



ENNIS ZONING CODE UPDATE

**Work Session #1
March 13, 2018**

Things to Discuss Tonight

- Update of Town Codes etc.
- Zoning Commission – Advisory Committee
- State Statute and Zoning
- Proposed Review Process
- Current Code v. Draft
- Goals of the Update
- Redline Version-Track Changes?
- Where Do We Go From Here?

Update of Town Codes Etc.

- Volunteer Zoning Commission - Advisory Committee working on:
 - Updating zoning code,
 - Updating subdivision regulations
 - Transportation standards...focus streets, and
 - Annexation policy
- Zoning most complex and time consuming

Update cont'd

- Zoning Commission wants introduce the draft zoning code
 - Just the beginning of review process
 - Many more steps ahead
- Commission knows the draft is not perfect:
 - You may hate the draft,
 - You might like it, or
 - You may be uncertain about it

Update cont'd

- Bottom-line is that your input is needed
- Recommend you look at the following:
 - Draft zoning update: hardcopies-website etc.
 - Draft update of zoning map: hardcopies
 - Existing zoning code: website
 - Town Growth Policy: website
 - State statute: website (76-2-301, MCA)
<http://leg.mt.gov/bills/mca/index.html>

Zoning Commission – Advisory Committee

- Zoning Commission appointed by the Town...required by statute
- Members are Town residents Kaye Suzuki and Mark Odegard
- Commissioner Roberts participated in an advisory role
- Same people working to update the subdivision regulations etc.

Commission cont'd

- Many hours spent working on the draft code
- **Question: why are only 3 people from the Town working on this?**
- History: Town Commission dissolved the Planning Board due to lack of volunteers....thus
- These residents volunteered to take on the task

Zoning – Montana Statute

- Updating zoning must following statute:
76-3-301 MCA etc.
- Criteria for zoning - must be:
 - In accordance with Town Growth Policy; and
 - Designed to:
 - secure safety from fire and other dangers
 - promote public health, safety and the general welfare;
and
 - facilitate the adequate provision of infrastructure and
services

Statute cont'd

- Town Commission must consider whether the update does the following:
 - provide adequate light and air;
 - effect on motorized and non-motorized transportation;
 - promote compatible urban growth;
 - the character of districts and their suitability for particular uses; and
 - conservation of the value of buildings and encourages the most appropriate use of land

Statute cont'd

- Formal process must be followed to adopt or update a zoning code
- At a minimum:
 - Need a Zoning Commission,
 - Zoning Commission must hold a hearing,
 - Zoning Commission must provide a recommendation to the Town Commission, and
 - Town Commission must hold a hearing

Everyone involved in the process intends to ensure we go above and beyond the minimum

Proposed Review Process: Zoning

- 1st Step: 3 to 4 work sessions with Town Commission and residents.
- 2nd Step: Collect verbal and written comments
- 3rd Step: Zoning Commission (ZC) use comments to make edits to draft
- 4th Step: ZC provides edited version of draft and collect more comments
- 5th Step: Zoning Commission holds a hearing(s) on the draft

Review Process cont'd

- 6th Step: Zoning Commission provides a recommendation to Town Commission
- 7th Step: Town Commission reviews the recommendation
- 8th Step: Town Commission holds a hearing(s) on the draft

Input of the residents is taken throughout the process....

Existing Code v. Draft Code

- Zoning Commission identified issues with the current code:
 - “Boiler plate” code....was cut and pasted
 - 1996 plan language - not regulatory/statute
 - Disjointed administrative duties
 - Forms included - not regulatory
 - Non-applicable districts (TND & CI)
 - Issues with lot size and designated district
 - Vague standards in many places
 - Missing or outdated definitions

Existing cont'd

- Please compare current zoning with the draft code
- Both approximately 100-pages in length
- Current code can be confusing and actually has very high standards in many places
- Draft code clearer processes, but contains proposed new standards

You need to judge this....

Existing cont'd

- Comparisons:

SECTION	CURRENT CODE	DRAFT CODE
NOISE	1-PAGE	1-PAGE
LANDSCAPING	3.5-PAGES	2.5-PAGES
PARKING	7.25-PAGES	7-PAGES
SIGNS	10+-PAGES	7-PAGES

Existing cont'd

- Update includes a draft zoning map
- Mark Odegard developed the draft
- Mark is prepared to discuss the draft map at a future work session.

Goals of the Zoning Update

Zoning Commission hopes the final zoning update can ensure:

- Predictability for property owners
- Protect property values
- Preserve unique character of Ennis
- Achieve the goals of the Growth Policy
- Promote a walkable and bikeable community
- Promote year round business opportunities
- Minimize impacts upon environment

Goals cont'd

- Zoning Commission views this as just a starting point
- They understand the review process will include edits and changes
- Ultimately, the Town Commission can edit the draft code as it thinks necessary

Goals cont'd

- Updating a zoning code is a balance: how simple or detailed should it be?
- Simple code can be easier to administrate and understand, and less expensive
- A detailed code can address more complex issues that come up, particularly in a town or city

Where's the Redline/Track Changes?

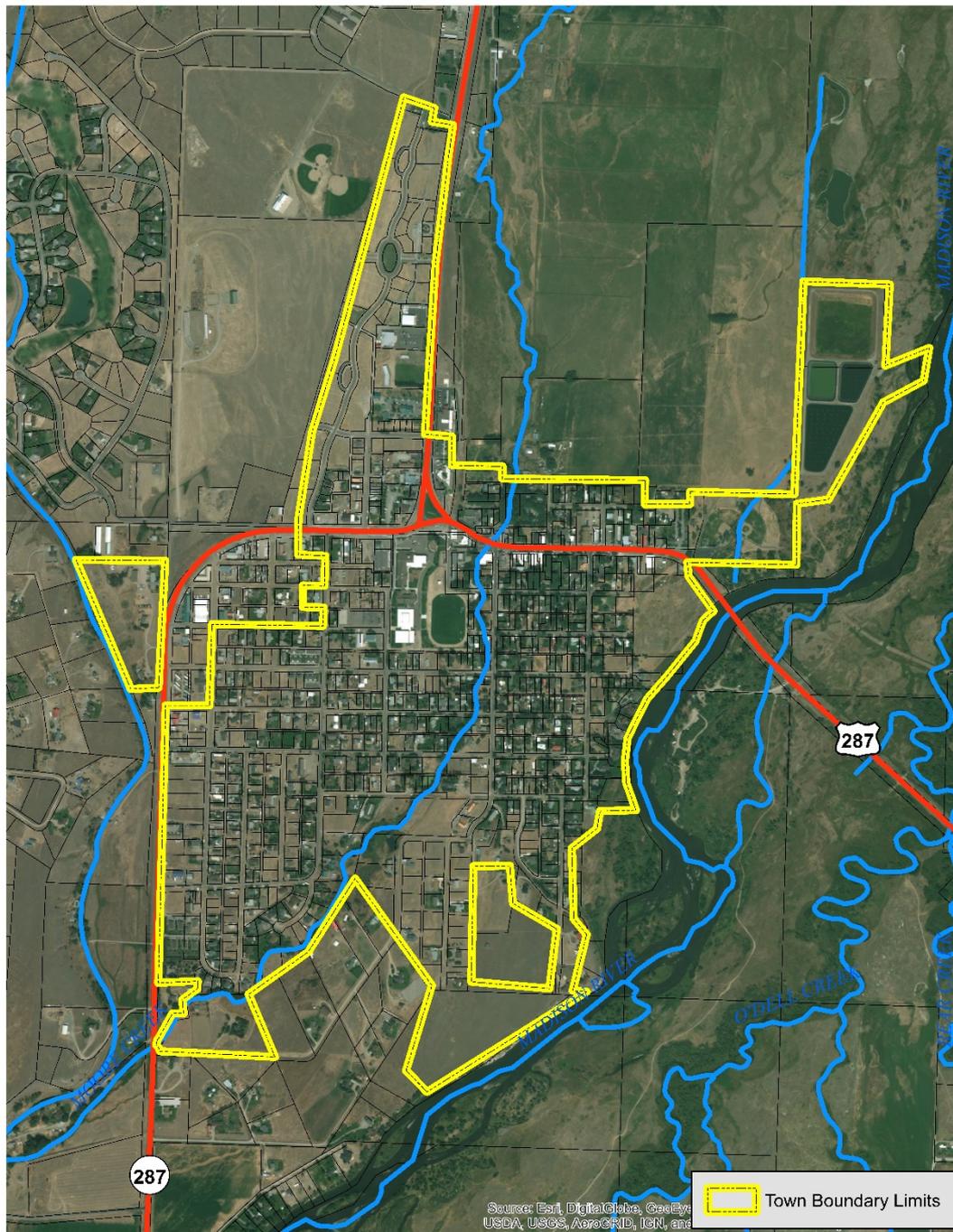
- Complete rewrite of existing code:
 - Consolidated administrative provisions
 - Deleted and added entire sections
 - Moved entire sections
- Really a new document
- Editing made it very difficult to read
 - Decided to use an unmarked copy to ensure clarity and readability

Where Do We Go From Here?

- Town Commission will need to decide if proposed review process is acceptable.
- **Most Important step**: we need input:
 - Read current zoning code and the draft code
 - Look at growth policy and statute
 - Provide comments... **written are best**
 - You can send emails to:
gingerg@ennismontana.org

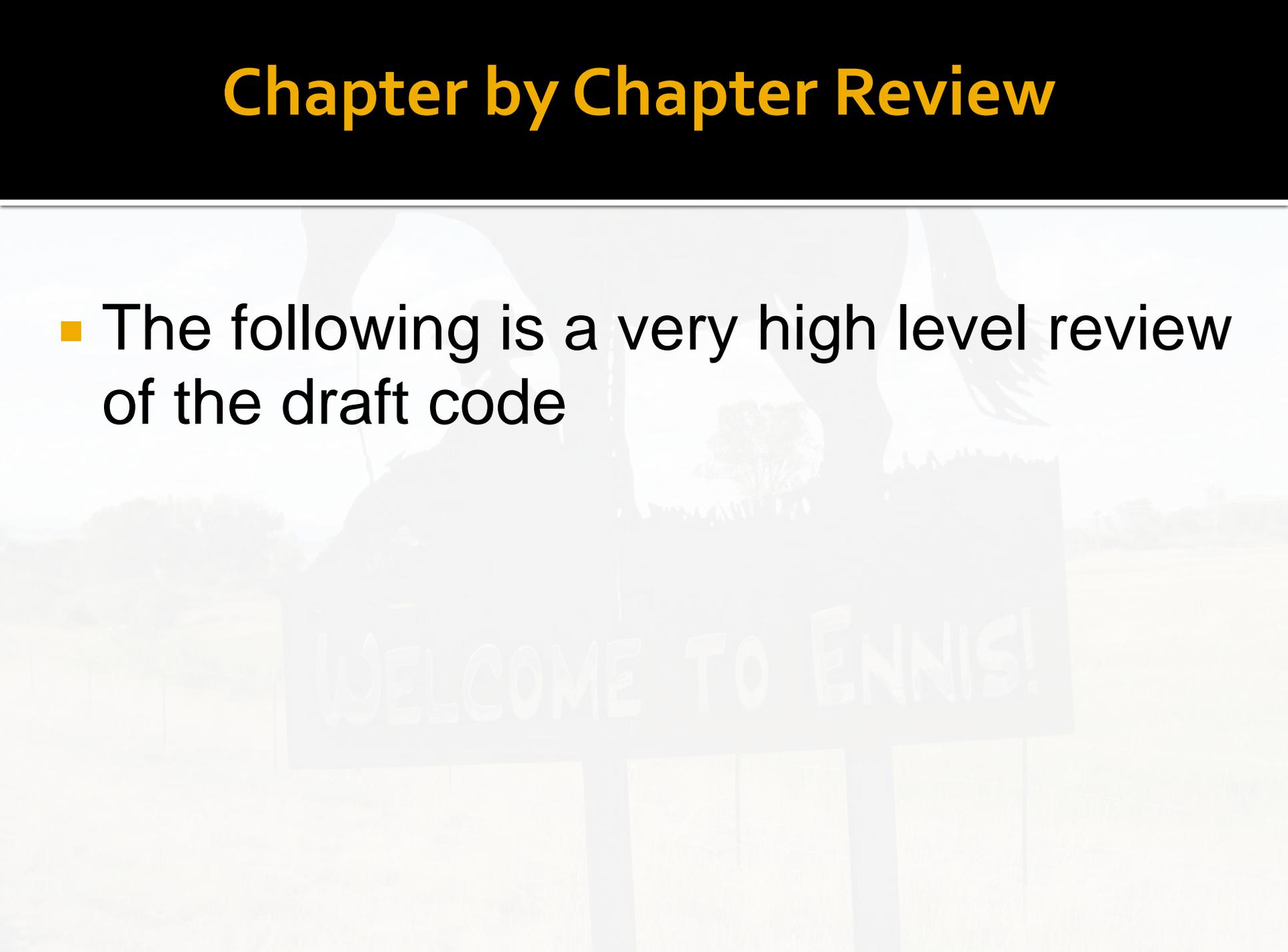
I Want More Information

- Jerry Grebenc (Great West Engineering)
495-6153 or jgrebenc@greatwesteng.com
- Talk to Zoning Commission/Advisory Committee:
 - Kaye Suzuki
 - Mark Odegard
 - Lisa Roberts



Chapter by Chapter Review

- The following is a very high level review of the draft code

A faded background image of a 'WELCOME TO ENNIS!' sign in a field. The sign is dark with white lettering and is supported by two wooden posts. The background shows a grassy field and some trees in the distance under a bright sky.

WELCOME TO ENNIS!

Chapter 1: Purpose & Authority

(Current Code versus Draft Code)

- Current code contains purpose and authority and administrative provisions
- This section should identify purpose and authority of the code, not explain processes and duties
- Administrative details moved to Chapter 2
- Current code references 1996 Comp Plan
- Draft code references the Growth Policy

Purpose & Authority cont'd

- Severability section moved from Chapter 2 to Chapter 1
- Severability states if part of a regulation is held to be illegal, the remainder of the regulation still applies

Chapter 2: Administration & Enforcement

- Previously Definitions
- Definitions have been moved to Chapter 5
- Chapter 2 now addresses administration
- Current code references 1996 Comp Plan
- Draft code references the Growth Policy
- Current code has many of the administrative steps scattered

Administration & Enforcement cont'd

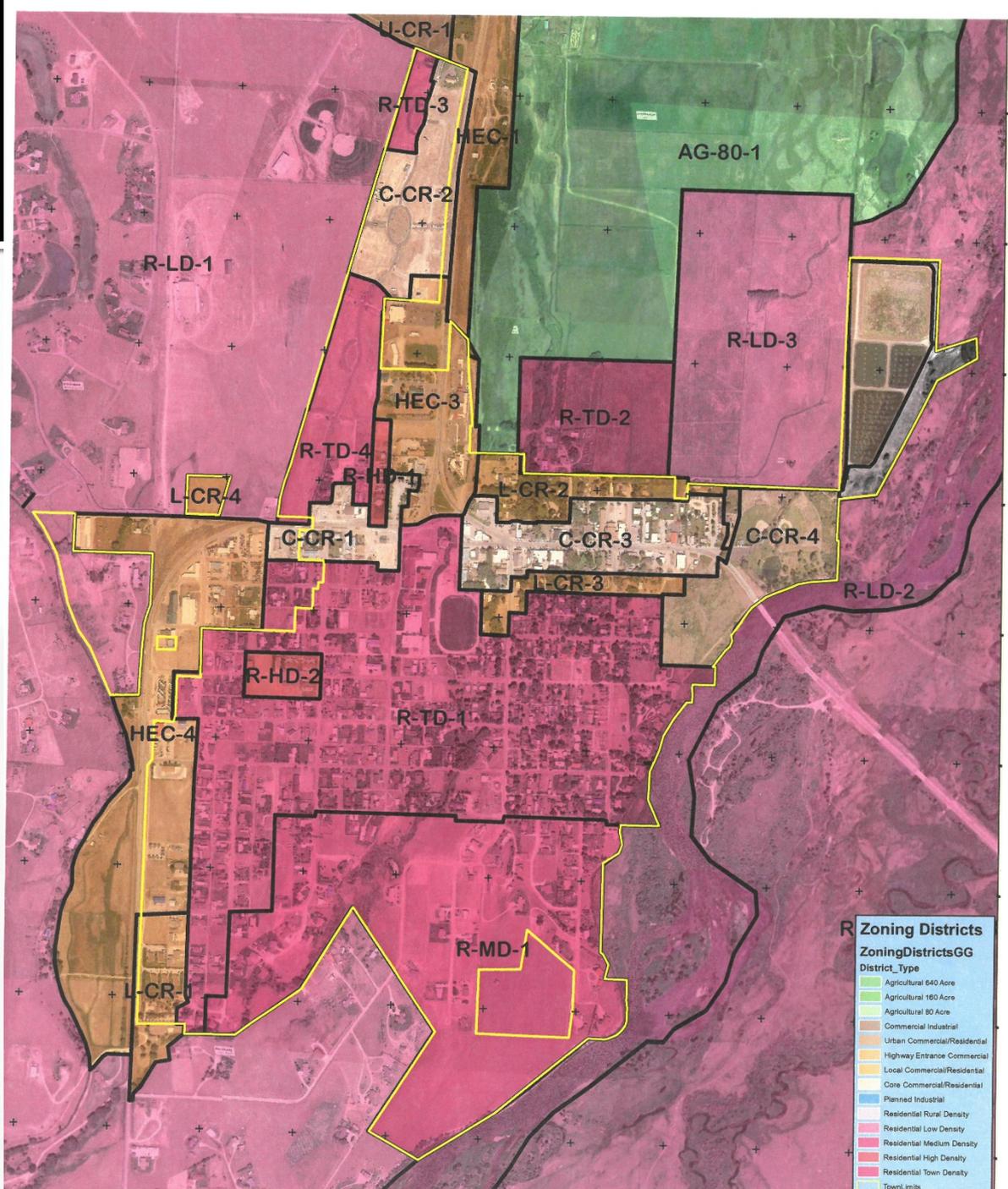
- Draft update combines all the administrative processes in a logical order
- Draft includes a table outlining processes and duties
- Zoning Administrator, no significant change
- BOA, no significant change other than title
- Zoning Permit, draft has more detail and clarity about review process

Administration & Enforcement cont'd

- Site plan review separate section in current code, combined with zoning permit in draft
- Draft contains proposal for a Design Review Committee (minor edits needed)
- Committee to provide recommendations on design/appearance of projects:
 - major site plan review,
 - neon and illuminated signs, and
 - only for new building or 50% remodel of front of commercial building

Administration & Enforcement cont'd

- Intent to maintain character of Ennis
- Committee advisory only
- Cannot delay the review of a permit
- Draft provides more detail and clearer process to address violations.....includes formal notice etc.
- Draft has a process for determining the zoning of property to be annexed



Chapter 3: Zoning Districts

- Current code has language from 1996 plan
- Unusual to include this language as it is not regulatory
- Draft code references growth policy only where appropriate
- Current code has a separate section for area-yard-height specifications
 - Moved to individual zoning districts regulations

Zoning Districts cont'd

- Current code lists permitted uses and conditional uses
- Draft code includes prohibited uses
- **Need to edit some section numbers**

Agricultural districts: requirements essentially the same

- Districts are located outside of the Town limits and jurisdiction

Zoning Districts cont'd

Residential Zoning Districts

- Draft removes R-Rural Density District, 10-acre minimum lots
 - Purpose of Town to provide efficient services and higher density
 - 10-acre lots would be extremely difficult and expensive to service
 - District located outside of Town limits

Zoning Districts cont'd

Residential Zoning Districts cont'd

- R-LD Residential Low Density, $\frac{1}{2}$ acre minimum lot size
 - Minor adjustments to permitted -conditional uses.
 - District is located outside of Town limits
- R-MD Residential Medium Density, $\frac{1}{4}$ acre minimum lot size
 - Minor adjustments to permitted-conditional uses.
 - District is located within Town limits

Zoning Districts cont'd

Mixed Commercial/Residential Districts

- L-CR Local Commercial/Residential District essentially the same
 - Residential use permitted by right
- C-C Core Commercial essentially the same
 - Name changed to Core Commercial from Commercial/Residential to reflect commercial district
 - Residential uses permitted as conditional uses

Zoning Districts cont'd

Highway Commercial & Commercial-Industrial Districts

- Need section heading
- HE-C Highway Entrance Commercial is essentially the same
 - Name reflects location along highway entrances
 - Residential uses a permitted use
 - Fuel storage removed
 - Casinos added as CUP

Zoning Districts cont'd

Highway Commercial & Commercial-Industrial Districts cont'd

- C-I Commercial-Industrial has a reduced CUP list
 - Most of it moved to permitted list
 - Fuel storage a CUP
- Planned Industrial District removed
 - Duplicative with Commercial-Industrial district

Zoning Districts cont'd

Overlay Districts

- Overlay zoning creates a special zoning district, placed over an existing base zone(s)
- Special provisions in addition to those in the underlying base zone
- Overlay can share common boundaries with base zone or cut across boundaries.
- Floodplain Overlay removed, duplicative with Title 13 of Town Code....page 26

Zoning Districts cont'd

Overlay Districts cont'd

- Traditional Commercial Development (TCD) replaces Traditional Neighborhood Design (TND)
 - Specific standards for new commercial development in L-CR and C-C districts
 - TND in current code focused on commercial design versus residential thus name change
 - **Need to make a couple of edits (page 43)**

Zoning Districts cont'd

Overlay Districts cont'd

- Planned Unit Development
 - Not found in current code
 - Meant to provide a developer with flexibility in the design and building of a mixed use project: residential, commercial, parkland etc.
 - Includes an in-depth review process
- Community signage overlay
 - Replica of the current signage code

Chapter 4: Supplementary Regulations

- Previously General Provisions
- Addresses specific issues related to specific uses
- Moved the following from the chapter:
 - Temporary use permits
 - Zoning permits
 - Conditional use permits
 - Plan review

Supplementary Regulations cont'd

- Signage moved to Chapter 3 Districts
- Standalone sections in this chapter include:
 - Landscaping (Needs landscape plan detail)
 - Property maintenance
 - Parking
 - Residential design standards
 - Standards for certain uses and structures
 - Commercial-Industrial Standards
 - Fencing
 - Non-Conforming Uses

Supplementary Regulations cont'd

- Standards for certain uses and structures
 - Auto repair
 - Churches
 - Community residential facilities
 - Home occupations
 - Recreational vehicle parks
 - Accessory buildings
 - Outdoor sales

Chapter 5: Definitions

- Previously Forms
- More details
- Includes illustrations

A faded background image showing a horse and rider on a sign that says "WELCOME TO ENNIS!". The sign is mounted on wooden posts and is set against a light, hazy background of a field and trees.

Questions??

