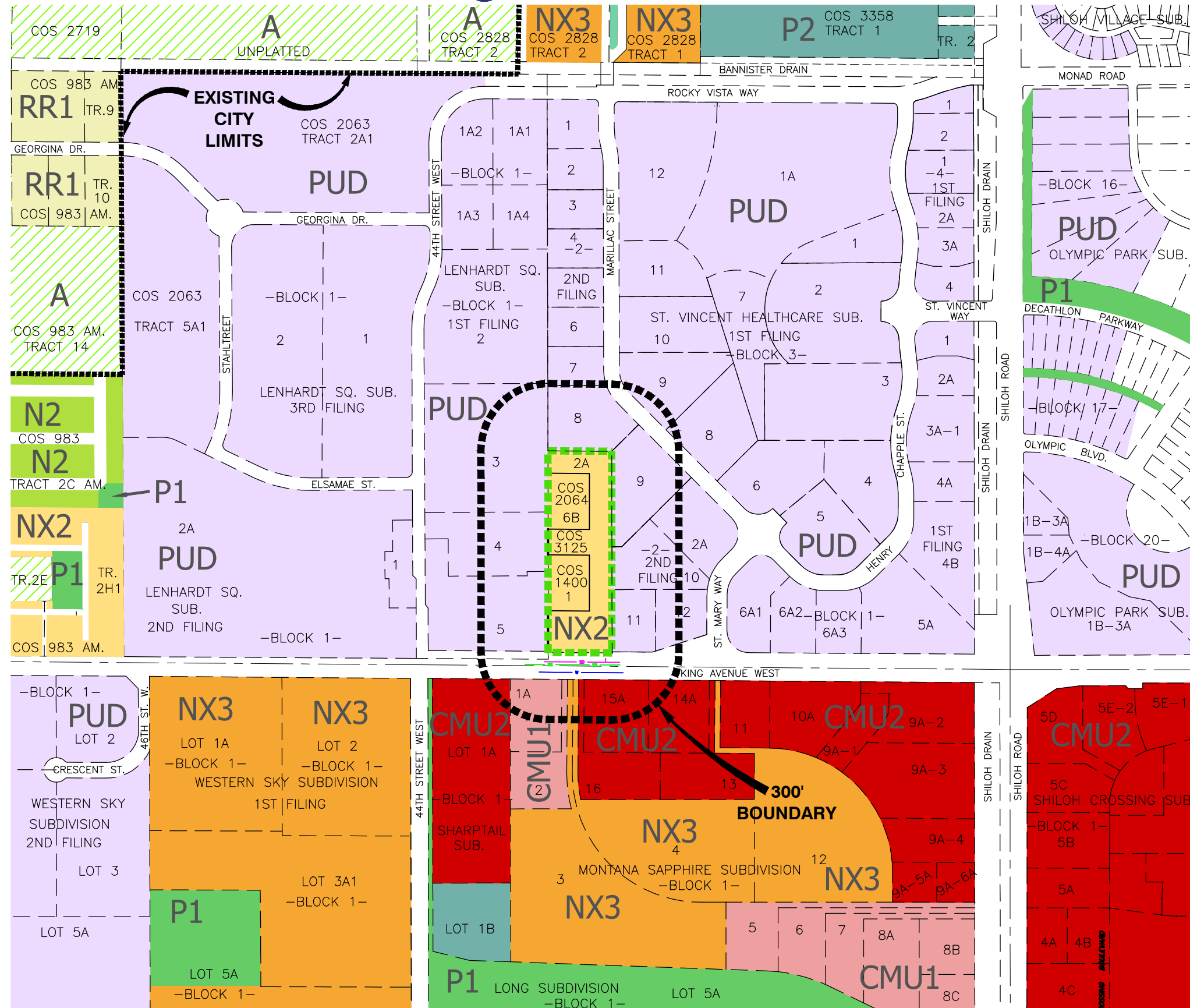


Exhibit B

Tax ID	Legal Description
D12680	S10, T01 S, R25 E, C.O.S. 2064, PARCEL 6B, AMND TR 6 1.062 AC (03)
D00515E	S10, T01 S, R25 E, C.O.S. 3125, PARCEL 2A, AMD (10)
D00516	S10, T01 S, R25 E, C.O.S. 1400, PARCEL 1

May 3, 2023

Reference: Notice of Pre-Application Neighborhood Meeting for Annexation and
Zone Change Certificate of Survey No. 2064, 3125, 14001

Dear Neighbors:

You are receiving this letter because the City of Billings requires a pre-application neighborhood meeting for any zone change request on property located within or intending to be annexed to the City. By City Code, the surrounding property owners within 300 feet are notified of this meeting so you can ask questions of the materials described in this letter. This is not your last time to comment on this proposal, as future public hearings by the Zoning Commission and City Council will be scheduled.

The request for this property involves annexation of the three parcels of land, as noted in the enclosed exhibit, and a zone change from RRI-Rural Residential 1 to NX2-Mixed Residential 2 (2-8 dwelling units per structure).

The Neighborhood Pre-Application Meeting will be held on **Wednesday, May 10, 2023, at 5:30 p.m.** This meeting will be held in-person at Sanderson Stewart's offices at 1300 N Transtech Way, Billings, MT 59102. You may also receive log-in credentials so that you can join remotely via Teams. If you plan on attending or would like the log in information, please email John Halverson at jhalverson@sandersonstewart.com so that we can verify accommodations for the in-person meeting and have a list of attendees that will be joining via Teams.

Please plan on attending this Neighborhood Pre-Application meeting if you have comments or questions regarding the proposed Annexation and Zone Change. If you have immediate questions or cannot attend the meeting, please contact me at (406) 869-3311 or via my email at jhalverson@sandersonstewart.com

Respectfully,



John Halverson, LEED AP, Land Planner

JDH/vp

Enc.

c: Nicole Cromwell, Zoning Coordinator / Code Enforcement Supervisor, City of Billings
Mickey Mack

ZONING EXHIBIT

CERTIFICATE OF SURVEY NO.3125 TRACT 2A AMENDED,
CERTIFICATE OF SURVEY NO.1400 PARCEL 1 &
CERTIFICATE OF SURVEY NO.2064 PARCEL 6B AMENDED

PREPARED FOR : MICKEY MACK

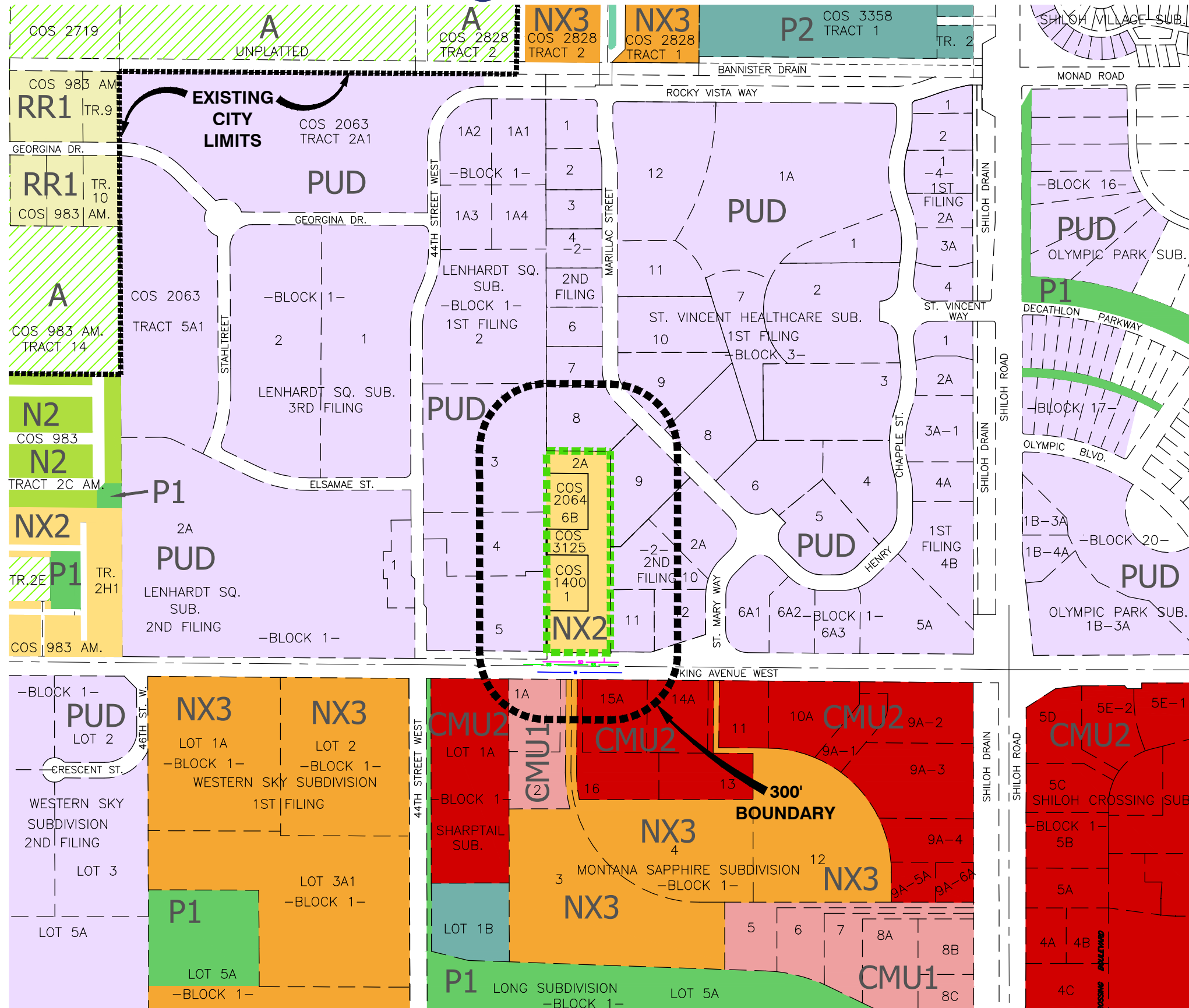
PREPARED BY : SANDERSON STEWART

APRIL, 2023

BILLINGS, MONTANA



250 0 250 500
SCALE: 1" = 500'



MEETING MINUTES

PROJECT: Mack Annexation & Zone Change			
Project No: 01019.01			
Meeting Location: Sanderson Stewart Offices 1300 N Transtech Way Billings MT 59102		Meeting Date: 05/10/23 5:30 PM	
Meeting Subject: Zone Change Neighborhood Pre-Application Meeting		Prepared by: John Halverson	
Attending:		(See attached sign-in sheet)	
Sanderson	John Halverson		
Stewart:	Erica Gilrein		
Date of Issue: 05/18/2023			

Minutes:

- Mr. Halverson began the meeting at 5:30 by explaining the reason for the annexation (failing septic system) and the process of annexation and zone change.
- Mr. Zeier stated that DEQ would not allow a new septic system on the property.
- Mr. Gene Culver expressed access concerns from his property, which is south across King Avenue from the subject parcel, onto King Avenue. He expressed the opinion that the P1 lot shown on the exhibit distributed with the meeting notice was incorrect in showing a P1 parcel along the east side of 44th St. West.
- Mr. Culver stated that he had granted the city an easement for a bike path on his land near 44th St. West. He stated that north-bound traffic on 44th St. south of King Ave. was extremely congested, and that congestion would worsen when continued development occurs south of the Hoop Dreams development. He asked if there is a plan to alleviate that condition.

Exhibit E cont'd

- Ms. Gilrein answered that a traffic impact study had indicated that a signal is warranted @ 44th and King.
- Mr. Culver stated that 44th St. W is not wide enough and that he would be willing to donate land for another lane.
- Ms. Gilrein explained the methods that go into producing a TIS.
- Mr. Zeier expressed a desire to delineate the property lines on the segment of 44th St West south of King Ave. and to understand whose land the current informal parking is occurring on.
- Mr. Halverson stated that he would be willing to send Mr. Culver an email regarding the schedule of anticipated improvements to 44th St West.
- Ms. Mack, the applicant expressed her opinion that MT Sapphire road is too narrow. She stated that her property's well would be kept in place to use for irrigation and asked questions about the routing of the new water line to her property, and its impact on the underground sprinkler system. She also stated that a fireworks stand that has used her property would be doing so again this season, for the last time.
- Attendees left at 6:00 PM. Mr. Halverson remained to receive any late-comers until 6:15 at which time he adjourned the meeting.

Exhibit F

SPAENY, MOLLY M & DARRELL
S10, T01 S, R25 E, C.O.S. 2064, PARCEL 6B, AMND TR 6 1.062 AC (03)

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 10th, day of May, 2023.

2) The zone change application is based on materials presented at the meeting.

Owner (s): *Molly Spenny* Telephone: 406-671-0020
Address: _____ Email: _____

Agent (s): _____ Telephone: _____
Address: _____ Email: _____

AMEN, JACK L IRREV SURVIVORS TRUST
S10, T01 S, R25 E, C.O.S. 3125, PARCEL 2A, AMD (10)

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 10th, day of May, 2023.

2) The zone change application is based on materials presented at the meeting.

Owner (s): *Michele Amen Mack* Telephone: _____
Address: _____ Email: _____

Agent (s): _____ Telephone: _____
Address: _____ Email: _____

AMEN, MICHELE
S10, T01 S, R25 E, C.O.S. 1400, PARCEL 1

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 10th, day of May, 2023.

2) The zone change application is based on materials presented at the meeting.

Owner (s): *Michele Amen Mack* Telephone: _____
Address: _____ Email: _____

Agent (s): _____ Telephone: _____
Address: _____ Email: _____

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ - Project # _____

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning RR1

Proposed Zoning: NX2

TAX ID# D12680, D00515E, D00516 CITY ELECTION WARD 5

Legal Description of Property: See Exhibit A attached

Address or General Location (If unknown, contact City Engineering): 4253, 4249, 4245 King Ave. West

Size of Parcel (Area & Dimensions): 5.89 Acres

Present Land-Use: Residential

Proposed Land-Use: Residential

Covenants or Deed Restrictions on Property: Yes _____ No _____

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Spaeny, Molly M & Darrell

(Recorded Owner) 4253 King Ave W. Billings, MT 59106

(Address)

(Phone Number) (email)

Agent(s): Erica Gilrein, John Halverson

(Name) 1300 N Transtech Way, Billings, MT 59102

(Address) 406-656-5255 jhalverson@sandersonstewart.com

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 5.30.23

(Recorded Owner)



Date Stamp

Exhibit A

Tax ID	Legal Description
D12680	S10, T01 S, R25 E, C.O.S. 2064, PARCEL 6B, AMND TR 6 1.062 AC (03)
D00515E	S10, T01 S, R25 E, C.O.S. 3125, PARCEL 2A, AMD (10)
D00516	S10, T01 S, R25 E, C.O.S. 1400, PARCEL 1

Owner(s): Amen, Jack L Irrev Survivors Trust

(Recorded Owner) 4249 King Ave W, Billings, MT 59106

(Address)

(Phone Number) (email)

Tax ID:
D00515E

Agent(s): Erica Gilrein, John Halverson

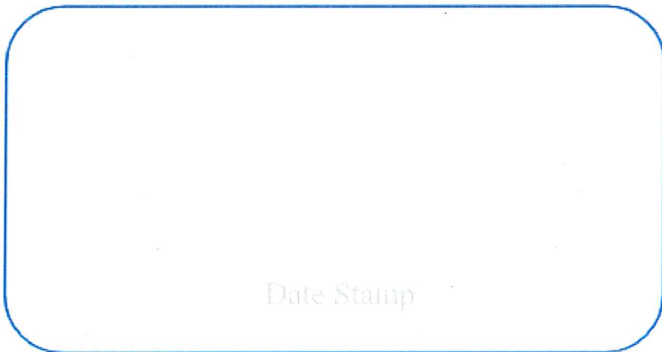
(Name) 1300 N Transtech Way, Billings, MT 59102

(Address) 406-656-5255 jhalverson@sandersonstewart.com

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Michele Amen Mack Date: 5/30/23
(Recorded Owner)



Date Stamp

Zone Change Application Packet 2023/2024

Owner(s): Amen, Michele

(Recorded Owner) 4249 King Ave W, Billings, MT 59106

(Address)

(Phone Number) (email)

Tax ID:
D00516

Agent(s): Erica Gilrein, John Halverson

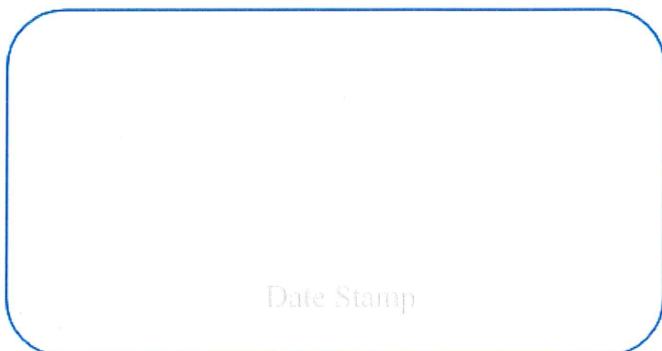
(Name) 1300 N Transtech Way, Billings, MT 59102

(Address) 406-656-5255 jhalverson@sandersonstewart.com

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Michele Amen Mack Date: 5/30/23
(Recorded Owner)



Date Stamp

Zone Change Application Packet 2023/2024

**Certificate of Survey 2064 Tract 6B,
Certificate of Survey 3125 Tract 2A,
Certificate of Survey 1400 Tract I**

Zone Change Request from RRI Rural Residential to NX2 Mixed Residential 2

Statement of Proposal

Michele Amen Mack, on behalf of Molly and Darrell Spaeny, and the Jack L Irrev Amen Survivors Trust are seeking to Annex and Rezone Certificates of Survey 2064 Tract 6B, 3125 Tract 2A, and 1400 Tract I.

This zone change request accompanies an annexation petition, which is intended to bring municipal water service to the existing uses on the subject parcels, whereas their present well and septic systems are failing.

The proposed NX2 zone allows the existing uses on the subject parcels and provides for the possibility of re-developing the parcels in a manor that would be compatible with surrounding uses.

Responses to Questions in Zoning Application

- a. **In what ways is your proposal consistent with the statutory criteria, guidelines, and policies of the adopted Growth Policy?**

The Growth Policy states:

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe and provide a choice of housing and transportation options.

The subject parcels are surrounded on all sides by annexed land. City water and sewer services exist under King Avenue West, which is located immediately south of the subject parcels.

The requested zoning is in compliance with the following growth guidelines:

Essential Investments (Relating Public and Private Expenditures to Public Values)

- ***Infill development and development near existing City infrastructure may be the most cost effective.***

Yes. The subject parcels are completely surrounded by parcels which have already been annexed into the city. Municipal water and sewer services exist in the King Avenue West right of way immediately south of the subject parcels.

- ***Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable.***

Yes. Extending municipal water and sewer service to the subject parcels will be extremely cost effective.

- ***A cost/benefit study is important to make cost effective land use decisions.***

Yes. Because services have already been extended to parcels surrounding the subject parcels, providing municipal water and sewer service to the subject parcels will be extremely cost effective.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

- ***Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods***

Yes. This Annexation and Zone Change will allow the multi-use path along the north side of King Avenue West to be completed to city standards.

Strong Neighborhoods (Livable, Safe, Social and Resilient Neighborhoods)

- ***Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels***

The NX2 zoning proposed for the subject parcels will allow for a wide range of residential uses, including the existing, single-home use, through townhomes, duplexes, and up to eight units per structure.

- ***Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.***

The subject parcels are a walkable distance from such destinations as the Rocky Vista medical school, commercial and business uses in St. Vincent's Healthcare Subdivision, and Shiloh Crossing. If the subject parcels re-develop under the proposed zoning of

NX2, it is likely that a higher-than-usual portion of the trips generated will be undertaken on foot, allowing residents and neighbors to interact socially.

Home Base (healthy, safe and diverse housing options)

- ***A mix of housing types that meet the needs of a diverse population is important.***

The NX2 zoning proposed for the subject parcels will allow for a wide range of residential uses, including the existing, single-home use, through townhomes, duplexes, and up to eight units per structure.

- ***Public safety and emergency service response are critical to the well-being of Billings' residents.***

Because the subject parcel is surrounded by annexed parcels which already receive city services, approval of the proposed annexation and zone change will not adversely affect response times for emergency services.

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- ***Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses, and visitors.***

Residents at the subject parcels have access to a range of transportation choices. The parcels are within walking distance of such destinations as the Rocky Vista medical school, commercial and business uses in St. Vincent's Healthcare Subdivision, and Shiloh Crossing. A MET transit route runs along King Avenue West, just south of the subject parcels.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

- ***Predictable, reasonable City taxes and assessments are important to Billings' taxpayers.***

If the subject parcels re-develop under the proposed zoning, the densities that will result change will promote efficient use of city services and high tax revenues per acre.

The 10 Zone Change Criteria:

- ***Whether the new zoning is designed in accordance with the Growth Policy***

Yes, COS 2064 Tract 6B, COS 3125 Tract 2A, and COS 1400 Tract I are being re-zoned under the consideration of the Growth Policy statement and guidelines on previous pages. It is a site surrounded by parcels where municipal services exist and is compatible with the uses on those parcels.

- ***Whether the new zoning is designed to secure from fire and other dangers***

Yes, The subject parcels will be serviced by City fire and police services and, if re-developed, will be designed in accordance with City of Billings rules and regulations thus assuring protection from common dangers.

- ***Whether the new zoning will promote public health, public safety and general welfare***

Yes. Any uses on COS 2064 Tract 6B, COS 3125 Tract 2A, and COS 1400 Tract I will be subject to City of Billings building codes, and the utility and surface infrastructure will be constructed in accordance with City of Billings rules and regulations assuring compliance to this criterion.

The proposed annexation and new zoning will allow the property to connect to public water and sewer. These services will allow for the removal of the on-site septic system, thereby reducing potential public health issues resulting from a failure of an aging system.

- ***Whether the new zoning will facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements***

Yes, the annexation and zoning of this property will allow for continuity of services along King Avenue. Any future water, sewer and storm facilities on the subject parcels will be constructed in accordance with all relevant regulations.

- ***Whether the new zoning will provide adequate light and air***

Yes. All future improvements on COS 2064 Tract 6B, COS 3125 Tract 2A, and COS 1400 Tract I will be constructed in accordance with City of Billings rules and regulations and therefore meets this requirement.

- ***Whether the new zoning will affect motorized and nonmotorized transportation***

The subject parcels share a common access from King Avenue West, which is a Principal Arterial and will not be significantly affected by trips generated by continuing the existing residential use on this parcel. Any future development would need to comply with current development standards.

- ***Whether the new zoning will promote compatible urban growth***

Yes, the subject parcels are directly adjacent to multi-plex residential uses to the west, which were developed under a PUD before the RE:code update, but which would comply with the NX2 zone proposed in this application. The St. Vincent's Healthcare Subdivision to the east and north of the site hosts commercial uses with allowances for future inclusion of multi-home residential uses like those allowed in the proposed NX2 zone.

- ***Whether the new zoning considers the character of the district and the peculiar suitability of the property for the particular use***

Yes. The property is located just south of the Lenhardt Square residential development which is an emerging multi-home residential node on Billings' West End. The subject parcels are also located very near to the hub of commercial development happening around the intersection of Shiloh Rd. and King Ave. Although there are no plans for re-development on the subject parcels, if it were to re-develop under the proposed zoning, it would be reasonable to anticipate a significant percentage of the trips generated would be captured through active and public transportation, given the proximity and preponderance of destinations.

- ***Whether the new zoning will conserve the value of buildings***

Yes. The proposed zoning will allow the existing uses to continue as compliant uses once the subject parcels are annexed into the City of Billings. Although there are no plans to re-develop the subject parcels under the proposed zoning, such re-development would be similar and compatible to existing uses in the area and would therefore have no negative effect on the value of existing structures in the area. a

- ***Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings***

Yes. It is appropriate to promote zoning that allows the existing use to continue and accommodates the potential for compact development near the City Limits boundaries. This zone change helps support the potential for an appropriate level of development which will serve the City both now and in the future. It is also beneficial to have greater densities near the new medical school campus and other business and commercial uses to reduce overall vehicular loads on local area streets.

Zoning Commission

Date: 07/11/2023
Title: City Zone Change 1032 “ Northeast of Billings Airport “ A to Public 2
Presented by: Hunter Kelly, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1032.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

A zone change request from Agricultural-General (A) to Public 2 (P2) on Tract C of Certificate of Survey No. 3795, a 72.77 acres parcel of land. There is a concurrent petition for annexation.

Tax ID: D05250B

This zone request is to allow the annexation of city-owned land adjacent to the Billings Logan International Airport and bring all current airport property into the City Limits. A requirement for all annexations into the city is the property must have a zoning designation recognized by the City Zoning Code. The property is currently zoned Agriculture which is not a zoning recognized by the city, therefore requiring a zone change.

APPLICATION DATA

OWNER: City of Billings
AGENT: City of Billings Administration and Airport
LEGAL DESCRIPTION: Tract C of Certificate of Survey No. 3795
ADDRESS: N/A
CURRENT ZONING: Agriculture (A) (County)
EXISTING LAND USE: Vacant
PROPOSED USE: Airport Facilities
SIZE OF PARCEL: 72.77 gross net acres

CONCURRENT APPLICATIONS:

Petition for Annexation 23-05

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: Agriculture (A)
Land Use: Vacant Land
SOUTH: Zoning: Public 2 (P2)
Land Use: Airport Terminal
EAST: Zoning: Agriculture (A)
Land Use: Vacant
WEST: Zoning: Public 2 (P2)
Land Use: Airport Runway

Once property is under airport ownership, airports are required by federal grant assurances to utilize airport property to generate the maximum revenue possible to make the airport self-sufficient. To generate the maximum amount of revenue from airport property, while protecting the operation of the airport, it is necessary to have the appropriate zoning and it is in the best interest of the airport to have all airport property within the City limits for full access to City services and governance over the land. The requested annexation will bring all current airport property into the City limits.

STAKEHOLDERS

The Zoning Commission will hold a public hearing for this zone change and the public is able to provide testimony during that time. The City Council will hold a subsequent hearing when considering the Zoning Commission's recommendation. The Hearing(s) are advertised in the Yellowstone County News. No surrounding owners contacted the Planning staff prior to the writing of this report.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1032; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1032; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. In the event of a tie vote, the application will be delayed until the next business meeting.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

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

The proposed zoning does conform to the following City of Billings 2016 Growth Policy and guidelines:

Essential Investments (relating public and private expenditures to public values)

The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans

Infill development and development near existing City infrastructure may be the most cost-effective.

Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable

Prosperity (promoting equal opportunity and economic advancement)

A diversity of available jobs can ensure a strong Billings' economy.

Successful businesses that provide local jobs benefit the community.

Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.

Retaining and supporting existing businesses helps sustain a healthy economy.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations to provide security from fire and other dangers. Buildings developed within the city limits will comply with building and fire safety codes.

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

Yes, this zone change will provide for the future safety of the airport and airspace above it. The P2 zoning will enable the City to add to its service facilities.

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

Transportation: Tract C of Certificate of Survey No. 3795 is accessible from the fire access road along Billings-Logan International-Airport, but otherwise has no public access. Because this is airport controlled property security is important. The lack of other public access is not a concern.

Water and Sewer: The City will provide water and sewer to the property if facilities requiring them are developed, however, there are no plans for development. There will be no significant or unexpected impacts to the system from the proposed changes. The City has anticipated growth and the impact on City infrastructure to both water and sewer.

Schools and Parks: Schools and parks may be effected by the proposed zone change and development of a new city neighborhood depending on the potential residents. The School district did not provide any comments.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

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

The proposed zoning itself will not generate more traffic on any of the adjacent streets; there is no public access to the site. And the zone change does not contemplate additional development at this time.

7. Will the new zoning promote compatible urban growth?

The proposed zone change will not negatively impact urban growth. The parcel will continue to be used in support of airport facilities.

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

The proposed development continues the character of the district. The surrounding properties are similarly zoned P2, as is the rest of the airport campus. Other surrounding parcels are vacant lots with Agricultural zoning.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the properties will need to meet the applicable site development requirements in the zoning code, including landscaping, screening, building heights and setbacks for the applicable commercial or residential district.

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

The proposed zoning does encourage the most appropriate use of land in this area of the City. This parcel is already owned by the Billings-Logan International Airport, and the zone change will reflect its existing and future public infrastructure use.

Attachments

Petition

Zoning Map and Site Photos

Zoning History



January 9, 2023

MEMORANDUM

P.O. Box 1178
Billings, MT 59103
P 406.657.8433
F 406.657.8390

TO: Monica Plecker Planning Division Manager
Denise Bohlman, City Clerk

FROM: Chis Kukulski, City Administrator 

SUBJECT: **ANNEXATION OF CITY OWNED AIRPORT PARCELS**

In accordance with the requirements of Montana Code Annotated (MCA) 7-2-4403, this memo is a request to annex into the incorporated limits of the City of Billings, properties owned by the City of Billings adjacent to the Airport, purchased by the Airport for the protection of the Airport. The property tax ID and legal description of the properties which are the subject for this annexation request are as follows:

72.77 acres located on the north side of the Airport better identified as Tract C, Certificate of Survey No. 3795; located in the southeast one-quarter (SE 1/4) and the southwest one-quarter (SW 1/4) of Section 19, Township 1 North, Range 26 east, Principal Meridian Montana, Yellowstone County, Montana. Tax ID - D05250B.

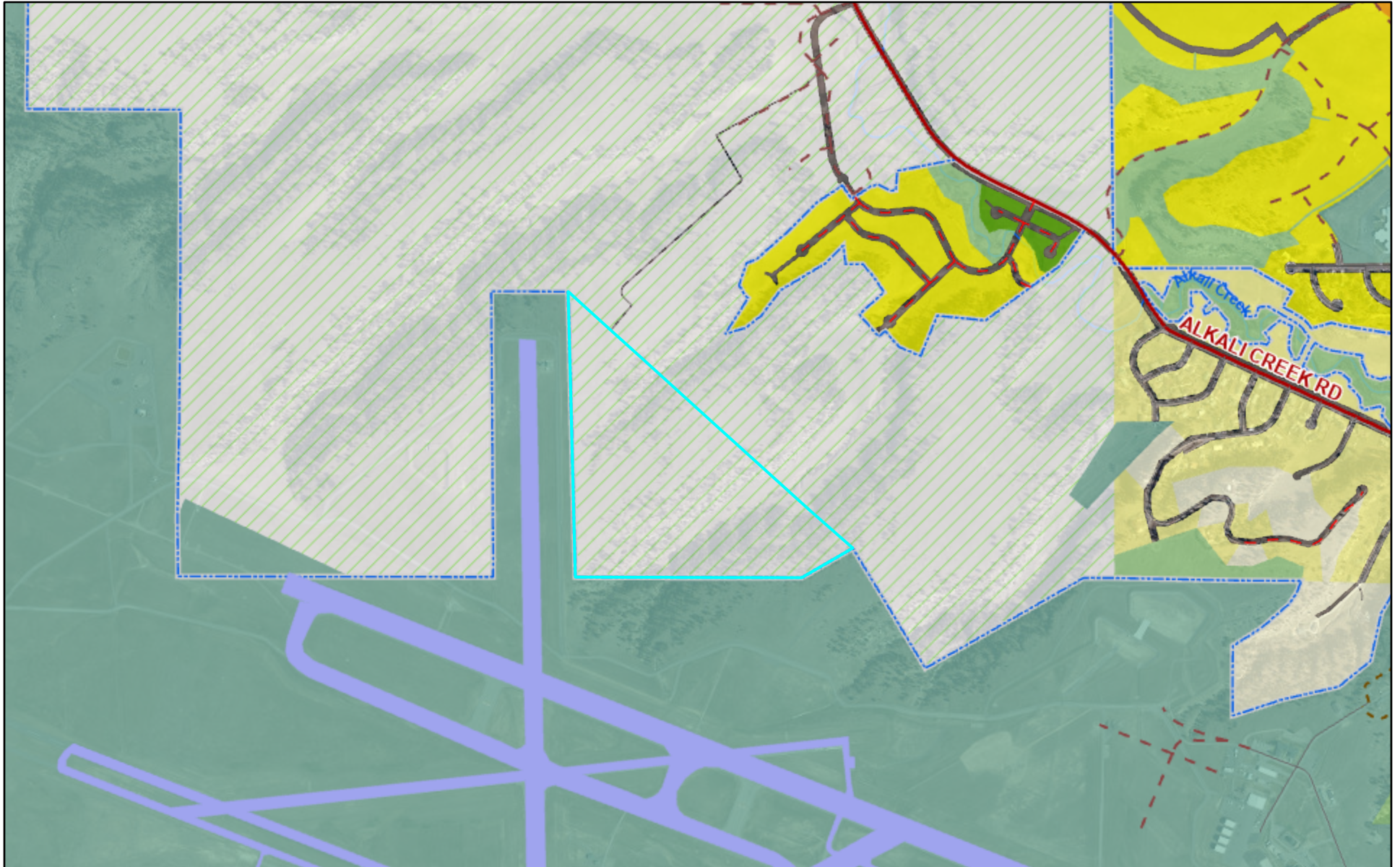
60.78 acres located on the west side of the Airport better identified as Lots 9, 10, and 12 of the Certificate of Survey 2037; located in the northeast one-quarter (NE 1/4) of Section 26, Township 1 North, Range 25 east of Principal Montana Meridian, Yellowstone County, Montana. Tax ID - DO4575.

Thank you for your assistance with this.

KP:mdb

cc: Chrono
Wyeth Friday, Planning Director
M. Burson
M. Herold

ArcGIS Web Map



6/26/2023, 9:31:54 AM

Billings - County Zoning

A - Agriculture (10+ acres)*

N3 - Suburban Neighborhood

N4 - Large Lot Suburban Neighborhood*

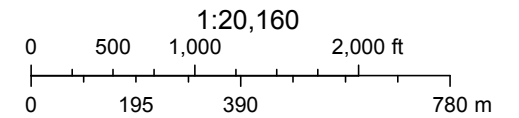
NX1 - Mixed Residential 1 (1-4 du/structure)

NX3 - Mixed Residential 3 (>=5 du/structure)

P1 - Open Space, Parks, Recreation

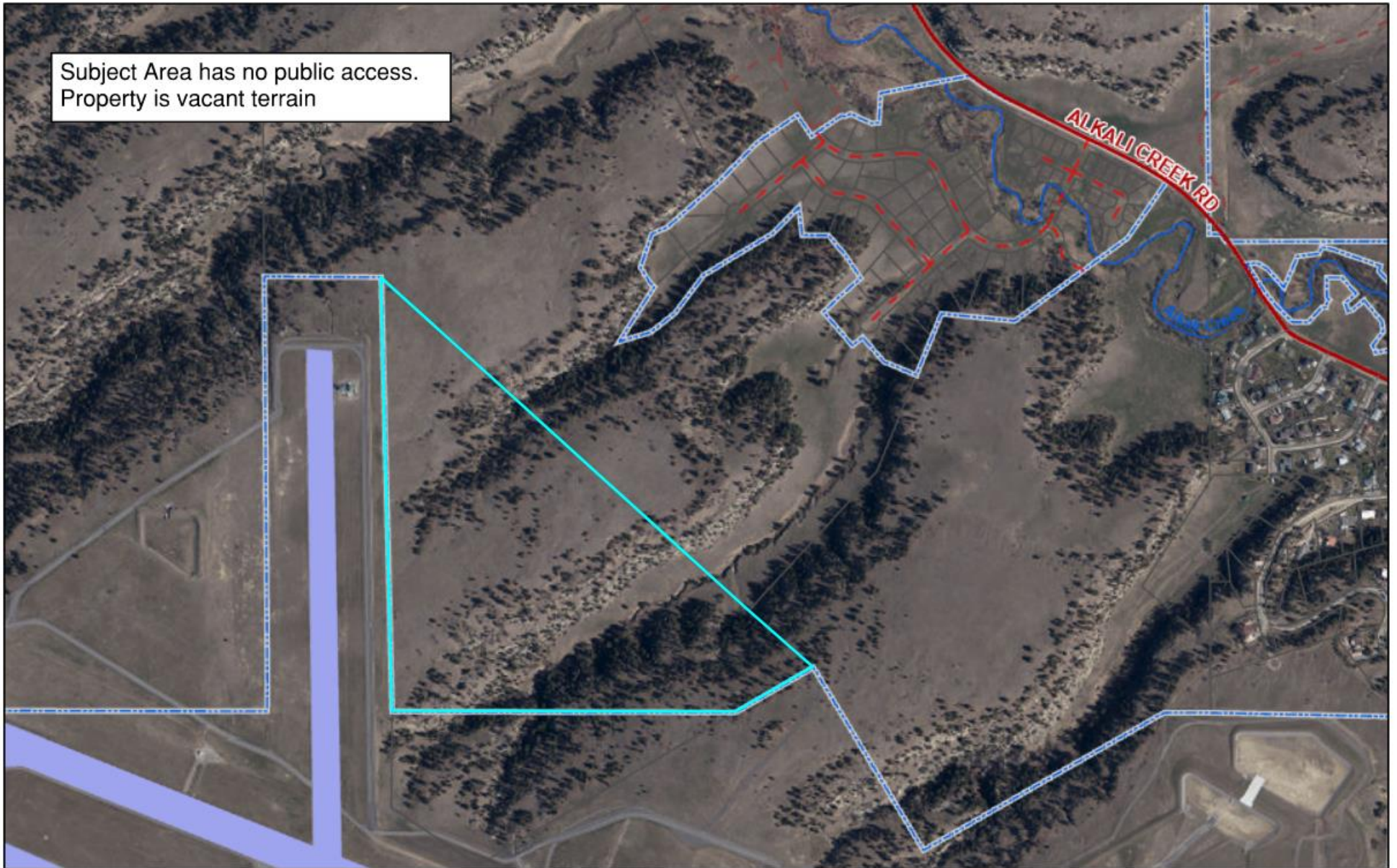
P2 - Public- Civic, Institutional

RR1 - Rural Residential (1 to 2.99 acres)*



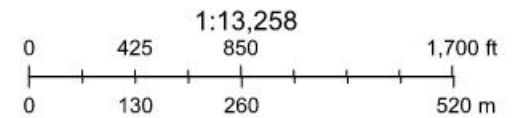
ArcGIS Web Map

Subject Area has no public access.
Property is vacant terrain




6/28/2023, 10:31:07 AM

- | | | | | |
|--------------------------|----------------------|-----------------|---------------|-----------------------|
| Streams, Ditches, Canals | Billings City Limits | Road Centerline | PROPOSED ROAD | Billings_2020_Imagery |
| Creek or Slough | Airport Hard Surface | ARTERIAL | PLACEHOLDER | Red: Band_1 |
| Tax Parcels | | STREET | | Green: Band_2 |



ZONING REQUEST

ZONE CHANGE
1032
SPECIAL REVIEW
VARIANCE

An orange rectangular sign with rounded corners is mounted on a black metal post. The sign features the text 'ZONING REQUEST' at the top. Below this, there are two columns of text: 'ZONE CHANGE' and '1032' on the left, and 'SPECIAL REVIEW' and 'VARIANCE' on the right. In the center of the sign, there are two documents pinned together: one appears to be a form with text and a logo, and the other is a site plan or map showing a property layout.

Green directional sign on a pole.

Black rectangular sign on a pole.

Small white sign on a pole.





SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
COS 3795, Tract C	City ZC 1032	July 24, 2023	Annexation of airport owned property	-	Not constructed "A" zone district
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
C/S 2037, HWY 3	City ZC 987	2/22/2021	A- Agriculture I1 (Light Industrial) and CX (Heavy Commercial)	Yes	"A" zone district
3648 AJ Way	City ZC 1026	6/12/2023	A- Agriculture to P3 – Public 3	Yes	National Guard Base
6014 S Billings Blvd	City ZC 993	7/12/2021	A- Agriculture to P2 – Public 2	Yes	"A" zone district
Billings Operation Center	City ZC 706	12/9/2002	A1 to Public and EGC	Yes	Currently P2 & CMU2

Zoning Commission

Date: 07/11/2023
Title: Zone Change 1031 - Text Amendments - Phase II - Action Options for Zoning Commission and City Council; Open Space in NX districts and PND; Rebuild of Residential in Commercial and Mixed Use; Step-backs for structures in NX2/NX3
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends the Zoning Commission recommend approval of these draft amendments to the zoning code based on the findings of the 10 review criteria.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

In February 2021, the City Council adopted a new zoning code and zoning map for the entire city. The Council directed staff to continually monitor the new code to ensure the text of the regulations was working as intended and any corrections or housekeeping changes could be made. The Council also directed staff to monitor the implementation to consider any substantive changes to adjust the code, so it continues to provide support to the development goals of the adopted Growth Policy and general policies of Billings.

Planning staff brought forward a bundle of code corrections and amendments last year (June 2022). Those amendments were approved by the Council. Planning staff has been working on more substantive amendments to the code based on staff experience implementing the new code, information from professionals who use the code, and from the Council in its reviews of zoning applications. These substantive amendments include adjustments to Council action options for special reviews and zone changes, open space provisions in NX and PND district assembly, allowing rebuild of residential uses in commercial and mixed use zones by right, and step-backs of taller buildings between neighborhood and mixed neighborhood zones. These adjustments are not indicators of a "broken" set of regulations. Just as a new car or truck has a break-in period, so do new codes and regulations. As a completely new code, the need to monitor for glitches or "pain points" is important. These adjustments are just part of breaking in a new code. Planning staff believes this set of amendments should be the last significant adjustments needed for a few years. Planning staff and the City Council should re-visit the zoning and other land development codes regularly and when a new Growth Policy is adopted.

The City Council took action to initiate these amendments for review, public hearings and adoption at its meeting on April 24. The City Council's action was to begin the process of public review and adoptions. The City Council will act on the specific amendments once the Zoning Commission provides a recommendation and once the Council holds a public hearing. The number of amendments requires these to be brought forward in phases. This second phase will include changes to the administrative procedures for special review and zone changes, open space provision in multifamily and PND district assemblies, rebuild of residential uses in commercial and mixed use zones, and step-backs between taller buildings in mixed residential districts adjacent to neighborhood districts. Planning staff has worked with several stakeholders over the last several months to craft the draft amendments. This report will describe each amendment and will include just one set of findings for the review criteria for all four ordinances. Each ordinance by city regulation may only address a single comprehensive subject, must have a public hearing and recommendation from the Zoning Commission and then must be voted on by the City Council at two separate meetings.

Council action options for special review and zone changes - Sections 27-1623 and 27-1628

The current code for Zoning Commission and Council actions on zone changes or special review requests is a limited set using the non-discretionary verb of "shall". It is important to applicants and the community to have predictability built in to a regulation, however, there also needs to be flexibility to balance the code and allow options and choices. The code as currently written does not allow much flexibility in decision-making. For example, the Zoning Commission does not have the option of granting a delay of action on a special review even though this option is allowed for a zone change. The City Council would also like the ability to return zone changes or special review requests to the Zoning Commission for further hearings including when changes to a site plan or zoning boundary are contemplated after the Zoning Commission hearing is complete.

The Zoning Commission met on June 6 and discussed the draft amendments. The Commission was concerned the amendment might create unintended loopholes and potentially put applications in an endless loop of delay and reviews. Planning staff updated the amendment based on these concerns. Staff has recommended a "one-time-only" limitation for hearing delays or Council sending an application back to the Zoning Commission for another hearing. Staff believes the

changes to the draft diminish the concerns with loopholes and delays. The draft ordinance is attached.

Open space provision in NX zones and PND district assembly - Sections 27-307, 27-308, 27-802 and 27-803
The new 2021 code incorporated the requirement to provide open space and recreation space in multifamily developments of 3 acres or more and within any new property annexed to the city through the Planned Neighborhood Development (PND) process. Previously, the only way to require open space within a neighborhood was through the subdivision process. Some multifamily developments did not need to go through a subdivision process and the subdivision regulations allow the developer to "opt-out" from providing any on-site park or recreation space by giving the city an equivalent cash amount in lieu of dedicating parkland. The code for new multifamily developments over 3 acres does not specify any amount of open space or that it must be developed. There are three choices of open space type allowed. The language is also vague and hard to implement. Council directed staff to correct the code language to eliminate the vagueness and to be more specific on the size of open space and base it on the total area of multifamily development.

The Planned Neighborhood Development zone change process requires a minimum of 2 percent of the net area be designated as open space. There are 5 types of open space to choose from, but two of those are restricted to mixed use type developments. This code section requires development of the open space and continued maintenance either by a homeowner's association or by the city if it is accepted as public park land. Most of the open space designated through the PND process has not been accepted as public parkland because of its size and intended uses. The City Council has expressed concern the types of open space designated through the PND process are too small or provide little recreational opportunity in these new neighborhoods. The Council directed staff to increase the minimum percentage and put in some criteria for choosing an open space type. The proposed revisions eliminate the vagueness from the NX zone district requirements and increase the minimum designation of the open space through the PND process from 2 percent to 5 percent.

The Zoning Commission discussed the draft amendment on June 6, and was concerned with potential loopholes created by specifying a certain minimum acreage when the requirement would kick in, the lack of flexibility for mixed residential development in subdivisions that have already dedicated parkland or are within walking distance of a developed park. The Commission also expressed concern that open space did not have a minimum "depth or width" provision so un-useable areas might be designated for recreation. The Commission was also concerned with the added burden this places on mixed residential developments especially considering the crisis in housing the Billings area is currently experiencing. Mr. Doug Wild from the Home Builders Association also expressed concerns with the proposed revisions in light of the housing challenges.

Planning staff revised the draft amendment to address these concerns except for the potential to cost burden new mixed residential developments where no open space has been previously dedicated or developed. Until the 2021 zoning code amendments, open space provisions for new developments were exclusively handled through the subdivision process. The subdivision regulations do not require development of any dedicated parkland, only that it be provided. The open space dedicated through subdivision also must meet the city's standards for area, suitability for active recreation, and other park policies set by the city. In many cases, this leads a developer to provide cash-in-lieu of parkland dedication. While this provides revenue to the Parks Department, it does not provide the types of open space that are most usable for everyday outdoor activities in apartment communities such as outdoor dining, pocket park areas to accommodate a variety of recreation (sand boxes, play structures, benches, small areas fenced for dog play, etc.). Developers who provide these small spaces have to arrange for long term maintenance and cover liability. These amenities do add cost to monthly rents. The draft ordinance is attached.

Allow re-build of residential uses in commercial and mixed use zones - Section 27-1504

The new code for Mixed Use and commercial zone districts requires that a commercial (nonresidential) use be either on the same property or within the same building as a residential use. Many properties previously zoned commercial were allowed to have residential use as the sole use of the property without any paired commercial uses on the same property or in the same building. There are approximately 52 properties in commercial or mixed use zone districts in the Heights that are only developed with residential uses. There are about 95 such properties in the downtown area, about 70 properties between downtown and 24th St W, and about 35 properties in the Southwest Corridor and West Billings. While this is not a large number, many of these properties are owner occupied and for many are the only substantial family investment. These properties cannot receive a standard mortgage or insurance because the code does not allow a full re-build of the residence as it is.

The current code for re-build in any neighborhood zone district allows any residential use to be re-built in the district even if it is not conforming to the specific use limitations. For example, if there is a 4-unit structure in the N3 zone, a single family zone, then we can issue a re-build letter for a 4-unit structure. This amendment would extend this residential re-build allowance into the mixed use and commercial zones where residential uses are allowed but are required to be on the same lot as a commercial use or in the same structure as a commercial use.

The Zoning Commission discussed the draft ordinance on June 6, and had no concerns. The draft ordinance is attached.

Step-backs of taller buildings between neighborhood and mixed residential neighborhood zone districts - Section 27-308

The current code allows NX zones and N zones to be adjacent to each other. The NX2 and NX3 zone allows building heights up to 4 stories, while most N districts allow buildings between 1 and 3 stories. The code requires a larger setback for any structure in an NX2 or NX3 zone where the adjoining zone is a Neighborhood or Residential Manufactured Home zone. The additional rear setback is 20 feet and the additional side yard setback is 15 feet from property lines. Many Billings' homes in the N districts are single story with some 1-1/2 story or two-story homes. A four-story structure adjacent to a single story structure can be an abrupt change. In the Mixed Use (MU) zone districts any new structure where the property adjoins or is across an alley from a neighborhood zone district requires building setbacks of 30 to 50 ft depending on the number of stories on the commercial building. The City Council received complaints from residents in a neighborhood south of a new multifamily development on Central Avenue. The new multifamily structures met the required additional rear and side setbacks. The Council was concerned about the height difference between the homes - 1.5-story homes setback about 20 ft from rear property lines - and the new 3-story apartment buildings also setback 20 ft from the rear property line. The distance between the new multifamily and the existing single family homes is approximately 40 feet. The numerical height of the new 3-story multifamily buildings are about 35 to 36 feet. The numerical height of the existing homes is about 24 feet.

The Zoning Commission reviewed the draft amendment on June 6, and had concerns with the proposal. The primary concern was with the large setback required from a rear or side property line whenever a structure is either over 2 stories or 35 ft above grade. The Commission was concerned the step back was disproportional to any negative impact between buildings. The Commission was concerned the 50-foot setback required for a building 36 feet tall was not necessary to maintain compatibility between essentially the same land use - residential dwellings. The Zoning Commission directed staff to research the requirement further to determine what is the potential for this issue to arise in the future - map where N districts are adjacent to NX2 or NX3 vacant parcels - and to provide schematic scaled drawings of different step backs between buildings and property lines. City GIS staff developed a map showing where the potential exists for the step backs to be applied in the future. There are a handful of potential locations and all are on small lots. A 50 ft step-back for a building over 2 stories on these lots would likely require a variance or the redesign of the project to fit a 2-story or 35 ft maximum. It is likely fewer dwelling units would be available. In addition, it appears the potential future conflicts are not widespread. The map of these areas is attached.

The schematic drawings were prepared by Planning staff as hand sketches, but are scaled to show separation distances. Comfortable viewing angles (neck flexion) of either elevation or depression ranges between 40 and 80 degrees above or below the 0° angle of the horizon. For example, a viewer looking out a 3rd floor window could comfortably view objects below the window to a maximum of 80 degrees below their horizon. The viewer would have to lower their head to see at this angle. Similarly, a person standing in a backyard could comfortably elevate their head to see up to 80 degrees above their horizon to see a taller structure. Without moving the neck or head the maximum field of vision is less than 40 degrees either above or below the horizon. This information is important to understand the "view shed" of people within a taller structure or people on the ground. It also changes based on the location of the viewer. For example, if people on both properties are on ground level and there is a 6-ft tall opaque fence between the yards, there is zero visibility between the two groups of people. Trees and vegetation along property lines can also block a field of view between properties. Natural surveillance to and from public spaces such as a street or parking lot provides a good level of crime prevention. The backyard space has always been considered a private space. A privacy fence may or may not provide security for the backyard. The backyard can be a place where burglars and other criminals can commit crimes without anyone noticing. Taller fences - more than 6 feet - can be a deterrent as these are not easy to scale, but will not prevent a determined person from getting into a backyard. There are strategies that can be used to make a privacy fence more secure from trespassers including planting shrubs with thorns that make scaling a fence hazardous or building a fence that has alternating privacy and more open fence panels (trellis panels) to eliminate hiding places within the backyard.

There are several existing examples where multifamily developments adjoin neighborhood zone districts. This includes apartment buildings at 3430 Lynn Avenue, 640 Lake Elmo Drive, Killarney Street, S 28th St apartments, Avenues D and E apartments and several other locations. Most of these apartment developments fit in well with the surrounding uses. Many communities in the Midwest and in the Rock Mountains have a similar development style that includes small to medium apartment complexes adjacent to single or two family dwellings. Examples of this common urban form are attached.

Planning staff did not modify the proposed amendment for the increased step backs between new multifamily apartments and property lines adjoining or across and alley from an N zone district. The draft ordinance is attached.

STAKEHOLDERS

Planning staff worked with several groups of stakeholders over the last two years while implementing the new zoning code including the City Council, Home Builders Association, Billings Area Realtors, architects, engineers, planners and property owners. The amendments were produced by monitoring real life application of the code and collecting feedback over time

from the various stakeholder groups. Planning staff shared the draft amendments with the stakeholders through direct email, placed a legal ad and posted the drafts on the Planning division's webpage and the Zoning Commission discussed the items during their June 6th meeting. Since posting the legal ad and prior to this Zoning Commission hearing, staff has received comment from Doug Wild, a member of the Home Builder Association. Generally the comments suggest that each amendment creates a slightly tougher regulatory environment which will impact cost. There were additional concerns specific to parkland requirements, stepbacks and creating delays with applications. Individual landowner notifications are not required for these text amendments.

ALTERNATIVES

The Zoning Commission may take one of the following actions:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1031; or,
- Recommend approval with specific changes to the draft ordinances for Zone Change 1031; or
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1031; or,
- Delay action on the zone change for up to 30 days.

In case of a tie vote on the text amendment zone change, the application will be delayed for 30 days until the next Zoning Commission meeting. The Zoning Commission must forward a recommendation with findings to the City Council.

FISCAL EFFECTS

Adoption of code amendments may affect the Planning Division budget. Municode is the official codification company for Billings. Every amendment to the code has a fee that has usually been assessed and paid for by a department or division. However, the City Code is not particular to one Division or Department. It is utilized by many City staff and is designed to benefit and protect all City residents. It is appropriate and accurate for the cost sharing of codification costs for zoning code updates through the general fund.

SUMMARY

Before making a recommendation to the City Council on the proposed Zoning Code Amendments, the City Zoning Commission shall consider the proposed findings of the ten review criteria.

1) Whether the new zoning is designed in accordance with the growth policy;

The proposed Zoning Amendments are consistent with the 2016 Billings Growth Policy Statement and Growth Guidelines:

Growth Policy Statement:

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

Growth Guidelines:

Essential Investments (relating to public and private expenditures to public values)

- Infill development and development near existing City infrastructure may be the most cost-effective

Place Making (enhance, maintain, preserve and improve existing public places):

- Public and private partnerships are valuable for creating enhanced entryways into Billings

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Attractive street scapes provide a pleasant and calming travel experience in urban and suburban neighborhoods

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income level
- Safe and livable neighborhoods can be achieved through subdivision design walkable access to public spaces
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life

Prosperity (promoting equal opportunity and economic advancement)

- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

Since the growth policy is a general guiding document that contemplates the overall vision and growth of the community, these amendments that better tailor the regulations to meet local needs are not contrary to the document. The code amendments address the parts of the code that have created challenges or are too general. These amendments will allow the code to be adjusted to meet the community goals and match the expectations of the City Council, community developers, neighborhood builders and citizens. The proposed code amendments will allow the city to better meet the needs of all its residents, businesses and visitors now and into the future. These amendments will integrate nicely into the existing a code, and when working as a whole, will meet the intent of the growth policy.

2) Whether the new zoning is designed to secure from fire and other dangers;

The zoning amendments will not change the code in a way that will create safety concerns related to fire and other dangers. Once integrated, these amendments will not prevent the code from providing adequate building separations and density limits to provide security from fire and other dangers. Considering the nature of these specific amendments, this criteria does not directly relate to most amendments, more specifically, do not relate to Zoning Commission and City Council action options or rebuild of residential uses in commercial zones, but is more so applicable to the amendments related to open space provisions in mixed residential zones and PND zones as well as the proposed increase step backs between mixed residential and neighborhood districts. The alteration of the code still allows for appropriate setbacks and site requirements to ensure security of fire and other dangers.

3) Whether the new zoning will promote public health, public safety and general welfare;

Public health, public safety and the general welfare will be promoted by the proposed zoning code amendments and the existing code as a whole. These amendments do not drastically alter the originally adopted code which was found to have met the criteria for promoting public health, safety and general welfare. The proposed adjustments to the provision of open space in mixed residential areas will provide more outdoor recreation space close to apartments and townhomes. The allowance for rebuild of residential structures in the commercial or mixed use districts will benefit the general welfare by preserving property investments in these areas. The proposed step backs between mixed residential and neighborhood districts may promote general welfare depending on the specific requirements. The amendments work in coordination with the code as a whole to ensure the minimum standards for health, safety and welfare are being met.

4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

Transportation: The existing zoning code and these amendments as a whole should help the city provide safer transportation modes including non-motorized travel and safer routes to school. Sprawling development patterns of homogenous land uses separated by miles from different land uses is an unsustainable development pattern. It unnecessarily increases vehicle trips, drives up demand for parking spaces, wider and more abundant high speed arterial streets, contributes to air pollution and unhealthy life-styles. The existing code and the amendments will allow flexibility with design standards.

Water & Sewer: The proposed code amendments should have no effect on city water and sewer services.

Schools and Parks: Schools and parks should not be effected by these code amendments.

5) Whether the new zoning will provide adequate light and air;

The proposed zoning code amendments, as does the current zoning, provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. The portions of the zoning code that pertain to adequate light and air are similar to criteria 2 and 3 which specify setback requirements, height requirements, and other siting requirements. The amendment that is most related to this criteria is the proposed step back increase from 20 feet to 50 feet for new multifamily structures over 2 stories or 35 feet in the NX2/NX3 zones when those properties adjoin neighborhood zone districts. The proposed step back may not be proportional to the effect of having taller buildings close to shorter structures.

6) Whether the new zoning will effect motorized and non-motorized transportation;

The proposed zoning amendments will not directly effect motorized or non-motorized transportation. The proposed standards for the provision of open space in mixed residential and PND developments may help reduce trips from these area to access recreational areas.

7) Whether the new zoning will promote compatible urban growth;

The zoning amendments will promote compatibility with urban growth through adjustments to add certainty and flexibility, without compromising the intent of the new code. The zoning code as a whole, is compatible with the City's growth policy and vision for the community as it grows. These amendments should integrate nicely and continue to provide residents and builders with predictability.

8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;

All the amendments have been considered in a way that continues to carry out the intent of the zoning code as a whole and considers how open space, administrative options, preservation of property investments and building separations can provide certainty and integrate in existing built environments. Generally, these amendments are consistent with existing fabric of both commercial and residential neighborhoods. Residential uses in commercial and mixed use areas fit into the neighborhoods where they are located. Ideally, commercial and mixed use zones would re-develop over time and make the next incremental investment in property improvements. Until that time, allowing these existing residences to be re-built will assist in preserving property value and prevent disinvestment.

9) Whether the new zoning will conserve the value of buildings;

In general, the code amendments should conserve the value of buildings throughout the City and the amendments do not alter the code in a way that would decrease values. In particular, some adjustments may ease some nonconformity burdens.

10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

The code amendments when working with the code as a whole encourage appropriate and compatible uses, design and siting of land in Billings.

Attachments

Draft Ordinance Zoning Commission and Council Action Options

Draft Ordinance Open Space in NX and PNDs

Draft Ordinance allow rebuild of residences in commercial and mixed use

Draft Ordinance step backs between NX and N districts

Map of vacant NX to N districts

Examples of multifamily adjacent to single family

Schematic drawings - step backs

HBA Comments on Proposed amendments

ORDINANCE 23-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Section 27-1623 SPECIAL REVIEW and 27-
1628 ZONE CHANGE, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1628, BMCC, provide for amendment to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

Section 2. DESCRIPTION. The text of Section 27-1623 and Section 27-1628 be amended to allow the Zoning Commission and the City Council more options for decisions related to special reviews and zone changes.

Section 3. ZONE TEXT AMENDMENT. The text of Section 27-1623.E is amended as follows:

Sec. 27-1623. - Special review uses.

E. Review and decision-making.

1. City zoning commission.

(a) The zoning commission shall consider each application in accordance with the provisions of this section, and at a public hearing at which time the application has been legally advertised.

(b) The zoning commission shall make a recommendation to the city council to:

- (1) Approve the application;
- (2) Conditionally approve the application;
- (3) Deny the application.

(c) Prior to closure of the public hearing, the zoning commission may also grant a request of the applicant to:

- (1) Allow the withdrawal of the application; or
- (2) Allow a delay not to exceed 60 days.
- (3) Only one delay request from the applicant will be granted by the zoning commission.

(d) The Zoning Commission on its own motion, may continue the public hearing to a date certain, in response to a finding for any of the decision criteria in subsection 27-1623.D., that requires additional information from the applicant. Only one continuance on its own motion can be considered by the zoning commission.

~~(e)~~ (e) Recommendations from the zoning commission shall be based on findings of fact for each criterion and shall be transmitted to the applicant or applicant's agent, and the

city council within fifteen (15) calendar days of the conclusion date of the public hearing before the commission.

~~(d)~~ (f) The recommendation of the zoning commission shall be published in a newspaper of general circulation.

2. City council action.

(a) At least fifteen (15) calendar days after the first publication of notice of the zoning commission recommendations, a public hearing shall be held by the city council.

(b) Before taking any action on an application for a special review use, the city council shall first consider the findings and recommendations of the zoning commission.

(c) The city council shall:

(1) Approve the application;

(2) Conditionally approve the application;

(3) Deny the application;

(4) Allow withdrawal of the application; ~~or~~

(5) Delay the application for a period not to exceed thirty (30) calendar days; ~~or~~

(6) Refer the application back to the zoning commission for an additional public hearing based on a determination that 1) new information has been submitted that the applicant and public has not had a reasonable opportunity to examine and comment on, or 2) new information has been presented that was never submitted or considered by the zoning commission or staff. A city council referral back to the zoning commission will require publication of a new legal ad, posting of the property and mailing to the surrounding property. A referral back to the commission under this section may only be done once by the City Council.

Section 4. ZONE TEXT AMENDMENT.

amended as follows:

The text of Section 27-1628.E is

Sec. 27-1628. - Zone change.

E. Review and decision-making.

1. City zoning commission recommendation.

(a) The city zoning commission shall make a recommendation to the city council to:

(1) Deny the application;

(2) Approve the application; ~~or~~ .

~~(3) Allow the application to be withdrawn.~~

(b) Prior to closure of the public hearing, the zoning commission may also grant a request, without prejudice to the applicant, to allow:

(1) Withdrawal of the application; or

(2) A delay of the public hearing not to exceed 60 days.

(3) Only one delay request by the applicant will be granted by the zoning commission.

(c) The Zoning Commission on its own motion, may continue the public hearing to a date certain, in response to a finding for any of the decision criteria in subsection 27-1628.D., that requires additional information from the applicant. Only one continuance on its own motion can be considered by the zoning commission.

~~(b)~~ (d) Recommendations from the zoning commission shall be based on findings of fact and shall be transmitted to the applicant or applicant's agent, and the city council within fifteen (15) calendar days of the conclusion date of the public hearing before the zoning commission.

~~(e)~~ (e) The recommendation of the zoning commission shall be published in a newspaper of general circulation.

~~(d)~~ (f) ~~The zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) calendar days, without prejudice to the applicant.~~ A report of the commission's recommendation, and the zoning coordinator's findings and conclusions shall be submitted to the city council.

2. City council action.

(a) The city council shall hold a public hearing within thirty (30) calendar days after the publication of the zoning commission recommendation.

(b) Before taking action on a zone change application, and after presentation of the zoning commission report, the city council shall hold a public hearing on the application.

(c) A second reading of the ordinance as is required by BMCC section 2-232.

(d) The city council shall:

(1) Approve the application;

(2) Deny the application;

(3) Allow withdrawal of the application; or

(4) Delay the application for a period not to exceed thirty (30) calendar days; or

(5) Refer the application back to the zoning commission for an additional public hearing based on a determination that 1) new information has been submitted that the applicant and public has not had a reasonable opportunity to examine and comment on, or 2) new information has been presented that was never submitted or considered by the zoning commission or staff. A city council referral back to the zoning commission will require publication of a new legal ad, posting of the property and mailing to the surrounding property. A referral back to the commission under this section may only be done once by the City Council.

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 7. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this _____ day of July 2023.

PASSED, ADOPTED and APPROVED on second reading this ___day of August 2023.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change _____, Text Amendment for Zoning Commission and Council actions on special review or zone changes

ORDINANCE 23-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Sections 27-307, 27-308 and 27-802 and 27-
803 related to the provision of open space in multifamily
zone districts and in Planned Neighborhood Development
applications, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1628, BMCC, provide for amendment to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

Section 2. ZONE TEXT AMENDMENT. The text of Section 27-307 be amended to revise the requirements for provision of open space in developments of three acres or more as follows:

Sec. 27-307. - NX1 district.

D. Supplemental regulations.

5. Open space.

(a) One or more of the following open space types equal to or more than 6,500 square feet must be provided for every each three (3) contiguous acres of NX1 district or combination of NX1, NX2 or NX3 districts :- All abutting land owned or under contract for purchase by owners of the subject property shall be considered part of the calculation of contiguous acres. Previously exempt parcels, may be subject to this subsection if contiguous parcels are added to the existing development.

(b) Exemptions

(i) Developments of less than three contiguous acres are exempt from this requirement. See above for the calculation of area.

(ii) NX1 or a combination of NX1, NX2 or NX3 developments where the most distant structure is ½-mile (radius) or less of a developed public park or publicly accessible open space are exempt from providing open space.

(iii) Developments within a subdivision that dedicated and developed public parkland.

(c) Unless otherwise exempt, developments of more than 3 contiguous acres, shall provide a developed open space type or types equal to or greater than 5% of the gross contiguous area. For example, a contiguous six-acre development consisting of both NX1 and NX3 districts must provide and develop at least 13,068 square feet of one or more of the open space types. Fractions of square feet shall be rounded up to the next whole number. Developments of 10 or more contiguous acres shall provide at least two types of open space, one of which shall be a "Green" as defined below.

(a) (i) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage. Parklets are

intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.

(b) (ii) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.

(c) (iii) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

(iv) Linear park with trail or bike path. A linear park with a developed trail or bike path is allowed if it is identified in the Billings Area Bike and Trail Master Plan or provides a connection between two existing trails or bike paths already developed and part of the master plan. Linear parks with trails or bike paths that are circular, internal only to the development and do not connect to adjacent trails or bike paths will not be considered.

Section 3. ZONE TEXT AMENDMENT. The text of Section 27-308 be amended to revise the requirements for provision of open space in developments of three acres or more as follows:

Sec. 27-308. - NX2 and NX3 district.

D. Supplemental regulations.

5. Open space.

(a) One or more of the following open space types equal to or more than 6,500 square feet must be provided for every each three (3) contiguous acres of NX2 or NX3 district or combination of NX1, NX2 or NX3 districts ∴. All abutting land owned or under contract for purchase by owners of the subject property shall be considered part of the calculation of contiguous acres. Previously exempt parcels, may be subject to this subsection if contiguous parcels are added to the existing development.

(b) Exemptions

(i) Developments of less than three contiguous acres are exempt from this requirement. See above for the calculation of area.

(ii) NX1 or a combination of NX1, NX2 or NX3 developments where the most distant structure is ½-mile (radius) or less of a developed public park or publicly accessible open space are exempt from providing open space.

(iii) Developments within a subdivision that dedicated and developed public parkland.

(c) Unless otherwise exempt, developments of more than 3 contiguous acres, shall provide a developed open space type or types equal to or greater than 5% of the gross contiguous area. For example, a contiguous six acre development consisting of both NX2 and NX3 districts must provide at least 13,068 square feet of one or more of the open space types. Fractions of square feet shall be rounded up to the next whole number. Developments of 10 or more contiguous acres shall provide at least two types of open space, one of which shall be a "Green", "Plaza" or "Square" as defined below.

(a) (i) Parklet. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage. Parklets are

intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.

(b) (ii) Green. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.

(c) (iii) Natural area. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

(iv) Linear park with trail or bike path. A linear park with a developed trail or bike path is an area of at least 30 feet in width that has a trail or bike path that is constructed in manner compliant with city adopted construction specifications. The designation and development of a linear park is allowed if it is identified in the Billings Area Bikeway and Trail Master Plan or provides a connection between two existing trails or bike paths already developed and part of the Billings Area Bikeway and Trail Master Plan. Linear parks with trails or bike paths that are circular, internal only to the development and do not connect to adjacent trails or bike paths will not be considered. Such amenity may be part of a "Green" or "Natural areas" as defined herein.

(v) Plaza. A plaza must share street frontage with a CMU, NMU, NO, NX or P2 zone district. A plaza may provide areas for seasonal shopping or similar community activities. A plaza will be developed with landscaping and pedestrian facilities throughout.

(vi) Square. A square is similar to a plaza except it is surrounded by street frontage on all sides. A square must be developed with landscaping and pedestrian facilities throughout.

Section 4. ZONE TEXT AMENDMENT. The text of Section 27-802, Table 27-800.1. Types of Planned Neighborhood Districts, and Section 27-802.B.3 Minimum District Mix are amended as follows:

Sec. 27-802. - Zoning districts.

Table 27-800.1. Types of Planned Neighborhood Districts.

Zoning Districts															
Required Min. Acres	Types of PND	CMU1	CMU2	NMU	NO	NX1	NX2	NX3	N1	N2	N3	RMH	P1	P2	P3
10	Mixed-Use MU PND Choose at least 2 districts: Pick 1 MU and Pick 1 NX or 1 N Min. % of net acres	L	L	P	P	P	P	L	P	P	P	P	2 5	P	P
															3 buildings
10	Mixed Residential MR PND Choose at least 2 districts: Pick 1 NX and Pick 1 N Min. % of net acres	-	-	L	P	P	P	P	P	P	P	P	R	P	P
													2 5		3 buildings
10	Neighborhood N PND Choose at least 2 N/NX districts Min. % of net acres	-	-	L	L	L	L	L	P	P	P	P	R	P	P
													2 5		3 buildings

B.3 Minimum district mix regulations.

(a) Unless Table 27-800.1 indicates otherwise, each type of planned neighborhood development requires a combination of at least two (2) development zoning districts with a percentage mix of ~~eight-eight (88)~~ eighty-five (85) percent maximum and ten (10) percent minimum measured by total net parcel area, plus the minimum required open space (~~two (2)~~ five (5) percent minimum). ~~For example, an applicant with a 12-net acre lot may choose to create a Neighborhood PND (N-PND) with a mix of: (1) 10.56 acres (eight-eight (88) percent) N3, 1.2 acres (ten (10) percent) N2, and the required .24 acres of P1 open space.~~

Section 5. ZONE TEXT AMENDMENT. The text of Section 27-803. Private Open Space Requirements is amended as follows:

Sec. 27-803. - Private open space requirements.

All PNDs must provide open space to ensure the walkability, sociability, and safety of residents and visitors.

A. *Natural features.* Where significant tree canopy or natural feature exist on the site, the open space shall be located in order to preserve the maximum amount of the existing trees or natural feature and maximize buffers from waterways and natural features.

B. *Types of open space.* The following types of open space are required.

1. The PNDs are required to provide one or more of the following:

(a) *Plaza*. A plaza must share street frontage with a CMU, NMU, NO, NX or P2 zone district. A plaza may provide areas for seasonal shopping or similar community activities. A plaza may be used to meet the required minimum dedication of open space for a subdivision. A plaza will be developed with landscaping and pedestrian facilities throughout.

(b) *Square*. A square is similar to a plaza except it is surrounded by street frontage on all sides. A square must be developed with landscaping and pedestrian facilities throughout. A square may be used to meet the required minimum dedication of open space for a subdivision.

(c) *Parklet*. A parklet is a landscaped open space with a minimum seventy (70) percent living plant material and at least twenty (20) feet of street frontage. Parklets are intended to provide a small resting space adjacent to the street and may include benches, bicycle parking, and small play areas for children.

(d) *Green*. A green is a larger, landscaped space, with at least fifty (50) feet of street frontage. A green need not have designated or developed play areas but can have benches, a playground with equipment or be large enough for informal recreational games such as kick ball, badminton, croquet or similar activities. Permanent installations are allowed such as picnic shelters, grilling stations, protected dog play areas, nets and fencing, back boards for basketball or horseshoes, or other outdoor recreational activities.

(e) Linear park with trail or bike path. A linear park with a developed trail or bike path is an area of at least 30 feet in width that has a trail or bike path that is constructed in manner compliant with city adopted construction specifications. The designation and development of a linear park is allowed if it is identified in the Billings Area Bikeway and Trail Master Plan or provides a connection between two existing trails or bike paths already developed and part of the Billings Area Bikeway and Trail Master Plan. Linear parks with trails or bike paths that are circular, internal only to the development and do not connect to adjacent trails or bike paths will not be considered. Such amenity may be part of a "Green" or "Natural areas" as defined herein.

(e) (f) *Natural area*. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.

2) All of the above required open space may be counted towards the minimum required dedication of open space for a subdivision.

Section 6. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 7. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 8. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this ____ day of July 2023.

PASSED, ADOPTED and APPROVED on second reading this ____ day of August 2023.

CITY OF BILLINGS

BY: _____
William A. Cole, Mayor

Attest:

BY: _____
Denise R. Bohlman, City Clerk

Zone Change _____, Text Amendment for Open Space provisions in NX districts and PND applications

ORDINANCE 23-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE REGULATIONS IN SECTIONS 27-1500,
BE AMENDED TO ALLOW THE RECONSTRUCTION OF
RESIDENTIAL STRUCTURES IN COMMERCIAL AND
MIXED USE ZONE DISTRICTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Section 27-1628, BMCC, provide for amendment to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. ZONE REGULATION AMENDMENT Section 27-1504.C(3)(a).2 is amended as follows:

Sec. 27-1504. Nonconforming Uses

C. Discontinuance.

3. Demolition, destruction, or obsolescence.

(a) Where nonconforming use status applies to: (1) a structure specific to a use (such as a gas station), or (2) structure and land in combination specific to a use, (such as an automobile dealership) removal or destruction of the structure shall presumptively eliminate the nonconforming status of the land and reconstruction shall be done in compliance with this zoning code.

1. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost of the at time of destruction.

2. The operation of a nonconforming residential use located in an N1-4, NX1-3, or RMH, NMU, CMU1, CMU2, CX, I1, DX, CBD, EBURD, or Public zone district shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this ____ day of July 2023.

PASSED, ADOPTED and APPROVED on second reading this ____ day of August 2023

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zoning Code Allow rebuild of all R structures in all zone districts except HI

ORDINANCE 23-_____

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING Section 27-308 related to the location and
height of new structures adjacent to or close to
Neighborhood (N) zone districts, BE AMENDED**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1628, BMCC, provide for amendment to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

Section 2. DESCRIPTION. The text of Section 27-308 be amended to allow additional setbacks for new structures adjacent to or close to N zone districts.

Section 3. ZONE TEXT AMENDMENT. The text of Section 27-308 is amended as follows:

Sec. 27-308. NX2 and NX3 district.

The following site and structure regulations apply to any lot in the NX2 and NX3 district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.7, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(5). See article 27-1800 for definitions and information on how to measure the following regulations:

Table 27-300.7. Site and Structure Regulations.

		Multi-Unit Building	Side-by-Side Units	REFERENCES
A.	BUILDING SITING			
5	Side Setback (feet)	5 minimum; 15 <u>15</u> abutting <u>Stepbacks required within 50 ft of</u> N1, N2, N3, or RMH districts		See subsection 27-308.E for <u>stepped-back stories.</u>
	Space Between Principal Buildings on Lot (feet)	10 minimum		
6	Rear Setback (feet)	10 minimum; 20 <u>20</u> abutting <u>Stepbacks required within 50 ft of</u> N1, N2, N3, or RMH districts		See subsection 27-308.E for <u>stepped-back stories.</u>

Sec. 27-308.E Height Step-backs within 50 feet of N1, N2, N3, or RMH districts.

Where N, or RMH zoning districts abut the parcel or are located across an alley from the parcel, any story over the second story or over thirty-five (35) feet above grade shall be set back from the rear or side property line a minimum of fifty (50) feet.

Section 6. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 7. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 8. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this ____ day of July 2023.

PASSED, ADOPTED and APPROVED on second reading this __ day of August 2023.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

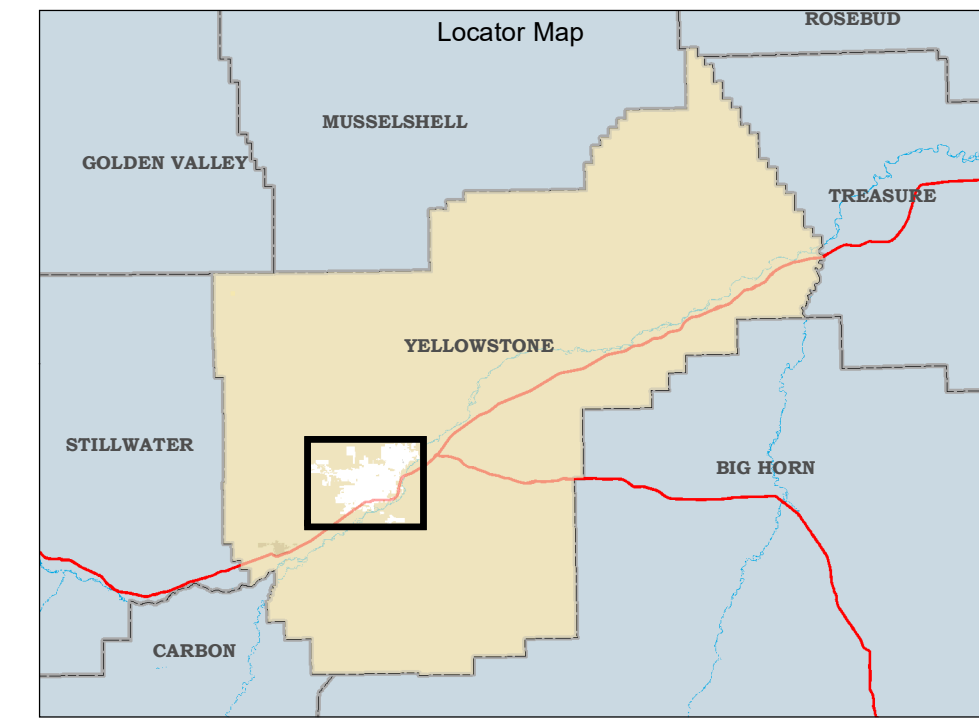
Zone Change _____, Text Amendment for Stepbacks between NX and N/RMH zone districts

Notes:

1. Vacant NX2 or NX3 parcels may share other zone properties with N2, N3, NX1, and P1.
2. Vacant or developed zone properties include N 1-3, NO, PD, and RMH.

City of Billings

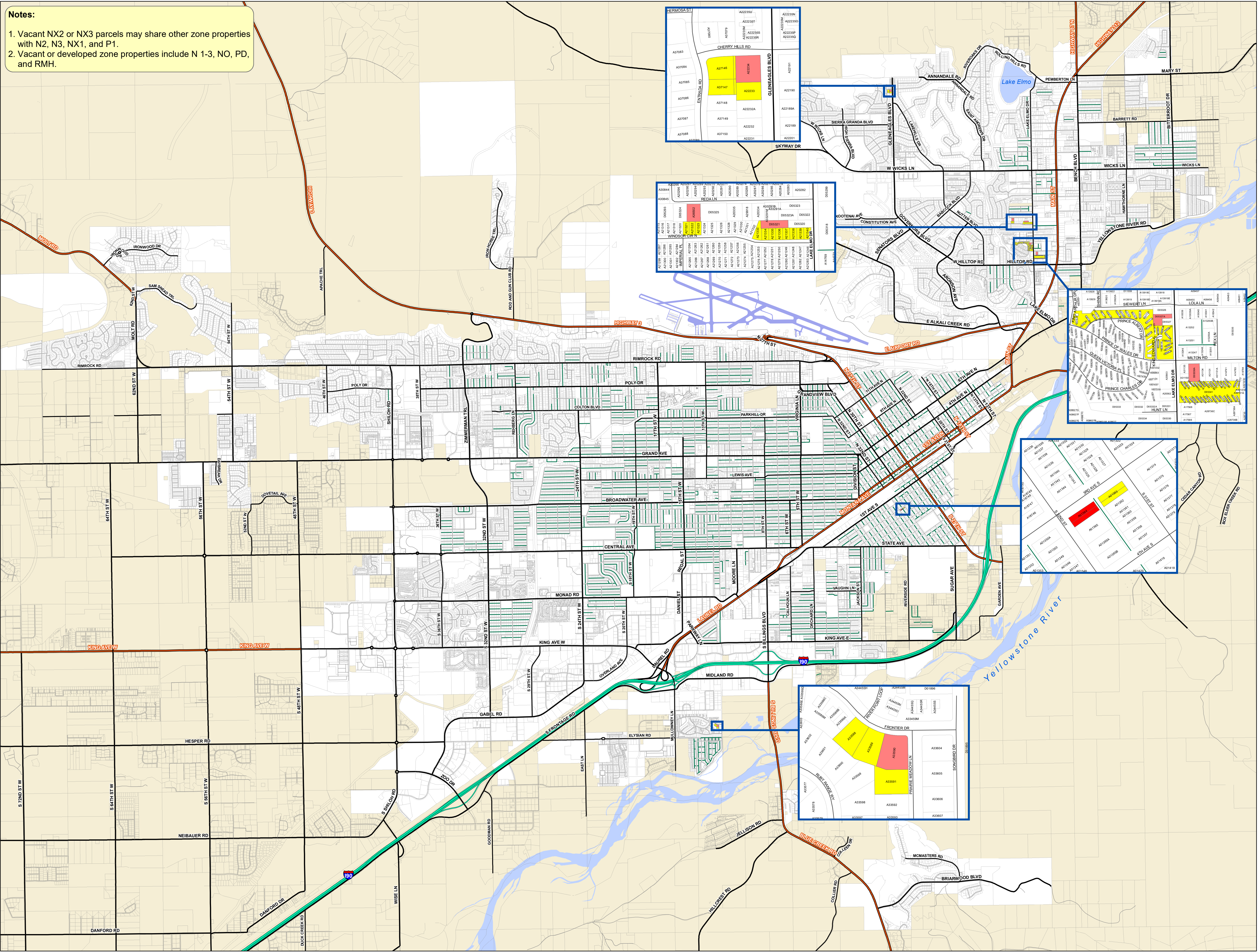
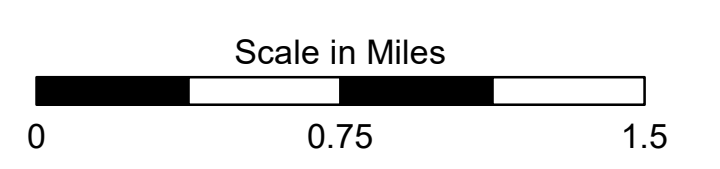
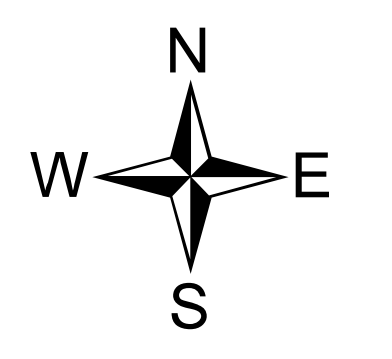
Vacant NX2 or NX3 Zone Parcels adjacent to N 1-3, NO, PD, and RMH Zone District Parcels



The parcel data mapped herein does not constitute a legal survey. Inaccuracies exist with both the mapped data and the Montana Department of Revenue CAMA data; when seeking the definitive description of real property, consult the deed recorded at the Yellowstone County court house.

Legend

- Interstate Highway
- Interstate Ramp
- US or State Route
- Arterial Street
- Collector Street
- Residential Street
- Alleyway
- NX2 Vacant Parcel
- NX3 Vacant Parcel
- N 1-3, NO, PD, & RMH
- Tax Parcel
- Billings City Limits
- Yellowstone County





Oak Park Neighborhood Chicago IL



Oak Park Neighborhood, Chicago, IL



Humboldt Ave Minneapolis MN



Humbolt Ave Minneapolis MN



N Terrace Fargo, ND



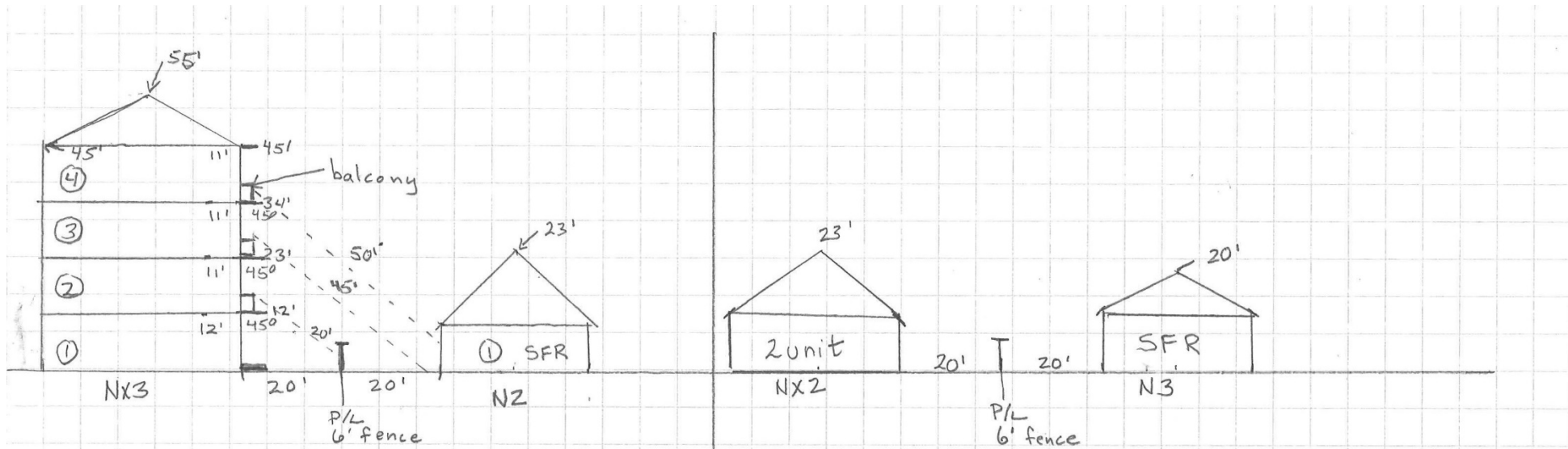
Franklin St Rapid City, SD



West St Patrick Street, Rapid City, SD



4th Ave N, Great Falls, MT



Current Code NX3: 3

20' from rear property line
next to N zone districts

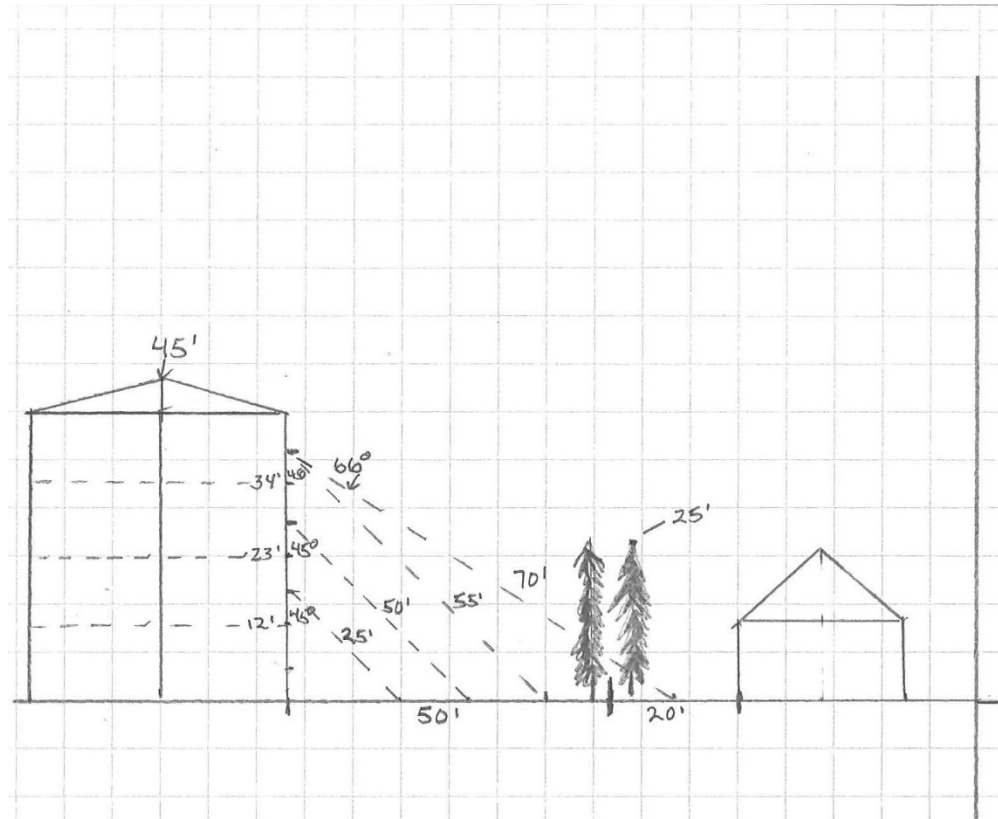
45° angle of depression (view) from apts
and elevation (view) from SFR backyard
more acute angles could allow observation
of activity between rear yards

Current Code NX2 requires

20' from rear property line for new NX2 bldg
next to N zone district
regardless of building height

Maximum flexion of a human neck is 90° without pain

1 inch = 30'



Proposed NX2/NX3 50 ft setback for new structures greater than 2 stories or 35 ft in height

Visual perception at distances greater than 25 feet drops off

Human faces cannot be identified at distances greater than 150 feet

Feedback on Proposed Zoning Code Amendments

1. Each one of them by itself may not be a major issue but they all do make development slightly tougher by adding additional requirements or timelines, so I am somewhat concerned with the overall approach since every time additional burden is added, development gets slightly tougher/more expensive, and housing attainability goes down.

Zoning code amendment 27-307 27-308

1. In general, I think that the 5% of open space for a larger NX projects is appropriate. I suspect it is well over 2%, probably over 5%. I think that if this is the case, we should oppose the change.

Zone Code Amendments - Stepbacks for 2+ stories abutting N and NX

1. It seems arbitrary and excessive, and what caused this to come up? How does this fit into the city's long term growth plan?
2. This is a bad idea. 50' height is arbitrary and excessive. Where's this amendment coming from? What prompted staff to take this up?
3. This change would require already approved 3 story plans to be reduced to 2 stories.
4. Changing the step-backs will have little impact on what neighboring homes can see from their homes. Additionally, rooftops and yards would still be visible from an upper floor. Visibility is 12 miles from a height of 50ft.

Zone Change 27-1623 and 27-1628

1. This proposed amendment appears to be in violation of new state law signed into effect this legislative season. The Bill that passed and was signed by the Governor is SB131, requiring reviews to be completed within 20 working days.
2. This amendment would allow the zoning commission to delay their recommendation of a zone change by up to 60 days. Pushing an application off to a subsequent meeting. It also gives the option for the City Council to push a zone change request back to the zoning commission for another public hearing. If they "feel" that there are issues brought up during council meetings that were not addressed during the Zoning Commissions public meeting. My general opinion of these proposed code amendments is that it could easily end up delaying a zone change request by 3-4 months. Depending on the size of the project, costing a land developer \$30-40k in time and financing cost.