REGULATIONS IN SUPPORT OF REVITALIZATION
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 workshops GIS 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
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]
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
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.
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
A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.

- Form-Based Code Institute

[Image: The Cincinnati Transect by glaserworks: Architecture & Urban Design]
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
Key
- Buildable Area
- ROW / Lot Line
- Acc. Structures Only
- Building Setback Line
- Facade Zone

E. Building Placement
Setback (Distance from ROW / Lot Line)
Front: 15' min., 35' max.
Side Street: 10' min., 20' max.
Side:
Main Building: 10' min.
Accessory Structure(s): 10' min.

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.

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

Location (Distance from Lot Line)
- Front Setback: 40' min.
- Side Street Setback: 20' min.
- Side Setback: 10' min.
- Rear Setback: 15' min.

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'.

Specific to Transect Zones

Guide: Walkable Neighborhood Sites

- Specific to Creating a Walkable Neighborhood
- Specific to Thoroughfares
- Specific to Creating walkable neighborhood
- Specific to Thoroughfares

Maps

Specific to Transect Zones

Administration and Procedures

Subdivision and Land Development

Subdivision and Land Development

Building-Scale Projects

Building-Scale Projects
Additional elements
- Architectural standards
- Landscape standards
- Sign standards
- Environmental 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’
- 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

<table>
<thead>
<tr>
<th>Building Placement</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback (Distance from Property Line)</td>
<td></td>
</tr>
<tr>
<td>Front Setback-Primary St. ROW</td>
<td>0’ minimum, 10’ maximum</td>
</tr>
<tr>
<td>Side Setback – Street ROW</td>
<td>0’ minimum, 10’ maximum</td>
</tr>
<tr>
<td>Side Setback - Interior</td>
<td>No minimum</td>
</tr>
<tr>
<td>Rear Setback – Interior</td>
<td>20’ minimum</td>
</tr>
<tr>
<td>Rear Setback – Alley</td>
<td>12’ minimum from alley ROW centerline</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>70’ (after incentives and setbacks)</td>
</tr>
<tr>
<td>Upper Level Setbacks</td>
<td>10’ of additional setback from street and alley ROW required for each 20’ of building height above 38’</td>
</tr>
<tr>
<td>Minimum Height</td>
<td>2 Habitable stories</td>
</tr>
<tr>
<td>Ground Floor Height</td>
<td>Main Street Typology (2nd Ave) - 15’ minimum, Neighborhood and Community Flow Streets - 12’ minimum (9’ minimum for ground-floor residential)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Form</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Width</td>
<td>80’ without modulation. 8’ deep x 10’ wide modulation required for every 80’ of frontage</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>75%; 80% for projects that meet incentive criteria</td>
</tr>
<tr>
<td>Open Space</td>
<td>Minimum dimensions for open space associated with housing need to be developed or referenced to other applicable residential development standards</td>
</tr>
<tr>
<td>Street Facing Entry</td>
<td>Required on all primary street facades</td>
</tr>
<tr>
<td>Entry Spacing</td>
<td>Minimum of one functional entry per 80’ of primary street frontage</td>
</tr>
<tr>
<td>Façade Transparency</td>
<td>35% minimum transparency for all commercial and retail uses and all other facades facing primary streets</td>
</tr>
</tbody>
</table>
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.
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.
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.
**HOW THE GUIDELINES APPLY**

<table>
<thead>
<tr>
<th>Type of work:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Alteration of a “contributing property” in the Historic District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Work on a “non-contributing” property in the Historic District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Work on an “individually listed National Register Property” in the Neighborhood Conservation Overlay District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Work on a “historically significant property” in the Neighborhood Conservation Overlay District, but outside of the Historic District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Work on a “non-historically significant” property in the Neighborhood Conservation Overlay District, but outside of the Historic District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. New infill and construction in the Neighborhood Conservation Overlay District, but outside the Historic District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. New infill and construction in the Historic District*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*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.

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

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

The overall setback must be consistent to provide a uniform streetscape.

Provide a walkway from the street to the building.

Clearly define a primary entrance with a front porch.
QUESTIONS???

Allison Mouch, AICP
Community Planning Bureau Chief
Community Development Division
MT Department of Commerce
amouch@mt.gov
(406) 841-2598