



MONTANA
DEPARTMENT OF COMMERCE

REGULATIONS IN SUPPORT OF REVITALIZATION



New
Downtown
Square
Existing Historic
Buildings are
Being New
Retail and

Mixed Use
Development
Street Ground
Retail Office
Dental Studio

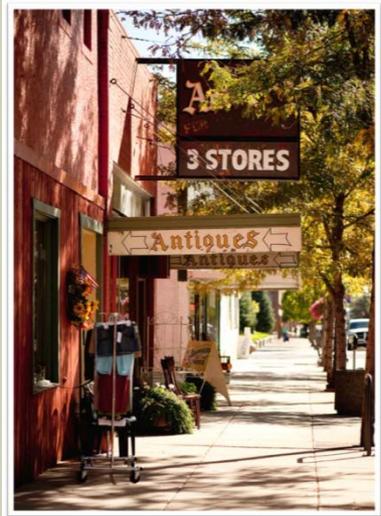
Train Shed
Farmers-Market
Open All Full
Time Farmers
Market eventually
conditional

Village
Existing and
Rejuvenated Homes are
Being work and Retail



OVERVIEW

- What we'll cover:
 - Relationship to plans
 - What regulations help to accomplish
 - Types of regulation
 - Examples of successful revitalization strategies



..... BUT FIRST....

COMMUNITY TECHNICAL ASSISTANCE PROGRAM (CTAP)

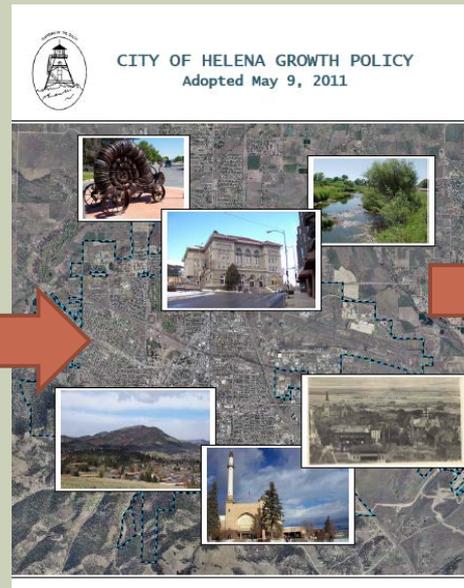
- Services focused on providing education, templates, assistance
- Staff: AICP certified planner, land use attorney, two planning specialists, two professional engineers
- Expertise includes:
 - Community planning (growth policies, downtown strategic plans, CIPs, impact fees, neighborhood plans)
 - Subdivision regulations & review, exemptions, certificates of survey
 - Zoning regulations & administration
 - Annexation
 - Downtown revitalization & Main Street program expertise
 - Drinking water & wastewater treatment systems
 - Transportation: bridges-streets/roads
 - Storm-water management
 - Planning best practices and tools of the trade

COMMUNITY TECHNICAL ASSISTANCE PROGRAM (CTAP)

- Direct assistance via phone and email
- Review and guidance on draft engineering, planning, and regulatory documents
- Guidance on navigating statutes and regulations
- Model documents, regulations, ordinances, resolutions
- Extensive library of planning resources, publications and media
- On-site training workshopsGIS mapping, CommunityViz analysis
- And more!

SO YOU'VE COMPLETED YOUR PLAN... NOW WHAT?

- Plans serve as the 'first step'
- What to do, where to go & how to get there
- Success comes through implementation
- Sometimes implementation → regulation
- Regulation = not always a bad thing!



REGULATORY FRAMEWORK

Pros

- Clarifies expectations
- Provides level of certainty (if you do this, we'll approve that)
- Creates consistency
- Increases value of property
- Evens the playing field
- Implements vision
- Not static – can change!

Cons

- Can be onerous
- Negative perceptions
- Loopholes
- Lack of enforcement = greater inconsistency

REGULATORY FRAMEWORK

Powers & authority

- Self-governing: “a local government unit adopting a self-government charter may exercise any power not prohibited by the constitution, law, or charter” [7-1-4105 MCA]
- General-governing municipality has the powers vested to them by law [7-1-4124 MCA]

Municipalities have authority to:

- Zone [76-2-301 MCA]
- Enact ordinances & resolutions
- Enact Improvement Districts [Title 7, Chapter 12 MCA]
 - Business Improvement Districts (BIDS)
 - Lighting Districts
 - Sanitary & storm sewers
 - Special Improvement Districts
 - Street maintenance districts
 - Street parking districts
 - Fire hydrant districts
- Enact site development review [Title 7, Chapter 10 MCA]

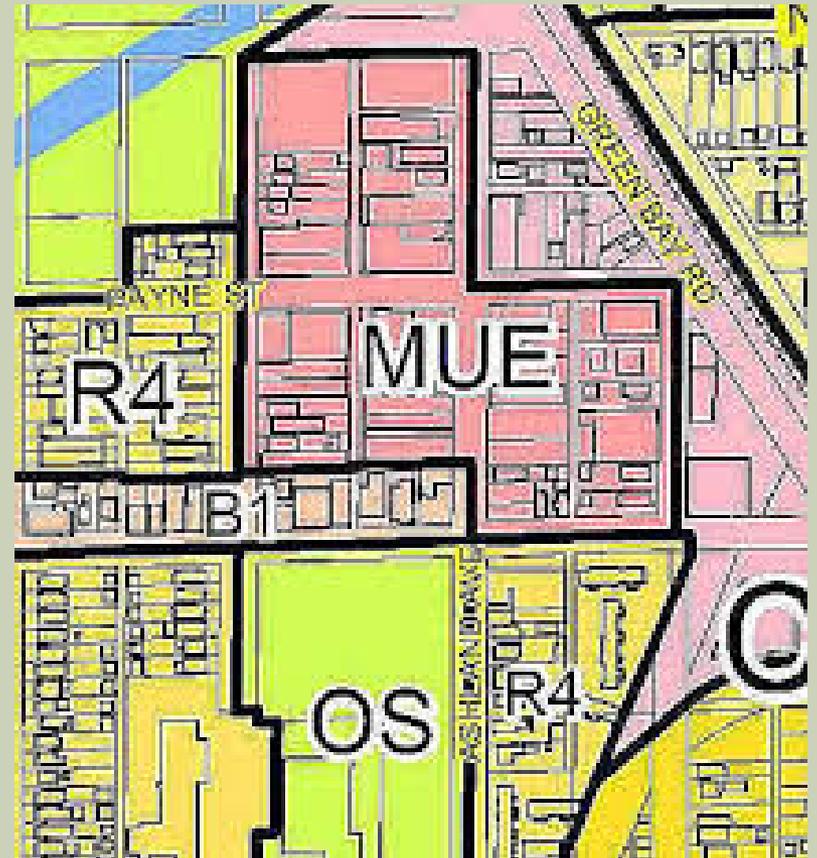
WHEN DONE WELL...

Regulations can help communities:

- **Increase housing options & availability in the downtown core**
 - Mixed-use, density bonuses, affordable housing
 - Many commercial districts prohibit certain housing options
- **Incentivize business and economic vitality**
 - Sq. footage limitation to promote residential and commercial balance
 - Progressive sign code
 - Increased height limitations
 - Restriction on office space in lower level commercial buildings
- **Promote bike & pedestrian access**
 - Infrastructure requirements for new development, renovation
 - Specific design requirements to promote bike/ped connectivity
 - Bike rack requirements
 - Landscaping
 - Traffic-calming design
 - Parking requirements (or lack thereof....)

FOCUS - ZONING

- Form-based code
- Design/development standards
- Overlays





ZONING

76-2-301. Municipal zoning authorized. For the purpose of promoting health, safety, morals, or the general welfare of the community.....

Zoning regulations must be:

- a) In accordance with a growth policy; and
- b) Designed to:
 - i. secure safety from fire and other dangers;
 - ii. promote public health, public safety, and the general welfare; and
 - iii. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.



ZONING

In the adoption of zoning regulations, the municipal governing body shall consider:

- a) reasonable provision of adequate light and air;
- b) the effect on motorized and nonmotorized transportation systems;
- c) promotion of compatible urban growth;
- d) the character of the district and its peculiar suitability for particular uses; and
- e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

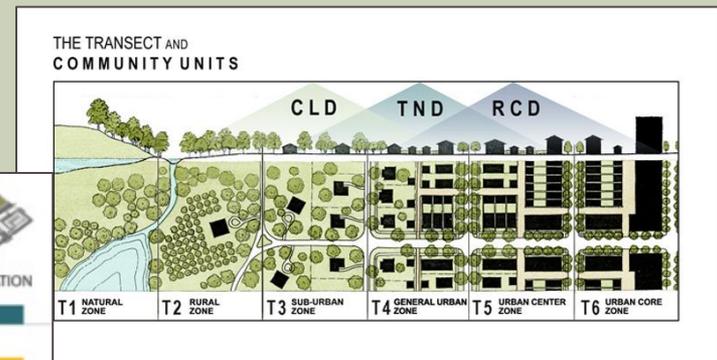
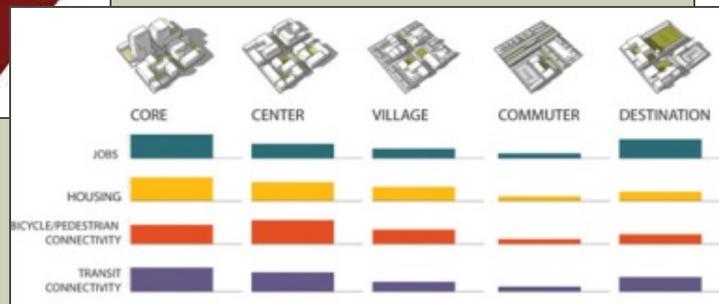
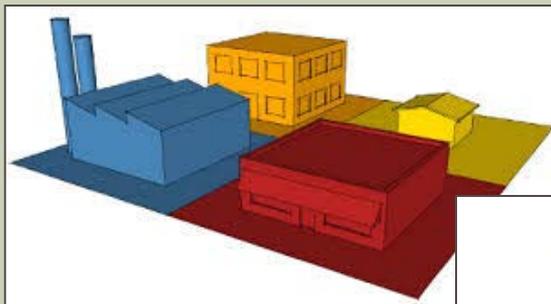


ZONING

- Zoning can be flexible
- Should not be “one size fits all”
- Misconception that zoning is static
- To appreciate a zoning ordinance the public needs to see three things:
 - Protection of property rights...everyone's.
 - Ordinance is dynamic...amended to meet changing needs...growth, decline, change in use
 - Ordinance helps create or maintain community values

ZONING - TYPES

- Euclidean or Conventional Zoning
 - Traditional, use-based zoning (most common in MT)
- Performance Zoning
 - Intensity of use and mitigation (ex: Lake Co. density zoning)
- Form-Based Codes
 - Focused on the form development takes, not necessarily use
- Hybrid Zoning Code
 - Combines Euclidean and form-based codes



FORM BASED CODE

RURAL

URBAN

STREET VIEW							
AERIAL PHOTOGRAPH							
	PRESIDENTIAL GROVE EDEN PARK	SAND RUN NURSERY BOONE COUNTY, KY	ARNSBY PLACE MADISONVILLE	ROSS & GLENWAY PRICE HILL	HAMILTON & CHASE NORTHSIDE	4TH AND VINE DOWNTOWN	THE SERPENTINE WALL SAWYER POINT
SECTION							
FIGURE GROUND / PLAN							
	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUBURBAN ZONE	T4 GENERAL URBAN CORE	T5 URBAN CENTER ZONE	T6 URBAN CORE ZONE	SD SPECIAL DISTRICTS

THE CINCINNATI TRANSECT
 glaserworks: Architecture & Urban Design

www.glaserworks.com

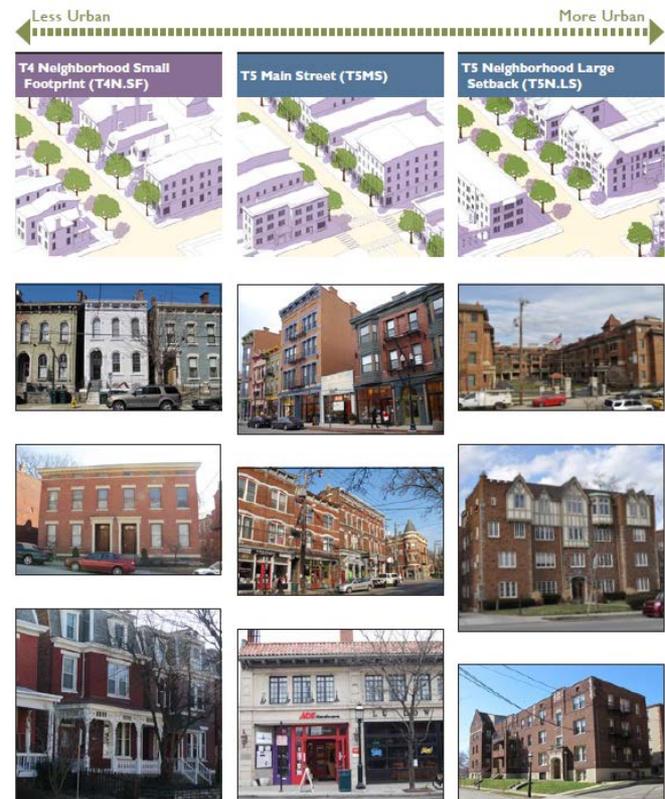
EXAMPLE – CINCINNATI, OH

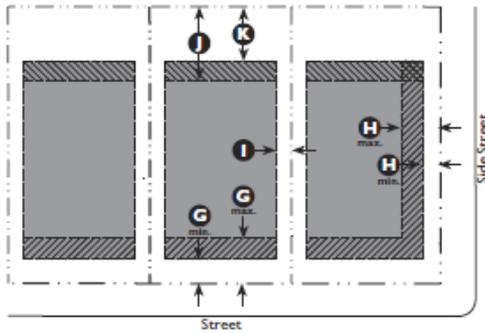
- Rust-belt city along Ohio River
- Over-the-Rhine community in heart of downtown
- Disbanded planning department in early 2000's
- Form-based code has taken 4 years to complete, in conjunction with other growth planning efforts

1703-P.70

Preamble: A Place-Based Approach to Zoning

Table: 1703-P.70.A The Cincinnati Transect: Summary Table (continued)





Key

- ROW / Lot Line
- Building Setback Line
- Buildable Area
- ▨ Acc. Structures Only
- ▩ Facade Zone

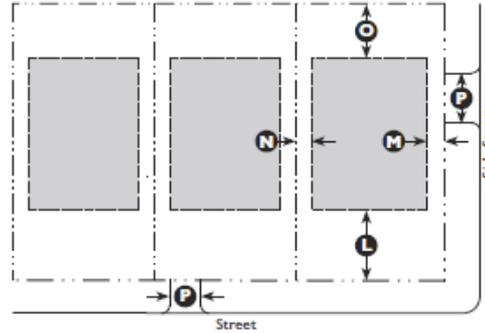
E. Building Placement

Setback (Distance from ROW / Lot Line)

Front	15' min.; 35' max.	G
Side Street	10' min.; 20' max.	H
Side		
Main Building	10' min.	I
Accessory Structure(s)	10' min.	
Rear		
Main Building, Lot Depth ≤ 100'	20' min.	J
Main Building, Lot Depth > 100'	Lot depth minus 80' min.	
Accessory Structure(s)	15' min.	K
Facade within Facade Zone		
Front	75% min.	
Side	50% min.	

Miscellaneous

Where existing adjacent buildings are in front of the regulated minimum front setback, the building may be set to align with the facade of the front most immediately adjacent property.



Key

- ROW / Lot Line
- Building Setback Line
- Parking Area

F. Parking

Required Spaces

Residential Uses		
Dwellings		1 per unit min.
Service Uses		
≤ 3,500 sf	No spaces required	
>3,500 sf	2 spaces/1,000 sf min. above first 3,500 sf	

For uses not listed above, see Table 1703-5.50.A (Parking Spaces Required).

No off-street parking required for uses within accessory structure(s).

Location (Distance from Lot Line)

Front Setback	40' min.	L
Side Street Setback	20' min.	M
Side Setback	10' min.	N
Rear Setback	15' min.	O

Miscellaneous

10' maximum curb cut width at street and parking driveway width within front or side street setback. Driveway width along an alley may be greater than 10'.

e Guide: Walkable Neighborhood Sites

Instructions	Code	Title
Identify the transect zone for your parcel		Maps
Comply with the standards for creating walkable neighborhood scaled site designs	1703-6	Specific to Creating a Walkable Neighborhood
Choose and comply with the standards for Thoroughfares	1703-7	Specific to Thoroughfares
If you want to subdivide your property, follow the procedures and comply with the requirements in Subdivision		Subdivision and Land Development
Follow the procedures for developments and Traditional Neighborhood Community Plans	1703-8	Administration and Procedures
Follow the procedures for Building-Scale Projects	see previous page	Building-Scale Projects

FORM-BASED CODE

- **Additional elements**
 - Architectural standards
 - Landscape standards
 - Sign standards
 - Environmental standards

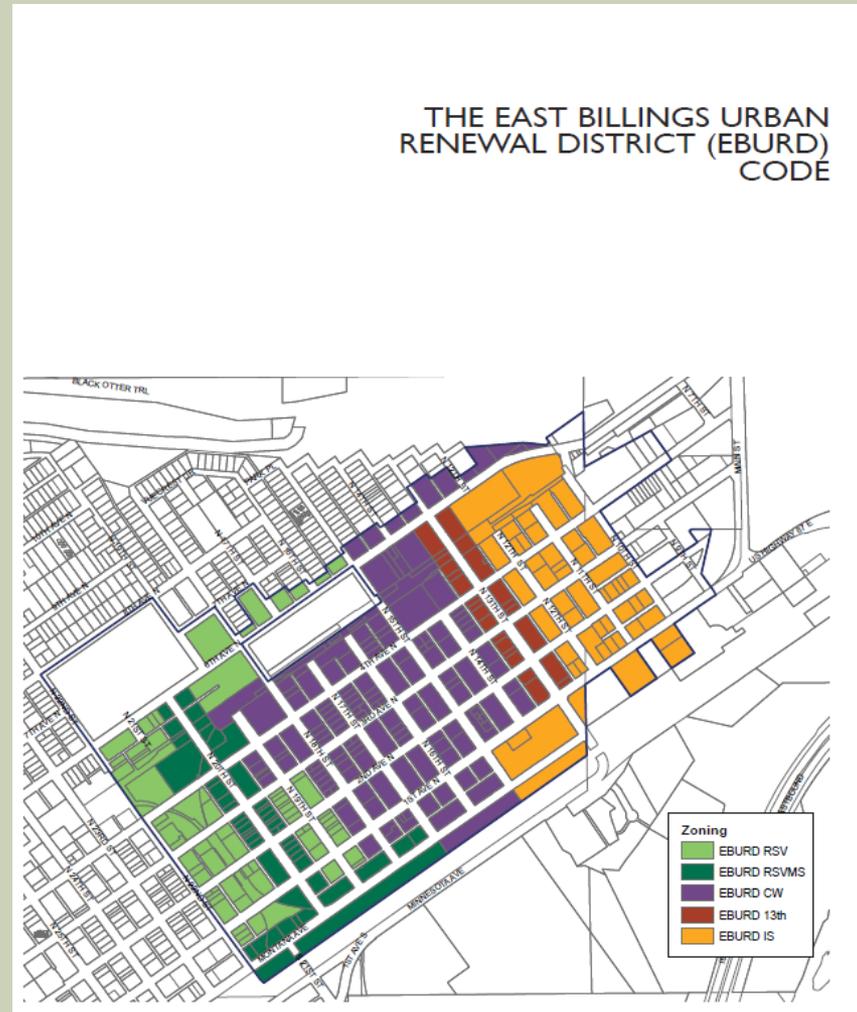


DESIGN STANDARDS

- Set specific rules for new construction and renovation
- Carry forward vision for built environment
- May involve building façade design, pedestrian and vehicular standards, landscaping requirements (among others)
- Incorporate bulk & dimensional requirements common in traditional zoning with more specific guidance for the ‘urban form’

EXAMPLE – BILLINGS, MT

- Adopted in July 2009
- Product of EBURD Master Plan
- Industrial landscape
- Desire to integrate mixed-use and residential development in East Billings
- Technically “Form-based”, but relies more heavily on traditional design standards to illustrate zoning.



06 Spatial & Regulatory Framework

by Mixed Use Livability (MUL) and Industrial Sanctuary (IS) zones. These standards provide a preliminary framework that would require further development to establish appropriate development incentives to achieve intended public benefits. The following sections illustrate potential standards and incentives that could be applied to the study area.

Intent - Mixed - Use Livability

The primary intent of this zone is to protect the livability and ensure the quality of residential development while also providing for mixed-use employment centers within the neighborhood.

Table 6.5-1 Mixed Use Livability (MUL) General Standards

Building Placement	
Setback (Distance from Property Line)	
Front Setback-Primary St. ROW	0' minimum, 10' maximum
Side Setback –Street ROW	0' minimum, 10' maximum
Side Setback-Interior	No minimum
Rear Setback – Interior	20' minimum
Rear Setback – Alley	12' minimum from alley ROW centerline
Height	
Maximum Height	70' (after incentives and setbacks)
Upper Level Setbacks	10' of additional setback from street and alley ROW required for each 20' of building height above 36'
Minimum Height	2 Habitable stories
Ground Floor Height	Main Street Typology (2nd Ave) - 15' minimum; Neighborhood and Community Flow Streets - 12' minimum (9' minimum for ground-floor residential)
Building Form	
Maximum Building Width	80' without modulation. 8' deep x 10' wide modulation required for every 80' of frontage
Maximum Lot Coverage	75%; 80% for projects that meet incentive criteria
Open Space	Minimum dimensions for open space associated with housing need to be developed or referenced to other applicable residential development standards
Street Facing Entry	Required on all primary street facades
Entry Spacing	Minimum of one functional entry per 80' of primary street frontage
Façade Transparency	35% minimum transparency for all commercial and retail uses and all other facades facing primary streets

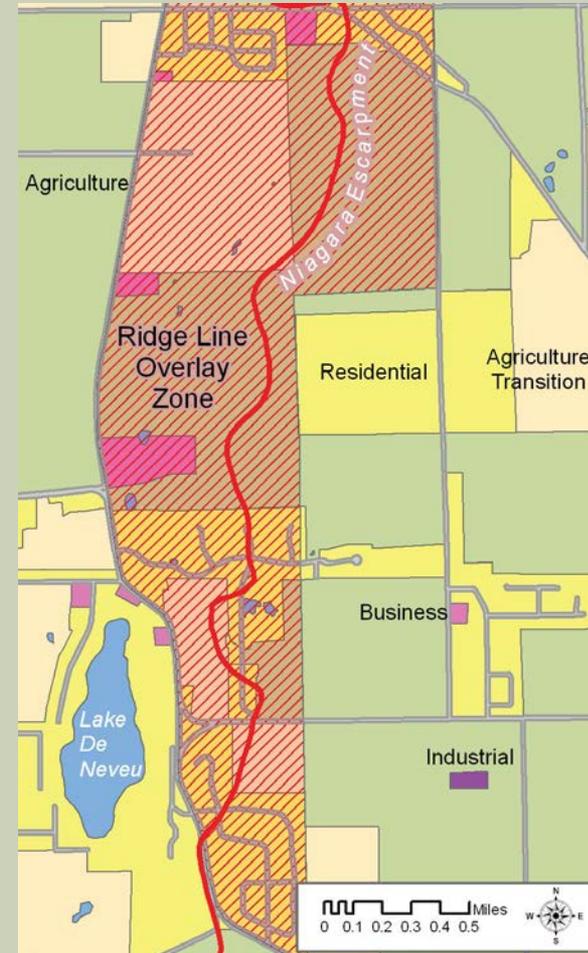
OVERLAY ZONING

- Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone.
 - The overlay district can share common boundaries with the base zone or cut across base zone boundaries.
 - Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area.
- Typical Uses
 - Historic preservation
 - Environmental protection
 - Green space
 - Design standards
 - Increased density bonuses

OVERLAY ZONING

Creation of an Overlay

1. Define the purpose of the district.
2. Identify the areas that make up the district.
3. Develop specific rules that apply to the identified district.



EXAMPLE – BOZEMAN, MT

Bozeman Community Plan

Goal LU-3: Strengthen the Historic Core of Bozeman to preserve the community character, economic resource, and historical connection represented by this area.

Goal HP-1: Protect historically and culturally significant resources that contribute to the community's identity, history, and quality of life.

Objective LU-3.1:

Ensure that development and redevelopment of this area, including the adaptive reuse of historic buildings, is done in a manner which enhances, and is compatible with, the current community fabric.

Objective HP-1.1:

Continue implementation and further develop historic preservation planning tools and research efforts that provide protection of historic resources.

Objective HP-1.3:

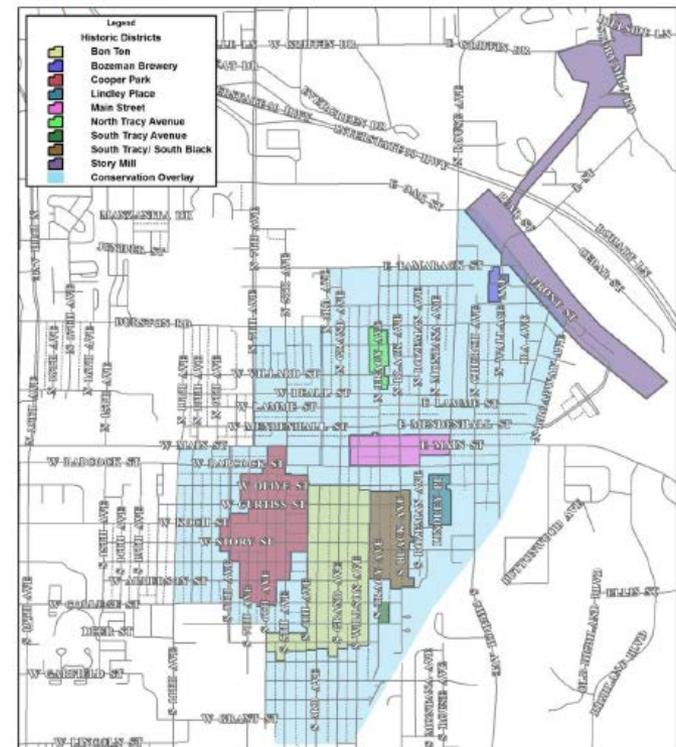
Provide clear and concise City standards and requirements to ensure protection of historic resources.

EXAMPLE – BOZEMAN, MT

Policy/Action

- Continue and improve implementation of successful Neighborhood Conservation Overlay & Historic Preservation Program;
- Pursue regulatory revisions which support protection of historic resources;
- Consider amending the Neighborhood Conservation Overlay District boundaries.

Figure 3-1 – Neighborhood Conservation Overlay District and National Register Historic Districts



HOW THE GUIDELINES APPLY

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1.



This is an appropriate addition to the rear of a historic commercial building.



2.



3.

These images show buildings with alternative designs that are appropriate interpretations of a traditional storefront.

Type of work:	Chapter to use:							
	Introduction	Chapter 1: Rehabilitation Guidelines for Historic Properties	Chapter 2: Design Guidelines for all Properties	Chapter 3: Guidelines for Residential Character Areas	Chapter 4: Guidelines for Commercial Character Areas	Chapter 5: District Specific Descriptions and Guidelines	Appendix	
1. Alteration of a "contributing property" in the Historic District	✓	✓	✓	✓ If Residential	✓ If Commercial	✓ See Specific District	✓	
2. Work on a "non-contributing" property in the Historic District	✓		✓	✓ If Residential	✓ If Commercial	✓ See Specific District	✓	
3. Work on an "individually listed National Register Property" in the Neighborhood Conservation Overlay District	✓	✓	✓	✓ If Residential	✓ If Commercial	✓ See Specific District	✓	
4. Work on a "historically significant property" in the Neighborhood Conservation Overlay District, but outside of the Historic District	✓	✓	✓	✓ If Residential	✓ If Commercial		✓	
5. Work on a "non-historically significant" property in the Neighborhood Conservation Overlay District but outside of the Historic District	✓		✓	✓ If Residential	✓ If Commercial		✓	
6. New infill and construction in the Neighborhood Conservation Overlay District, but outside the Historic District	✓		✓	✓ If Residential	✓ If Commercial		✓	
7. New infill and construction in the Historic District*	✓		✓	✓ If Residential	✓ If Commercial	✓	✓	

Note: A blank box indicates that the chapter does not apply.

* Chapter 2, Chapter 3 and Chapter 4 guidelines will be applied more rigorously on projects in these districts.



The overall set back must be consistent to provide a uniform streetscape.

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Provide a walkway from the street to the building.

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the



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Clearly define a primary entrance with a front porch.

QUESTIONS???

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