

# APPENDIX A

## Review of Zoning and Subdivision Regulations

## VALIER ZONING REVIEW

Zoning is one of the most important tools for implementing a town's Growth Policy. Town zoning regulations should be revised following the adoption of a new Growth Policy so that future development and land use more closely conform to the new plan. In addition, town zoning regulations often have existing problems that warrant correction independent of changes necessitated by a new Growth Policy.

In Valier's case, revision of the town zoning ordinance would be warranted for both reasons. However, revising and updating the zoning ordinance requires a thoughtful balancing to achieve an ordinance that helps the Town with its development issues without being more complicated than the Town can handle.

Valier presently has a simple zoning ordinance that divides the town into commercial, industrial, and several residential zones. The zoning ordinance also includes specifications for parking areas, signs, and non-conforming uses. Much of the zoning ordinance dates back to 1965.

General observations about problem areas in the ordinance include the following:

- The ordinance includes some overly complex standards such as Section 11-3A-3(A) which reads: "Where lots comprising 40 percent or more of the frontage between two intersecting streets are developed with buildings having front yards with a variation of not more than 20 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage."
- The ordinance relies on out-dated terminology for addressing manufactured housing.
- The ordinance provides very little in terms of good design specifications for new development projects.

The new Growth Policy recommends some newer approaches to development and land use that should be implemented through zoning. Assuming the Town adopts the new Growth Policy, the town zoning ordinance would need to be revised to accomplish the following:

- Consolidate Residential Zones: Much of the southern end of town is in the "Residence A Zone" while the other areas are in the "Residence B Zone". The Valier zoning also includes

a "Residence C Zone" that allows "multiple-dwellings" and "row-dwellings"; but no land in the town is zoned Residence C. It is probably unnecessary to have three residential zones.

A simpler and better approach would be to combine the Residence A, B, and C Zones to create one residential zone for all of town. The new residential zone should have the following features:

- Allows more variety of housing types. Allowing duplexes or multi-family units in all residential zones can be beneficial by providing more sites for more affordable housing and by increasing the diversity of neighborhoods. The zoning ordinance can include limits on such housing types to ensure they fit in to the neighborhood. For example, some communities limit multifamily structures to four-unit buildings to help decentralize them. In addition, multi-family housing can be limited to certain sites based on factors such as the capacity of the street, the adjacent land uses, and larger minimum lot sizes. For example, the regulations could require that multi-family units be located on major streets, not be adjacent to sensitive land uses, and be sited on a large enough land parcels. Such standards can be developed and incorporated in the zoning regulations as part of the conditional use process. That way, multi-family housing, particularly larger projects, would receive more thorough review through the conditional use process.
- Includes site layout and landscaping standards to ensure that larger multi-family housing projects constitute a positive contribution to the appearance of the neighborhood and community. Standards could address minimum landscaping requirements, parking lot design, sidewalks, open space and recreational area requirements, building setbacks, outdoor lighting, fencing, and other such factors that make a huge difference in how well the project looks and fits into the neighborhood. Such standards would be incorporated in the zoning ordinance and would be used during the conditional use process to ensure good design in multi-family projects.
- Allows manufactured housing in the residential zone on the same terms as site-built homes (such as requiring foundations). In the municipal zoning part of the Montana Statutes at Section 76-2-302 "manufactured housing" is defined as "a single-family

dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in 15-1-101." Valier should consider to allowing such manufactured housing in all residential zones.

- Has new standards for lot size, lot width, and building setbacks. In developing new standards, Valier should seek to balance the desirable aspects of the town's current low density character with the efficiencies of more compact neighborhoods. Low density neighborhoods will have higher per-lot installation costs of utilities, streets, and sidewalks, which adds to the price of housing. Developing new standards should also involve assessment of current conditions, including existing building setbacks and the prevailing dimensions of vacant platted lots. To build a home on an existing lot in the Residence A Zone, the lot must be at least 7,500 square feet despite the fact that many original town lots are slightly smaller at around 7,000 square feet.
- Revise approach to manufactured housing: As mentioned above for the residential zone, the town should ensure that modern manufactured homes are allowed in all residential zones. With regard to older units, the town should consider prohibiting moving in of any units that do not meet HUD standards. There are different HUD standards that could be used as a basis. However, no units built before 1976 meet the HUD standards. At a minimum, the town should consider not allowing anyone to bring in and set up any of these oldest units.

Presently, the ordinance contains a "Trailer T Zone" that is not applied to any land in town. Like much of the rest of the ordinance, this section dates back to 1965 and uses out-dated terminology for manufactured housing. A lot of laws and regulations governing manufactured housing have come into effect since 1965. The best way to update the ordinance would be to eliminate the "Trailer T Zone" from the ordinance and make the other revisions addressing manufactured housing as outlined above.

- Improve the standards and procedures for Conditional Uses: The ordinance now contains a single list of conditional uses that are allowed anywhere in town. It would be better to have a separate list for each zone. Many of the presently listed conditional uses could be appropriate in any zone. But some listed uses such as hospitals, gravel mines, and truck terminals would create problems in residential areas and should be listed as conditional uses only in commercial or industrial zones. This can be corrected by each zone having its own list of conditional uses.

In addition, Valier should also improve its procedures and standards for conditional uses. The present procedures and standards (Section 11-20-6) are overly general and lacking in detail, consisting on only two short paragraphs.

- Consider design guidelines: The Town should consider adopting commercial development design guidelines to better address parking, lighting, landscaping, pedestrian facilities, and building designs. Such new guidelines could be regulatory, voluntary, or a combination.
- Revise Zoning Map: As part of revising the zoning ordinance text, it will be necessary to also revise the Zoning Map. Such revision should be coordinated with the Future Land Use Map of the Growth Policy.
- Improve zoning administration: In most every small town like Valier, there is a need for training of town officials responsible for zoning and for professional advisory services. A zoning ordinance can be difficult to understand and administer. While the actual wording of the zoning ordinance is important and the main focus of this review, the ordinance can become irrelevant when it is not properly understood and enforced. In Valier now, there are existing situations involving residential use of recreational vehicles that are inconsistent with the zoning ordinance. The Town should look for cost-efficient opportunities to improve the quality of its zoning administration.

## REVIEW OF VALIER SUBDIVISION REGULATIONS

All jurisdictions in Montana are required to establish regulations for review of subdivisions. Valier does not have subdivision regulations. The regulations will need to be developed to conform to state law and the provisions as outlined in the growth policy.

It is suggested that the town confer with the Community Technical Assistance Program (at the Montana Department of Commerce in Helena) before initiating the subdivision update. Typically, communities that do not have existing planning staff will contract with a planning professional to update the regulations.

