

3/30/2018

TOWN OF ENNIS

ENNIS, MT

RE: Draft Zoning

Dear Ennis Town Commissioners and Mayor of Ennis,

I have had an opportunity to review the proposed zoning ordinance and have some comments I would like to share with the Town.

11-2-2 The zoning administrator looks to be at least a full-time position for someone well qualified in construction, engineering and legal matters. How will this position be paid? Is it through application fees if so, how much will fees be? Will funds be raised through increased property tax, if so, how much will property taxes increase?

Right of Entry – Why does the zoning administrator need to enter the premises at all? Unless you mean allowed on the property and not the building – premises is vague and undefined.

11-2-3 through 5 Zoning Commission, Board of Adjustment and Design Review Committee: The Town Planning Board could not keep enough members to meet the legal requirements to function, how is the town going to ensure these seats are filled and the members show up to meetings? If one of these Boards fails to meet, what recourse does the applicant have?

Who approves the design review? Table 11-2-1A has Review and Recommend by the Zoning Administrator and Possible Review and Recommend for the Design Committee, but no designation of Approval Authority

Are there design guidelines the applicant can use while designing the project? And the design review committee and can use to evaluate a design?

11-2-5-D – Duties “...design for certain buildings and signs...” Which buildings?

11-2-5-H Review Procedure – Items 1-7 have no meaning without design guidelines or at least a reference to the section that discusses the criteria.

11-2-6 Is the zoning permit intended to take the place of the current building permit, which only requires a lot layout showing setbacks and building envelope?

Is there a time frame for a response from the zoning administrator? What if there isn't a zoning administrator, or he/she becomes incapacitated?

Everything in the zoning has to do with how the building is situated and what it will look like from the exterior. So, how do construction activities affect the zoning permit? And why would the zoning administrator be inspecting construction?

11-2-7 What are the proposed fees?

11-2-8 “All development proposals...” What is a development proposal? Does it mean real estate development or building construction? It's not defined and vague.

Is there going to be a separate building permit? If so, how will that differ from the current building permit?

11-2-8-B “If the zoning administrator find (should be find's) that the application complies with these regulations, the application shall be approved. However, the administrator may impose reasonable conditions on the zoning permit to ensure compliance...” Reasonable to whom? The zoning administrator or the applicant?

How long does the zoning administrator have to review materials?

11-2-8-C Why mention planned unit developments? If a PUD is approved by the planning board and Town Council, why treat them differently than other properties? Or are you planning on reviewing PUDs? What other information must be submitted?

11-2-8-E Site Plan Review -- Submittal requirements say the forms shall be provided by the zoning administrator, but don't mention what information will be required. Also, mentions fees again, but no proposed fee schedule is provided.

11-2-12 Certificate of Occupancy – The zoning administrator is now acting like a building inspector. Verifying a building is fit for occupancy by having necessary sanitary facilities is very different than the zoning administrator verifying that all conditions of the zoning permit have been met.

Also, there is discussion of violations of code, but no discussion of penalties or remedies

11-2-18 How long does the zoning administrator have to review the application?

E – “zoning commission shall hold public hearing no later than sixty (60) calendar days after the application has been deemed complete....” Why so long?

I – “Final action to adopt a zoning regulation or zoning map amendment shall be by ordinance.” Does this mean that after 60 calendar days, and 37 business days (about 52 calendar days), that the Ordinance process just starts? Does that require several public hearings and comment? So, it could take nearly a year to change the zoning on a piece of property? That time line seems very long.

11-3-5-2-D Why are drive-through facilities prohibited? Many businesses now serve more customers from drive through windows than walk in customers. If there is adequate space on the property for a drive through, why limit the option. It makes the vacant commercial real estate less valuable and harder to sell.

11-3-6 Please identify where the Zoning Overlay Districts are located.

11-3-6-1-I "Windows shall begin at least three (2')..." Which is it?

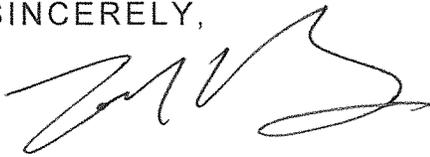
11-3-6-2 Planned Unit Developments -- Why is this in here at all? You already have subdivision regulations that govern PUDs. You are unnecessarily adding a layer of complexity to the subdivision process if you are going to require a zoning application be done concurrently with the subdivision. If you want to incorporate these as a part of the subdivision process, that's fine, but don't make it two separate applications. And why are you making it a conditional use permit?

11-3-6-2-L The Town of Ennis does not have a Town Planner. Planning work is done by the county planning board and county planner.

11-4-D-2 Why is landscaping even in here? You are potentially adding thousands of dollars of cost to builders and developers, while home appraisers do not consider landscaping to have any value. I love having trees around my property, but to mandate it will make your objectives of finding more affordable housing in Ennis even more problematic.

11-4-2 How are you going to enforce this? And who is going to do it? What about appeals?

SINCERELY,

A handwritten signature in black ink, appearing to read "J. Vujovich", written in a cursive style.

JOSH VUJOVICH