



## ORDINANCE 2070

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA REVISING THE BOZEMAN MUNICIPAL CODE TO INCREASE THE ALLOWABLE HEIGHT IN SEVERAL ZONING DISTRICTS TO ACCOUNT FOR A CHANGE IN CONSTRUCTION INDUSTRY STANDARDS AND TO INCREASE THE HEIGHT IN R-O AND B-2 TO ALLOW FOR AN ADDITIONAL STORY, REDUCE THE NUMBER OF ROOF PITCH CATEGORIES, AND CHANGE THE COMMERCIAL FRONT SETBACK DESIGNATIONS TO REFER TO 38.510 – BLOCK FRONTAGE STANDARDS BY AMENDING 38.320. – FORM AND INTENSITY STANDARDS TABLE 38.320.030.C (TABLE OF FORM AND INTENSITY STANDARDS—RESIDENTIAL DISTRICTS), TABLE 38.510.030.G. (OTHER BLOCK FRONTAGE STANDARDS), TABLE 38.320.050 (TABLE OF FORM AND INTENSITY STANDARDS—NON-RESIDENTIAL AND OTHER MIXED-USE DISTRICTS) AND 38.510.030.H.**

**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 current allowable heights do not reflect the current industry standard room heights; and

**WHEREAS**, it has been identified that the R-O district is an underutilized district with many vacant properties throughout Bozeman; and

**WHEREAS**, it has been identified that the amount of roof pitch categories should be simplified; and

**WHEREAS**, it has been identified that there is conflicting language regarding front setback requirements; and

**WHEREAS**, the Bozeman Community Plan 2020 supports additional opportunities for infill and an increase in allowed density of development, and

**WHEREAS**, it is in the interests of the City and public welfare to revise the Bozeman Municipal Code to reflect industry design standards and increase the ease of use of the UDC.

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

### **Section 1**

That Table 38.320.030.C – Density, building height, and setbacks, of the Bozeman Municipal Code be amended as follows with all other portions remaining unchanged:

Use Type/Standard	Zoning District							
	R-S	R-1	R-2	R-3	R-4	R-5	R-O	RMH
<b>Density, floor area and lot coverage</b>								
Density, minimum (dwellings per net acre) (38.320.020.B)	2	5	5	5	8	8 <sup>1</sup>	6	5
Lot coverage, maximum <sup>2</sup> (38.320.020.C.1)	25%	40% <sup>3</sup>	40% <sup>3</sup>	40% <sup>3</sup>	50% <sup>3</sup>	-	—	40% <sup>3</sup>
Floor area ratio, maximum <sup>4</sup> (38.320.020.C.3)	0.45:1	0.5:1	0.75:1	1:1	1.5:1	—	1.5:1	—
<b>Maximum building height (feet) (38.320.020.E)</b>								
<b>Roof pitch in feet</b>	<b>R-S</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-O</b>	<b>RMH</b>
Less than 3:12	<del>24</del> <u>28</u>	<del>24</del> <u>28</u>	<del>24</del> <u>30</u>	<del>32</del> <u>36</u>	<del>34</del> <u>40</u>	<del>44</del> <sup>5</sup> <u>50</u>	<del>34</del> <u>50</u>	<del>24</del> <u>28</u>
3:12 or greater but less than 6:12	<del>30</del> <u>42</u>	<del>28</del> <u>40</u>	<del>28</del> <u>40</u>	<del>38</del> <u>46</u>	<del>38</del> <u>50</u>	<del>48</del> <sup>5</sup> <u>60</u>	<del>38</del> <u>60</u>	<del>28</del> <u>40</u>
6:12 or greater but less than 9:12	<del>34</del>	<del>32</del>	<del>32</del>	<del>40</del>	<del>42</del>	<del>52</del> <sup>5</sup>	<del>42</del>	<del>32</del>

Equal to or greater than 9:12	38	36	36	42	44	54 <sup>5</sup>	44	36
<b>Minimum setbacks (feet)(38.320.020.F)</b>								
Front setback	15 <sup>6</sup>	15	15	15	15	15 <sup>7</sup>	15	15
Setback to an individual garage oriented to the street	20 <sup>8</sup>	20 <sup>8</sup>	20 <sup>8</sup>	20 <sup>8</sup>	20 <sup>8</sup>	20 <sup>8</sup>	20 <sup>8</sup>	20 <sup>8</sup>
Rear setback	20 <sup>6</sup>	20	20	20	20	20	20	20
Side setback	5 <sup>6</sup>	5 <sup>9</sup>	5 <sup>9</sup>	5 <sup>9</sup>	5 <sup>9</sup>	5 <sup>9</sup>	5 <sup>9</sup>	5 <sup>9</sup>

## Section 2

That Table 38.320.050 - Table of Form and Intensity Standards—

Non-Residential and Other Mixed-Use Districts of the Bozeman Municipal Code be amended as follows with all other portions remaining unchanged:

Standard	Zones									
	Commercial Zoning Districts				UMU	Industrial Zoning Districts			PLI	NEHM U
	B-1	B-2	B-2M	B-3		BP	M-1	M-2		
Lot and floor area standards										
Minimum lot area (square feet) (38.320.020.A)	5,000	—	-	-	—	43,560	7,500	—	—	5,000 <sup>1</sup>
Minimum lot width (feet) (38.320.020.A)	50	100	—	—	—	150	75	100	—	50
Maximum lot coverage (38.320.020.C)	100%	100%	100%	100%	100% <sup>4</sup>	60%	100%	100%	-	40%—100% <sup>5</sup>

Minimum floor area ratio (38.320.020.C)	—	—	—	—	0.50	—	—	—	—	—
<b>Building height standards (feet) (38.320.020.E)</b>										
Minimum building height	—	—	—	—	22 <sup>6</sup>	—	—	—	—	—
Maximum building height			Variable <sup>8</sup>	55/70 <sup>9</sup>	55- <del>40</del> 60 <sup>10</sup>		45-50	45-50	—	45-50
Minimum floor to ceiling height	13	13	13	13	13	—	—	—	—	—
Roof pitch < 3:12	<del>34</del> 40	<del>38</del> <sup>7</sup> 50 <sup>7</sup>				<del>38</del> <sup>7</sup> 42 <sup>7</sup>				
Roof pitch 3:12 or >	<del>38</del> 45	<del>44</del> <sup>7</sup> 60 <sup>7</sup>				<del>44</del> <sup>7</sup> 48 <sup>7</sup>				
<b>Minimum setback (feet) (38.320.020.F)</b>										
Front Setback	<del>Front setback provisions are set forth in the block frontage standards in division 38.510.</del>					<del>25</del> <sup>11,17</sup>	20 <sup>11</sup>	20 <sup>11</sup>	0 <sup>12</sup>	20 <sup>11</sup>
Front Setback	<u>Front setback provisions are set forth in the block frontage standards in division 38.510.</u>									
Setback to an individual garage oriented to the street	—	20	20	20	—	—	—	—	—	20
Rear Setback	10	10	10 <sup>13</sup>	0 <sup>15</sup>	0	20 <sup>17</sup>	3	3	0 <sup>12</sup>	3
Side Setback	5 <sup>14</sup>	5 <sup>14</sup>	5 <sup>14</sup>	0 <sup>15</sup>	0	15 <sup>17, 14</sup>	3 <sup>14</sup>	3 <sup>14</sup>	0 <sup>12</sup>	3
Side or Rear Setback Adjacent to Alley	5	5	5	5	5	5	5	5		5
Parking & loading areas (feet)	Note <sup>15</sup>	Note <sup>15</sup>								

Front Setback	Note <sup>11</sup>	Note <sup>11</sup>	Note <sup>11</sup>	Note <sup>11</sup>	Note <sup>11</sup>	Note <sup>11</sup>	Note <sup>11</sup>	Note <sup>11</sup>		
Rear Setback	10 <sup>16</sup>	10 <sup>16</sup>	5 <sup>16</sup>	0 <sup>17</sup>		-	—	—		
Side Setback	8 <sup>16</sup>	8 <sup>16</sup>	5 <sup>16</sup>	0 <sup>17</sup>		-	-	-		
<b>Garages and special parking standards</b>										
Residential Garages	—	Note <sup>18</sup>	Note <sup>18</sup>	Note <sup>18</sup>	—	—	—	—	—	Note <sup>18</sup>
Special Parking Standards	Note <sup>19, 20</sup>	Note <sup>19, 20</sup>	Note <sup>19, 20</sup>	Note <sup>20</sup>	Note <sup>19, 20</sup>	Note <sup>20</sup>	Note <sup>19, 20</sup>	Note <sup>19, 20</sup>		Note <sup>20</sup>

**Notes:**7. ~~B-2 height~~ Height exceptions:

- a. Maximum height may be increased by up to a maximum of 50 percent when the zoning district is implementing a regional commercial and services growth policy land use designation.
- ~~b. Maximum height otherwise cumulatively allowed by this section may be increased by 30 percent through the approval of a conditional use permit, but only when the additional height is a specifically identified purpose of the review.~~

**Section 3**

That Table 38.510.030.G Other block frontage standards be amended as follows with all other portions remaining unchanged:

Element	Standard ( ➤ refers to departure opportunities, see subsection <a href="#">38.510.030</a> below)
<b>Ground floor land use</b> Land use	See Tables <a href="#">38.310.030</a> -.040 for permitted use details.
<b>Building placement</b>	<del>Where allowed in the applicable zoning district, buildings may be placed up to the sidewalk edge provided block frontage standards herein are met (except where otherwise noted herein). 10' minimum front setback for other buildings, except</del>

Element	Standard ( ➡ refers to departure opportunities, see subsection <a href="#">38.510.030</a> below)
	<del>where greater setbacks are specified in the district per <a href="#">division 38.320</a>.</del> ➡ See section 38.510.030.J for special design provisions associated with ground level residential uses adjacent to a sidewalk.
<b>Building entrances</b>	Building entrances facing the street are encouraged. At least one building entry visible and directly accessible from the street is required. ➡ Where buildings are set back from the street, pedestrian connections are required from the sidewalk.
<b>Façade transparency</b>	For storefronts, at least 60% of ground floor between 30" and 10' above the sidewalk is required. ➡ Other buildings designed with non-residential uses on the ground floor within 10' of sidewalk, at least 30% of the ground floor between 4'-8' above the sidewalk. ➡ Other buildings, at least 10% of the entire façade (all vertical surfaces generally facing the street). ➡ Window area that is glazed over or covered in any manner that obscures visibility into the storefront space must not count as transparent window area.
<b>Weather protection</b>	At least 3' deep over primary business and residential entries.
<b>Parking location</b> Also see <a href="#">division 38.540</a> of this division for related parking requirements	There are no parking lot location restrictions, except that a 10' buffer of landscaping between the street and off street parking areas meeting the performance standards of <a href="#">division 38.550</a> of this division is required. ➡
<b>Landscaping</b> Also see <a href="#">division 38.550</a> of this division for related landscaping standards	The area between the street and building must be landscaped and/or private porch or patio space. For setbacks adjacent to buildings with windows, provide low level landscaping that maintains views between the building and the street. Also provide plant materials that screen any blank walls and add visual interest at both the pedestrian scale and motorist scale. For extended wall areas, provide for a diversity of plant materials and textures to maintain visual interest from a pedestrian scale.
<b>Sidewalk width</b>	Where storefront buildings are proposed, sidewalks must meet storefront block frontage standards above. Otherwise, 6' minimum sidewalks are required adjacent to arterial streets and public parks and 5' minimum width in other areas, except the

Element	Standard ( ➡ refers to departure opportunities, see subsection <a href="#">38.510.030</a> below)
	review authority may require wider sidewalks in special areas where called for in adopted plans or where significant pedestrian traffic is anticipated.

3. *Departure criteria.* Departures to the above standards that feature the ➡ symbol will be considered by the review authority (per [section 38.250.060](#)) provided the alternative proposal meets the intent of the standards, plus the following criteria:

a. *Minimum setback.* Provide design treatments that create an effective transition between the public and private realm. This could include a stoop design to other similar treatments that utilize a low fence, retaining wall, and/or hedge along the sidewalk.

b. *Façade transparency.* The design treatment of a façade and/or landscape element provides visual interest to the pedestrian and mitigates impacts of any blank wall area.

H. Block frontages in the industrial zones are subject to the standards for "Other" streets as set forth in subsection G above except:

~~1. Minimum front setback provisions of [division 38.320](#) supersede the building location provisions set forth in subsection G.2 of this section.~~

2. Planting areas between the sidewalk and the building, outdoor storage, or parking areas must be at least 10 ~~20~~ feet in depth and are encouraged to meet the landscaping standards of [division 38.550](#).  
Departure: Reductions in the landscaping frontage may be considered for low volume and low visibility streets entirely within the industrial zone. Land uses with a higher density of employees warrant standard landscaping and pedestrian access provisions.

## Section 4

### **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 5**

### **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 6**

### **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 7**

### **Codification.**

This Ordinance shall be codified as indicated in Sections 1-3.

## **Section 8**

### **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 11<sup>th</sup> day of May, 2021.

DocuSigned by:



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**CYNTHIA L. ANDRUS**

Mayor

ATTEST:

DocuSigned by:



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**MIKE MAAS**

City Clerk

DocuSigned by:



**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 8<sup>th</sup> of June, 2021. The effective date of this ordinance is July 8, 2021.

DocuSigned by:



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**CYNTHIA L. ANDRUS**

Mayor

ATTEST:

DocuSigned by:



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**MIKE MAAS**

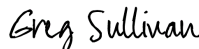
City Clerk

DocuSigned by:



APPROVED AS TO FORM:

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**GREG SULLIVAN**

City Attorney