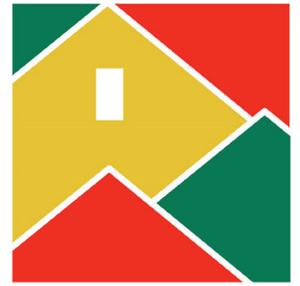


# PROJECT RE:CODE ZONING CODE ASSESSMENT



BILLINGS & YELLOWSTONE COUNTY

OCTOBER 2018



SAFEbuilt.  
**studio**

**CODAMETRICS**



**HIGH PLAINS**  
ARCHITECTS

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# TABLE OF CONTENTS

I. EXECUTIVE SUMMARY .....	5
II. OVERVIEW .....	7
III. CURRENT CODE AUDIT .....	11
IV. COMMUNITY GROWTH & PLANNING GOALS .....	41
V. KEY IMPROVEMENTS .....	49
VI. ANNOTATED OUTLINE .....	55
CHARACTER AREAS .....	65
VII. NEXT STEPS .....	101
ENDNOTES .....	103

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# PART I. EXECUTIVE SUMMARY

## **BILLINGS ZONING CODE**

### *CONTEXT IS EVERYTHING*

The Billings code needs to better regulate development in different contexts:

- a. Downtown
- b. Established neighborhoods
- c. Changing and renewing commercial corridors and workplaces
- d. Edge suburban development

All these areas must somehow come together in a regulatory whole. Billings most critical needs are linked to folding in context and site-specific flexibility into the zoning regulations and moving away from a one-size-fits-all approach:

- a. **Update the zone district line-up** to create districts that better reflect the building blocks of development for Billings.
- b. **Remove barriers to the development of a range of residential housing types.** Barriers might include the types of residential uses permitted (or prohibited), required minimum lot sizes, minimum off-street parking, and limitations on building area.
- c. **Prepare both baseline and context-appropriate development standards** to address community expectations for

design of parking, landscaping, signs, site layout, and lighting.

- d. **Continue to implement the City's complete streets standards as may be appropriate** for new development and redevelopment. Review existing regulations to ensure that walkability is "baked in" to the new regulations.
- e. **Work with the County to create standards, districts, and processes** for development in the urbanizing areas (limits of annexation).
- f. **Updated processes that make it easy to obtain relief** from detailed regulations that don't quite fit a specific lot.

## **YELLOWSTONE COUNTY ZONING CODE**

### *PRESERVE RURAL COMMUNITIES AND HELP LOCKWOOD BUILD A TOWN CENTER*

The Yellowstone County code needs to be updated to reflect the County's development future, separate from the City's, and still including a place at the city limits where growth is managed by both communities. Yellowstone County's development context ranges from smaller-lot residential to isolated rural subdivisions to commercial and employment centers to agricultural production. The County's most critical needs for revision include:

- a. **Make all aspects of the code County-specific** – districts, uses, development standards, and procedures.
- b. **Work with the City to create standards, districts,** and processes for development in the urbanizing areas.
- c. **Regulations for uses that are appropriate in the County** but also may have significant local or neighborhood impacts, such as alternative energy production and agricultural industries, and clarifying how these uses interact with rural residential development.
- d. **Provide Lockwood with the best range of regulations** to implement the 2016 Lockwood Growth Policy.
- e. **Set the regulatory baseline for Rural community expectations** for design of parking, landscaping, signs, site layout, and lighting and drafting or revising those standards appropriately.

## **NEXT STEPS**

First, the consultant team will address some preliminary drafting tasks requested by the working groups and start to work on the recommended changes in this report. The consultant team will draft the updated codes in three phases:

1. Districts and Uses – November 2018 through April 2019
2. Development Standards – January/February 2019 through April/May 2019
3. Administrative Procedures – April/May 2019 through July/August 2019

Each set of draft regulations will be released for public comment and discussion by the Working Groups, Steering Committee and the public. A complete draft of both zoning codes will also be prepared for public review and comment at the completion of phase three.



# PART II. OVERVIEW

## **INTRODUCTION**

The purpose of this Billings and Yellowstone County Code Assessment is to identify the impacts and outcomes of the current city and county regulations to determine how they help or hinder the implementation of planning and growth plans and policies in each jurisdiction – and both jurisdictions at the city/county line. The consultant team uses this analysis to identify the range of changes necessary to update the zoning codes to help build each community’s vision.

## **PROJECT MISSION STATEMENT**

The Project Re:Code Steering Committee, working groups, and City and County staff have identified the following project Mission Statement (see Page 8). The Mission Statement identifies both how everybody involved in the project will proceed and provides the consultant team with instructions about priorities in the code rewrite project.

## **CODE ASSESSMENT CONTENTS**

This Code Assessment is organized into seven sections:

### *PART I: EXECUTIVE SUMMARY*

The Executive Summary provides a highlighted overview of the contents of the Code Assessment.

### *PART II: OVERVIEW*

Part Two provides an overview of the Project Re:Code background, process, and timeline.

### *PART III: CURRENT CODE AUDIT*

Part Three provides an analysis of the current City and County zoning codes. In this analysis, the consultant team has identified issues with the structure of the regulations, the organization of code content, and the processes available for use by the City and County.

### *PART IV: COMMUNITY GROWTH AND PLANNING GOALS*

This section provides a summary of current planning and growth goals and policies to help everybody understand the existing community basis for this code update. Part Four also includes an identification of the major regulatory themes that emerged during the project kick-off meetings and our own independent analysis of the current plans and regulations. We use the information gathered in Part Four to help us identify those standards in the current regulations that can be improved to help both Billings and Yellowstone County achieve planning and community development goals.

## Project Re:Code

**Mission Statement – To create a zoning code that allows for efficient and intelligent growth while meeting the goals of the community today and into tomorrow. As the Steering Committee, working groups, City & County staff review, revise and draft new zoning regulations, we will adhere to the following Guiding Principles:**

- **CLARIFY AND SIMPLIFY** - All new regulations will be written in Plain English to maximize readers' ability to find what they need, understand what they find, and use what they find to meet their needs.
- **REGULATE WHAT MATTERS** - The regulations will have a clear alignment with community goals today while allowing for changing goals in the future..
- **PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS** - The regulations will recognize and incorporate clear and well defined processes that uphold property rights and access to housing choices.
- **PREVENT CONFLICTS** - The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.
- **OPTIONS AND CONTEXT** - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community's goals change.
- **MAINTAIN WHAT WE CARE ABOUT** - The regulations will encourage stability of existing neighborhoods while allowing for changes over time.
- **FILL THE VOID** – The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.
- **PROSPERITY** – The regulations will serve to support the community's need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing business, and private investment in the economy, all to promote job creation.

FIGURE 1.  
Project Re:Code mission statement and guiding principles.

**PART V: KEY CODE IMPROVEMENTS**

In Part Five we identify the changes, updates, and improvements needed to create regulations that will implement the Billings, Yellowstone County, and Lockwood Growth Policies and meet the community development preferences that the consultant team has started to identify and will continue to ask about and respond to across the length of this project.

**PART VI: ANNOTATED OUTLINE OF PROPOSED REVISIONS**

Part Six presents a section-by-section outline of the proposed revisions to current zoning codes that will be required to implement the major themes and provide a comprehensive update of both zoning codes. The annotated outline provides detail about the structure and the contents of each section. In addition, general commentary is added to explain the

purpose or rationale behind the proposed substantive changes.

**PART VII: NEXT STEPS**

The Next Steps section describes how the Billings and Yellowstone County code updates will be drafted and reviewed in phases.

This report will be shared with City and County officials and the community for an open discussion about the proposed changes, how those changes will impact the development process, and whether additional changes or approaches should be considered as part of this project.

**RE:CODE PROJECT APPROACH AND SCHEDULE**

We will be undertaking the Project Re:Code in the following phases:

**RE:CODE APPROACH & SCHEDULE**

<b>PHASE 1</b>	
Understand and define issues and opportunities through discussions with the community and County staff.	Complete
<b>PHASE 2</b>	
Create a Code Assessment to identify a roadmap for the update project.	Current Phase
<b>PHASE 3</b>	
Draft the new regulations and processes and gather community thoughts and comments.	Next Phase
<b>PHASE 4</b>	
Review, revise, and adopt the new zoning codes and zoning map.	Final Phase

FIGURE 2:  
Project Calendar

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# PART III. CURRENT CODE AUDIT

## OVERVIEW OF CURRENT CODE ISSUES

The consultant team started the process of determining how to update the current City and County zoning regulations by doing a close review of the standards and procedures in those regulations.

### CODE REVIEW CRITERIA

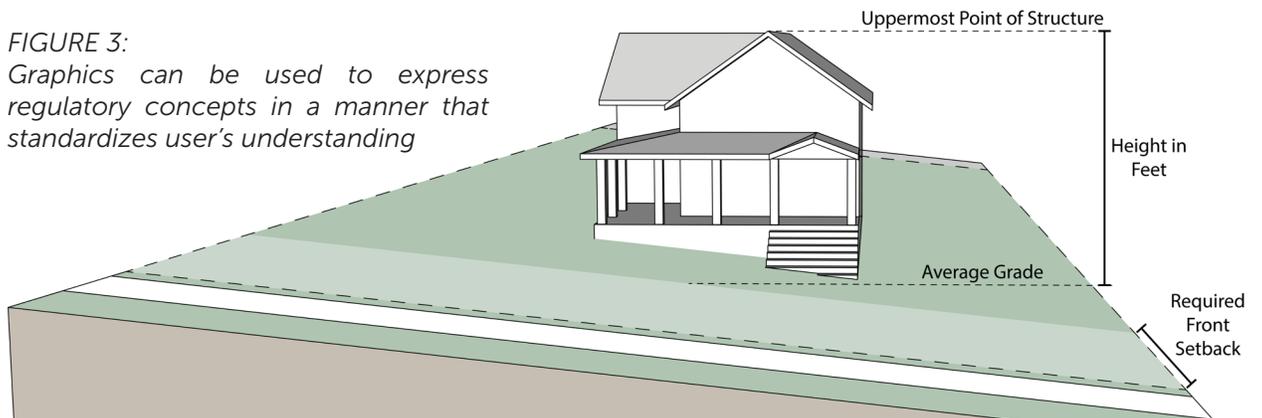
Taking the roles of both a general code user to ask: “how can I accomplish this development?” and the more critical review of planning consultant, we have compiled a list of potential regulatory issues that we identified from reading the code. These are issues that fall into three large categories:

1. Regulations and standards that are: dated,

incomplete, conflicting, too complex or too simplistic, that have been shown to have inconsistent or unpredictable outcomes in other communities or planning studies, that are typically a barrier to plan implementation, that have good intent but can be better guided through a different regulatory technique, or that need to be reviewed based on a change to federal, state, or local law.

2. Procedures that: are missing or incomplete, are too complex or simplistic, require applicants to go through discretionary or negotiated review when a more consistent and objective administrative review can be applied, and need to be reviewed for compliance with federal, state, or local law.

**FIGURE 3:**  
*Graphics can be used to express regulatory concepts in a manner that standardizes user’s understanding*



3. Formatting and layout that: creates current or allows for future conflicting provisions, makes information difficult to find, fails to take advantage of the similarities and consistencies between the City and County zoning regulations, and misses opportunities to use images and photographs to help with regulatory interpretation.

Along with our identification of current issues, we have also started to identify recommended changes to both codes to start the process of determining how to update both codes. The recommended changes included here are fairly closely linked to the issues and do not identify some of the bigger picture changes we will discuss later in this Code Assessment. Instead, these recommended changes are the baseline best practices that we will use as the foundation of the new regulations.

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
<b>27-100 Title, Purpose, and Scope</b>	
<ol style="list-style-type: none"> <li>1. Provide better link to planning</li> <li>2. Consolidate general provisions in one section</li> <li>3. Need instructions for transition to new code</li> </ol>	<ol style="list-style-type: none"> <li>1. Update entire section</li> <li>2. Enhance purpose statements and link to current planning documents</li> <li>3. Add transitional provisions to address change to new code: violations, nonconformities, approved projects, applications in progress</li> </ol>
<b>27-200 Definitions</b>	
<ol style="list-style-type: none"> <li>1. Definitions include regulations</li> <li>2. Not sure if all uses are defined</li> <li>3. Some definitions are located in other sections of the code</li> <li>4. Out-of-date definitions</li> <li>5. Missing illustrations</li> </ol>	<ol style="list-style-type: none"> <li>1. Move to end of code</li> <li>2. Add more complete rules of interpretation</li> <li>3. Discuss moving measurement rules to separate section</li> <li>4. Review and update all definitions to:               <ol style="list-style-type: none"> <li>a. Make sure they are current</li> <li>b. Remove embedded regulations (e.g., much of the information in the definition of "grade" belongs in the measurement section)</li> <li>c. Define all uses</li> </ol> </li> <li>5. Add graphics where helpful; clean-up current graphics</li> </ol>

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-301 Zoning Districts	
<ol style="list-style-type: none"> <li>1. Residential districts don't provide meaningful distinction</li> <li>2. Large lot development takes place in small lot districts</li> <li>3. Community commercial is a catch-all district</li> <li>4. No mixed-use districts</li> <li>5. Districts have been created to address design and development issues that can be better addressed through improved development standards</li> <li>6. Confusing organization; districts are not in a single location and regulations can be embedded elsewhere</li> </ol>	<ol style="list-style-type: none"> <li>1. Discuss Urban Area Working Group recommendations</li> <li>2. Update zone district line-up to address:               <ol style="list-style-type: none"> <li>a. Character and context of existing development/neighborhood; this may mean consolidating and "right sizing" some of the residential districts to better reflect and support existing neighborhoods; establish FBC (Form-Based Code) districts where appropriate</li> <li>b. Applicability of Growth Plan, other growth plans and policies, transportation plans and policies, infrastructure availability</li> <li>c. Discuss applicability of minimum and maximum lot sizes</li> <li>d. Mixed-use development at a neighborhood and main street scale</li> <li>e. Commercial that is somewhere between neighborhood and community</li> </ol> </li> <li>3. Determine if any of the concepts or standards in the EBURD district should be replicated in other industrial districts</li> <li>4. Reformat districts to consolidate information and make it easier to find; see format options in text</li> <li>5. Determine whether entryway district goals are best met through revised districts or improved development standards</li> </ol>

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
<b>27-305 Use Tables</b>	
<ol style="list-style-type: none"> <li>1. Use tables are difficult to decipher</li> <li>2. Uses listed are combination of really general and really specific</li> <li>3. There is insufficient information available to interpret new uses</li> <li>4. Uses are not linked to related standards; are additional use standards needed?</li> <li>5. Are all uses decided in the most streamlined manner?</li> </ol>	<ol style="list-style-type: none"> <li>1. Reorganize and clean-up use tables to improve ease of use; discuss pros and cons of single use table v. multiple use tables</li> <li>2. Change from alphabetical to category-based classification; eliminate connection to SIC</li> <li>3. Provide cross-references to use-specific standards (such as 27-612, Supplemental Commercial Development Standards) so applications can find all relevant regulations</li> <li>4. Discuss use allocation by district and by review process</li> </ol>
<b>27-308 Dimensional Standards</b>	
<ol style="list-style-type: none"> <li>1. Dimensional tables are not well-linked to zone districts</li> <li>2. Some dimensional standards seem too suburban in nature</li> <li>3. Supplemental standards are difficult to decipher</li> </ol>	<ol style="list-style-type: none"> <li>1. Reorganize to better link to zone district(s)</li> <li>2. Identify modifications that will eliminate unnecessary nonconformities</li> <li>3. Incorporate changes from zone district line-up discussion</li> <li>4. Review size and necessity of setbacks for non-residential uses</li> <li>5. Make table notes easier to find</li> <li>6. Consolidate all supplemental, additional, and one-off dimensional standards in single location and cross-reference as needed</li> <li>7. Discuss moving measurements into this section</li> <li>8. Add new and update existing graphics</li> </ol>

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-400 Nonconformities	
<ol style="list-style-type: none"> <li>Standard nonconformity language, issue is impact</li> </ol>	<ol style="list-style-type: none"> <li>Allow up to 10% dimensional variance by administrative adjustment</li> <li>Eliminate as many dimensional nonconformities on existing lots as possible by adjusting district dimensions</li> <li>Discuss use of major/minor nonconformity distinction to allow reinvestment in minor nonconformities while addressing major</li> </ol>
27-500 Historic Preservation	
	<ol style="list-style-type: none"> <li>Relocate these provisions to Chapter 6 – Buildings and Building Regulations in the Billings City Code</li> </ol>
27-600 Supplementary General Provisions	
<ol style="list-style-type: none"> <li>This section includes a catch-all of standards that are difficult to sort through; they should be reorganized in “like-with-like” categories</li> </ol>	<ol style="list-style-type: none"> <li>Take this section apart and reorganize content by topic into use standards, zone districts, development standards, and administrative procedures</li> </ol>
27-700 Signs	
<ol style="list-style-type: none"> <li>Discuss Sign Code Working Group comments</li> <li>Code includes context-based regulations</li> <li>Difficult to find what gets regulated and what doesn’t</li> <li>Multiple sets of sign regulations across code, should be combined where possible</li> <li>Need working group feedback about proposed content improvements</li> </ol>	<ol style="list-style-type: none"> <li>Review all sign provisions for content-based regulation, change to content-neutral</li> <li>Update purpose statements to identify all valid purposes for sign regulation</li> <li>Add a sign-specific savings, severability, and substitution clauses, clarify types of content that can be regulated by law</li> <li>Determine how to address art and murals</li> </ol>

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-700 Signs	
6. Montana Ave: Does this approach still serve a purpose?	5. Review and update all definitions, combine with general definitions
7. Montana Ave: Point system seems complicated, what is the goal?	6. Group the following: exempt signs, prohibited signs, and prohibited locations and review to make sure these lists are current 7. Consolidate regulations for on-and off-premise signs by zone district and sign type; update as necessary; discuss establishing specific regulations by character area 8. Consolidate temporary sign regulations (including special event signs), update as necessary to reflect added temporary uses Review and update construction specs and removal sections; move removal procedure to administrative procedures 9. Discuss role of nonconforming sign regulations; revise as necessary 10. Discuss the creation of a set of historic sign regulations that can be applied to Montana Avenue and elsewhere in Billings 11. Review and simplify specific sign criteria point system

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-800 South 27th Street Corridor Zoning District	
1. Is this district still necessary?	1. Update baseline, city-wide requirements for landscaping, lighting, site design, and structure design to determine if better baseline standards will resolve some of the issues addressed in this district; create corridor street access standards
27-900 Medical Corridor Permit Zoning District	
1. Very complex point system, does it work?	1. Consider the creation of an institutional zone district to address the specific concerns of medical complexes; how much of the point system can be converted to use and development standards?
27-1000 Interchange/Entryway Zoning Districts	
1. These districts appear to be using uses as a proxy for design and development standards	1. Update baseline, city-wide requirements for landscaping, lighting, site design, and structure design to determine if better baseline or character area/contextual standards will resolve some of the issues addressed in these districts 2. Review proposed new zone districts to determine whether any of these special districts can be converted to a proposed base zone district 3. Consider creating entryway districts that address structure footprint size and entryway development standards that allow more flexibility for uses 4. Establish entryway/corridor sign standards in the sign code section

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-1101 Landscaping	
<ol style="list-style-type: none"> <li>1. Need working group feedback about proposed content improvements</li> </ol>	<ol style="list-style-type: none"> <li>1. Discuss Landscape Working Group recommendations</li> <li>2. Consolidate landscaping, buffering, and screening standards in a single section to the extent possible; update current regulations to create a flexible menu that allows the appropriate adjustment of landscaping requirements based on zone district and development context</li> <li>3. Create a single process for administrative adjustment (“relief”) that applies across all measurable development standards (e.g., parking, landscaping, lighting, design)</li> <li>4. Move landscaping definitions to general definitions section; update and illustrate as needed</li> </ol>
27-1300 Planned Developments	
<ol style="list-style-type: none"> <li>1. In many communities, PD is used to create a large-scale variance process; what should the role of PD be in Billings?</li> </ol>	<ol style="list-style-type: none"> <li>1. Discuss revising PD process to link PD to a base district that reflects surrounding context rather than allow the applicant to submit a free-form district</li> <li>2. Identify those things that work best through PD and the reasons why applicants request a PD and build those improvements into the base districts and development standards</li> <li>3. Restrict use of PD to very large and very small parcels; restrict the use of PD as a work-around for base zone districts</li> </ol>
27-1300 Planned Developments	
	<ol style="list-style-type: none"> <li>4. Prohibit the use of PD in areas with form-based zoning</li> <li>5. Require new PD zoning to provide a public benefit to the City as a condition of approval</li> </ol>

## CITY OF BILLINGS ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
<b>27-1400 Shiloh Corridor Overlay District</b>	
1. How does this district work within base district line-up?	1. Update baseline, city-wide requirements for landscaping, lighting, site design, and structure design to determine if better baseline or character area/contextual standards will resolve some of the issues addressed in this district
<b>27-1459 East Billings Parking Overlay District</b>	
1. Continuing purpose of this district?	1. Incorporate these provisions either in the general parking standards or applicable zone district
<b>27-1500 City Zoning Commission and Board of Adjustment</b>	
1. Individual procedures contain repetitive information that should be moved to general section and not repeated	1. Separate provisions establishing zoning commission and board of adjustment and move to section on review and decision-making bodies
2. Individual procedures distributed through the code	2. Identify all generally-applicable provisions and group in single section 3. Group all specific application processes; standardize format across all procedures; review and update decision-criteria as necessary
<b>27-1600 Administration and Enforcement</b>	
1. Very general, little notice to code users	1. Update to better specify City's enforcement tools and options
<b>27-1700 Separability, Repeal</b>	
	1. Move to general provisions; update as necessary
<b>27-1800 East Billings Urban Revitalization District</b>	
1. New regulations	1. Incorporate in zone districts

### ***BILLINGS ZONING REGULATIONS THAT APPEAR TO BE WORKING***

We did not see significant issues with the following regulations or areas of regulation. We'd like feedback from the Steering Committee, Working Groups, and staff to ensure that we are not missing something. We will continue to seek feedback about these sections as we proceed with the drafting process.

- a. Current definitions, with the exception of some updates provided by staff
- b. Function and dimensions of most of the non-residential zone districts, with the exception of CC.
- c. Administrative procedures – although we have proposed updates to identify commonly applicable and specific procedures, we have only had feedback about the special review process.
- d. Parking in general. This may be because the City's parking standards are not

- included in the current regulations.
- e. The distribution of uses across districts, with the exception of liquor stores and casinos. The current use-specific standards appear to be complete but new standards may be necessary for additional uses.
- f. Existing nonconformities outside of neighborhood corner commercial.
- g. EBURD, with the exception of some the uses permitted in the subdistricts.

### ***YELLOWSTONE COUNTY'S ZONING CODE***

Yellowstone County's zoning code, recently separated from the consolidated zoning code, still has many similarities to Billings' zoning code and some important differences. As we revise both codes, we will work to maintain consistency where both codes will keep similar language and approaches, and also work to revise those aspects of the County regulations that need to be better targeted to county-appropriate development.

## YELLOWSTONE COUNTY ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
<b>27-100 Title, Purpose, and Scope</b>	
<ol style="list-style-type: none"> <li>1. Provide better link to planning</li> <li>2. Consolidate general provisions in one section</li> <li>3. Need instructions for transition to new code</li> </ol>	<ol style="list-style-type: none"> <li>1. Consolidate all general provisions in this section</li> <li>2. Enhance purpose statements and link to current planning documents</li> <li>3. Add transitional provisions to address change to new code: violations, nonconformities, approved projects, applications in progress</li> <li>4. Discuss adding a general map or link to the scope section</li> </ol>
<b>27-200 Definitions</b>	
<ol style="list-style-type: none"> <li>1. Definitions include regulations</li> <li>2. Not sure if all uses are defined</li> <li>3. Some definitions are located in other sections of the code</li> <li>4. Missing illustrations</li> </ol>	<ol style="list-style-type: none"> <li>1. Move definitions to end of code</li> <li>2. Add more complete rules of interpretation</li> <li>3. Discuss moving measurement rules to separate section</li> <li>4. Review and update all definitions to:               <ol style="list-style-type: none"> <li>a. Make sure they are current</li> <li>b. Remove embedded regulations (e.g., much of the information in the definition of “grade” belongs in the measurement section)</li> </ol> </li> <li>5. Define all uses</li> <li>6. Add graphics where helpful; clean-up current graphics</li> </ol>
<b>27-301 Zoning Districts</b>	
<ol style="list-style-type: none"> <li>1. Issue with zone district choice in urbanizing area; process and priorities are unclear</li> <li>2. Some districts appear too urban for use in County</li> <li>3. Did code separation address development context?</li> </ol>	<ol style="list-style-type: none"> <li>1. Update zone district line-up to include mix of County-appropriate districts along with districts that guide development for annexation; consolidate or retire non-functional districts; add districts to address rural development patterns</li> </ol>

## YELLOWSTONE COUNTY ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-301 Zoning Districts	
	<ol style="list-style-type: none"> <li>2. Determine how best to update County districts appropriate to Lockwood</li> <li>3. Consider establishing “urbanizing area” districts and standards within boundary that will include annexation</li> <li>4. Discuss the use of ag preservation tools in prime ag areas</li> <li>5. How are special districts included in this process?</li> </ol>
27-305 Use Tables	
<ol style="list-style-type: none"> <li>1. Use tables are difficult to decipher; additional listing of office is unnecessary</li> <li>2. Uses listed are combination of really general and really specific</li> <li>3. There is insufficient information available to interpret new uses</li> <li>4. Uses are not linked to related standards; are additional use standards needed?</li> <li>5. Are all uses decided in the most streamlined manner?</li> </ol>	<ol style="list-style-type: none"> <li>1. Reorganize and clean-up use tables to improve ease of use; discuss pros and cons of single use table v. multiple use tables</li> <li>2. Change from alphabetical to category-based classification</li> <li>3. Provide cross-references to use-specific standards (such as 27-612, Supplemental Commercial Development Standards) so applications can find all relevant regulations</li> <li>4. Discuss use allocation by district and by review process</li> <li>5. Add graduated maximum structure footprint size to replace some uses that are considered large, medium, or small</li> </ol>
27-308 Dimensional Standards	
<ol style="list-style-type: none"> <li>1. Dimensional tables are not well-linked to zone districts</li> <li>2. Some dimensional standards seem too urban in nature</li> </ol>	<ol style="list-style-type: none"> <li>1. Reorganize to better link to zone district(s)</li> <li>2. Identify modifications that will eliminate unnecessary nonconformities</li> </ol>

## YELLOWSTONE COUNTY ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-308 Dimensional Standards	
3. Supplemental standards are difficult to decipher	4. Incorporate changes from zone district line-up discussion 5. Make table notes easier to find 6. Consolidate all supplemental, additional, and one-off dimensional standards in single location and cross-reference as needed 7. Discuss moving measurements into this section 8. Add new and update existing graphics
27-400 Nonconformities	
1. Standard nonconformity language, issue is impact	1. Discuss extent of nonconformity issue in County
27-600 Supplementary General Provisions	
1. This section includes a catch-all of standards that are difficult to sort through; they should be reorganized in "like-with-like" categories	1. Take this section apart and reorganize content by topic: use standards, zone districts, development standards, or administrative procedures
27-700 Signs	
1. Discuss sign working group feedback about proposed content improvements 2. Code includes context-based regulations, including sign type identifications (e.g., real estate, political, directional, temp. signs for seasonal ag sales) 3. Post-Reed legal content missing 4. Sign regulations also included in 27-1009 – should this section be removed?	1. Review all sign provisions for content-based regulation, change to content-neutral 2. Update the intent statement to identify all valid purposes for sign regulation; clarify types of content that can be regulated by law 3. Add a sign-specific savings and severability section and a substitution clause 4. Determine how to address art and murals 5. Review and update all definitions, combine with general definitions

## YELLOWSTONE COUNTY ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-700 Signs	
	<ol style="list-style-type: none"> <li>6. Consolidated general and sign-specific regulations</li> <li>7. Update and expand temporary sign regulations (including special event signs)</li> <li>8. Collect maintenance, license, indemnification, and construction sections in one place; move removal procedure to administrative procedures</li> <li>9. Discuss role of nonconforming sign regulations; revise as necessary</li> <li>10. Move administration to general administrative procedures section</li> <li>11. Reformat content for ease of use</li> </ol>
27-1000 Interchange/Entryway Zoning Districts	
<ol style="list-style-type: none"> <li>1. Should there be a design distinction between these districts in the County and in the City?</li> <li>2. These districts appear to be using uses as a proxy for design and development standards</li> </ol>	<ol style="list-style-type: none"> <li>1. Within the County Zoning Jurisdiction, update baseline requirements for landscaping, lighting, site design, and structure design to determine if better baseline or character area/contextual standards will resolve some of the issues addressed in these districts</li> <li>2. Review proposed new zone districts to determine whether any of these special districts can be converted to a proposed base zone district</li> <li>3. Consider creating entryway districts that address structure footprint size and entryway development standards that allow more flexibility for uses</li> <li>4. Establish entryway/corridor sign standards in the sign code section</li> </ol>

## YELLOWSTONE COUNTY ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
27-1101 Landscaping	
<ol style="list-style-type: none"> <li>1. Need working group feedback about proposed content improvements</li> </ol>	<ol style="list-style-type: none"> <li>1. Discuss Landscape Working Group recommendations</li> <li>2. Consolidate landscaping, buffering, and screening standards in a single section to the extent possible; update current regulations to create a flexible menu that allows the appropriate adjustment of landscaping requirements based on zone district and development context</li> <li>3. Consider creation of ag buffer between working ag and residential</li> <li>4. Create a single process for administrative adjustment ("relief") that applies across all measurable development standards (e.g., parking, landscaping, lighting, design)</li> <li>5. Move landscaping definitions to general definitions section; update and illustrate as needed</li> </ol>
27-1200 Off-Street Parking	
<ol style="list-style-type: none"> <li>1. Required parking table is incomplete and the organization is difficult to follow</li> <li>2. Parking standards based on employee count</li> <li>3. Different standards for urbanizing area?</li> </ol>	<ol style="list-style-type: none"> <li>1. Reorganize for ease of use - move required parking to front of section</li> <li>2. Review parking ratios; adjust for rural development and urbanizing-area development</li> </ol>

## YELLOWSTONE COUNTY ZONING CODE REVIEW SUMMARY

ISSUES	RECOMMENDED CHANGE(S)
<b>27-1301 Planned Development</b>	
<ol style="list-style-type: none"> <li>1. In most communities, PD is used to create a large-scale variance process; what should the role of PD be in Yellowstone County?</li> </ol>	<ol style="list-style-type: none"> <li>1. Discuss revising PD process to link PD to a base district that reflects surrounding context rather than allow the applicant to submit a free-form district</li> <li>2. Identify those things that work best through PD and the reasons why applicants request a PD and build those improvements into the base districts and development standards</li> <li>3. Restrict use of PD to very large and very small parcels; require most development to take place in base zone districts</li> <li>4. Require new PD zoning to provide a public benefit to the County as a condition of approval</li> </ol>
<b>27-1500 County Zoning Commission and Board of Adjustment</b>	
<ol style="list-style-type: none"> <li>1. Individual procedures contain repetitive information that should be moved to general section and not repeated</li> <li>2. Individual procedures distributed through the code</li> </ol>	<ol style="list-style-type: none"> <li>1. Separate provisions establishing zoning commission and board of adjustment and move to section on review and decision-making bodies</li> <li>2. Identify all generally-applicable provisions and group in single section</li> <li>3. Group all specific application processes; standardize format across all procedures; review and update decision-criteria as necessary</li> </ol>
<b>27-1600 Administration and Enforcement</b>	
<ol style="list-style-type: none"> <li>1. Very general, little notice to code users</li> </ol>	<ol style="list-style-type: none"> <li>1. Update to better specify County's enforcement tools and options</li> </ol>
<b>27-1700 Separability, Repeal</b>	
	<ol style="list-style-type: none"> <li>1. Move to general provisions; update as necessary</li> </ol>

## ***YELLOWSTONE COUNTY REGULATIONS THAT APPEAR TO BE WORKING***

We did not see significant issues with the following regulations or areas of regulation. We'd like feedback from the Steering Committee, Working Groups, and staff to ensure that we are not missing something.

- a. Definitions with some exceptions noted by staff.
- b. Allocation of uses by district and related use-specific standards. We've noted updates to these provisions but have not received negative feedback about the current regulations.
- c. Administrative procedures – we will recommend better delineation of commonly applicable and specific procedures, but we have only heard feedback about special review uses.
- d. County-specific sign regulations – these need to be made a little more content neutral but we have not received negative comments about how they function. We have heard the formatting could be improved for easier use.
- e. Off-street parking.
- f. Agricultural uses - we'd expect to hear about more tension between active agricultural uses and development but most of the comments have been focused on the conversion of agricultural land to development.

## **SECTION-BY-SECTION ANALYSIS**

This section of the Code Assessment provides a more detailed section-by-section, and in some cases subsection-by-subsection, analysis of the existing Billings and Yellowstone County zoning codes. It includes observations, questions, and preliminary recommendations regarding current code language, organization, and content. Proposed annotated outlines of the

new Billings and Yellowstone County codes are provided in part six of this document.

## ***27-100 TITLE, PURPOSE, AND SCOPE***

The opening section of a zoning code typically contains a collection of general provisions that establish the basic legal framework for the zoning code. Even though this section is not read frequently, it contains important information, such as the statutory authority to regulate land use, a specific link to local plans and planning policies, the title of the regulations, instructions on how a court should proceed if part of the code is found illegal, and standards for replacing the current code with a new one.

Billings and Yellowstone County's current regulations include some but not all of the general provisions we would expect to see in this section, with some of the regulations located in this section and some regulations located elsewhere in the code. The current codes also fail to take full advantage of the ability to **clearly link the zoning regulations to both jurisdictions' growth policies** (and other plans) and the code, and both codes need new regulations that identify how to proceed when code sections (or the entire code) are changed.

## ***27-200 DEFINITIONS***

The definitions section should include current definitions of all uses, terms that have code-specific uses, and all site and structure standards that are required on a lot or building. A complete set of zoning definitions goes a long way toward providing clarity in code interpretations and makes the code easier to use for both staff and the public.

The current definitions section appears to define many of the terms in the code. Experience tells us, though, that most older

codes lack some definitions and also include definitions for things that are no longer in the code. As we work through the updated drafts, we will also update the terms in the definitions. The individual definitions are largely well-written and clear, however they do appear to include some substantive standards within the definition of terms that we will move to the appropriate regulatory sections of the code so that they are easy to find. An example of this is the definition of Grade (adjacent ground elevation): "the lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five (5) feet distance from the wall. In cases where the wall is parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way." This is combination of definition and measurement that we will separate and most likely also illustrate.

We also recommend several changes to ensure that the new definitions section is user-friendly:

a. The interpretation paragraph at the

beginning of the section should be updated and broken up to make it easier to read.

- b. A provision should be added that identifies how the City and County will handle the interpretation of terms.
- c. The definitions that are now scattered throughout other sections of the code, such as signs, should be consolidated in the new definitions chapter.
- d. More illustrations should be used to help explain complex concepts, particularly where measurement is involved (see Figure 3 on Page 29).
- e. We recommend moving the definitions from the beginning of the code to the end, where most readers will expect to find a major reference section.

### ***27-301 ZONING DISTRICTS***

This section notes the consultant's preliminary comments. As we start drafting revised zone districts we will also refer to the Urban Working Group and County Working Group concerns and recommendations.

Billings currently has 18 base zone districts, 6 special districts, and 2 overlay districts, titled and distributed as follows:

## CURRENT BILLINGS ZONE DISTRICTS

### BASE DISTRICTS

R-96	Residential 9,600
R-80	Residential 8,000
R-70R	Residential 7,000 Restricted
R-70	Residential 7,000
R-60R	Residential 6,000 Restricted
R-60	Residential 6,000
R-50	Residential 5,000
RMF	Residential Multi-family
RMF-R	Residential Multi-family Restricted
RMH	Residential Manufactured Home
RP	Residential Professional
NC	Neighborhood Commercial
CC	Community Commercial
HC	Highway Commercial
CBD	Central Business District
CI	Controlled Industrial
HI	Heavy Industrial
P	Public

### SPECIAL DISTRICTS

ELC	Entryway Light Commercial
EGC	Entryway General Commercial
EMU	Entryway Mixed Use
ELI	Entryway Light Industrial
	South 27th Street Corridor
	Medical Corridor Permit

### OVERLAY DISTRICTS

	Shiloh Corridor Overlay
	East Billings Parking Overlay

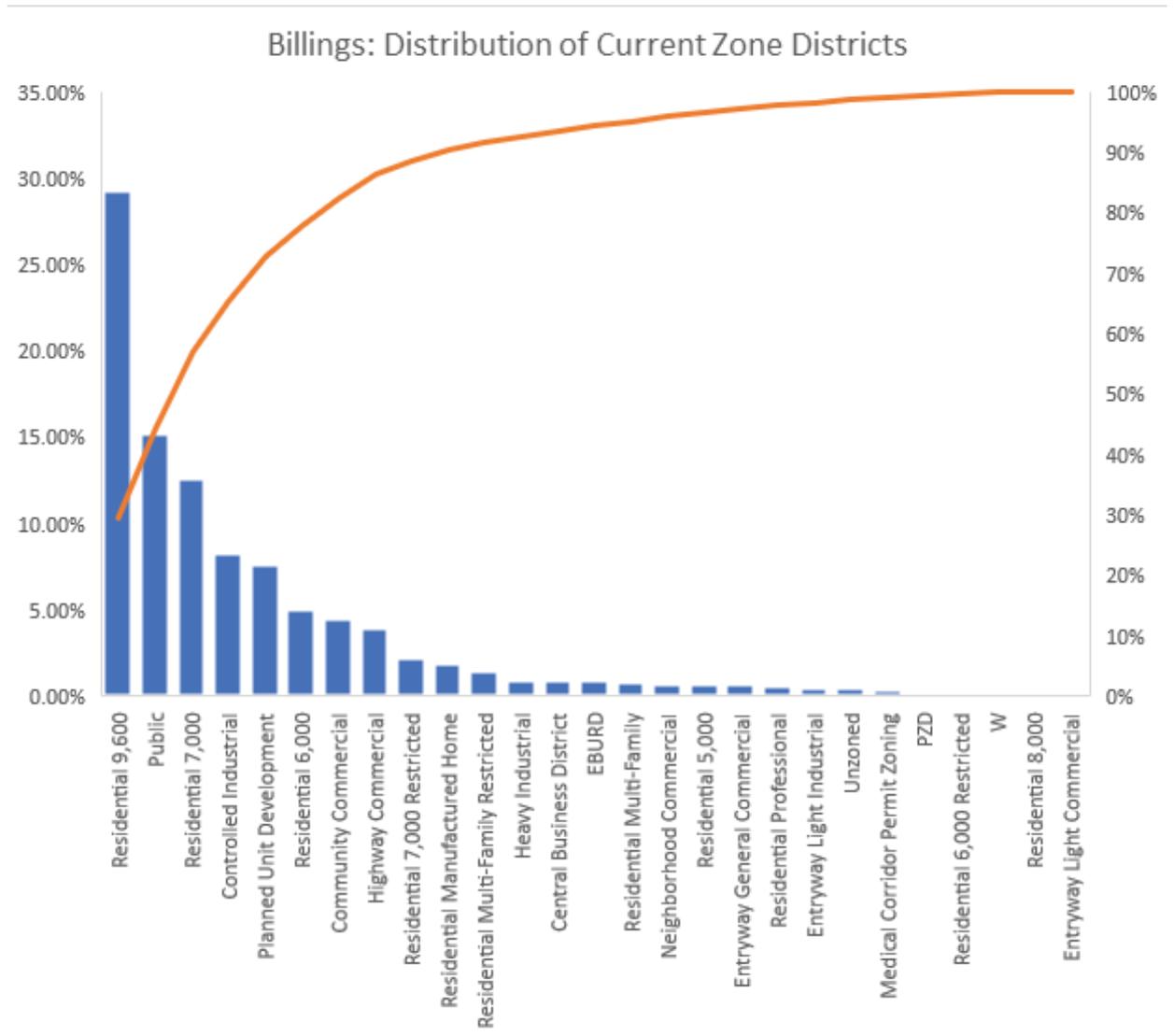


FIGURE 5. Distribution of current zone districts in the City of Billings

Like many communities with older zoning codes, Billings's current zone district line-up is more focused on lot size distinctions in residential development and not as focused on the various permutations and impacts of non-residential development. Over time, the effect of non-residential development on the overall community fabric appears to have become more clear and supplemental "special" and "overlay" districts were added. The problem with this approach, though, was that the special and overlay districts were designed to work as mini-zoning codes without much reference to city-wide approaches to issues such as use regulations, landscaping regulations, building design, and parking. Each of the special and overlay districts essentially creates a zoning island, very much like PD zoning. The Medical Corridor district takes this approach one step further with the incorporation of performance zoning. "Performance zoning" permits a wide variety of structures and uses on a lot provided those structures and uses can be adequately buffered from adjacent uses and their impacts can be mitigated. The classic example of

performance zoning is the ability of property owners to locate residential development adjacent to a salvage yard.

The concept of performance zoning, though, is that many uses can co-exist, and this is true in Billings and Yellowstone County. Creating a coherent method for them to coexist is one of the key goals for the updated zoning codes. The consultant team thinks that both the City and County should have a more tailored range of regulations to accomplish this goal.

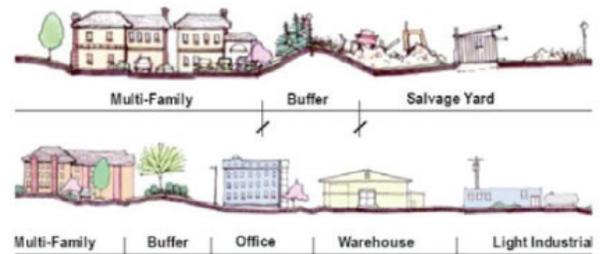


FIGURE 6. Permitted adjacent uses in performance zoning (top) versus traditional zoning (bottom)

Yellowstone County has the same base zone districts plus three county-specific districts: A-1 Agricultural-Open Space, A-S Agricultural Suburban, and R-150 Residential 15,000. The County does not have the South 27th Street Corridor, Medical Corridor Permit, Shiloh Corridor Overlay, or East Billings Parking Overlay districts, all of which are geographically-specific to Billings.

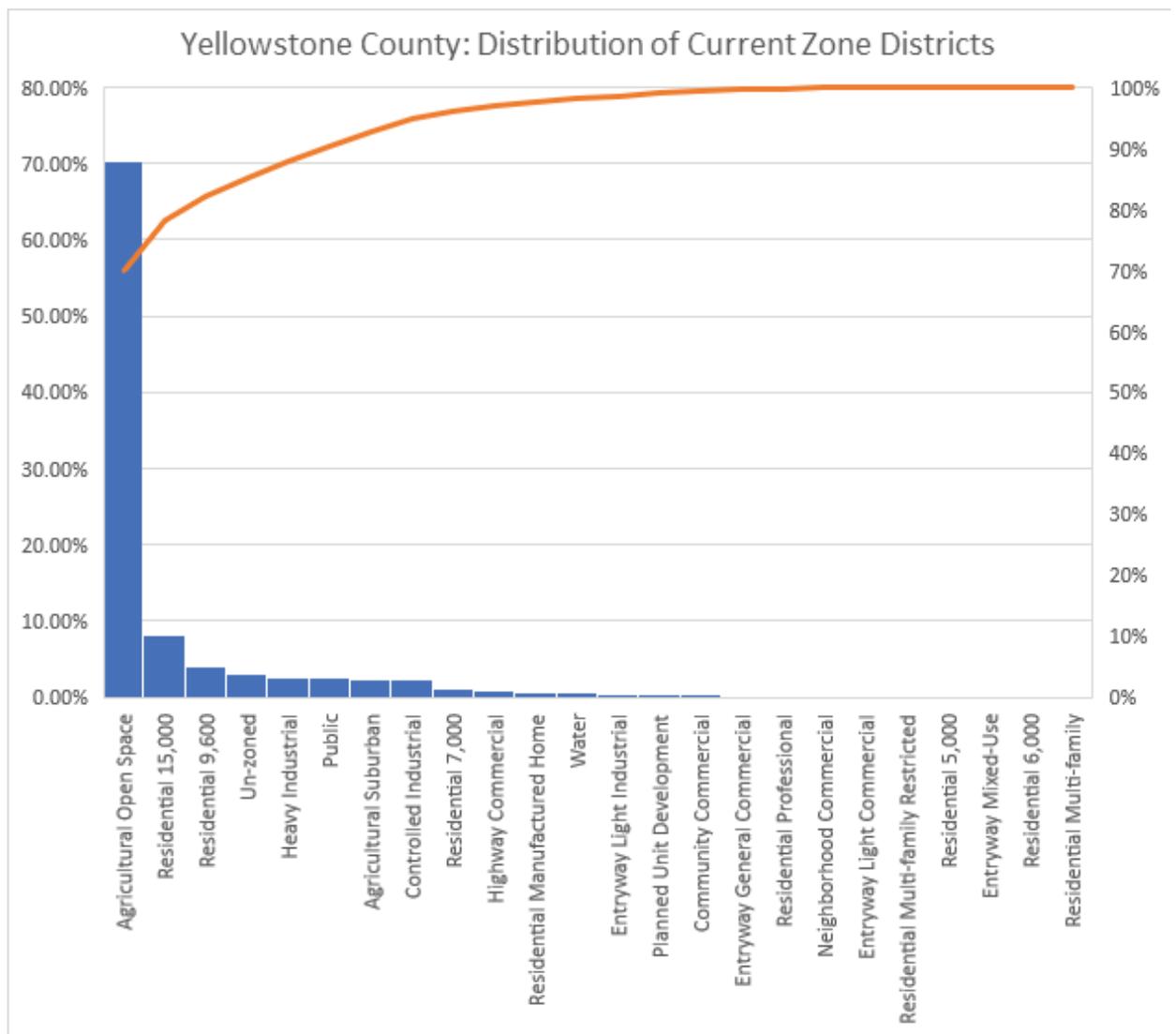


FIGURE 7. Distribution of current zone districts in Yellowstone County.

Both the Urban Working Group and the County Working Group have considered the issues of useful and appropriate zone districts. In addition, the County Working Group has considered the use extension of zoning outside of the current 4 ½ mile jurisdiction. Key zone district issues **identified by the Urban Working Group** include:

- a. Corridor planning
- b. Costs of service and development pattern
- c. Mixed-use development

Key zone district issues **identified by the County Working Group** include:

- a. Entryway zoning
- b. Lockwood: town center zoning and housing choice (fair/affordable)
- c. Density change within residential subdivisions
- d. Public zoning

We will propose a number of changes to help the City and County better address the issues that are currently regulated by zone district, including:

- a. Establishing a revised zone district line up including both form-based and traditional districts that are **designed to reflect the multiple types, characters, and scales** of development in both Billings and Yellowstone County. This may also include specific districts or a combination of districts that are designed for use in the urbanizing areas at the city/county boundaries;
- b. Moving away from seeing uses as the basis for site design and **focusing on regulating the impacts of uses separately from preferred design**; and
- c. **Creating baseline development standards** for landscaping, structure design, signage, and parking that define basic expectations

in the City and County. When a specific design situation requires something more or different, we will recommend regulations that add requirements to the base standards so there is a clear understanding of what has changed and what impact that change may have.

### *27-305 USE TABLES*

The current City and County use tables are not user-friendly. That may not seem like a big deal, most people would also share their opinion that zoning codes are not particularly user-friendly. But user-friendliness matters in a use table because this is one of the places in the code with very high user contact. Developers, property owners, business owners, and investors want to know what uses are permitted on a site. The critical impact of the use table is somewhat less in a form-based district because uses are not the focus of the district, but uses are never unimportant.

The **use tables can both be reorganized and updated to make them more accessible and informative to code users.** Our initial recommendations include:

- a. Change from alphabetical to category-based classification, and
- b. Provide cross-references to use-specific standards (such as 27-612, Supplemental Commercial Development Standards) so applications can find all relevant regulations.

We will also discuss new uses that should be included in the use tables along with standards for those uses. One example of this is identifying where to permit and what standards to draft for the **alternative energy uses, such as solar, wind, and hydroelectric uses** that have been the subject of much discussion by the County Working Group.

Depending on the use and use standards, the City and County may want to allow small-scale wind and solar (intended for on-site electrical use) as a permitted accessory use in almost every zone district. That approach might change with commercial-scale energy production, which might be allocated to either of the current industrial districts or to a new zone district as part of this discussion. And for each of these uses there is a question of identifying “rights” to the use, such as creating a solar easement that prevents neighbors from placing structures in locations that block solar access.

Finally, we will propose a method to include new uses in the use table over time based on objective review criteria.

Use table clean-up will be done in conjunction with changes to the zone district line up.

### **27-308 DIMENSIONAL STANDARDS**

The current zoning codes have separation sections for zone district purposes, uses, and districts that make it difficult to understand the individual zone districts without a lot of page turning and discourages the comparison of various districts for the same reason. It is important to be able to compare districts as part of the code clean-up project because we need to make sure that the range of districts covers the current and future development needs and preferences of both Billings and Yellowstone County. As part of that clean-up we will also review dimension for urban areas that look like they foster suburban development, as well as dimensions for suburban development that can cause problems with connectivity and walkability. We will discuss the need for proposed dimensional changes with the **Urban Working Group, who has spent time considering: infill/gentle development, missing middle housing choices, accessory dwelling units, and the need to provide a range of housing choices.** We will also give consideration



*FIGURE 8. Solar awnings may be permitted as accessory uses*

to the dimensional requirements for zone districts in Yellowstone County to establish districts for development that will retain its rural character for a long time as well as districts for development that will be annexed into Billings.

### **27-400 NONCONFORMITIES**

The regulations for nonconforming situations included in both the City and County zoning codes is fairly standard regulatory language. The issue that we find as planning consultants, though, is that application of the nonconformity regulations doesn't have the desired effect of making the nonconformity disappear, but instead the nonconformity gets frozen in time. We will work with City and County staff to look through past variances and identified nonconforming properties to identify nonconformities and **look at ways to change the regulations to make these locations conforming to encourage redevelopment and reinvestment.**

## 27-600 SUPPLEMENTARY GENERAL PROVISIONS

The Supplementary General Provisions section is currently a catch-all section for regulations that should be **more clearly identified by their purpose and collected elsewhere by topic**. A number of these regulations are use-specific (including hazardous waste, home occupations, livestock, satellite antennas, sexually-oriented businesses, temporary uses, amateur radio antenna, wireless communication, and land mobile radio regulations) and should be grouped with all of the use-specific standards and clearly cross-referenced in the updated use tables. Other regulations are dimensional or procedural in nature and should be moved to those sections. The City parking standards should be re-incorporated into the zoning code and updated as necessary. Both planning staff and the consultant team have had preliminary conversations with City Engineering about moving these standards to zoning and the discussion will be ongoing as the parking standards are transferred.

## 27-700 SIGNS

27-700 is the main body of the City's sign standards, but other very substantive sets of sign standards are distributed across the special and overlay districts. Multiple regulations in multiple locations tend to result in both conflicting regulations and difficult navigation for code users. All of the various sets of regulations should be **consolidated to a single section** of the code and divided within that section into generally applicable regulations and applicability by zone district. The sign regulations will also need to be reviewed and updated as necessary to conform to the requirements of United States Supreme Court decision in *Reed v. Town of Gilbert* which prohibits the regulation of signs based on the content of the sign copy. The

**Sign Code Working Group** has started the process of considering Reed-required updates and also notes that there are issues with:

- a. Legibility and scale (street versus pedestrian);
- b. Potential to create new nonconforming signs through code changes;
- c. The placement of billboards and oversized signs;
- d. Balancing the use of GPS/smartphone mapping and navigation technology against the size, number, and need for signs; and
- e. Complete removal of poles/pylons to eliminate "place holder" practices for nonconforming signs.

The County's zoning code doesn't have the multiple sections of sign regulations that the City's does, but it would still benefit from clean-up. Like the City's sign regulations, some parts of the County's regulations need to be revised to comply with Reed. The County's sign regulations could also be somewhat better organized to group all of the construction and maintenance provisions.

Both sets of sign regulations would benefit from the addition of graphics.

The Sign Code Working Group has identified **four key issues for the sign code update** that will serve as an excellent framework for the drafting process:

- a. Context: regulating in terms of street type, traffic, adjacent land uses, and surrounding context
- b. Clarity: making sure the code is orderly and uses clear language and definitions
- c. Consolidation: incorporating the best qualities of each sign code within the framework of any new sign code
- d. Content Neutrality and Other Legal Issues: making sure that known legal issues

are addressed and content neutrality is maintained throughout the code.

### **27-1101 LANDSCAPING**

In general, there are three key components to landscaping regulations: (1) identification of locations where landscaping will be required, (2) calculating how much landscaping will be required, and (3) creating a process for the community use to review and enforce landscaping requirements. While there are both national and state recommendations for identifying where and how much landscaping should be provided, the answers to these questions are ultimately very local in nature. Landscaping requirements need to align with community goals for incorporating green into the built environment, conservation of water and environmentally sensitive areas, and tree planting and preservation. These ideas are all reflected in the **Landscaping Working Group's priorities**, which include:

- a. Use of water in terms of plant selection, landscaping design, use of turf grass, and irrigation
- b. Options for landscape design based on land use and street type context; identification of areas such as corridor entries where additional landscaping should be considered
- c. Street tree requirements
- d. Use of a point system to encourage water-conscious landscaping choices
- e. Location of landscaping relative to street and sidewalk
- f. Buffering between development types

The **County Working Group** has also identified updated landscaping regulations as a priority. We will coordinate with both working groups to consolidate, review, and revise both City and County landscaping requirements.

### **27-1300 PLANNED DEVELOPMENTS**

Both the City and County currently have open-ended planned development standards – each PD is individually designed and negotiated. There is one significant up-side to this approach: local officials can give extra scrutiny to the project review and wield measurable leverage in negotiating project approval. There are a few significant down-sides to full-negotiated PD zoning. First, the development review process is typically longer and more time-consuming. Moreover, with details of development open to negotiation during a PD process, including compliance with generally applicable development standards, much time can be lost poring over PD plans trying to find a happy medium between the community's preferences and the developer's ability or willingness to respond. This takes more review and approval time compared to a form-based or conventional development application that simply must comply with zoning and development standards already on the books.

Second, when new development is processed as a PD, the process undermines or at least weakens the authority and decisiveness of staff and the planning and zoning commission. Developers clearly know that the elected body holds the ultimate power over approval, and they look past staff and the planning commission to their final approval.

Third, PD approvals are typically intended to apply to multiphase development that spans over many years. Where PDs are approved in communities with mature development standards and land use codes, these standards are typically built into the PD approval and the project takes a predictable course through development. In those communities, the staff has a good understanding of what the finished project should include in terms of site layout, building design, infrastructure, and project

amenities. In a rapidly growing community with a less-well-developed planning and design review process, each PD approval is a negotiation based on the last best project, but not necessarily the ultimate design standards. The use of PD approval in this situation can lock-in large scale development to an incomplete set of development requirements without a comprehensive understanding of what should be expected in terms of overall project design, and in many projects without a meaningful method for requiring out-of-date PD project to resubmit for amended approval. The use of PD limits the community's ability to impose updated standards and requirements to development that will bring that project into line with other new development in the community.

And finally, PD approval for development projects often results in substantial administrative burdens for planning staff down the road. PD often include detailed design conditions that are unique for the particular buildings or sites that are the subject of the PD plan and that will differ, even slightly, from other approved PD plans. The use of PDs means that later – which may be weeks or even years later – when a developer or owner wants to erect a new fence, change the type or location of a sign, or change the landscaping, planning staffers must search for the specific PD plan and take the time to carefully analyze whether the request complies with the detailed specific PD conditions. In effect, staff has to administer many mini-zoning codes with varying standards and expectations. With the creation of new zone districts and development standards, we will make recommendations to **target the use of PD zoning to unique circumstances** where PD approval will result in better development that benefits the community in a manner that other zoning options will not.

### *27-1500 ZONING COMMISSION AND BOARD OF ADJUSTMENT*

The current sections on decision-making bodies and administrative procedures both contain very densely drafted sections and are missing significant pieces of information. Additionally, there are permit requirements and processes scattered in other sections of the codes.

These **provisions can be cleaned-up and expanded to provide a much broader range of useful information to applicants who use the regulations.** Working through and defining each process will also allow us to explore whether each process is effective and efficient. This is the place where we will address issues such as the County Working Group's concern about the public notification process and the Urban Working Group's note that strong processes are needed to implement flexible codes. Efficiency is achieved when the general review framework is not redundant, the procedures and the review standards result in a reasonable degree of certainty, and the procedures for obtaining each type of approval or permit are streamlined to the greatest extent possible, while ensuring that the community's substantive planning and development goals are used in all decision-making.

### *27-1600 ADMINISTRATION AND ENFORCEMENT*

This section is very general in nature in both codes and does not provide much information to code users or code violators. We recommend updating this section to provide **more a more detailed description of the enforcement process** that: 1) describes the applicability of the enforcement provisions; 2) describes how enforcement takes place; 3) lists potential code violations; 4) identifies remedies and penalties in detail; and 5) specifies procedures for enforcement actions.

## **REGULATORY HOUSEKEEPING/CODE ORGANIZATION**

In addition to the substantive issues of the code update, there are also a number of housekeeping opportunities to consolidate, clean-up, and update the regulations to create more consistency and predictability. As we create the updated zoning codes, we anticipate making some basic improvements to the formatting that would help make the documents more accessible to the public and infrequent users. These changes include:

1. Reorganizing the contents to group like with like (dimensions, uses, development standards) while providing cross-references to related regulations,
2. Adding more matrices and tables to make information easier to find, and
3. Incorporating illustrations to convey a variety of information in a clear and concise “at a glance” format.

We may also recommend that some administrative and procedural material be removed from the zoning code and included in a user’s guide where appropriate detail and commentary can be provided outside of the formally-adopted code.

In addition to these organizational best practices, the consultant team will also draft with the following Project Guiding Principles in mind:

### ***“CLARIFY AND SIMPLIFY”***

All new regulations will be written in Plain English to maximize readers’ ability to find what they need, understand what they find, and use what they find to meet their needs.

We prefer Plain English also. Where we think a regulation might be difficult to understand despite our efforts to draft it as clearly as possible, we will add a visual aid in the form of a photograph or illustration.

### ***“PREVENT CONFLICTS”***

The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.

This is one of the positive outcomes of revising the zoning code in a single, comprehensive process – we spend time making sure that the regulations are consistent across the entire draft. We will also rely on the Project Re:Code Steering Committee and working groups to review the draft updated to make sure that we have not included drafting errors that result in inadvertent regulatory conflicts.



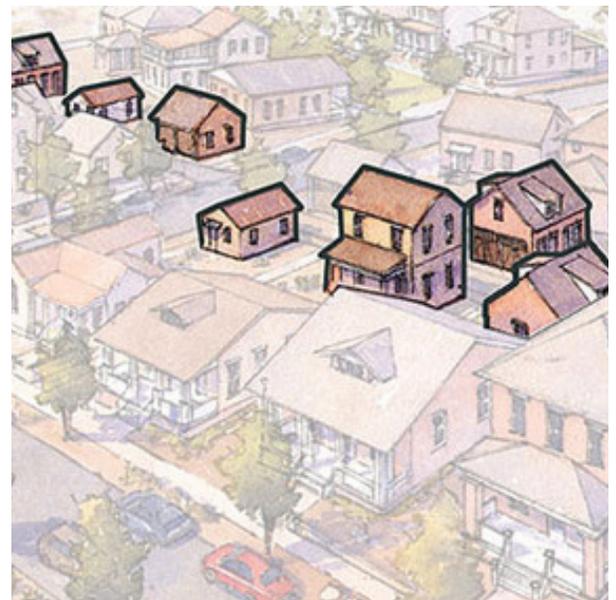
## PART IV. COMMUNITY GROWTH & PLANNING GOALS

Once the consultant team completed a review of the current regulations for issues and barriers, we started the process of identifying code updates that need to be made for the regulations to be forward looking and responsive to anticipated growth and change. This process included reviewing local plans and planning policies and listening to community members discuss how the current regulations work and what could be improved to make the regulations work better for the community.

### **CURRENT PLANS AND POLICIES**

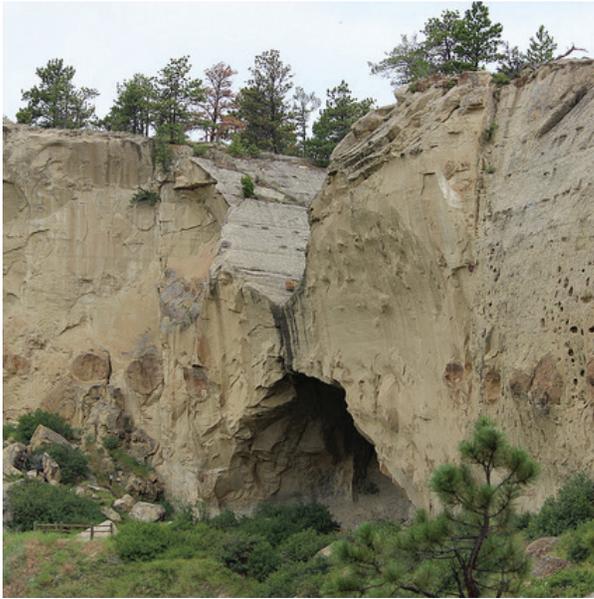
The City of Billings and Yellowstone County have dedicated significant time and resources towards identifying the desires of residents and businesses for the future of their community through several planning efforts. The result is several adopted policy documents, including the Billings Growth Policy (2016), the Lockwood Growth Policy (2016), the Billings Infill Development Policy (2011), the Yellowstone County & City of Billings Growth Policy (2008), and others, together which establish a framework for decision-making in Billings and Yellowstone County. Project Re:Code is one such implementation action that the City and County have initiated to achieve the goals and policies of these guiding documents. The following policies

that appear consistently through both City and County plans are important to the regulatory drafting process:



### ***SUPPORT INFILL DEVELOPMENT OVER SPRAWL<sup>1</sup>***

Historically, as Billings and Yellowstone County have grown in population, the physical area occupied by development has increased significantly. This is a result, in part, of low-density development styles, which can face



less complicated development processes when compared to infill development or higher density development, making these projects more appealing to developers and financiers.

### *PROTECT SCENIC LANDSCAPES AND VIEWS<sup>2</sup>*

As a community surrounded by scenic landscapes like the Rims, South Hills, Yellowstone Valley, and surrounding agriculture and open space, Billings has adopted numerous plans and policies to preserve the scenery and landscapes that are valued by the community.



### *PROVIDE A WIDER RANGE OF HOUSING CHOICE<sup>3</sup>*

With a strong economy and high quality of life, Billings continues to grow. At times, the ability of the housing market to keep pace with this growth has been lacking. Meanwhile, both local and national demographic trends have shifted demand towards different types of housing. These movements have resulted in affordability issues in Billings and Yellowstone County while also creating shortages of some housing types that are in high demand.



*PROTECT WATER RESOURCES, ESPECIALLY THE YELLOWSTONE RIVER<sup>4</sup>*

A common theme across many plans and policies for Billings and Yellowstone County is the community desire for water resource protection, especially the Yellowstone River. Current plans detail policies and actions to protect valuable natural resources, preserve water quality, expand public access to water, and ensure public safety from flood events. The Yellowstone River, as the major body of water in Billings and Yellowstone County is one of the most valuable resources discussed in the guiding documents for each jurisdiction.



*INTEGRATE LAND USE AND TRANSPORTATION<sup>5</sup>*

To support a high quality of life and improve the ability of residents to access essential services and conveniences, Billings and Yellowstone County have established policies to support the integration of land use and transportation. Current plans and policies include guidance for the City and County to create mixed-use developments, neighborhood centers, and neighborhoods that include key destinations and commercial development while also providing strong connections to transportation systems.



*IMPROVE WALKABILITY AND ALTERNATIVE TRANSPORTATION<sup>6</sup>*

Multiple plans and policies establish community policies to enhance mobility and accessibility in Billings and Yellowstone County by developing places that are walkable and accessible for alternative transportation, like bikes and public transit.



*PROTECT NEIGHBORHOOD INTEGRITY AND SUPPORT IMPROVEMENTS TO PRIVATE PROPERTY<sup>7</sup>*

With a rich history and many established neighborhoods, there is a strong community desire for preserving the history, feel, and quality of existing neighborhoods. Additionally, the community is interested in encouraging the upkeep of private property to preserve property values and ensure neighborhoods are attractive and safe.

## KEY THEMES FROM COMMUNITY OUTREACH

During our first two trips to Billings, we met with a number of community groups and individuals, listed in the table below, to gather input about the zoning code update. We spent time with each group discussing the purposes and goals of Project Re:Code and then facilitated conversations and collected participant thoughts and project input. We also provided participants with postcards to

encourage them to share their big picture ideas about Project Re:Code. The postcards we have collected to-date are attached as Exhibit A. Additionally, we hosted a public open house where we invited members of the community to drop in and share their thoughts about the project.

We've summarized the comments from our outreach activities into the following key themes:

## COMMUNITY OUTREACH

### KEY THEMES

- 1 Target the development standards (landscaping, parking, site layout, design, lighting, signs) to work within the context of in the following character areas: urban, first neighborhood (the core residential areas surrounding downtown including North Park, South Side, Central Terry, Pioneer Park, & North Elevation), entry corridor, suburban, and rural.
- 2 Establish minimum design standards for most types of mixed-use and non-residential development that reflect a basic, local design baseline
- 3 Update the zone district line-up to provide a wider variety of zone districts to encourage the development of mixed-use, form-based, multifamily, and commercial structures and uses in appropriate locations in the city and county. Review existing zone districts for options to consolidate or "retire" current districts that are underutilized
- 4 Identify options for flexible regulation and incentives to encourage compact, infill development.
- 5 Build on the city's progress in creating safe, complete streets with bicycle and pedestrian connectivity and an emphasis on walkability in urban and first neighborhood character areas; incorporate off-street trails options
- 6 Encourage the development of a broader range of residential housing types through form and design standards that create a cohesive fit for new housing with the rest of the neighborhood.
- 7 Clarify development processes and design requirements for development at the city/county interface; incorporate long-term annexation and service provision priorities into decision-making process in urbanizing areas
- 8 Maintain and enhance opportunities for residents to engage in outdoor activities while building access to the outdoors into the community design

The following table provides a brief overview of which themes were raised and discussed by each stakeholder group who participated in the early public outreach.

## STAKEHOLDER OUTREACH

COMMUNITY GROUP	KEY THEMES								
	1	2	3	4	5	6	7	8	9
Billings Industrial Revitalization District	X								X
Project Re:Code Steering Committee	X		X	X	X	X	X	X	X
City/County Planning Board	X	X	X	X		X	X	X	
Billings Metro VISTAS	X	X	X	X		X			X
City/County Planning Staff	X	X	X	X	X	X	X		
Billings City Council Members	X				X			X	
Adjacent Neighborhood Committee Task Force Chairs	X	X	X	X	X	X		X	
County Issues Working Group	X		X				X	X	
Landscaping Working Group	X						X		
Billings Engineering Staff	X				X				X
Billings Chamber – Next Generation			X	X	X	X		X	
Billings Association of Realtors Government Affairs Lunch Meeting				X	X	X	X	X	X
Yellowstone County Board of County Commissioners	X		X				X		
Yellowstone Valley Citizen’s Council	X	X			X	X			
Healthy By Design			X	X	X	X		X	
Urban Issues Working Group	X				X				
Sign Code Working Group	X								
Bicycle Pedestrian Advisory Committee	X		X		X				
Big Sky Economic Development Staff			X	X		X		X	X

In addition to the key themes we were able to identify through community outreach, we also made note of a number of individual issues that can be fully or partially addressed through Project Re:Code. Most of these issues are components of the larger project themes; we've included them here to acknowledge that these topics were raised multiple times by project participants. Individual regulatory issues include:

- a. Short-term rental/AirBNB
- b. Development fees and cost-of-service versus development incentives
- c. Affordable housing; non-standard housing (microunits, tiny homes, co-housing)
- d. Accessory dwelling units
- e. Reinvestment in nonconformities
- f. Multifamily housing design
- g. Alcohol and casino uses
- h. Low impact development standards/ stormwater management/lower irrigation use
- i. Landscaping/sign integration
- j. Public communication regarding land use changes
- k. Alternative energy standards, energy co-op
- l. Method to trigger applicability of development standards to encourage change over time, including within the EBURD area
- m. Tree preservation
- n. On-street and on-site parking for multifamily development
- o. Access standard
- p. Fully designed, "finished" parks
- q. Alignment of city and county zone districts at the urban/rural interface; allocation of districts deeper in Yellowstone County
- r. Sustainable design opportunities
- s. Impact of sign design on resident and visitor perceptions

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## PART V. KEY IMPROVEMENTS

### **MOST CRITICAL NEEDS FOR REVISION**

The Billings and Yellowstone County zoning codes need to be updated for different reasons and so their “most critical needs” lists are not identical.

#### ***BILLINGS ZONING CODE***

The Billings code needs to be updated to better regulate development in different contexts: downtown, mature neighborhoods, changing commercial corridors and workplaces, and newer suburban development, all of which must somehow come together in a regulatory whole. Billings most critical needs are linked to building context and site-specific flexibility into the zoning regulations and moving away from a one-size-fits-all approach:

- a. Update the zone district line-up to create districts that better reflect the building blocks of development and which can be used individually in stable development areas and in groups in developing or redeveloping areas.
- b. Remove barriers to the development of a range of residential housing types. Barriers might include the types of residential uses permitted (or prohibited) in a zone district, required lot sizes, required off-site parking, limitations to redevelopment of non-residential structures, and development

fees.

- c. Prepare both baseline and context-appropriate development standards that address community expectations for design of parking, landscaping, signs, site layout, and lighting.
- d. Continue to implement the City’s complete streets standards as may be appropriate for new development and redevelopment. Review existing regulations to ensure that walkability is permitted and not prohibited.
- e. Working in conjunction with the County to create standards, districts, and processes for development in the urbanizing areas.
- f. When the code is made more detailed and nuanced in any community, there is also a need for updated processes that make it easy to obtain relief from detailed regulations that don’t quite fit a specific lot.

#### ***YELLOWSTONE COUNTY ZONING CODE***

The Yellowstone County code needs to be updated to reflect the County’s development future, separate from the City’s and still including a place at the jurisdictional boundary where growth is managed by both communities. Yellowstone County’s development context ranges from smaller-lot residential to stand-alone development to county-appropriate commercial and

employment to agricultural (whether long-term or just for now). The County's most critical needs for revision include:

- a. Revising zoning code content to make all aspects of the code County-specific – districts, uses, development standards, and procedures.
- b. Working in conjunction with the City to create standards, districts, and processes for development in the urbanizing areas.
- c. Focusing on regulations for uses that are appropriate in the County but that also may have significant local or neighborhood impacts, such as alternative energy production and active agricultural uses, and clarifying how these uses interact with residential development.
- d. Providing Lockwood with the best range of regulations to implement the 2016

Growth Policies.

- e. Determining where to set the regulatory baseline for County community expectations for design of parking, landscaping, signs, site layout, and lighting and drafting or revising those standards appropriately.

### PULLING EVERYTHING TOGETHER

Preparing a code update requires both a big picture set of instructions about what the new regulations need to accomplish and a more detailed list of specific code edits to be made. We have joined these two sources of code update information together to identify the following key improvements for the zoning code updates. We break down the key improvements in a section-by-section analysis in the following annotated outline section.

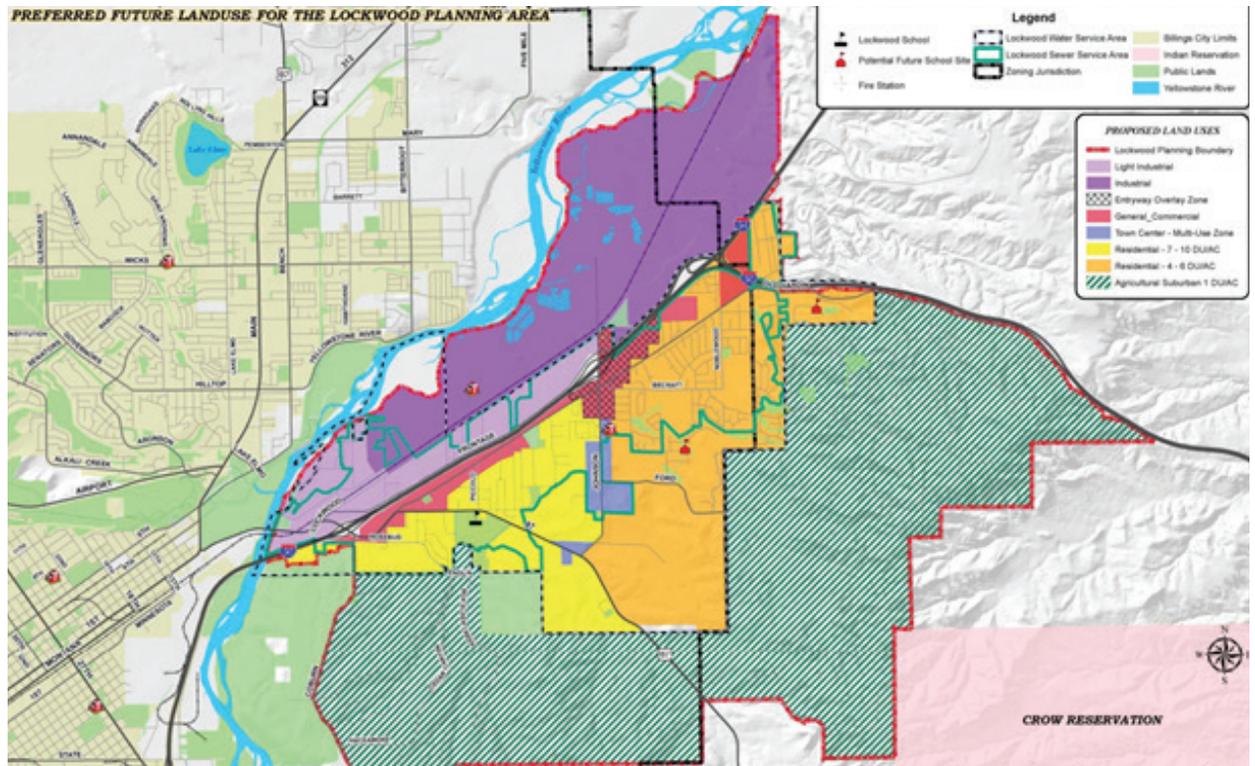


FIGURE 9. Future land use map for Lockwood Planning Area

The following drafting checklists, linked to the project Guiding Principles, are compiled from the code audit and community growth and planning goals. The Guiding Principles identify project priorities that represent the most important areas of change within the current regulations. The drafting checklists provide the consultant team with a roadmap for making drafting decisions about which regulatory tools, approaches, and options to include in the updated zoning codes to help both Billings and Yellowstone County reach preferred development outcomes.

***GUIDING PRINCIPAL: "MAINTAIN WHAT WE CARE ABOUT"***

The regulations will encourage stability of existing neighborhoods while allowing for change over time.

When we regulate to encourage strong neighborhoods as the residential core of the community, that means reviewing the residential zone districts to ensure that they can conserve stable neighborhoods, stabilize neighborhoods that have been negatively impacted by change, and allow the creation

**DRAFTING CHECKLIST**

- Create design standards for infill development
- Update traditional zone district line-up to include mixed-density residential districts and mixed-use districts with a range of housing styles
- Draft form standards for First Neighborhoods
- Allow a wider mixture of housing types

of new neighborhoods that can be woven into the larger fabric of the City and County. Within the zone districts, we fine tune dimensional standards, form and design requirements, and use regulations. The updated regulations should:

- a. Encourage and guide infill development that complements surrounding development,
- b. Identify a clear path for the development of a broader range of housing choices, and
- c. Remove many of the obstacles caused by the label "nonconforming" over the years while encouraging property owners to reinvest in their properties.

***GUIDING PRINCIPLE: "OPTIONS AND CONTEXT"***

*The regulations will provide a range of site*

**DRAFTING CHECKLIST**

- Update the suite of development standards to reflect the context of different community character areas
- Establish clear site and structure layout standards, also keyed to surrounding design context
- Link current standards for vehicular, bicycle, and pedestrian connectivity and enhance as necessary
- Employ regulations to preserve agricultural lands, sensitive natural environments, and viewsheds;
- Develop integrated landscaping and storm water controls
- Encourage native, drought

development options with clear criteria and guidelines for allowing alternatives to future development as well as existing neighborhoods as the community's goals change.

Good site development standards – including parking; landscaping, buffering, and screening; site layout; lighting; and signs – accomplish two goals:

1. Provide clear baseline regulations, and
2. Identify a number of options for flexible design where either the condition of the site or connection to surrounding development requires a site-specific approach.

We can accomplish both of these goals through drafting standards with different types of site character and context in mind, as well as ensuring that the development review process has straightforward options for requesting useful changes to help the development work on the site. In addition, well drafted development standards can also: 1) include specific standards for infill development, 2) address the impact of new the development on its neighbors, and 3) provide standards for how people will move in and out of the development, be that by transit, car, bike, or on foot.

#### ***GUIDING PRINCIPLE: "FILL THE VOID"***

*The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.*

In many communities (and many zoning codes) there is a tendency to substitute the term "use" for all aspects of a development – structure design, site layout, landscaping, parking, traffic generation, connection to the neighborhood, and impact on surrounding

#### **DRAFTING CHECKLIST**

- Review and revise the use table and the uses allocated to each district
- Adjust parking standards
- Encourage downtown development
- Allow accessory dwelling units and cottage-style clustered development
- Consider a transfer of development rights of purchase of development rights program
- Establish cluster or conservation-style development
- Improve connectivity for vehicles, bicycles, and pedestrians within and between neighborhoods and subdivisions
- Provide incentives for affordable housing projects by reducing infrastructure and permitting requirements where appropriate.



**FIGURE 10.** Pedestrian site circulation standards can be established to reflect the surrounding neighborhood context: urban, inner neighborhood, suburban, and rural

“uses.” When we group everything together as a use and regulate in broad strokes, typically by prohibiting a use in a district, we miss opportunities to create regulations that address the things we don’t like – maybe an ugly building or too much traffic dumped onto a residential street – and allow things we do like, such as encouraging a well-designed neighborhood grocery store in a predominately residential area. During Project Re:Code we will propose revisions to the current regulations that encourage a more robust and three-dimensional review of development, well beyond just use.

**GUIDING PRINCIPAL: “PROSPERITY”**

*The regulations will serve to support the community need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing businesses, and private investment in the economy, all to promote job creation.*

During our first meeting with the Project Re:Code Steering Committee, we asked committee members what they like most about living in Billings and Yellowstone County. The first and most unanimous answer was the idea that nature and outdoor living are part of everyday life in the community. From a

regulatory perspective, if the natural beauty and outdoor living opportunities in Billings and Yellowstone County are of primary importance to the residents, they are also key economic generators for new development and investment decisions and preserving, conserving, and enhancing access to these community resources will be addressed in the regulatory update.

In the West, prosperity is also closely linked to water. Water is often a limited and limiting resource and the updated regulations will focus on making it easy to conserve water in the place where most of it is used – landscaping.

And finally, the economic development topic that surfaced again and again when discussing how to attract new development is the impact of development fees on the initiation and completion of development projects, both infill and greenfield. Setting fees that are both geographically equitable and responsive to development priorities requires a balancing process that occasionally needs to be revisited. While the scope of Project Re:Code does not include a review of current development fees, we hope that changes to the zoning codes may remove some of the issues that existed when the fees were most recently calculated and may allow us to engage in a conversation with the City about ways to refine the fees to encourage development that the community is interested in encouraging.

**DRAFTING CHECKLIST**

- Update or establish standards for natural areas, environmentally sensitive areas, hillsides and ridgelines, and water buffers
- Support land owners granting recreational easements to provide access to the Yellowstone River
- Explore a resource conservation overlay zone

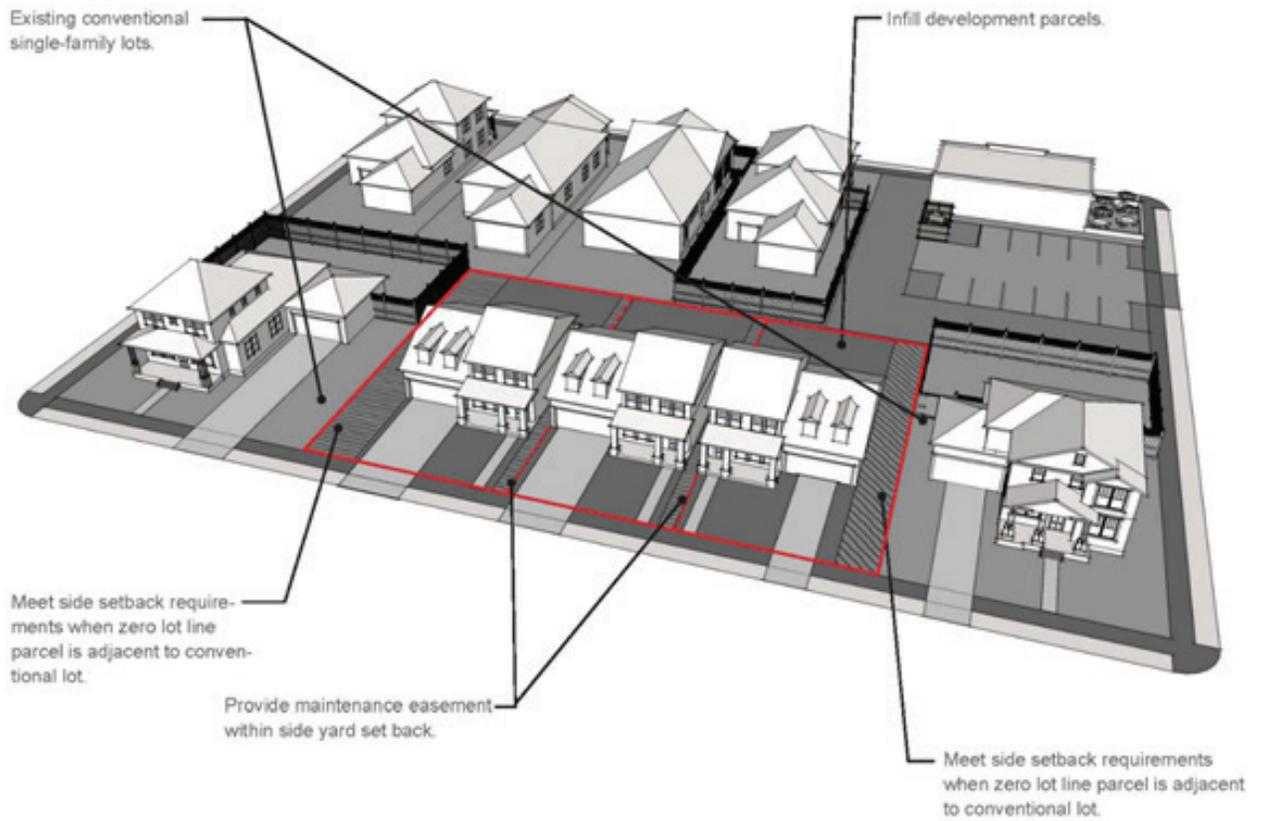


FIGURE 11. Encouraging good infill development requires the employment of both regulatory and financing tools.



# PART VI. ANNOTATED OUTLINE

This part of the Code Assessment identifies and explores our proposed outline of the updated zoning codes. General commentary is included, where appropriate, to explain the purpose or rationale behind certain sections. Where possible, we will use the same layout approach for both the city and county zoning codes, adjusting content as necessary. We will also try to find as many points of similarity, connection, and consistency as possible so that code users, ranging from residents to developers, can navigate and understand both sets of codes as easily as possible.

The annotated outline is intended to be a vehicle for helping define expectations about

what is to be accomplished in the updated land development regulations before the more extensive process of restructuring, reformatting, and rewriting begins. Our goal is to gather more pre-drafting feedback from the community review of this annotated outline, and it is possible that this structure will be modified as we proceed with detailed drafting of the new provisions – particularly if it becomes clear that some sections need significantly more or less detail.

## **CURRENT AND PROPOSED ORGANIZATION**

We propose reorganizing both codes to follow this organization:

### **ZONING CODE ORGANIZATION**

<b>CURRENT (GENERALLY)</b>	<b>PROPOSED</b>
27-100 Title, Purpose, and Scope	27-100 General Provisions
Title	Short Title
Purpose	Authority
Scope	Adoption and Repeal
27-200 Definitions	Intent and Purpose
27-301 Zoning Districts	General Provisions
Zoning Districts	Separability

## ZONING CODE ORGANIZATION

CURRENT (GENERALLY)	PROPOSED
Official Zoning Map	Effective Date
Application and General Rules	Transitional Provisions
Residential Uses	27-200 Zoning Districts
Commercial and Industrial Uses	General Provisions
Adoption of SIC Manual	Residential Districts
Area, Yard and Height Requirements - Residential	Mixed-Use Districts
Area, Yard and Height Requirements - Commercial and Industrial	Form-Based Districts
Supplemental Area, Yard and Height Restrictions	Commercial Districts
Illustrations	Industrial Districts
27-400 Nonconforming Lots and Uses of Land, Structures	Planned Development
Intent	27-300 Use Standards
Nonconforming Lots of Record	General Provisions
Nonconforming Uses of Land	Use Table(s)
Nonconforming Structures	Use-Specific Standards
Nonconforming Uses of Structures	Accessory Use Standards
Repairs and Maintenance	Temporary Use Standards
Unlawful Use	Special Event Standards
27-500 Historic Preservation	27-400 Development Standards
27-600 Supplementary General Provisions	General Provisions
Parking and Storage Restrictions	Site and Structure
Arterial Setbacks	Landscaping, Screening, and Buffering
Building Permits Issued Prior to Adoption	Parking and Loading
Fences, Walls and Hedges	Lighting
Hazardous Waste Facilities	Signs
Home Occupations	Alternative Energy
Livestock and Fowl	27-500 Administration: General Procedures

## ZONING CODE ORGANIZATION

CURRENT (GENERALLY)	PROPOSED
Manufactured Home Parks	Summary Table
Plats Recorded After Effective Date	Pre-Application and Neighborhood Meetings
Satellite Antennas and Dishes	Application Submittal Requirements
Sexually-Oriented Businesses	Fees (for complete application, not amount)
Supplemental Commercial Development Standards	Determination of Completeness
Supplemental Special Review Standards	Staff Review
Temporary Uses and Structures	Public Notice Requirements
Visibility at Intersections	Review and Decision-Making Bodies
Standards for Amateur Radio Antenna	Timeframes for Action
Standards for Wireless Communication Facilities	Actions on Applications
Standards for Land Mobile Radio	Lapsing and Extension of Approvals
New Condos, Townhome, and Multi-unit Building Permit	Other Permits and Approvals Necessary
27-700 Signs	Appeals
27-730 Montana Avenue Sign District	27-600 Administration: Specific Procedures
27-800 South 27th Street Corridor Zoning District	Rezoning
27-900 Medical Corridor Permit Zoning District	Zoning Text Amendment
27-1000 Interchange/Entryway Zoning Districts	Site Plan
27-1100 Landscaping	Planned Development
27-1300 Planned Development	Special Review
27-1400 Shiloh Corridor Overlay District	Annexation
27-1460 East Billings Parking Overlay District	Administrative Adjustment
27-1500 City Zoning Commission and Board of Adjustment	Major Design Exception
Zoning Commission Created	Zoning Commission Created
Amendments to Chapter	Amendments to Chapter
Special Review by City Zoning Commission	Special Review by City Zoning Commission
Classification of Newly Annexed Area	Classification of Newly Annexed Area

## ZONING CODE ORGANIZATION

CURRENT (GENERALLY)	PROPOSED
City Board of Adjustment	City Board of Adjustment
Variances	Variances
27-1600 Administration and Enforcement	Zoning Clearance Permit
27-1700 Separability Clause, Repeal of Conflicting	Building Permit
27-1800 East Billings Urban Revitalization District	Certificate of Occupancy

### INSPIRATIONS AND INSTRUCTIONS FOR CHANGES: BEST PRACTICES AND PEER COMMUNITIES

#### BEST PRACTICES

Readers will see the term “best practice” across this section of the Code Assessment and as part of the drafting comments that support our draft regulations. A “best practice” is a method or approach to an issue that is generally recognized as the best, most innovative, and/or most effective tool or approach to address the issue. Best practices are typically identified for and applied to specific problems, such as regulating fueling facilities or addressing outdated parking standards. A key consideration of a best practice is that it has been tested and refined by a number of communities and has resulted in positive outcomes. In other words, these are not the newest or trendiest approaches, they are the approaches that have been tried and have worked.

In code drafting there are best practices for organization, substance, and process.

Organizational best practices help establish a framework for making the code easy to use while still ensuring that all of the necessary regulatory content is incorporated into the code. When making code updates or amendments, organizational best practices are very helpful for efficiently organizing code content to determine whether all of the relevant working pieces of the code have been identified and updated as necessary. Substantive best practices are focused on ensuring that regulations address the item to be regulated in a manner that reflects community preferences, are drafted objectively and defined consistently, and can be easily interpreted and applied by both the applicant and decision-makers. Procedural best practices are designed to help the community support the substantive best practices described above. The goal of procedural best practices is to ensure that when a review process is necessary, it is tailored to provide both the applicant and the decision-maker the information needed to make sound and consistent development decisions.

**PEER COMMUNITIES**

In addition to working with best practices, we will also use the experiences of “peer communities” and “early adopters” to explore how regulations can be structured and determine what possible outcomes result from those regulations. Peer communities

have some similarities to Billings and Yellowstone County, potentially including size, development patterns, growth rate, location, role in the region, and (fairly) current zoning code. Our preliminary peer community list includes:

**PEER COMMUNITIES**

CITY/COUNTY	STATE	2010 CITY POP.	CODE ADOPTION YEAR (ALL HAVE ROLLING UPDATES)
Fargo/Cass County	North Dakota	105,549	2000
Fort Collins/Larimer County	Colorado	164,207	2000
Boise/Ada County	Idaho	205,671	2013
Ogden/Weber County	Utah	86,701	1999
Sioux Falls/Minnehaha County	South Dakota	153,888	2013-2014
Rapid City/Pennington County	South Dakota	67,956	
Rochester/Olmsted County	Minnesota	106,769	Current update
Davenport/Scott County	Iowa	99,685	PD – June 2018

Early adopter communities are cities and counties that are willing to test out the cutting edge of zoning regulations to see what happens. We will look to early adopted communities when we need examples of “out of the box” solutions for City or County issues. Early adopted communities are generally identified on a topic-by-topic basis.

As an example of how we would incorporate this information into our drafting discussion,

below is a peer community and early adopter community comparison table that we recently created for Branson, Missouri, as part of Branson’s sign code update. Branson’s current regulations require a 300-foot separation between freestanding signs, a provision that has caused some problems in the city’s highly-trafficked tourism corridor. We looked at how Branson’s peer communities and early adopter communities regulate similar situations and shared the following information:

## EARLY ADOPTER COMMUNITIES

COMMUNITY	SEPARATION DISTANCE	OTHER REQUIREMENTS
Fort Collins	75' between freestanding signs; location may be determined by development plan	Only 1 per frontage; may get larger sign for increased setback
Gilbert	100' between monument signs on same street frontage	May have more signs with longer frontage (100', 400', one for every 300' after that)
COMMUNITY	SEPARATION DISTANCE	OTHER REQUIREMENTS
Kansas City	100' between signs; max 1 per parcel	Longer frontage may have larger sign; major street may have larger sign
Las Vegas	100' between signs on same lot	1 sign per 200 lineal feet of frontage
Nashville	100' between signs on same lot	Can have up to 3 signs with longer frontage
Eureka Springs	No separation specified	1 sign per 300' frontage
Gatlinburg	Separation determined by user based on setback from any existing or proposed sign	Greater separation resulted in greater permitted sign size up to sign area max
Myrtle Beach	100' between signs on premises	1 sign per premise; 1 more sign if contiguous frontage in next block with integrated business
Ocean Springs	150' between signs per parcel	1 sign unless >500' frontage, then 2
South Padre Island	150' between signs per property	1 sign per property unless own 200' frontage or entire block, then 2 signs; all nonconforming signs fixed before permitted second sign
Traverse City	No separation specified	May have up to 3 signs, need 200' frontage for each

We used this information to recommend that Branson reduce the mandatory separation to 150 feet. The next step in this conversation will be to discuss the impact of that change on existing signs and then draft new regulations that capture the city's preferences about whether to limit the number of freestanding signs permitted on a parcel based on total frontage and whether to encourage a movement away from freestanding signs to other types of signs.

## **ARTICLE 100: GENERAL PROVISIONS**

### *OVERVIEW OF THE ARTICLE*

This article will contain general provisions that are relevant to the entire set of land development regulations and that identify how the zoning regulations fit within the overall regulatory structure.

### *EXISTING REGULATIONS AND RECOMMENDED CHANGES*

The existing general provisions in Article 27-100 and Article 27-1700 of the current unified zoning regulations provide adequate coverage for those items contained in these sections. There are limited opportunities to consolidate generally applicable provisions from other articles as well as add missing provisions.

### *ORGANIZATION OF THIS ARTICLE*

The general provision article will be organized into the following sections.

a. Title

This section will update the title from the existing provisions located in Section 27-101.

b. Purpose

This section will incorporate the existing provisions located in Section 27-102.

c. Authority

This new section will incorporate statutory authority language.

d. Jurisdiction

This section will incorporate the existing provisions located in Section 27-103, Scope. It will be updated to clarify who is subject to the city zoning regulations and the county zoning regulations.

e. Severability

This section will incorporate the existing provisions located in Section 27-1702.

f. Relationship to Other Planning and Regulatory Documents (New)

This new section will connect the land development regulations to applicable City and County growth policies and plans.

g. Relationship to Other Regulations; Conflicting Provisions

This section will incorporate and update the existing provisions located in Section 27-1701.

h. Transitional Regulations (New)

This new section will establish the method to resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new land development regulations are adopted. We recommend that this new section allow for applications, in general, to be processed under the rules in place at the time a complete application is submitted. The transitional regulations section will also include language stating that violations prior to the enactment of the revised land development regulations shall remain violations after the effective date of the revised land development regulations.

## **ARTICLE 200: ZONE DISTRICTS**

### *OVERVIEW OF THE ARTICLE*

This article will identify the general categories of zone districts: agricultural, residential, form, mixed-use, commercial, industrial, special, and overlay districts. It will contain purpose statements for each category and district, dimensional standards for primary uses and accessory uses, and any applicable district specific regulations for each zone district. In addition, exceptions to dimensional standards will be included in their own section.

### *EXISTING REGULATIONS AND RECOMMENDED CHANGES*

Zone district regulations are currently found in the articles identified in the Applicable Zone District Regulations table. While Article 27-300 establishes the zone districts and contains standards for the majority of the zone districts, a few zone districts are listed separately in their own articles. The new zone district article will consolidate the current lineup of zone districts into one article. The purpose statements, dimensional standards, district-specific standards, and dimensional standard exceptions will be consolidated into the zone district article.

We would like to work with the city and county to update the zone district line-up to both polish-up existing districts and ensure they meet the needs of the neighborhoods they define, as well as create new districts that allow both jurisdictions to be more responsive to how new development is incorporated into the community as a whole. We anticipate that this update will include both traditional zone districts and form districts. Based on our initial discussions during the community outreach meetings, we recommend the following framework for the zone district revisions.

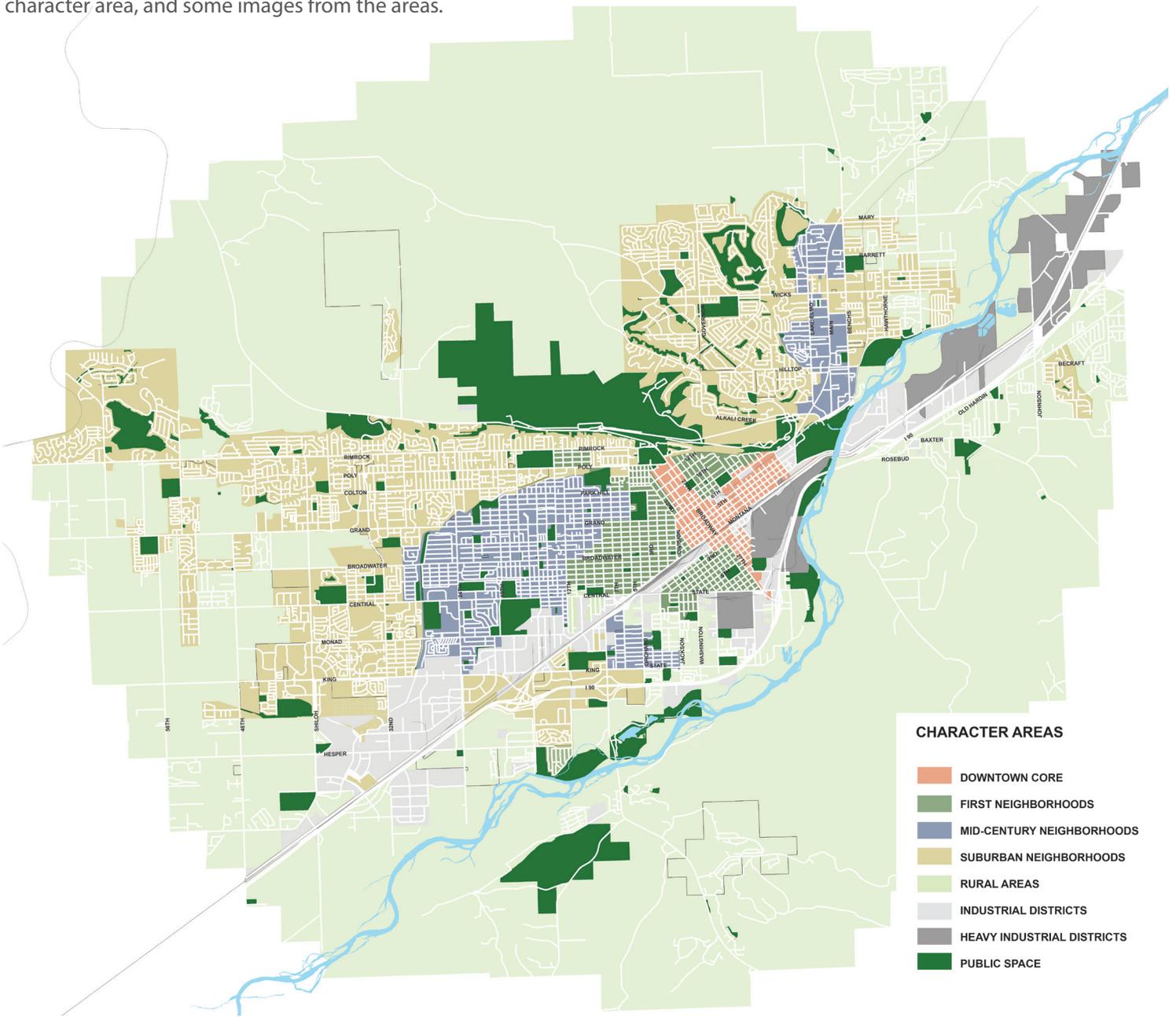
# City and County CHARACTER AREAS

The map below defines several different character areas in the Greater Billings area for use when writing new regulations within the city. These character areas are based mainly upon existing building massing/shape, building characteristics, lot characteristics, uses, and desired character.

The following sections provides a brief description of each character area, a table of the subareas within the character area, and some images from the areas.

Ultimately the character areas will help define new zoning districts, providing a framework for the regulations to be more responsive to the preservation of existing character and to the implementation of desired character as built areas redevelop and new neighborhoods are created.

Zoning tools referred to in the tables are discussed at the end of the character areas section.



# Character Area: DOWNTOWN CORE (city only)

Refer to the color-coded Character Map on the first page of this Appendix for these general locations.

The Downtown Core character area, shown in orange on the map, includes the Central Business District (CBD), the medical corridor, the North 27th Street gateway corridor, the South 27th Street Corridor and adjacent areas, including the East Billings Urban Revitalization District

(EBURD).

The table to the right explains each subarea defined within the downtown core, each warranting consideration for a separate zoning district. The regulations for several of these subareas will need to respond to the planning work being done for the One Big Sky District (OBSD) plan, once completed.



North 27th Street Entry Corridor: New Construction



North 27th Street Entry Corridor: New Construction



Downtown Edge: Office Building



Downtown Edge: Commercial Building



South Downtown: Neighborhood Church



South 27th Street Entry Corridor: Office Building

DOWNTOWN CORE CHARACTER AREA SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
DOWNTOWN CORE	CBD (Central Business District)	The downtown core is successful and becoming more vibrant. The CBD district is functioning well as is.	Few changes proposed other than to redefine use categories. Surface parking should also be a conditional use.	Standard
DOWNTOWN SUPPORT	CC (Community Commercial)	These areas surrounding the Central Business District warrant additional design standards to extend the good design in the CBD to the edge of the neighborhoods. Areas include 6th Ave N, Division St to 32nd St., and South downtown blocks between S 27th and industrial areas. The OneBigSkyDistrict (OBSD) planning work will guide this district.	Create a new district to allow downtown-scale residential and office uses in these areas with limited retail/service.	Form-Based Code
DOWNTOWN ENTRYWAY - NORTH 27TH STREET	CC (Community Commercial)	The east side of the North 27th Street entryway from the airport and top of the Rimrocks into the downtown (and the edge of the medical district) warrants higher design standards. The current CC district on the east side allows too many uses and does not contain any design standards. The OneBigSkyDistrict (OBSD) planning work will guide this district.	Potentially address the 27th Street corridor with one of the new mixed-use corridor districts proposed for other areas of the city.	Form-Based Code
FUTURE DOWNTOWN HOUSING	RMF (Residential Multi-Family)	The residential multifamily buildings currently existing in the areas surrounding the CBD in the downtown are similar in scale to the apartment buildings in the first neighborhoods. However, a higher intensity district may be needed to implement the vision of the downtown. The OneBigSkyDistrict (OBSD) planning work will guide this district.	Utilize new downtown district developed for the downtown support area.	Form-Based Code
DOWNTOWN ENTRYWAY - SOUTH 27TH	South 27th Street Corridor	The South 27th Street Corridor from downtown to Interstate 90 is an entryway to downtown. The design standards in the existing South 27th Street Corridor district are consistent with what would be proposed for other areas of the city, including the North 27th Street Corridor.	Replace this special district with one of the new districts defined above for other downtown entryways and support locations.	Form-Based Code
MEDICAL DISTRICT	MCPZD (Medical Corridor Permit Zoning District)	This area encompasses the hospital and surrounding properties. This highly complex district requires extensive review and scoring of proposed development projects with limited guidance for staff.	Create a set of easier to use regulations, guidelines, and review process for this important location. Ensure edge integration with neighborhoods to the west.	Standard



# Character Area: FIRST NEIGHBORHOODS (city only)

Refer to the color-coded Character Map on the first page of this Appendix for these general locations.

The First Neighborhoods character area, shown in dark green on the character area map, includes several commercial corridors adjacent to traditional neighborhoods: Pioneer Park, Central Terry, North Park, and the Southside neighborhood. Built mainly prior to World War II, the houses in these neighborhood create a distinctive character, unlike other neighborhoods in the city. The scale of these areas is smaller than the Suburban

character area, with walkable blocks, smaller residential lots, and shallower commercial properties. The character of these areas is desirable and infill development should enhance them. Options for redeveloping the commercial corridors, introducing small-scaled housing options, and re-establishing corner stores are needed.

The table on the following pages explains each subarea defined within the First Neighborhoods.



Neighborhood Commercial: Main Street



Neighborhood Commercial: Main Street



Neighborhood Commercial: Corner Shop



Neighborhood Commercial: Corner Shop



Adaptive Reuse: Neighborhood Office



Adaptive Reuse: Neighborhood Office



First Neighborhood: Mid-Size Lot



First Neighborhood: Mid-Size Lot



First Neighborhood: Small Lot



First Neighborhood: Small Lot



First Neighborhood: Small Lot



First Neighborhood: Small Lot



First Neighborhood: Cottage Court



First Neighborhood: Mixed Housing

Character Area:  
FIRST NEIGHBORHOODS

FIRST NEIGHBORHOOD CHARACTER SUBAREAS SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
MAIN STREETS	NC (Neighborhood Commercial) and CC (Community Commercial)	These corridors are located along the edges of the first neighborhoods and typically have on shallow lots and have limited parking. Includes corridors such as Grand, Broadwater, and State Avenues. Some of the uses available in the CC are too intense to be adjacent to neighborhoods, especially on such small lots.	Revisit the NC district for these locations to allow for mixed use, addressing buffering and adjacency issues. Fine tune uses to ensure neighborhood scale goods and services (including walk-in dining) and mixed use with apartments or offices above. Apply design standards to allow for main street-style storefronts plus cottage commercial buildings.	Form-Based Code
CORNER STORES	NC (Neighborhood Commercial) CC (Community Commercial), and R-(Residential Zoning)	Many of the older corner store sites in the neighborhoods are not being used for neighborhood services. Shallow lots also do not allow for buffering from inappropriate uses. A desire to allow corner stores back into the neighborhoods exists.	Utilize the main street district created above on a smaller scale, with guidance for use locations in neighborhoods and to address parking issues.	Form-Based Code
ADAPTIVE REUSE AREAS	NC (Neighborhood Commercial) RP (Residential Professional)	These areas are locations where houses have been converted to office or other commercial uses, along main street corridors or within neighborhoods. The existing district allows either residential or office uses but does not address the character of these areas. It also may include requirements making the houses nonconforming. Up to 4 units could also be allowed in these locations.	Develop a district specifically addressing the adaptive reuse aspect of most of the buildings in these area and defines the scale and design of the buildings. Recommend to limit the uses in these locations to office and possibly services (spas, beauty salons, studios - dance, yoga, etc.) to ensure shopping and dining occurs within Neighborhood Mixed-Use buildings. Also apply design standards, allowing for the small scale cottage feel of most of these areas.	Form-Based Code
NEIGHBORHOOD OFFICE	RP (Residential Professional) and R-(Residential Zoning)	Office buildings exist within many neighborhoods, especially in locations behind commercial corridors. Residential in these locations could allow for up to 4 units if the scale of the buildings is addressed within the neighborhoods.	Utilize the same district defined above for the adaptive reuse locations, as the scale of these buildings needs to fit the neighborhoods.	Form-Based Code
HISTORIC HOUSES, 1- AND 2-FAMILY	R-60 (Residential 6000), R-70 (Residential 7000) & R-70R (Residential 7000 Restricted)	These locations within the First Neighborhoods (mainly in Central Terry) include larger "historic" homes on larger lots. Existing zoning does not address the character of these neighborhood streets. Currently, these locations are limited to 1- and 2-family uses.	Develop a new district addressing the character of these areas: garages in the rear, windows and doors on the front, front setbacks to match the block, side yards similar to existing.	Form-Based Code

FIRST NEIGHBORHOOD CHARACTER SUBAREAS SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
SMALL LOT NEIGHBORHOODS	R-60 (Residential 6000), R-70 (Residential 7000), some RMFR (Residential Multi-Family Restricted)	The First Neighborhoods include Pioneer Park, Central Terry, North Park, and the Southside neighborhood. Built mainly prior to World War II, the houses in these neighborhood create a distinctive character, unlike other neighborhoods in the city.	Utilize the new district discussed for Historic Houses to maintain the character of these neighborhoods areas for infill and redevelopment of dilapidated structures.	Form-Based Code
SMALL LOT NEIGHBORHOODS, MIXED HOUSING TYPES	R-60 (Residential 6000), R-70 (Residential 7000), RMFR (Residential Multi-Family Restricted)	These areas of the First Neighborhoods contain a wider mix of housing types, including small apartment buildings.	Utilize the new district discussed above, expanding it to allow small scale “manor apartment” buildings.	Form-Based Code
DENSER HOUSING NODES	RMF (Residential Multi-Family) & RMFR (Residential Multi-Family Restricted)	These locations exist on the edges of the First Neighborhoods or as nodes within the neighborhoods. Though the required heights and setbacks are within the scale of the neighborhoods, the RMF and RMFR zoning districts require larger lots for multiple units.	A slightly more intensive new district could allow small apartment buildings and rowhouses within the scale of the neighborhood and do not require such large lots. Also, design standards can ensure these buildings fit well into the neighborhood.	Form-Based Code

# Character Area: MID-CENTURY NEIGHBORHOODS (city only)

Refer to the color-coded Character Map on the first page of this Appendix for these general locations.

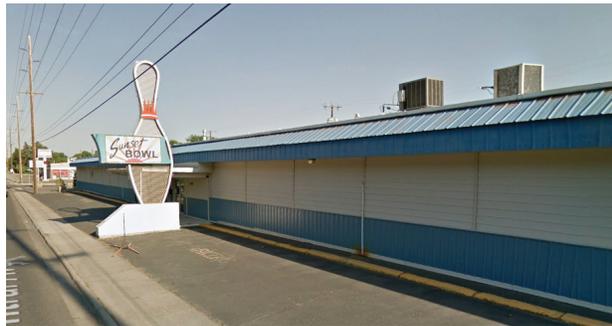
The Mid-Century Neighborhoods character area, shown in blue on the character area map, includes several commercial corridors adjacent to neighborhoods developed during the middle part of the last century. The scale of these areas is longer, but still walkable blocks and small yet wider residential lots than the First Neighborhoods. Larger commercial parcels exist, including Rimrock Mall and the recently redeveloped

West Park Promenade, but most commercial properties along corridors are shallow lots on the edges of the neighborhoods. These neighborhoods also have a wider variety of multifamily options. Options for redevelopment of the multifamily areas and the commercial areas are needed.

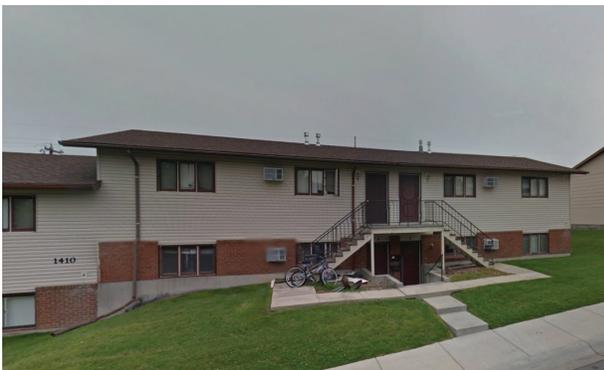
The table on the following pages explains each subarea defined within the Mid-Century Neighborhoods.



Mid-Century Neighborhoods: Neighborhood Office



Mid-Century Neighborhoods: Neighborhood Commercial



Mid-Century Neighborhoods: Multi-Family Housing



Mid-Century Neighborhoods: Duplex Housing



Mid-Century Neighborhoods: Small Lot Houses



Mid-Century Neighborhoods: Small Lot Houses

MID-CENTURY CHARACTER SUBAREAS SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
MIXED-USE & COMMERCIAL CENTER NODES	CC (Community Commercial) HC (Highway Commercial) on Main Street	Grand, 24th, and Main St. are the most traveled corridors on the edges of these neighborhoods. Several larger centers exist, including one recently redeveloped with residential and a more walkable shopping center. The CC district allows too many categories of uses, including heavy automobile-related uses, contractor shops, and outdoor storage issues.	Create a new commercial mix district addressing deeper, larger parcels with larger scale retail uses; a mix of retail, service, office, and residential uses; and multiple buildings on a lot, while ensuring walkability, connectivity to surrounding neighborhoods, and gateway-level design standards.	Form-Based Code
COMMERCIAL CORRIDORS	CC (Community Commercial) & SOME NC (Neighborhood Commercial)	The shallow parcels along Grand and 24th, and the commercial along Broadwater and Central contain a wide mix of uses and building forms. The commercial space along Grand and 24th generally house consumer-focused uses. Because the CC district is so broad, Broadwater and Central have a wider mix of commercial use, less appropriate for locations adjacent to neighborhoods.	Utilize the neighborhood mixed-use district created for the First Neighborhoods (discussed above), where appropriate. Create a new, more regional, commercial mix district addressing shallow parcels and a somewhat wider mix of retail, service, office, and residential uses than the neighborhood district. Vehicular access and parking will also be more important for this district than the neighborhood district. Neighborhood adjacencies will be addressed.	Form-Based Code
NEIGHBORHOOD OFFICE	RP (Residential Professional)	[SAME AS FOR FIRST NEIGHBORHOODS] Office buildings exist within many neighborhoods, especially in locations behind commercial corridors. Residential in these locations could allow for up to 4 units if the scale of the buildings is addressed within the neighborhoods.	[SAME AS FOR FIRST NEIGHBORHOODS] Utilize the same district defined for the adaptive reuse (existing RP-commercial cottages) locations, as the scale of these buildings needs to fit the neighborhoods.	Form-Based Code
RESIDENTIAL NEIGHBORHOODS	R-50 (Residential 5000) R-60 (Residential 6000) & R-70/R-70R (Residential 7000/7000 Restricted)	The character of the residential in these locations is generally different than the First Neighborhoods. Houses tend to be oriented along the width of the lot; roofs tend to be lower pitched; and many houses have garages on the front of the house, though the garage tends to be less than a third of the length of the front of the facade. (Ranch houses)	A new residential neighborhood district could be created to address these neighborhoods, OR the new residential district created for the Suburban neighborhoods could be used.	Standard
MULTI-FAMILY COMPLEXES	RMF & RMFR	Apartments and townhouses built in the middle part of the last century were often insular complexes with little relationship to the surrounding neighborhood. Though the required heights and setbacks are within the scale of the neighborhoods, the RMF and RMFR zoning districts require larger lots for multiple units.	A slightly more intensive new district could allow small apartment buildings and rowhouses within the scale of the neighborhood and do not require such large lots. Also, design standards can ensure these buildings fit well into the neighborhood.	Form-Based Code

# Character Area: SUBURBAN NEIGHBORHOODS (city and county)

Refer to the color-coded Character Map on the first page of this Appendix for these general locations.

The Suburban Neighborhoods character area, shown in yellow on the character area map, includes contemporary residential neighborhoods along with mostly large-scale commercial developments.

Residential areas are typically dominated by curving streets with cul-de-sacs and a very loose block structure. Access to the neighborhoods is often limited to one entrance off a major street with few, if any, connections to adjacent subdivisions. Where larger lots exist, the character of the area is defined by the large, landscaped front yards. Where smaller lots exist, the dominant feature of the street is often the garage doors with front doors tucked away at the back of the garage.

Commercial developments are often very large, with warehouse-style stores and strip shopping centers and wide expanses of parking lots. Apartment complexes typically consist of one building repeated across a large site with parking in between.

Options are needed to break up these large developments into walkable neighborhood blocks and to develop with mixed-use nodes and centers, with more access to everyone.

The table on the following pages explains each subarea defined within the Suburban Neighborhoods.



Suburban: Large Commercial Center



Suburban: Commercial Center



Suburban: Apartment Complex



Suburban: Apartment Complex



Suburban Neighborhoods: Single-Family Houses



Suburban Neighborhoods: Single-Family Houses

SUBURBAN NEIGHBORHOODS CHARACTER AREAS SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
LARGE-SCALE COMMERCIAL	HC (Highway Commercial) CC (Community Commercial), EGC (Entryway General Commercial) ELC (Entryway Light Commercial) EMU (Entryway Mixed Use) ELI (Entryway Light Industrial)	These larger-scale commercial sites along major corridors and highways, are oriented more to the automobile than pedestrians. HC allows for more intensive uses than CC, including trucking related, warehouse, some light manufacturing, but suffers from the similar issue of too many uses. Subdivision of these sites into smaller blocks would allow for a wider mix of uses, including residential and office, along with an increase in walkability.	<p>A Master Plan Development Overlay would address horizontal mixed-use. Other districts listed would be applied in these locations. See explanation in Character Tools Section on pages A-14.</p> <p>The entryway districts could be eliminated by incorporating higher design requirements into the new districts.</p> <p>Create a heavy commercial district to allow for heavier uses, such as heavy automobile service, contractor shops and offices, and outdoor storage issues. Define specific locations for these types of businesses, buffered from neighborhoods, would lessen the need for lots of design standards other than screening. This will also allow the commercial corridors to serve daily consumer needs, consolidated into nodes for easier access.</p>	<p>Form-based code for new mix-use districts</p> <p>Apply Master Plan Dev. Overlay per page 61</p> <p>Standard for new heavy commercial district</p>
	RESIDENTIAL NEIGHBORHOODS	R-50 (Residential 5000) R-60 and R-60R (Residential 6000 and 6000 Restricted) R-70 and R-70R (Residential 7000 and 7000 Restricted) R-80(Residential 8000) R-96 (Residential 9600)	Single-family residential neighborhoods with a wide mix of houses, some with dominant garages on the front facade.	<p>Retain current zoning for these existing neighborhoods.</p> <p>Create accessory dwelling unit for potential use in these locations.</p> <p>Allow new neighborhoods to use this district only with a mix of others via Master Plan Development Overlay.</p> <p>Establish maximum lot size to differentiate these neighborhoods from rural developments.</p>
MULTI-FAMILY COMPLEXES	RMF & RMFR (Residential Multi-Family & Multi-Family Restricted)	Same as Mid-Century	Same as Mid-Century. In green fields, larger quantities of apartments would be allowed only as part of the Master Plan Development Overlay.	Form-based code

# Character Area: RURAL AREAS (city and county)

Refer to the color-coded Character Map on the first page of this Appendix for these general locations.

The Rural character area, shown in light green on the character area map, includes agricultural/undeveloped land, rural residential neighborhoods along with rural-oriented commercial and industrial commercial developments.

These areas tend to have un-curbed streets with no sidewalks or other infrastructure. Buildings, houses and commercial alike, are on large pieces of land. The buildings in these areas range widely in age, so the era of the buildings is not a determining factor.

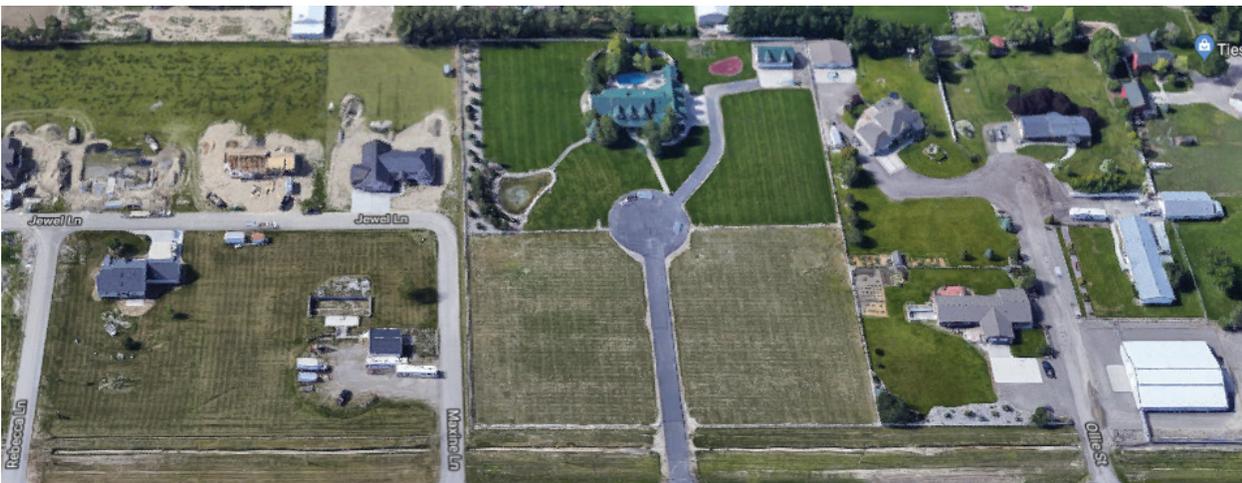
Commercial building uses are often associated with farm or industry, with few consumer-related businesses. Closer to the interstate, commercial uses are oriented to travelers and trucking.

Rural areas within the city are slated for infrastructure improvements as funding becomes available. Commercial buildings in these locations will need to be addressed by zoning (see table explanation).

Most rural areas are located outside the city limits. Those areas developing adjacent to the city will need zoning guidance to develop into walkable neighborhood blocks with commercial or mixed-use nodes and centers for easier access to everyone.

Other rural areas in the county may retain their existing character with agricultural and rural neighborhood zoning.

The table on the following pages explains each subarea defined within the Rural Areas.



Rural Neighborhoods: Mix of Lot Sizes, Farms



Rural Neighborhoods: 3-5 acre Parcels



Rural Neighborhoods: 3-5 acre Parcels

RURAL AREAS CHARACTER AREAS SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
COMMERCIAL BUILDINGS	HC (Highway Commercial) CC (Community Commercial)	Consumer-related, commercial areas mainly within the county.	See Suburban Character Area description.	Form-based code for new mix-use districts
		These zoning districts allow a very wide range of uses and do not differentiate between consumer-related and contractor-related (wholesale)/light industrial/warehouse uses. Issues with existing zoning districts discussed in Suburban character area table.	The Master Plan Development Overlay would allow for development of a town center in Lockwood.	Apply Master Plan Dev. Overlay per page 61
MOBILE HOME PARKS	RMH (Residential Mobile Home)	Mobile home parks (exist in other character areas as well) with little infrastructure (streets with curbs, lighting, sidewalks).	Limited changes proposed to existing zoning, but require sidewalks and basic street organization.	Standard
RESIDENTIAL NEIGHBORHOODS WITH INFRASTRUCTURE	R-150 (Residential 15000)	Existing suburban-scale neighborhoods without curbs or sidewalks, where lots are smaller and houses are closer together. No farming or livestock.  Existing zoning does not differentiate between suburban and rural versions of these neighborhoods.	Limit new versions of these neighborhoods. Potential application of Master Development Overlay to address new streets with sidewalks/trails, walkable blocks, usable open space (greens, squares, parks). Requiring a mix of zoning districts can ensure a variety of housing types. A series of acceptable development types can also be defined. Set maximum lot sizes and ranges.	Standard  Apply Master Plan Dev. Overlay per page 61
RURAL NEIGHBORHOODS	A-S (Agriculture Suburban)	Existing residential areas with little or no infrastructure (streets, lighting, sidewalks). Lots are large as to allow for small-scale farming, livestock, other uses. The landscape around the building defines the character of the area as opposed to the actual houses.	Zone rural areas for much larger lots, typical of rural locations, with rural roads. <b>Encourage trail systems?</b> Set new ranges of minimum and maximum lot sizes, 3 acre-5 acre	Standard
AGRICULTURAL LAND	A-O (Agriculture Open Space)	Existing farmland, not to be developed in the near future.	No changes	Standard



## Character Area: INDUSTRIAL AREAS (city and county)

The Industrial character areas, shown in light and darker gray on the character area map, are defined based upon the existing Controlled Industrial (CI), Light Industrial (LI), and Heavy Industrial (HI) zoning districts.

These areas are intended to remain as is, in terms of their character; however, improvements related to landscaping and buffering are recommended in the new zoning.

Areas currently zoned CI, but clearly developed for large scale commercial uses and not industrial use will be zoned with new commercial zoning districts.

The table on the following page explains this character area.



Example of Industrial Areas



## In All Character Areas: PUBLIC SITES (city and county)

The Public Sites subareas, shown in forest green on the character area map, are defined based upon the existing P zoning district and includes parks, schools, and other publicly owned sites.

These areas are intended to remain as is, in terms of their character; however, to improve the clarity of the zoning map and predictability of zoning, parks and open space

should be separated from public buildings, such as schools.

The table on the following page explains the Public Sites subarea.

INDUSTRIAL AREAS CHARACTER SUBAREAS SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
INDUSTRIAL DISTRICTS	CI (Controlled Industrial), HI (Heavy Industrial), ELI (Entryway Light Industrial) & Shiloh Corridor Overlay	In most cases, these areas are clearly still being utilized for a range of industrial uses. A few of CI locations, including the much of the area within the Shiloh Corridor Overlay are included in the Suburban character area, since the uses more retail, service, or office.	For CI and HI, few, if any, changes proposed other than to redefine use categories. Landscape and sign regulations will apply to all districts, based upon location. The Shiloh Corridor Overlay and ELI district will folded into the new commercial districts defined for the Suburban character areas.	Standard

PUBLIC SITES - ALL CHARACTER AREAS SUMMARY

CHARACTER SUBAREAS	Existing Zoning Districts	SUBAREA DESCRIPTION & EXISTING ZONING COMMENTS	RECOMMENDATION	Type of Zoning Recommended
PUBLIC SITES	P (Public Districts)	These are parcels currently zoned as P districts, including parks and golf courses, schools, and other publicly owned buildings/sites.	Recommend separating parks, golf courses, and open space from parcels with buildings and public infrastructure, so it is more obvious on zoning map where open space exists.	Standard

# City and County ZONING TOOLS

The following further describes some of the zoning tools discussed in the character area recommendations. These tools have been used in other communities across the country to help guide new and re-development realize more walkable, sociable, and strong neighborhoods with a variety of housing choices.

## WALKABLE COMMERCIAL CENTERS

### A Tool for Increasing Walkability of Single-Use Shopping Centers

Where commercial corridors and commercial centers are located, new form-based zoning can require more walkable, accessible developments. The images below illustrate single-use commercial developments with a dominant presence along the corridor. Entrances, outdoor patios, and comfortable sidewalks with streetscape allow visitors to access the buildings directly off the corridor, including people arriving by bus, bicycle, or walking. This concept can also be accomplished by new infill buildings developed in parking lots or on outparcels, similar to what has occurred at the West Park Promenade.

Drive-through facilities can be located on the interior of

the development. With buildings closer to the street, wall signs can be used, limiting the number of pole-mounted signs along the corridor. Narrow parking sections can be visible from the street for easy access and use, especially where on-street parking does not exist. Revisit current arterial setbacks to ensure walkable access from the street and parking available in the sides and rear. The existing character of many of these locations is aging strip/shopping centers, but some examples of recent quality construction supporting both walking patrons and those arriving by car exist.

This tool can be used for shallow or deep parcels, and mixed-use developments as well.



Coffee shop and wine bar in Billings on Grand Avenue, built closer to the street with parking in the rear. Sidewalks and doors located on the street.



Example of new shopping center with outparcel building constructed at the street, with outdoor dining along the street. Note the sidewalk along the busy street is buffered by a parkway with street trees.



Example of an L-shaped shopping center where one end of the L meets the street, providing direct pedestrian access from the street along the shops.



This fast-food restaurant is built length-wise along a busy street with outdoor dining and entrances along the street. A drive-through is located in the rear.

# MASTER PLAN DEVELOPMENT OVERLAY

## A Tool for Defining New Complete Neighborhoods

The Master Plan Development Overlay is a solution meant to ensure Billings' and Lockwood's newest neighborhoods are walkable, sociable, and strong with a variety of housing choices and access to daily services.

This tool is not intended to be used in the Rural Character Areas unless the new development is intended to change the area from Rural to Suburban or more urban (Mid-Century or First Neighborhood character).

### How the Tool Works

The Master Plan Development Overlay requires larger parcels to be broken up into more urban-scaled, walkable blocks and knitted back into the city structure. Once subdivided into smaller parcels, rezoning can occur at a

smaller scale. The rezoning will utilize available existing zoning districts in the ordinance. Mixed-use nodes for goods and services with apartments and offices above or adjacent can be required for certain locations. A mix of residential districts can be required for neighborhood development.

Multiple types of Master Plan Development Overlays may also be created for different resulting character areas within a community.



The two examples of Master Plan site illustrations shown above consist of a series of parcels combined for one new development. The example on the right above is on a former large box retail site. While both of these examples show redevelopment of large lots, the same process applies to new greenfield development. The examples illustrate how the overlay would require new streets, blocks, and open space, followed by rezoning utilizing multiple districts provided in the code. The developer would be responsible for producing the illustration based upon the requirements of the code.

# SMALL MULTIPLE-FAMILY HOUSING

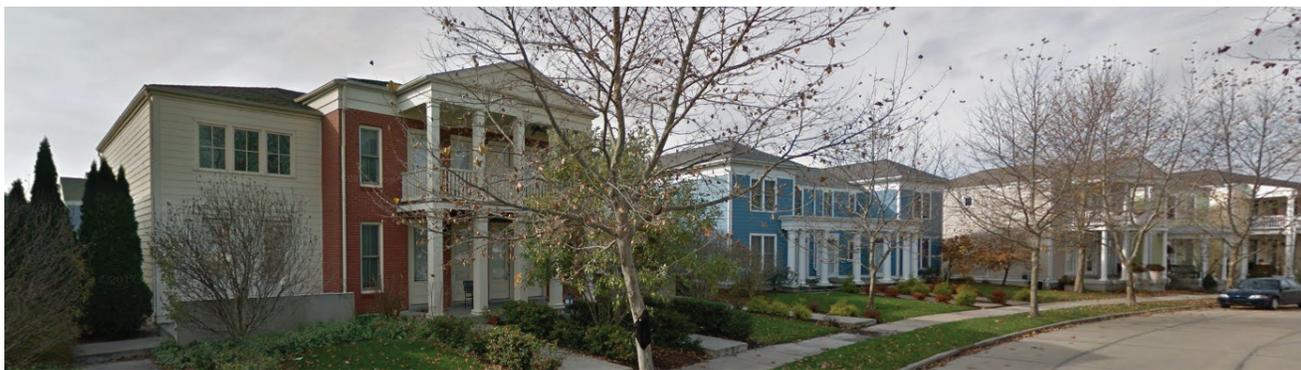
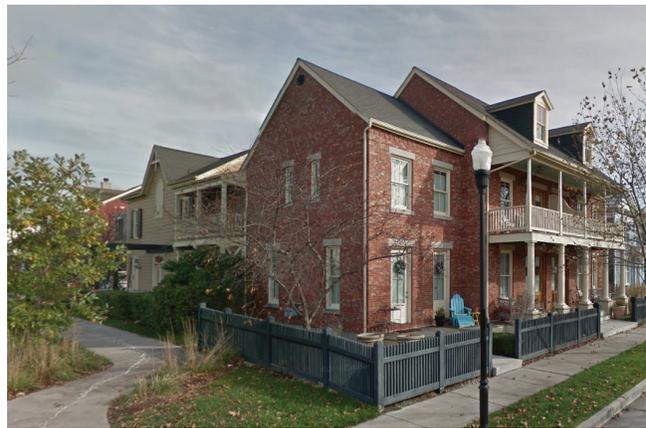
## A Tool for Developing Attractive, Neighborhood-Scale Apartments

Apartment complexes are not the only way multiple family housing can be introduced into a city. Historically, many types of housing existed in communities: apartments over shops, coach houses behind houses, mother-in-law suites in houses, small apartment buildings. This smaller scaled multi-family housing fit better in neighborhoods than the apartment buildings built in the middle of the last century and huge, monotonous apartment complexes built since then.

One type of housing seeing a resurgence is the small apartment building or manor house apartments. Four

to six units fit nicely in what appears to be a large house. These buildings can also be built by a small developer as infill into neighborhoods. Zoning can guide both where these occur in neighborhoods (on streets behind commercial, on corners, on side streets) and form-based codes can ensure they fit well into the character of the neighborhood.

The images below are all new construction in new traditional neighborhood developments across the country (Salt Lake City, St. Louis MO, and Louisville KY).



# CONTRACTOR COMMERCIAL

## Tools for Incorporating Workspace and Maker Spaces into the Community

Contractor commercial uses, small-scale manufacturing, and maker spaces are all popular uses in today's cities. Where these uses fit into a city should be considered and managed.

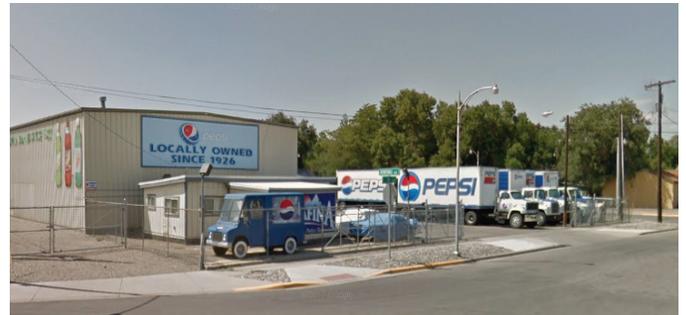
One way these uses can fit is to allow them in transitional areas between industrial, neighborhood, and consumer commercial use locations. Adjacencies can be addressed through landscape buffers and fences, but, in general, these locations should be flexible, allowing less expensive

buildings and screened outdoor storage. The East Billings Urban Revitalization District Central Works is similar.

Other ways these uses can be housed is in more higher quality buildings within commercial areas, as long as truck traffic is managed/limited. Often maker spaces can fit nicely into a main street location, as long as a small shopfront is supplied to allow pedestrian access.



Loading dock across from neighborhood houses



Chain link fencing and truck parking along sidewalks



Trailer parking within neighborhoods

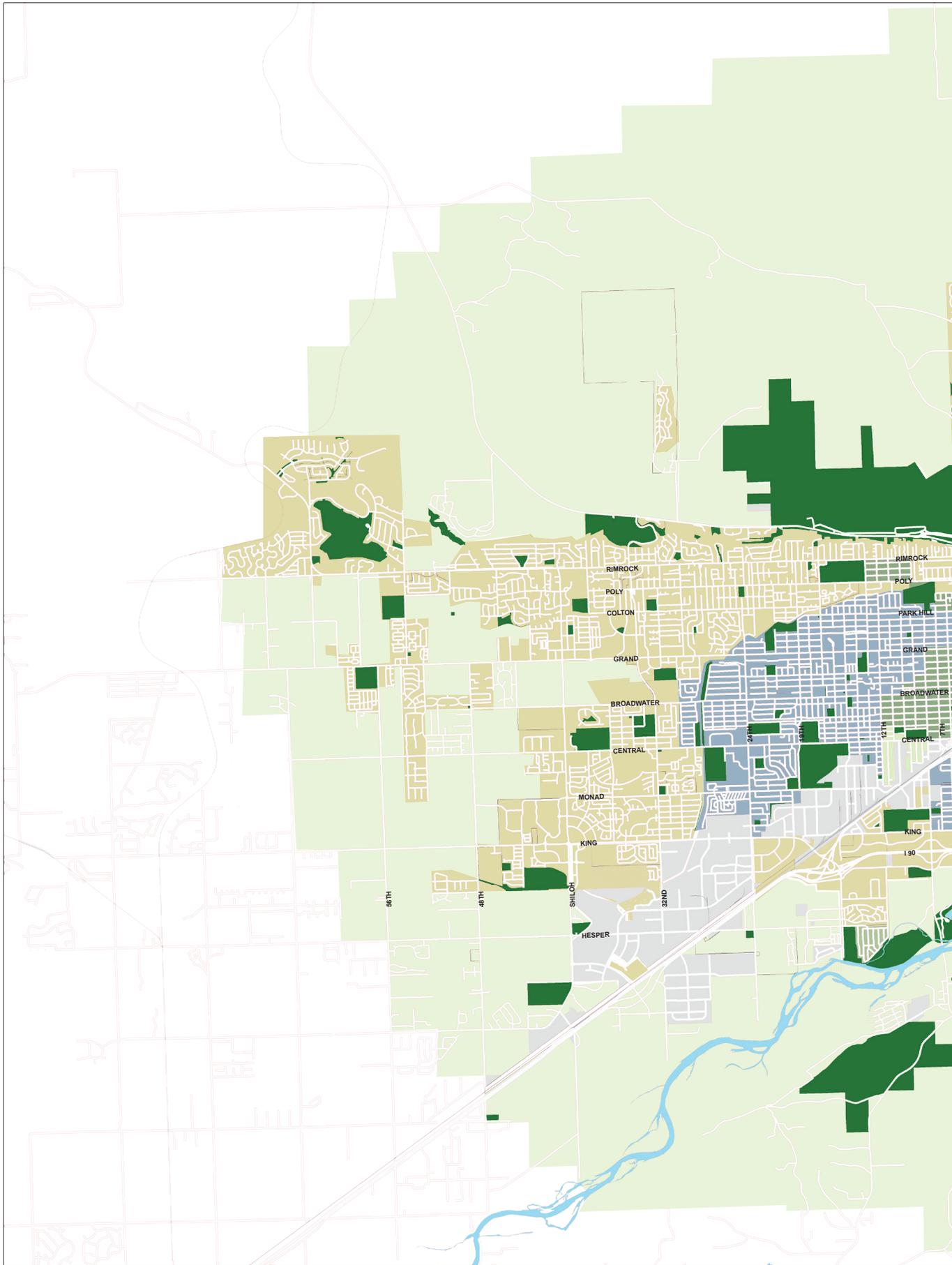


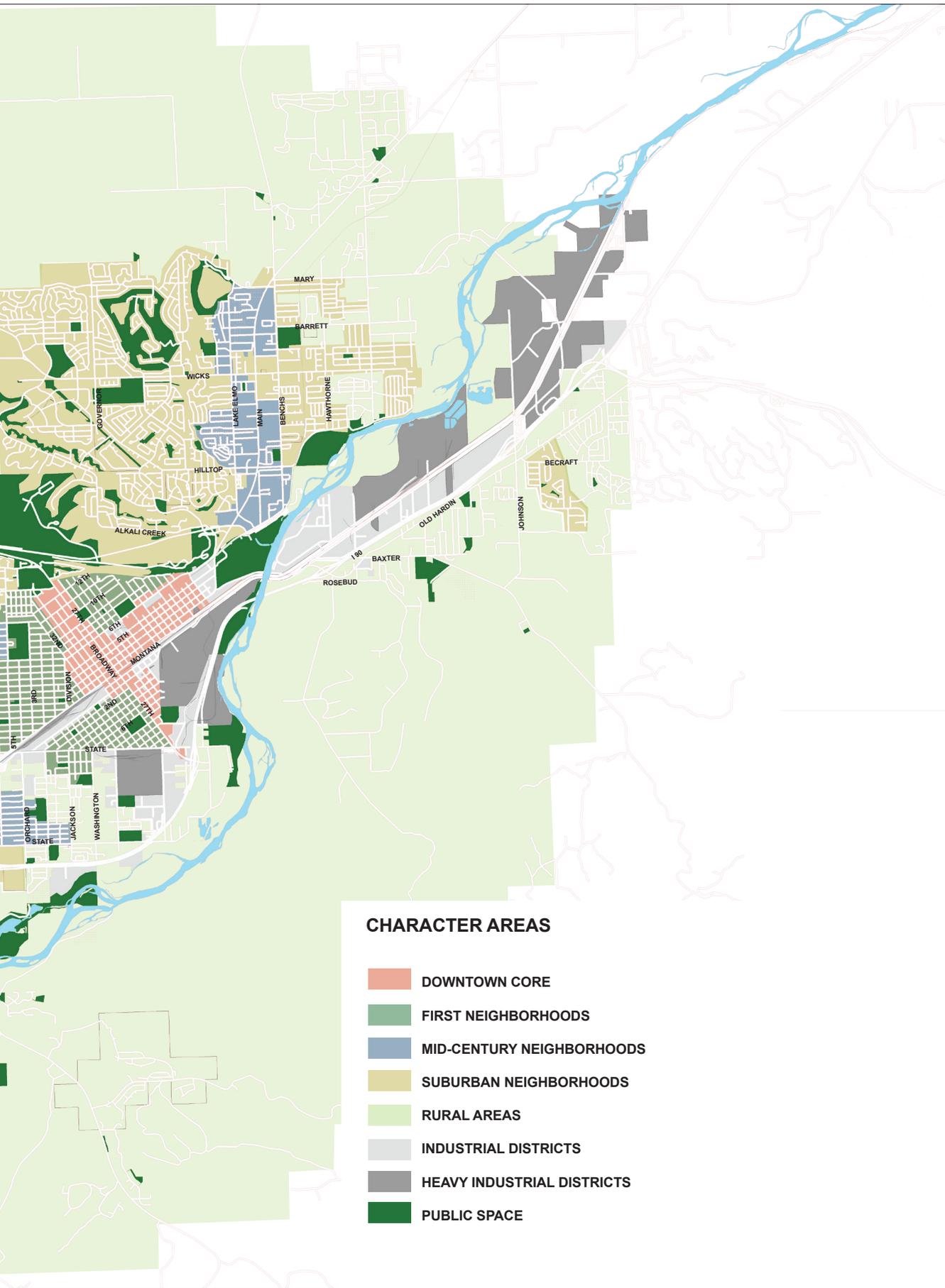
Metal building and paving from building to street



New construction buildings in Boulder house small scale manufacturing, warehousing, and distribution in a mixed-use setting.







## ARTICLE 300: USE REGULATIONS

### OVERVIEW OF THE ARTICLE

This article will combine the residential and commercial use tables into one comprehensive use table. This article will also gather use-specific limitations into a single section, which will be organized to follow the structure of the use table. The use table will include a column to cross-reference the relevant section for each use-specific limitation. Accessory and temporary uses will be collected in separate use tables and located in sections with their relevant use-specific standards.

### EXISTING REGULATIONS AND RECOMMENDED CHANGES

Article 27-300 establishes and outlines use permission in a residential use table and a separate commercial use table. Use permissions are also included in Article 27-1000 Interchange/Entryway Zoning Districts and Article 27-1800, East Billings Urban Revitalization District. Use specific regulations are scattered throughout the zoning regulations with the bulk of the regulations residing in Article 27-600.

To take a more comprehensive look at what uses are actually and potentially permitted –

theoretically, because new uses are permitted based on their similarity to existing uses – we will reorganize the current use tables from an alphabetical list into a more easily expanded classification-based system. Once the uses are grouped by category (generally, residential, civic and institutional, commercial, industrial, and agricultural), we will be able to compare similar existing permitted uses across districts, eliminate potential redundancy or overlap in use, identify new uses that should be permitted, and highlight specific uses for additional regulations. A sample use table organization from another community looks like this:

Once the table organization has been revamped, we will work with city and county staff to make sure that all uses are properly allocated across the current and new districts as well as discuss whether the uses are reviewed and approved at the appropriate level, ranging from administrative/staff review to legislative/public hearing review. One effective way for a community to encourage a preferred development type or use is to make the use permitted as-of-right or through a very simple, non-discretionary administrative review process. The current regulations already include use-specific standards for

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CB	CO	SR	IL	IM	IH	Supplemental Regulations
<b>Subcategory</b>														
<b>Specific use</b>														
Hotel/motel	-	-	S	S	P	P	P	P	P	-	S	S	S	
Rural retreat	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Marina</b>	S	S	S	S	S	S	S	S	S	S	S	S	S	
<b>Office</b>														
Business or professional office	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 35.200</a>
Medical, dental or health practitioner	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 35.200</a>
Blood bank or plasma center	-	-	-	-	P	P	P	P	P	-	P	P	P	<a href="#">Section 35.020</a>
<b>Parking, Non-accessory</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 35.190</a>
<b>Retail Sales</b>														
Building supplies and equipment	-	-	-	-	P	P	P	P	P	-	P	P	P	
Consumer shopping goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	-	P	P	P	
Convenience goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	-	P	P	P	<a href="#">Section 35.020</a>
<b>Self-service Storage Facility</b>	S	S	S	S	S	P	P	P	P	-	P	P	P	<a href="#">Section 35.240</a>

FIGURE 12. Example classification system

a number of uses; we will discuss with staff whether there are any additional uses that should be added to the regulations. This allows the community to limit discretionary review, and potentially slow down the development process, only to those uses with potential negative external impacts that need to be subject to higher-level of discretionary review.

To address new uses that might be proposed for the use table after it has been updated, we will also establish a specific use interpretation process. By adopting objective review criteria identifying how new uses will be classified, the city and county will help to inform applicants about how uses will be interpreted into the regulations and provide a way to standardize the review process.

#### *ORGANIZATION OF THIS ARTICLE*

The use regulations article will be organized into the following sections.

a. Organization of Use Table

This section will describe the organization of the use table, which will identify all the primary, accessory, and temporary uses. Primary uses will be organized by land use classifications (e.g., residential, commercial, industrial, etc.), use categories (e.g., household living, group living, etc.), and then by use (e.g., single-unit dwelling, two-unit dwelling, multi-unit dwelling). Primary uses will be followed by accessory uses, which will be organized by whether such use is accessory to a primary residential use or a primary nonresidential use. Then, temporary uses are listed alphabetically.

b. Explanation of Use Table Abbreviations

This section will describe the use permissions and zoning procedure required to establish a use in each zone

district. Each cell in the use table will list the use permission, followed by a hyphen, and then the type of zoning review required.

c. Interpretation of Uses

This section will provide a procedure for the zoning administrator to classify the use permissions and procedures of a use if it is not identified in the use table. A process will be developed in which the proposed use is measured against specific set of criteria, including the types of activities, equipment, processes associated with the use; the number of customers or employees; and parking demands.

d. Use Table

This section will include a use table that identifies all of the primary uses and how they are permitted in each of the zone districts. The use table will combine the residential use table from Section 27-305, the commercial use table from Section 27-306, and the permitted uses from zone district regulations located outside of Article 27-300. By consolidating the tables and locating them in one place, it will allow a user to identify which uses are permitted within a single zone district as well as evaluate which districts allow specific uses.

e. Use-Specific Limitations

This section will incorporate use-specific regulations from the zoning regulations outlined in the Applicable Use-Specific Regulations table. We will work with staff to identify uses that need specific regulations. Examples of uses that may be addressed include mini-warehouses, religious assembly, inoperable vehicles, auto repair, and short-term rentals.

f. Temporary Uses

We will collect and update the current

## TEMPORARY USE TABLE (SAMPLE FROM ANOTHER COMMUNITY)

P = PERMITTED USE T = TEMPORARY USE PERMIT

Use Type	LDR, A	MDR	HDR	NC	MU	CC	Downtown	Ent	Business	Industrial	Occurrence per Parcel per Year	Days per Occurrence [1]	Use Stand.
Charitable Drop Box				T	T	T					One year permit, renewable	94-49(d)	
Construction Field office/ Storage Yard	T	T	T	T	T	T	T	T	T	T	Up to 3 year permit	94-49(d)	
Use Type	LDR, A	MDR	HDR	NC	MU	CC	Downtown	Ent	Business	Industrial	Occurrence per Parcel per Year	Days per Occurrence [1]	Use Stand.
Farmer's Market				T	T	T	T	T			50	1	94-49(d)
Food Truck				T	T	T	T	T	T	T	45 days	1	94-49(d)
Garage/Yard/ Estate Sale	T	T	T	T	T						3, not more than once every 60 days	4	94-49(d)
Portable Storage Units	T	T	T		T	T	T	T	T	T	2 per address	Up to 30 [2]	94-49(d)
Private Property Assembly Event	T	T	T	T	T	T	T	T	T	T	12	2	94-49(d)
Public Events on Private Property	T	T	T	T	T	T	T	T	T	T	12	2	94-49(d)
Outdoor Sales/ Promotional Events					T	T	T	T			7	5	94-49(d)
Recycling Center				T	T	T			T	T	12	5	94-49(d)
Searchlight					T	T	T				10	1	94-49(d)
Seasonal Sales					T	T	T	T			2	Up to 30	94-49(d)
Temporary Office Facilities					T	T	T	T	T	T	Up to 3 year permit	94-84(d)	
Temporary Vehicle Washes			T		T	T			T		4	1	

### NOTES

[1] Consecutive unless otherwise noted [2] Unless a valid building permit exists

temporary use standards and create a temporary use table. We find that the regulation of temporary and special uses is frequently overlooked in a community and the lack of regulations can cause serious problems when the community wants a method to permit either type of use. Additionally, the updated temporary use standards will be linked to the revised temporary sign standards, providing both the city and county a legally permissible method of regulating temporary signage following the United States Supreme Court decision in *Reed v. Town of Gilbert*. One example of a temporary use table from another community looks like this:

g. Accessory Uses

This section will consolidate and update all regulations related to accessory uses for both residential and nonresidential districts. We will also create accessory use table, similar to the proposed permitted use tables, to illustrate where and how accessory uses are permitted.

## **ARTICLE 400: DEVELOPMENT STANDARDS**

### *OVERVIEW OF THE ARTICLE*

This article will address site development standards. Development standards are those sections of the zoning code that establish categories of regulations applicable across multiple development types, such as parking, landscaping, signs or commercial design standards. In form-based codes, development standards also include site and lot configuration standards and building form standards. The updated design standards will be applicable primarily to individual lots, with some concepts such as connectivity and perimeter landscaping applying to larger aspects of project design. This article will incorporate standards that currently exist, such as parking, landscaping, and sign standards,

and additional topics such as natural resource protection and low impact development requirements.

### ***EXISTING REGULATIONS AND RECOMMENDED CHANGES***

The existing regulations are scattered throughout several sections. The existing development standards consist of standards that generally apply to all development and additional regulations that apply to specific districts. This can lead to repetition and conflicting regulations. We recommend consolidating regulations and applying regulations generally when appropriate. Additionally, we are recommending incorporating more illustrative graphics in the development standards to help both applicants and staff understand the regulations in a similar manner.

Backing up to the bigger picture of development standards, we know from experience that development works most efficiently when all parties to the process function under a standardized set of regulations that provide a certain amount of predictability. This allows property owners and developers to understand what layout and submission information will be required of their development. It also allows staff to review each application against adopted policies and objective standards to establish a consistent approach to making recommendations to appointed and elected officials. And it allows decision-makers to make their determinations within a framework of agreed to criteria and requirements.

And while predictability is important for setting review expectations, flexibility is also necessary for project design. To strike this balance, we recommend establishing within each type of regulation a range of development standards that are keyed to the categories of character

areas: downtown core, first and mid-century neighborhoods, suburban neighborhoods, and rural areas. The standards will be designed to be matched with the appropriate character area and combined with the applicable zone district based on the location of the development. This might mean, for example, that in a neighborhood commercial district, perimeter parking lot landscaping in the downtown core can be a decorative fence between the parking lot and sidewalk, in suburban neighborhoods it will be a 10-foot planting strip with trees and shrubs that hide the front end of cars, and in rural areas it may simply be a berm or setback. For those types of regulations where scale is not the main issue, but design choices may be, we will include a design menu for applicants to use. An example of that might be low impact development/stormwater management standards, where choices could include the following (example from another community):

**ORGANIZATION OF THIS ARTICLE**

The site development regulations article will be organized into the following sections.

- a. Parking, Loading, and Access Drives
 

This section will incorporate the current city parking standards located in Section 6-1203 and update the county parking and loading standards in Section 27-1200. It will also incorporate district-specific parking standards identified in the table below. Required parking will be keyed to the permitted use table to make it easy to determine parking standards for all uses. This section will include the required number of vehicle, bicycle (if desired), and loading spaces; parking layout and design; and access requirements. This section will also incorporate the requirements for storage of vehicles from Section 27-601.
- b. Connectivity and Mobility

This new section will incorporate current standards or establish new standards for required sidewalk locations and connections. In addition, it will identify required street connectivity between new developments and subdivisions to existing streets, existing developments, and future developments. Additional regulations that may be included are trail connections and connections to public transit.

- c. Landscaping, Buffering, and Screening
 

This section will consolidate the landscaping, buffering, and screening standards that are scattered throughout the existing zoning regulations, as indicated in the Applicable Landscaping, Buffering, and Screening Regulations table. In the county zoning code, this section will include the updated zoning standards that result from the Project Re:Code Landscape Working Group.
- d. Building Design Standards
 

This section will include standards addressing basic aspects of mixed-use and non-residential building and site design such as site layout, building orientation, building design (e.g., articulation, blank walls, transparency, and materials), and transitions between different development types. Objective standards will be provided wherever possible.
- e. Exterior Lighting
 

This section will consolidate site lighting standards into one section that provides straightforward and effective standards that require shielded, downcast lighting that limits light pollution and prohibits flashing or pulsing lights.
- f. Signs
 

The work of the Project Re:Code Sign Working Group will be codified and

## MENU OF STORMWATER MANAGEMENT TECHNIQUE OPTIONS (SAMPLE FROM ANOTHER COMMUNITY)

TECHNIQUE	DESCRIPTION/COMMENTS
Impervious Surface Reduction	
Site Design	Site designed to minimize impervious coverage
Permeable Pavement/ Materials	Use of pervious pavement for hard surfaces such as drives, parking areas, patios, courtyards, playgrounds, sidewalks, and sport courts
Green Roofs	Vegetated roof on main structure
Shared Parking	Utilization of maximum permitted shared parking for use
Joint-Use Driveway	Access provided to more than one structure where total length of joint use driveway is at least 40% shorter than two separate driveways
Retention/Infiltration/Treatment	
Bioretention Basin/Rain Garden/Bioretention Cell	An area with amended planting soil and native materials that filter run-off stored within a shallow depression
Tree Box Filter	A concrete vault filled with a bioretention soil mix (BSM), planted with vegetation, and underlain with a subdrain that discharges into existing stormwater drainage.
Amended Construction Site Soils	Incorporating organic matter into disturbed or compacted soil to increase hydrologic function
Filter Strips/Level Spreaders	A band of vegetation planted between a stormwater pollutant source and a downstream receiving water body
Enhanced Retention/ Wet Pond	A permanent pool of water that holds water for release through evapotranspiration and infiltration. May be also be designed to address flood control.
Parking Lot Curb Cuts	18"-wide curb cuts as frequently as possible to permit stormwater flow to a retention/infiltration area
Reforestation/ Replacement of Native Vegetation	A minimum of 3 trees per x sq. ft. of lot area or;  Replacement of at least 60% of existing or proposed non-native vegetation with native or drought-tolerant vegetation.
Additional Riparian Buffer	Provide additional 25 feet of riparian buffer where required

incorporated into the updated sign regulations. This will include some consolidation and revision of the current range of sign standards along with drafting edits designed to meet U.S. Supreme Court requirements.

g. Sustainability and Natural Resource Protection

This section will incorporate the existing provisions located in Section 27-1807. We will work with staff to determine if these regulations should apply to zone districts outside of the East Billings Urban Revitalization District. It will also include standards for riparian buffers, development on ridgelines and hillsides, wildfire mitigation requirements, and, as necessary, provide excavation grading and erosion control standards.

**ARTICLE 500: ADMINISTRATION: GENERAL PROCEDURES**

*OVERVIEW OF THE ARTICLE*

This article will establish the general procedures and criteria by which zoning applications will be reviewed for compliance with the zoning regulations (e.g., submission of applications, notice requirements, appeals, etc.). Procedural descriptions will be standardized as much as possible to avoid redundancy.

*EXISTING REGULATIONS AND RECOMMENDED CHANGES*

The zoning procedures and enforcement regulations in the existing zoning regulations are drafted to different levels of specificity, are spread throughout the regulations, and in some cases are not included in the regulations. For example, a clear step-by-step zoning review procedure that applies to all zone districts is not included in the regulations. We recommend providing both

a detailed explanation of the applicable steps and an application-specific flow chart that helps an applicant navigate the process.

**ORGANIZATION OF THIS ARTICLE**

This article will contain the steps and requirements for review procedures generally applicable to all zoning applications. Each review procedure will contain information regarding its applicability, review process, review criteria, and any other necessary procedural requirements. Content may include:

- a. Optional and required pre-application meetings
- b. Application submittal requirements
- c. Fees
- d. Determination of a complete application
- e. Staff review
- f. Public notice requirements
- g. Recommending and decision-making bodies
- h. Continuance, withdrawal, and inactive applications
- i. Successive applications
- j. Modification of approvals
- k. Lapsing and extension of approvals
- l. Appeals

**ARTICLE 600: ADMINISTRATION: SPECIFIC PROCEDURES**

*OVERVIEW OF THE ARTICLE*

This article will contain the steps and requirements specific to each type of zoning application or review procedure (collectively referred to as “zoning applications”). Each zoning application will contain regulations regarding its applicability, review process, review criteria, and any other necessary procedural requirements. As required, zoning procedures common to all zoning applications will be listed in the review process and cross-

referenced to the appropriate section that outlines the procedural details. In addition, each zoning application will be illustrated with a flow chart to show the required steps and improve the user-friendliness of the zoning regulations.

As necessary, procedural information for each zoning application will be clarified or added to the new zoning regulations. We recommend that specific submittal requirements for each type of development application be removed from the zoning regulations and provided to applicants via a user’s guide where they may be more readily updated over time.

### SPECIFIC PROCEDURES

a. Text Amendment

This section will include the appropriate provision for the city or county based on the current standards located in Section 27-1502 and Section 27-1508.

b. Zoning Map Amendment (Rezoning)

This section will include the appropriate provisions for the city or county based on the standards located in Section 27-1502 and Section 27-1508.

c. Annexation and Classification of Newly Annexed Areas

This is a proposed new section to address the procedure for annexation. This section will reference Montana State Statutes (7-2-4210 through 7-2-4761, MCA) and will incorporate the City of Billings adopted annexation policy.

This section will also incorporate the existing provisions located in Section 27-1504.

d. Zoning Review

This new section will update and incorporate the review processes

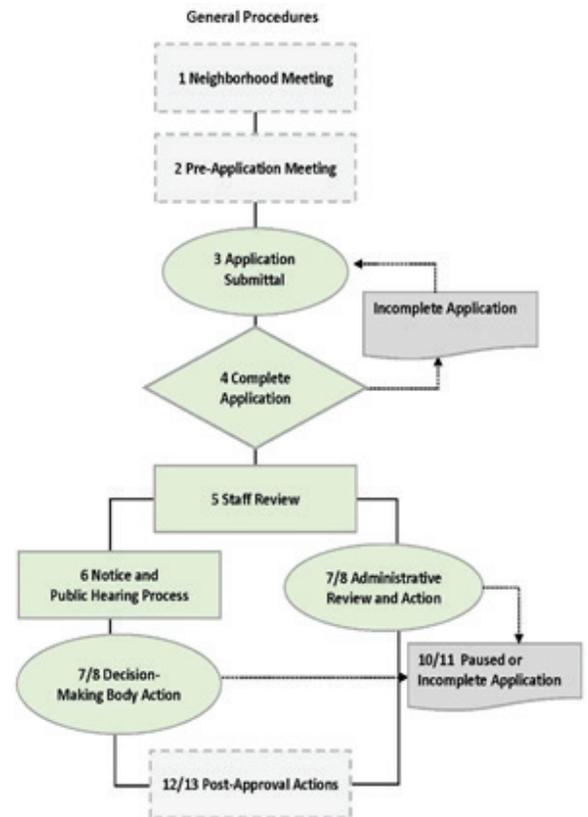


FIGURE 13. Sample General Procedures from another community

identified in the Applicable Zoning Review Sections table below and apply the process generally across development applications. While consolidating the standards, we will identify if any additional application procedures should be added.

e. Master Site Plan Review

This section will incorporate the existing provisions located in Section 27-622.

f. Special Use Review

We will update the special use review process as applicable to the city or county based on standards located in Section 27-1503 and Section 27-1509.

g. Planned Development

This section will incorporate the existing provisions identified in the Applicable Planned Unit Development Sections table. The trend nationally is to limit the use of PDs to major projects that have unique and substantial public benefits, and therefore following the updates to development standards we will review the PD procedure to determine if it needs to be restructured or limited in any way.

h. Permits (New)

This new section will contain procedures related to permits including building permit, zoning compliance permit, fence permit, banner permit, sign permit, temporary sign permit, temporary use permit, and special event permit. Provisions from Section 27-623 will be incorporated into this section.

i. Administrative Adjustment (New)

This section will establish a new process for administrative adjustments to pending and approved plans to permit minor changes to zoning standards in order to relieve unnecessary hardship in complying with the strict letter of the code. This section will provide a table containing the zoning standard and the maximum adjustment permitted, which will be a specific, measurable range. For example, an administrative adjustment may be approved where a 10 percent change is necessary for a site setback to allow a better development layout, or where a small reduction to parking requirements will allow for a use change.

j. Alternative Site Design (New, Optional)

This section will include a new process for applicants to request approval of alternative site design that meets the intent of the regulations but not necessarily the specific standards. These types of procedures are particularly useful to allow for case-by-case solutions on existing, previously

developed parcels while holding new development to a more idealized standard.

k. Variances

This section will include the appropriate provisions for the city or county based on the standards located in Section 27-1506 and Section 27-1511.

**ARTICLE 27-270 ADMINISTRATION:  
REVIEW AND DECISION-MAKING BODIES**

*OVERVIEW OF THE ARTICLE*

This article will identify each of the review and decision-making bodies participating in zoning procedures and will outline their authority.

*EXISTING REGULATIONS AND  
RECOMMENDED CHANGES*

This section will incorporate and update the existing provisions as identified in the Applicable Review and Decision-Making Bodies Section(s) table. At staffs' instruction, we will remove the historic preservation standards and processes to Section 6 of the Billings Municipal Code. We will discuss this section further with staff to determine if any other bodies need to be added or deleted.

*ORGANIZATION OF THIS ARTICLE*

a. Table of Decision-Making and Review Bodies

This section will include a table that summarizes the review bodies for each type of application identified in the zoning regulations. In order to simplify and reduce the bulk of regulations, as much information as possible will be provided in tables rather than outlined in text. An example of a table of decision making and review bodies from another community is provided below.

## SUMMARY OF TABLE OF REVIEW BODIES (SAMPLE FROM ANOTHER COMMUNITY)

H = HEARING (PUBLIC HEARING REQUIRED)  
M = MEETING (PUBLIC MEETING REQUIRED)  
D = DECISION (RESPONSIBLE FOR FINAL DECISION)  
A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)  
R = RECOMMENDATION (RESPONSIBLE FOR REVIEW AND A RECOMMENDATION)

Procedure	Section	Town Council	Planning Commission	Board of Zoning Appeals (BZA)	Planning Department
Zoning Ordinance Text or Map Amendment	1132.05	H-D	M-R		R
Site Plan Review	1132.06		M-D		R
Procedure	Section	Town Council	Planning Commission	Board of Zoning Appeals (BZA)	Planning Department
Conditional Use Review	1132.07		H-D		R
Certificate of Appropriateness	1132.08		M-D		R
Appeals	1132.11			H-A	
Dimensional Variance	1132.09			H-D	R
Nonconforming Use Review	1132.10			H-D	R
Minor Administrative Modification	1132.12				D
Zoning Permit	1132.13				D

- b. Montana Avenue Sign Review Committee  
We will work with the City and committee to update the current provisions located in Section 27-734.
- c. City Zoning Commission  
This section will incorporate the existing provisions located in Section 27-1501.
- d. City Board of Adjustment  
This section will incorporate the existing provisions located in Section 27-1502.
- e. County Zoning Commission  
This section will incorporate the existing provisions located in Section 27-1507.
- f. County Board of Adjustment

This section will incorporate the existing provisions located in Section 27-1510.

g. Zoning Coordinator

This section will incorporate the existing provisions located in Section 27-1602. Throughout the code, sign administrator will be replaced with zoning coordinator.

**ARTICLE 800: NONCONFORMING LOTS, USES, AND STRUCTURES**

This article will consolidate the regulations related to nonconformities throughout the zoning regulations and in Section 27-400. We will identify ways in which these regulations prevent reinvestment in property and recommend changes to limit nonconforming status to only the most impactful nonconformities.

a. Nonconforming Lots

This section will incorporate the existing provisions located in Section 27-402.

b. Nonconforming Uses

This section will incorporate the existing provisions located in Section 27-403 and Section 27-405.

c. Nonconforming Structures

This section will incorporate the existing provisions located in Section 27-404.

**ARTICLE 900: VIOLATION AND ENFORCEMENT**

This article will carry forward and update the existing provisions located in Section 27-1604.

**ARTICLE 1000: RULES OF MEASUREMENT AND DEFINITIONS**

*OVERVIEW OF THE ARTICLE*

This article will contain three sections: rules

of construction, rules of measurement, and definitions. It is the last article of the zoning regulations since readers are more likely to look for defined terms at the end of a document, similar to glossaries found in the back of many technical books.

This article will be based in part on the existing definitions found in the current zoning regulations, that we will revise and add to as necessary to ensure that the definitions are comprehensive. We will verify that key definitions conform to federal requirements. We will also verify that definitions of terms related to requirements of federal or state law conform to applicable provisions of those laws.

*EXISTING REGULATIONS AND RECOMMENDED CHANGES*

Definitions are located in Section 27-200 of the existing zoning regulations. The definitions align with the uses and concepts in the existing regulations. As the new regulations are updated, the definitions will be reviewed and updated, as required. Any regulatory provisions will be removed from the definitions and relocated to the appropriate article. Any definitions that have been included in the text of the regulations will be relocated to the definitions section and consolidated as necessary.

*ORGANIZATION OF THIS ARTICLE*

a. Rules of Construction

This section will incorporate instructions such as: a hierarchy of precedence (i.e., text controls over illustration), the meaning of common regulatory words (i.e., "may," "should," and "shall"), the ability to delegate, rounding, and the computation of time.

b. Rules of Measurement

Rules of measurement will be provided for

each type of measurement listed in the dimensional standards table. These will include, at a minimum: lot area, lot width, lot depth, lot lines (front, side, and rear), building coverage, total lot coverage, setbacks, and height. Illustrations will be provided showing how to make certain measurements, such as setbacks on flag lots, pie-shaped lots and lots with no street frontage. We will work with staff throughout the drafting process to develop a list of measurements to be illustrated.

c. Definitions

This section will include definitions for each use, use categories, and terms that require definition. We will reconcile any conflicting definitions and add terms that are used but not defined in the zoning regulations.

#### **ARTICLE 11: APPENDICES**

The updated zoning codes may include appendices of information that are inappropriate to incorporate into the main body of the document. Examples of common appendices include, but are not limited to, lists of approved plant materials, submittal requirements, fees, and other documents adopted as supplements to the zoning code.

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## PART VII. NEXT STEPS

The consultant team’s next step in Project Re:Code is to prepare an initial draft of the updated zoning codes. We will prepare the full draft codes in three smaller phases that are grouped by subject: 1) Districts and Uses, 2) Development Standards, and 3) Administrative Procedures and then bring everything together in a single, comprehensive draft for final review. The subject drafts will overlap, so while one set of draft subject standards is under review by the City and County the consultant team will draft the next subject area. Each phase will be reviewed and shared with the community as follows:

- a. Staff reviews draft and holds editing meeting with consultant team,
- b. Consultant team revises draft into a public review version,
- c. Steering Committee and Working Groups meet to discuss the draft with staff and consultant team, and
- d. Staff and consultant team present the draft to elected/appointed officials and hold an open hour for public review.

### *DRAFTING PHASE I: DISTRICTS AND USES*

The consultant team will first update the City and County’s current zone districts, use allocations, and use standards to ensure that it is possible to implement the Billings,

Yellowstone County, and Lockwood Growth Policies as well as the relevant updates and revisions identified in the Code Assessment. Drafting in this phase will involve adding new traditional and form-based districts, consolidating existing districts, “retiring” obsolete districts, and determining the appropriate zone district line-ups for the City and the County. We will also make any necessary updates to the site and structure definitions and measurement standards in this draft.

### *DRAFTING PHASE II: DEVELOPMENT STANDARDS*

Based on the direction established in this Code Assessment, we will prepare and/or revise the substantive development standards for parking, landscaping, connectivity, site design, signs, multi-family and non-residential building design, exterior lighting, and sustainability/low-impact development. We will determine which aspects of the development standards should be applicable in specific character or geographic areas and what standards, if any, should be mad generally applicable in the City and/or County (within the limits of zoning).

### *DRAFTING PHASE III: PROCEDURAL REGULATIONS AND GENERAL PROVISIONS*

In the third draft packet, the consultant team will

prepare and/or revise existing administrative provisions to add review flexibility, address the City and County procedural preferences, and ensure compliance with applicable Montana law. The goal of this task is to provide a streamlined, standardized approach to development decisions, while maintaining flexibility for project design and ensuring conformance with the City and County's planning goals and policies. In this final drafting packet, we will also update the general provisions and make final edits to the definitions.

When the drafting is complete for each of the three subject phases, the consultant team will combine the edited drafts into a single, comprehensive zoning code – one for Billings and one for Yellowstone County. We will work with the Steering Committee, Working Groups, elected officials, and staff to determine how best to encourage a final round of public review before starting the adoption processes.



# ENDNOTES

- 1 The Billings Growth Policy (2016), Billings Infill Development Policy (2011), Yellowstone County & City of Billings Growth Policy (2008), Billings Annexation Policy (2017), Lockwood Growth Policy (2016), Billings Housing Needs Assessment (2010), Analysis of Impediments to Fair Housing (2013), and One Big Sky Center Concept Development Plan (2017) all document a community desire for more infill development.
- 2 The Billings Growth Policy (2016), Yellowstone County & City of Billings Growth Policy (2008), Lockwood Growth Policy (2016), and Lockwood Community Plan (2006) all provide policy direction for the conservation of viewsheds and landscapes in Billings and Yellowstone County.
- 3 The Billings Growth Policy (2016), Billings Infill Development Policy (2011), Yellowstone County & City of Billings Growth Policy (2008), Billings Housing Needs Assessment (2010), and Analysis of Impediments to Fair Housing (2013) all demonstrate a community desire for a wider range of housing options.
- 4 The Billings Growth Policy (2016), Yellowstone County & City of Billings Growth Policy (2008), Lockwood Growth Policy (2016), Lockwood Community Plan (2006), and Multi-Jurisdictional Pre-Disaster Mitigation Plan (2012).
- 5 The Billings Growth Policy (2016), Billings Infill Development Policy (2011), and Yellowstone County & City of Billings Growth Policy (2008).
- 6 The Billings Growth Policy (2016), Billings Infill Development Policy (2011), Yellowstone County & City of Billings Growth Policy (2008), Lockwood Growth Policy (2016), and Lockwood Community Plan (2006).
- 7 These planning goals are as expressed in the policies of Billings Growth Policy (2016), Billings Infill Development Policy (2011), and Yellowstone County & City of Billings Growth Policy (2008).