

# Zoning Advisory Panel: Jamboard Responses

## Draft Urban Zoning Regulations

### Question #1

What questions or clarifications do you have about what you are seeing that would be helpful in reflecting and providing assistance?

- Re: siting for emergency services facilities. Listing them as primary, as opposed to conditional, uses in the zoning categories covering residential areas makes sense. It allows their placement where they can best serve residents while eliminating the requirement to secure a conditional use permit which is a time consuming and costly process that would have to be borne by the taxpayers since these facilities are funded by those same taxpayers.
- Columbariums should continue to be permitted uses where associated with religious organizations such as at the Episcopal Cathedral.
- Lighting line of sight: Does wording like downward facing directive lighting implicitly understood in the presented descriptions?
- The inclusion of "Construction of streets shall be in accordance with City of Helena requirements" is the equivalent of saying "the purple can only be developed on city services, thus annexation is required". I'm assuming that's not an oversight and that is the intent?
- Can we change how we measure setbacks to match how the city measures setbacks (i.e. to the edge of wall as long as the eve is less than 24")?
- I am concerned about changing emergency services to primary uses especially in residential neighborhoods as I think it removes public comment from the process. Do you want a fire station next to your house without being able to comment on it?
- I think we need a robust discussion re, the public safety use as principal use carte blanche without public input,
- Under principal uses there if no definition/glossary defining what describes the use. I might have missed that section of the package. Example: Does agricultural use include crop production ie. marijuana oil production, livestock husbandry, beekeeping etc.
- The parking requirements do not align with the STEEP analysis concerns and priorities. Those standards are for an auto-centric community that discourages a bike/walk community. Additionally, over-designing parking is a major issue with non-sales tax public sector funding. Why are we copying the broken parts of the City documents that are not necessary for zoning?
- For emergency services response times very critical. The old saying is that the first five minutes are more important than the next five hours.
- Close coordination with the city is paramount in this zoning district - necessary to eventually facilitate annexation in anticipation of expected growth.
- Would appreciate a discussion about affordable housing. Zoning is not the single most substantial cost. With or without zoning regulations, housing costs are rising significantly across the U.S.

- Is there a way to plan for siting emergency services so that it is already part of a planned neighborhood prior to development? Then everyone is on the same page prior to anything happening.

### Question #2

Are there any specific sections of this Draft that raise questions or concerns related to your stakeholder perspective and/or the STEEP Analysis concerns and priorities? What section and what is the concern?

- Requiring City Standard Streets is the equivalent of requiring annexation. Our inability to follow the growth policy (i.e. doing the 4 items together), will make the barrier of entry for housing too high for the working class. This in turn puts pressure on the private rental market. Pressure on private rentals then pushes pressure on partially subsidized housing. This then puts pressure on fully subsidized housing. Then, which are already seeing, we have an increase in homelessness. I'm struggling to grasp where our STEEP analysis wanted to increase homelessness.
- Some of the area that zoning is being proposed is within the currently identified flood zone. Are there special construction rules for this area? Should it be included in the zoning area? City won't annex.
- How does a 40% lot coverage in R-1/R-2, and R-3, align with the STEEP analysis? Similarly how does 60% in R-O/R-4 align? Irrigating grass should probably be discouraged given our STEEP Analysis concerns and priorities.
- Some property designated as in the flood plain are only 2% areas according to flood plain map (flood insurance not required). that is not differentiated on the purple map. Zoning doesn't take that into consideration.
- I think that flood plain areas should not be zoned under the current suggested zoning plan but should be carved out separately with some specific rules.
- 8' side yards in R1/R2 increases grass irrigation. I understand most folks want this. I'm struggling to grasp why we require this given the STEEP Analysis?
- Emergency services are always concerned the street widths be wide enough to accommodate passage of fire apparatus. The recent addition to the subdivision at the north end of Benton Ave is a good case in point.

### Question #3

Do you have any comments regarding the yellow highlighted passages in the DRAFT?

- Public safety facilities should be listed as a principle use. That helps them locate where the people they serve are located, cuts response time, and lowers insurance costs. Requiring them secure a conditional use permit is time consuming and increases the cost of locating such a facility. that cost has to be borne by the same taxpayers already paying for the facility

- The Parking Standards and Lighting Standards are not fully contemplated. We're trying to copy a City ordinance which I believe the city would agree is not particularly good. The County either needs to take the time to do these correctly or remove them. Rushing them into this document is not a good idea and results will be opposite the intents (i.e. this will only be applicable when neighbors get mad at each other and then the County will get drug into it). If we are going to do a parking ordinance, it should be based on maximums, not minimums.
- the definition of what constitutes a public safety facility is too broad to not have some conditional use restrictions.
- I think there is a reason they are now conditional use and that they should not be placed especially in the center of a residential area without public comment and due process.
- I'm assuming you've reached out to the airport to verify they're good with the uses in the airport zoning?

905.06 Maximum Lot Coverage  
Sixty (60%) percent. Additional 5% for porch attached to front or side. *70% probably better*

905.08 Minimum Setbacks

906.09 Building Height  
Maximum building height: thirty-six (36) feet. *Likely much higher*

902.06 Maximum Lot Coverage  
Forty (40%) percent. *should likely be 60%*

*Very bad standard  
should be 3-4 FC  
is not bright  
enough to create a  
problem, 1/2 FC  
creates unnecessary  
light screening  
treat*

*Light Trespass:* Any form of artificial illumination emanating from a light fixture that penetrates other property and creates a direct glare source that exceeds one-half (1/2) foot-candles in a vertical plane at the subject property line.

*Residential:* A property or structure containing less than five (5) dwelling units that is used primarily as a dwelling place.

*Streetlight:* An outdoor light fixture located within a public right of way irrespective of ownership.

913.02 Residential Lighting

913.02.01 Except as further provided, an exterior residential light fixture installed or replaced after March 1, 2000, must use a horizontal cutoff. This

*This allows neighboring resident to create trespass not allowed by street lights*

912 Parking Standards (Any specific feedback regarding the Parking Standards Section?)

912.01 Intent of Off-street Parking Requirements

The intent of these parking requirements is to ensure that a reasonable amount of off-street parking is created for development and to lessen hazardous conditions on streets. The intent of this Section is further defined by these objectives for parking:

*Define off street parking  
Is it both garage and driveway  
other*

905.02.15 Public safety facility (Do you agree that a public safety facility should be a Principal Use and not a Conditional Use?)

*Likely*

#### Question #4

Recommendations - changes, revisions, additions you'd like considered:

- Remove maximum lot coverages.
- Develop the incentives as encouraged by the growth policy prior to implementing this zoning.
- Changing existing zonings is really hard. I understand why the City of Helena may want to change their current zonings, but ultimately will not. Doing a new zoning provides a clean slate. Copying an auto-centric, discriminatory document is not a good way to maximize this opportunity. This document, and more specifically the map that will ultimately go with this document, should be developed with a title that says, "City of Helena and Lewis and Clark County Zoning".
- IF NOT THEN: Toss out this zoning and start over with something that isn't directly discriminatory to the lower socioeconomic classes. It is unnecessary to force our working class into rental housing. A zoning that directly benefits the very top of the socioeconomic spectrum while punishing the bottom is not a good idea given our demographics and percentage of population that works for the public sector (i.e. public sector wages do not react quickly to macro-economic swings). If someone wanted to make sure that starting teachers would really struggle financially, this is the document/process they would utilize.
- For single-family homes, limit the lot size to a minimum of 0.5-1.0 acre
- For mobile home parks, the home placement density could be closer, but 1/2 of the property would have to be open space/playgrounds, etc. This would probably best be left at a 5-10 acre minimum lot size.
- Excluding single-family homes, all of these uses would involve extensive infrastructure issues. I hate to see any of it become another Ten Mile or Pleasant Valley wastewater problem.
- For small businesses, small strip malls, apartment/condo complexes, limit to a minimum of 5 acres, with 1/2 left for open space (including parking lots?). Maybe the height limits could be extended to 50/60 ft. - to build up, not out.
- Whatever Zoning we implement, it will probably have to be revisited in 10/15/20 years as the Helena Valley continues to grow.

- I think there needs to be specific areas where this zoning might be considered instead of the entire purple area. Are we stuck with the lines drawn by the city years ago?
- Choosing to do this alone without the City is not a path we have to take. We should pursue a cooperative path, at least for the purple area.