



ORDINANCE 2061

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA REVISING THE BOZEMAN MUNICIPAL CODE'S STANDARDS FOR FENCES, WALLS AND HEDGES IN A FRONT SETBACK AND AMENDING SEVERAL DEFINITIONS RELATED TO FRONT SETBACKS INCLUDING AMENDING SECTION 38.350.060 (FENCES WALLS AND HEDGES), 38.700.070. – F (DEFINITIONS), SECTION 38.700.110. – L (DEFINITIONS), SECTION 38.700.160 – R (DEFINITIONS), AND SECTION 38.700.170. – S (DEFINITIONS).

WHEREAS, the City of Bozeman (the "City") has adopted land development and use standards to protect public health, safety and welfare and otherwise execute the purposes of Section 76-2-304, MCA; and

WHEREAS, City is committed to reviewing and improving the Unified Development Code; and

WHEREAS, the City has developed a platform to submit revisions to the Unified Development Code to improve overall functionality and ease of use; and

WHEREAS, it has been identified that the definition of "Front Setback" is inadequately clear in conjunction with the definition of "Lot Frontage"; and

WHEREAS, definitions for and applications of setbacks have significant impacts on infill and other small lot development; and

WHEREAS, it is in the interests of the City and public welfare to clarify the definition of "Front Setback" and related definitions.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

That section 38.350.060.A of the Bozeman Municipal Code be amended as follows:

Sec. 38.350.060. - Fences, walls and hedges.

- A. *Location and height.* Except as provided in ~~section~~ 38.400.100, fences, walls and hedges in any district may be located on lot lines, provided such fences, walls and hedges comply with the following height requirements:
1. Do not exceed six feet in height in any required rear or required side setback. Fences exceeding six feet in height must be subject to the minimum setback requirements of the district in which such fences are located. Decorative post caps may exceed the height limit by no more than one additional foot. Fences in excess of six feet in height require a building permit before installation may commence. Fences may not exceed eight feet in height.
 - a. A gate may be provided which defines an entrance point. The gate may have a defining structure so long as the defining structure is not more than one foot wide on either side of the gate. Gate structure heights may not exceed twice the allowed fence height.
 2. For lots with one front setback, do not exceed four feet in height in the front setback. Lots with more than one front setback, do not exceed four feet in the setback adjacent to the street on which the property has its assigned address. In non-addressed front setbacks, fences must not exceed four feet in height in the portion of the front setback that is adjacent to the building façade nearest the front setback. ~~Do not exceed four feet in height in any required front lot line setback or any portion of a required wider front lot line that is forward of the rear edge of the building façade nearest the front lot line setback.~~ Decorative post caps may exceed the height limit by no more than one additional foot.
 3. Fences used in an agricultural pursuit to retain stock animals or for public safety must be excepted.
 4. The height of fences located in the B-3 district must meet the requirements of this section for any provided, not required, setbacks.

Section 2

That section 38.700.070 of the Bozeman Municipal Code be amended as follows with all other portions of the section remaining unchanged:

Front setback. A setback extending across the full width of all sides of a lot that abuts a street, across the full width of the lot between two side lot lines, the depth of which is the least distance between the street right-of-way and the front building line;

Section 3

That section 38.700.110 of the Bozeman Municipal Code be amended as follows with all other portions of the section remaining unchanged:

Lot measurements.

- A. Lot depth. The horizontal distance of a line measured at a right angle to the front lot line and running between the front lot line and rear lot line of a lot.
- B. Lot width. The distance as measured in a straight line, between side lot lines at the points of intersection with the required front building line.
- C. Lot frontage. ~~The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way.~~ All sides of a lot that abuts a street are considered frontage. On curvilinear streets, the arc between the side lot lines is considered the lot frontage.
- D. Lot area. The total horizontal area within the boundary lines of a lot.

Lot line, front. In the case of an interior lot, ~~a line separating the lot from the street, in the case of a~~ or a corner lot, a line separating the narrowest street frontage of the lot from the street and in the case of a double frontage or through lot, a line separating the lot from the street from which a drive access may be permitted by the city.

Lot line, rear. A lot line which is opposite and most distant from the front lot line, in the case of a corner lot the lot line opposite and most distant from the narrowest front lot line, and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the

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maximum distance from the narrowest front lot line. A lot with street frontage on all boundaries does not have a rear lot line.

Lot width. The distance as measured in a straight line, between property boundaries side lot lines at the points of intersection with the front setback required front building line along the narrowest street frontage.

Section 4

That section 38.700.160 of the Bozeman Municipal Code be amended as follows with all other portions of the section remaining unchanged:

Sec. 38.700.160. - R definitions.

Rear setback. A setback extending across the full width of the lot ~~between the two side lot lines, the depth of which is the distance required by this chapter between the rear property line and the rear building~~ located adjacent to the rear lot line.

Section 5

That section 38.700.170 of the Bozeman Municipal Code be amended as follows with all other portions of the section remaining unchanged:

Sec. 38.700.170. - S definitions.

Street frontage. Any property line separating a lot from a street other than an alley; ~~the front lot line.~~

Section 6

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 7

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this ordinance shall remain in full force and effect.

Section 8

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 9

Codification.

This Ordinance shall be codified as indicated in Sections 1-5.

Section 10

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 6th day of April 2021.

DocuSigned by:

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CYNTHIA L. ANDRUS
Mayor

ATTEST:
DocuSigned by:

F41F922095AB475...
MIKE MAAS
City Clerk

DocuSigned by:


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FINALLY PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 20th of April, 2021. The effective date of this ordinance is May 20, 2021.

DocuSigned by:


CYNTHIA L. ANDRUS
Mayor

ATTEST:

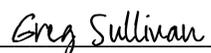
DocuSigned by:


MIKE MAAS
City Clerk

DocuSigned by:


CITY OF BOZEMAN
GALATIEN CO. MONTANA
1883

APPROVED AS TO FORM:

DocuSigned by:


GREG SULLIVAN
City Attorney