

# LANDSCAPING OF PUBLIC LANDS

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## Section 38.550.010

### Purpose and Intent

#### *A. Protect the health, safety, and welfare of the public:*

- Help stabilize the ecological balance
- Provide visual buffer between land uses
- Enhance the beauty of the city
- Preserve the value of land and buildings
- Provide screen from wind and temperature
- Combat spread of noxious weeds
- Encourage conservation of water

### Influence Over Goals

#### *Social:*

- Advances citizens' mental and physical health by mandating grass and trees within green spaces

#### *Environmental:*

- Promotes green space by regulating developers to create them
- Assists in water conservation through regulation of grass species

#### *Economic:*

- Splits burden of landscaping creation/maintenance cost between city, developers, and property owners

### Fit with Bozeman's Community Plan

#### *1. Basic Planning Precepts*

- a. City Responsibilities: provide a safe, healthy, and high-quality environment.
  - Sec. 38.550.070, A: requires installation of grass and trees which increase environment quality
- b. Resident Desires: open space, parks, and trails are priorities.
  - Sec. 38.550.070, A, 3: requires landscaping of public right-of-way that increases green space and makes sidewalks feel more like trails

#### *2. Theme 3: A city influenced by our natural environment, parks, and open space*

- a. Goal 3.2: Support development of maintenance standards.
  - Sec. 38.550.070, B: sets maintenance standards
- b. Goal 3.3: Support water conservation and use of native plants in landscaping.
  - Sec. 38.550.070, A, 1: mandates that grass be drought tolerant which requires less water to maintain than other types

#### *3. Future Land Use*

##### *7: Open Space, Public Lands, and Institutions*

- Parks and open spaces are required in the development process so they will be prevalent in future land uses
- Their future locations remain unknown

# LANDSCAPING OF PUBLIC LANDS

## Section 38.550.070

### A. City rights-of-way and parks

#### 1. General:

- Tree planting permits required
- Grass must be drought tolerant

#### 2. External streets, open space, and parks:

- Developer must boulevard trees and add irrigation system along all streets, parks, and open spaces
- Developer must get landscaping plan approved
- Irrigation must come from wells

#### 3. Adjacent to individual lots:

- Property owner of individual developed parcels must landscape public right-of-way adjacent to their property

### B. Maintenance.

- Property owner responsible for all landscape maintenance within public right-of-way besides tree-trimming and removal
- Developer must irrigate and maintain landscaping along streets and parks until 50% of lots are sold
- Other required landscaping is the City's responsibility

### C. State rights-of-way

- The same rules apply for landscaping along state rights-of-way as long as the plan has been accepted by the MT Department of Transportation

## Section 38.550.050

### H. Protection of landscape areas

1. Perimeter of parking lots must have concrete curb or other approved permanent barrier
2. Landscaped areas within parking lots must be protected by continuous concrete curb or other approved permanent barrier



Sec. 38.550.070, A, 2: boulevard of trees surrounding park.



Sec. 38.550.070, B: public right-of-way.



Sec. 38.550.050, H, 2: continuous curb around landscaped area within parking lot.



# LANDSCAPING OF PUBLIC LANDS

## Section 38.550.080

### Departure from landscaping requirements

#### A.

- Exceptions may be allowed, but must be processed through the application in Section 38.250.060 and approved by a review board

#### B.

- Proposed departures must comply with the intent and purpose of Sec. 38.550.010
- Proposed departures must be superior to the design standards mentioned earlier
- A maximum 20% departure may be authorized by the review authority from the design standards



Sec. 38.550.050, H, 2: curb departure example - superior design standards allowing for stormwater management.



Sec. 38.550.070, B: city tree-trimming.



Sec. 38.550.070, A, 3: public right-of-way landscaping departure example - applies to intent to enhance the beauty of the city.

# STREET FRONTAGE LANDSCAPING

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## Street frontage landscaping required

### Section 38.550.050 E

Landscaping code overall is in place to benefit the visual appeal of the city while promoting the ecological health of the landscape. In the city of Bozeman, the street frontage landscaping code section goes along well with the Strategic Plan nicely. Specifically, section 3.4 under the safe and welcoming community initiative. Section 3.4 focuses on the promotion of active recreation and this could start with visually promoting nature throughout the city. A city that is well connected with the natural beauty and environment surrounding it will, in my opinion, promote active recreation within the city. The interconnectedness of the city with nature starts with the landscaping seen by everyone every day.

Section 5 of the Strategic Plan seems to have overarching goals of promoting a creative culture within the city. A great starting point for this would be found in landscaping. Ensuring a beautiful city visually would certainly inspire creativity amongst its residence.

The Strategic Plan also talks about protecting air quality and take climate action through reducing greenhouse gases in sections 6.2 and 6.3 which goes along nicely with the landscaping code. A lot of the landscaping code focuses on when/where/how to plant trees within the city. Trees in general help to improve air quality through carbon capture and a quick tour around Bozeman will show anyone just how prominent trees are in the cities landscape.

## Landscape Code Specific Intent:

- To provide visually pleasing cover between land uses of different character.
- To aid in ecological stabilization, specifically in the process of air purification, oxygen re-generation, groundwater recharge, storm water runoff retardation, and improvement of water quality, while at the same time aiding in noise, glare and heat abatement
- To create a visually pleasing natural landscape across the city through urban forest strengthening.
- To create minimum standards on when/where landscaping must be present.
- To preserve land value across all zoning districts.
- To conserve energy through thoughtful placement of windbreaks and shaded areas.
- To impede the spread of noxious weeds by promoting native plant landscaping.
- To enhance the appearance of city entrances.
- To encourage a safe and pleasant environment for pedestrians
- To promote low water use landscaping



# STREET FRONTAGE LANDSCAPING

## Street Frontage Landscaping Required Section 38.550.050 E

### Code Requirements:

- Street frontage landscaping is required in all districts except R-S (Residential Suburban)
- All street rights-of-way contiguous to or within the proposed development site not used for street pavement, curbs, gutters, sidewalks or drive aisles must be landscaped
- 1 large canopy tree must be present in landscaping per 50 feet of street frontage.
- Acceptable list of trees can be found under chapter 16, article V, division 3
- Proposed landscaping and minimum number of trees to be planted must complement existing on-site landscaping and existing street scape
- Any proposed landscaping adjacent to rights-of-way subject to Montana Department of Transportation (MDT) jurisdiction must be approved by the city as well as MDT.



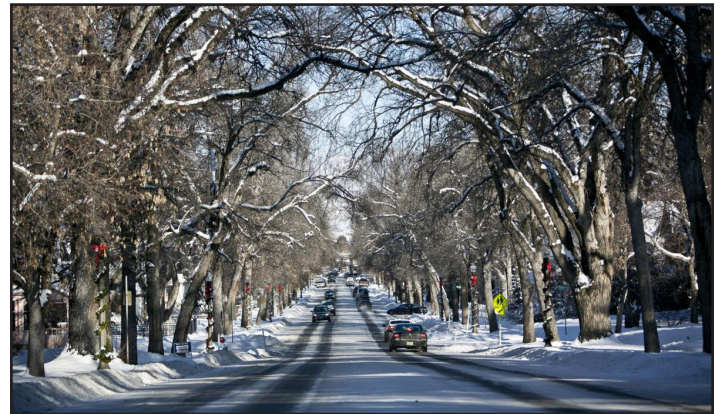
Smaller ornamental trees along main street.

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Broad canopy trees along Wilson Ave. in the Spring

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# STREET FRONTAGE LANDSCAPING

## Departure Criteria

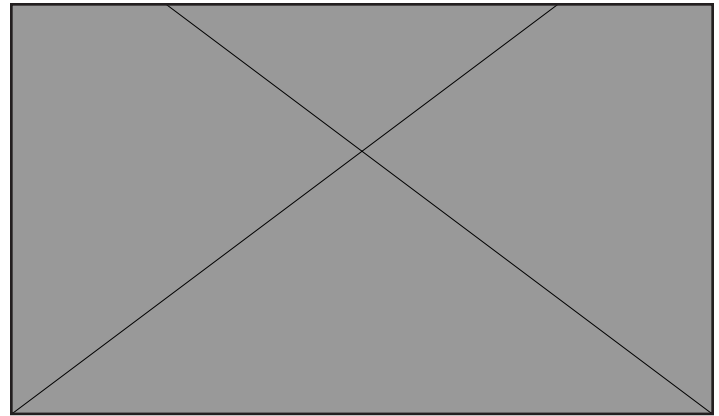
- Departure must be application must be filled out and submitted with appropriate accompanying material.
- Applicant must prove in some way the departure will produce a landscape superior to what would be produced under existing code.
- Proposed departure must still meet the intent and purpose of DIVISION 38.550. - LANDSCAPING
- Only up to a maximum of 20% of a landscape may be authorized to depart from code.
- If a large canopy tree will obstruct pedestrian right of way or infrastructure above (power-lines for example), 2 ornamental trees may be substituted per 50 feet of street front.
- Departures must be approved by a director.

An example of a situation where a departure would be appropriate could be in the event that there is a lot of overhanging infrastructure such as telephone wires or streetlights would be negatively impacted by the planting of large canopy trees. Examples can be seen of this in the downtown area where much smaller ornamental trees dot the street scape as opposed to the large canopy trees seen on Wilson Ave.



View of downtown trees at 50 foot spacing during winter.

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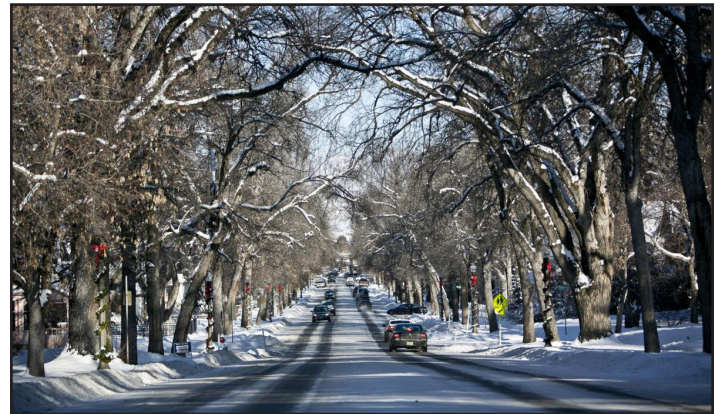
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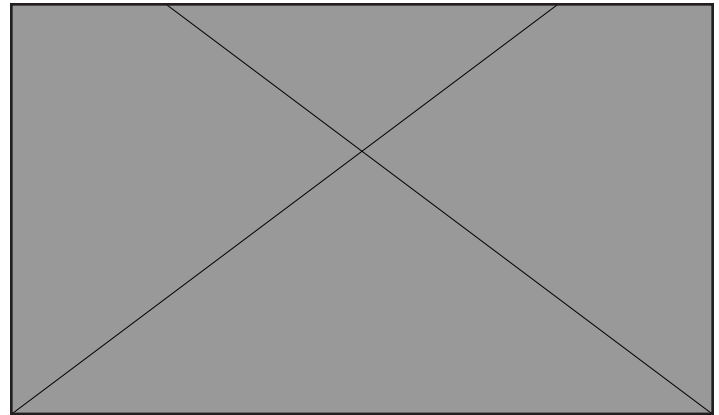
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## Internal Circulation

### Sec. 38.520.040.C.

#### Code Intent

Section 38.520.040.C. - Non-Motorized Circulation and Design intends to improve the pedestrian and bicycling environment and enhance pedestrian and bicycle path access in the Bozeman community. It aims to improve the environment by making it easier, safer, and more comfortable to walk or ride between residences, to businesses, to the street sidewalk, to transit stops, through parking lots, to adjacent properties, and connections throughout the city. In effect, the code intends to make improvements in the Bozeman community in how residents move around when they are not using an automobile as their means of transportation.

#### Cohesion with Bozeman Strategic Plan

The sixth goal of the Bozeman Strategic Plan is a Sustainable Environment, with sub-goal 6.5 addressing Parks, Trails, and Open Space. The Strategic Plan states a desire to, “Support the maintenance and expansion of an interconnected system of parks, trails and open spaces by updating the Parks & Recreation Strategic Plan. It plans to develop the next iteration of the Bozeman Parks & Recreation Strategic Plan (PROST) and use this plan to help inform the other City departmental planning.” Section 38.520.040.C. - Non-Motorized Circulation and Design is cohesive with this component of the Strategic Plan for a number of reasons. Parks and open space in the Bozeman community incorporate non-motorized circulation through the sidewalks, pathways, and trails that run through them, and section 38.520.040.C. aims to improve this environment by making it easier, safer, and more comfortable to walk or ride. It also creates an interconnected system between residences, businesses, the street sidewalk, transit stops, adjacent properties, connections throughout the city and through parking lots. The update in the Parks & Recreation Strategic Plan indicates that pedestrian/cycling infrastructure is desired and Section 38.520.040.C reflects that desire by putting it into code.

#### Cohesion with Bozeman Community Plan

Goal C-2 of the 2009 Bozeman Community Plan: Community Circulation, aims to “create a circulation system both vehicular and pedestrian that is fully connected, integrated, and designed for ease of use.” Section 38.520.040.C. is cohesive with this goal by looking to improve pedestrian and bicycle connections among residences, to businesses, to the street sidewalk, to transit stops, through parking lots, to adjacent properties, and connections throughout the city.

Objective C-2.1 of the 2009 Bozeman Community Plan requires, “adequate and sufficient circulation in all subdivisions and site plans and provides connectivity between developments and major destinations for both the pedestrians and vehicles, including human powered vehicles.” Section 38.520.040.C. reflects the community’s goal of connected pedestrian and human-powered vehicle infrastructure stated in Objective C-2.1.

Objective C-2.3 of the Bozeman Community Plan is to “investigate the expansion of shared use pathways within the City.” and Objective RCC-2.6 aims to “continue coordination with the Montana Department of Transportation so that street construction and maintenance advance the purposes of this plan, support infill and extension of pedestrian and bicycle circulation, and other issues as may be identified.” Both of these goals are supported by Section 38.520.040.C. in its intent to make improvements in the Bozeman community in the alternative options residents have to move around.

Goal C-3 of the Bozeman Community Plan: Neighborhood Design, states that “New neighborhoods shall be pedestrian oriented, contain a variety of housing types and densities, contain parks and other public spaces, have a commercial center and defined boundaries.” with the rationale that, “Good neighborhoods allow choices in housing, recreation, modes of transportation, options for commerce, work, and entertainment while providing a healthy environment and a sense of place and identity that residents can call home.” Section 38.850.040.C. clearly addresses this social goal by mandating that new developments improve the pedestrian and bicycling environment, making them pedestrian oriented and allowing choices in transportation.

## Internal Circulation

### Sec. 38.520.040.C.

#### Requirements

##### Sites with Multiple Buildings

- For sites with multiple buildings, pedestrian paths or walkways connecting businesses and residential entries on the same development site must be provided and routes that minimize walking distances must be used where practical.

##### Sites with Residential Units

- For sites with residential units, direct pedestrian access between all ground-related unit entries and a public street must be provided unless access to a clearly marked pathway network or open space that has direct access to a public street can be provided. Residential developments must provide a pedestrian circulation network that connects all main entrances on the site to other areas of the site. These entrances include parking areas, recreational areas, common outdoor areas, and any pedestrian amenities. For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard.

##### Crosswalk Requirements

- Crosswalks are required when a walkway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt) if they are not painted surfaces.

##### Pedestrian Path Requirements

- Pedestrian paths through parking lots. Developments must provide specially marked or paved sidewalks through parking areas. At least one walkway must be provided every four rows of parking or at a maximum spacing of 200 feet. The pathways must provide a safe connection to the building entrance and meet the pathway design standards set forth in subsection D.

##### Gates and Barriers

- Barriers that limit future pedestrian access are prohibited, but gates that limit access to employees are not.

##### Future Network Expansion

- When adjoining properties are improved, easements for non-motorized access are to be provided to facilitate the future extension of paths.



Commercial Development near North 19th Avenue and Oak Street



Stadium View Apartments



Walmart Parking Lot



## Departure Criteria

### Connection to Adjacent Properties

- Pathways shall be provided that connect to adjacent properties, including parks and trails, but departures are allowed in any of the following circumstances:

a. When adjacent properties are residential developments of fewer than five dwelling units.

Example: No direct route is constructed between the commercial development that includes Albertson's, Rent-A-Center, and Bella Nails and Spa and the adjacent residential properties on South 20th Avenue. Rather, a green chain-link fence and large trees separate the two properties to provide privacy for the residents of South 20th Avenue.

b. Where it is determined that internal connections aren't necessary due to shallow lot depths, steep slopes, or other contextual challenges.

Example: The steep slopes at Bozeman Health Hillcrest Senior Living make it difficult to provide ADA compliant internal circulation from their northeast parking lots to the main entrance of the building. There are not direct ADA compliant pathways between the parking lots and the main building, and a direct path is not provided to walk down the hill to the adjacent Bozeman Health Deaconess Hospital. A trail runs down this hill when snow is not present, but no formal infrastructure is present.

### Direct Routes Between Access Points

- Routes that minimize walking distances must be utilized except where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common usable open space.

Example: An indirect route runs adjacent to College Street between the City Brew Coffee and Verizon Wireless. The route enhances the visual appeal of the multiuse path, where a direct route between the businesses would be a shorter distance but less appealing.



W Koch Street and S. 20th Avenue



Bozeman Health Hillcrest Senior Living Parking Lot



Multiuse Path Adjacent to W College Street

# CODE SECTION REFERENCE: 38.510.030B

## Block Frontage Standards

### Section 38.510.030B

#### Storefront block frontages

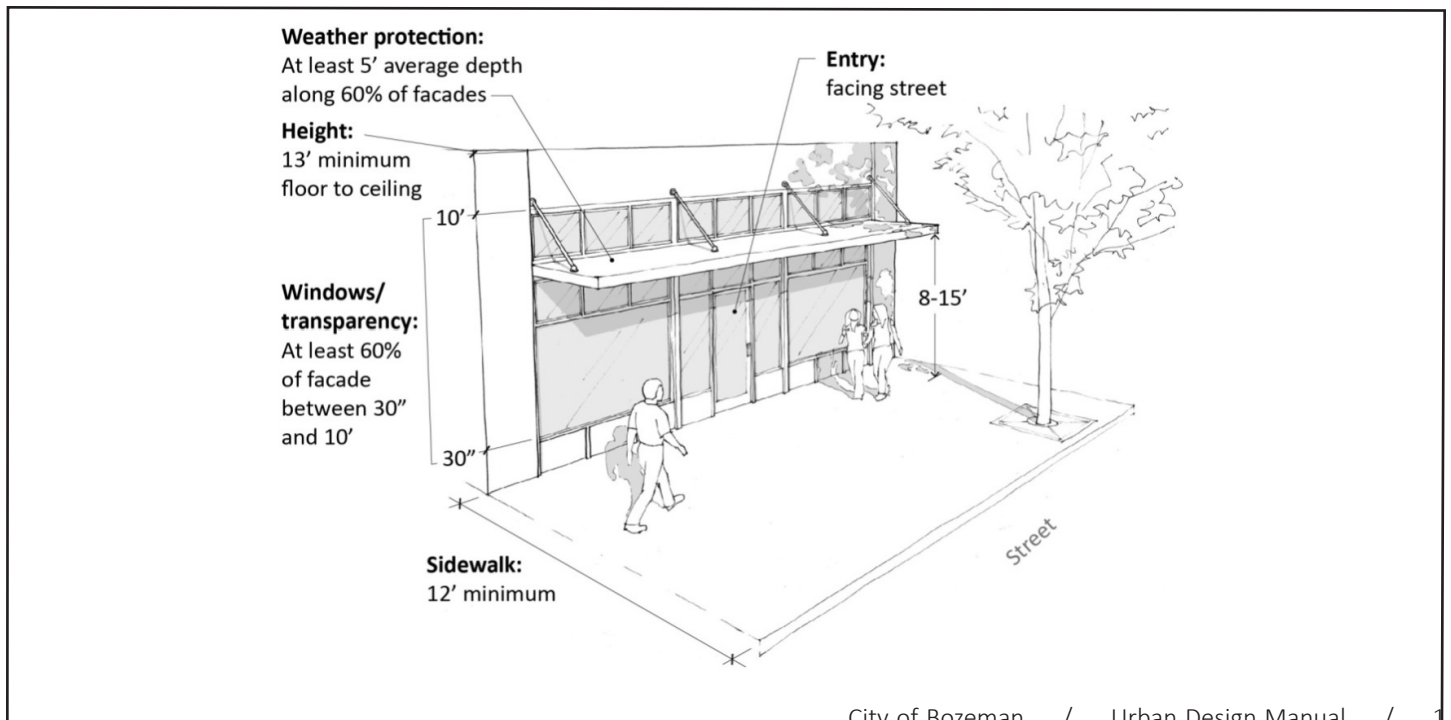
Storefront block frontages are the most vibrant and active shopping and dining areas within the city. Blocks designated as storefront blocks include continuous storefronts placed along the sidewalk edge with small scale shops and/or frequent business entries.

- Storefront Block frontages are extremely important to the economic growth of Bozeman as well as creating a vibrant and original downtown district. In Bozeman's 2019 Community Plan the authors point to Downtown and other urban districts as areas to support urban growth.
- Theme 2, in Bozeman's 2019 Community Plan section 02, states, "Our city is bolstered by Downtown, Midtown, University and other commercial districts and neighborhood centers that are characterized by higher densities and intensities of use." Storefront block frontages play a key role in maintaining a busy and inviting business district. By maintaining the designated business form, we create a comfortable and inviting environment that encourages pedestrian shoppers to move between stores.
- Similar to the 'Community Plan' Bozeman's Strategic plan - formally adopted on April 16, 2018 - section 4. 'A Well Planned City' cites a vibrant Downtown, districts and community centers as essential for Bozeman's growth.

## How Form Influences Social and Economic Actions

The goal of Bozeman's Storefront Block Frontage Standards is to influence the form of retail districts. By developing storefronts in a way that are both similar in form and unique in style we hope to create a diverse and welcoming district. Let's look at Main Street as an example. As a person walks down the street they are able to look into the shops (Facade Transparency), this window-shopping spikes curiosity, which can lead to a higher demand for a good. Higher demand leads to more sales.

As a for the sidewalk people are walking on, the 12' width minimum creates ample room for groups of any size to walk, talk and enjoy the district. These small social interactions are building blocks of a vibrant and tight knit community. As a person walks, they pass inviting doorways that are easily assessable. Street facing entryway requirements create this environment.



## Code Section Standards

**Ground Floor:** Non-residential uses specified in 38.310.040, except for lobbies associated with residential or hotel/motel uses on upper floors.

**Floor to ceiling height:** 13' minimum in all new buildings .

**Non-residential space depth:** 20' minimum in all new buildings.

**Building placement:** Required at front property line/back edge of sidewalk. Additional setbacks are allowed for widened sidewalk or pedestrian-oriented space (38.520.060.D).

**Building entrances:** Must face the street. For corner buildings, entrances may face the street corner.

**Facade transparency:** At least 60% of ground floor between 30" and 10' above the sidewalk for primary facades and 40% of ground floor between 30" and 10' above the sidewalk for secondary facades. Ch38Arrow Display windows may count for up to 50% of the transparency requirement provided they are at least 30" in depth to allow for changeable displays. Tack-on display cases do not qualify as transparent window areas.

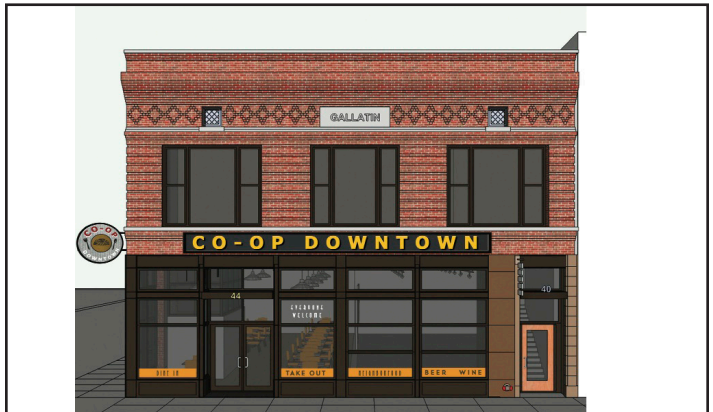
**Weather protection:** Weather protection with 8-15' vertical clearance at least 5' in average depth along at least 60% of façade. Ch38Arrow Retractable awnings may be used to meet these requirements.

**Parking Location:** New surface and structured parking areas (ground floor) must be placed to the side or rear of structures and are limited to 60' of street frontage. Provide a 6' minimum buffer of landscaping between the street and off street parking areas meeting the performance standards of division 38.550.

**Sidewalk Width:** 12 feet minimum between curb edge and storefront (area includes clear/buffer zone with street trees). Ch38Arrow Setbacks and utility easements must also be considered and may result in a larger minimum sidewalk width.



Downtown Bozeman in winter.



[https://www.bozemandailychronicle.com/news/downtown-co-op-expected-to-open-this-week/article\\_55c11d0a-6a16-11e0-a001-001cc4c002e0.html](https://www.bozemandailychronicle.com/news/downtown-co-op-expected-to-open-this-week/article_55c11d0a-6a16-11e0-a001-001cc4c002e0.html)



## Departure Criteria

**Retail space depth:** Reduced depths will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses. See Bozeman's 2019 Downtown Improvement Plan for suggested update on retail space depth, page 10, #9.

**Façade transparency:** The proposed alternative design treatment of façade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. No less than 40 percent of the façade between 30 inches and ten feet above the sidewalk may be approved with a departure

**Weather protection:** Other proposed alternative design treatments must provide equivalent weather protection benefits.

**Parking location:** There must be an acceptable tradeoff in terms of the amount and quality of storefront area that is integrated with the development and the applicable parking location departure. Plus, the alternative must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets.

**Sidewalk width:** Alternative designs may be considered where topographical challenges exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.



## Storefront Block Frontages

### 38.510.030 B

#### Purpose/Intent of Code:

- The city of Bozeman is home to a small, but vibrant downtown area. The spaces on and around Main street hold fantastic dining, shopping, and business centers.
- As Bozeman grows, an increasing number of buildings are appearing in the downtown urban area. Storefront block frontage standards create guidelines that help guide Bozeman's downtown development toward an appealing, vibrant, walkable urban environment.
- Storefront blocks are defined as continuous storefronts placed on the sidewalk edge that contain multiple business entries. These blocks include small shops, offices, and shopping and dining centers.
- Section 38.510.030 B addresses standards for sidewalk width, ground floor land use, ceiling height, building size, parking, weather protection, building entrances, and façade transparency. These standards contribute to Bozeman's physical attractiveness as well as its functionality.

#### Ties to Bozeman Community Plan

- Chapter 2 - Goal DCD-1.1 : Expand multimodal accessibility between districts and throughout the City as a means of promoting personal and environmental health, as well as reducing automobile dependency.
- By effectively placing buildings and storefront sidewalks under the guidelines of this code, walkability will be improved, reducing automobile dependency.
- Chapter 2 - Goal DCD-3.2 : Support higher density development along main corridors and high visibility street corners to accommodate population growth and support businesses.
- The implementation of more storefront block frontages supports a higher density development, as they consist of continuous business entries close together.

- This code can have a great impact on Bozeman's economic, social, and environmental goals.
- The presence of a vibrant, aesthetically pleasing storefront block can potentially have the effect of increased business. By having an active shopping and dining area in the city, this increases the amount of tourism, in turn improving the economy.
- The effective layout of buildings and sidewalks, as standardized in this code, promotes a more walkable storefront block area. This in turn has benefits on both the social aspects of the community as well as environmental.
- A walkable, attractive urban area creates opportunities for community members to interact. It also has the effect of shaping a healthier community by promoting exercise through walking. Both of these things encourage the health of the community and the individual.
- Appealing storefront facades contribute to Bozeman's overall sense of place. More attractive buildings lead to an appealing downtown area.
- Chapter 2 - Goal M-2.5 : Build streets that prioritize the safety of the user.
- A minimum sidewalk width of 12 feet, as well as the protection of parked cars, creates a safe pedestrian environment.
- Chapter 2 - Goal DCD-1.5 : Encourage increased development intensity in commercial centers.
- This code gives the guidelines for development in commercial centers, therefore supporting this aspect of Bozeman's Community Plan.



# BLOCK FRONTAGE STANDARDS SECTION 38.510.030 B

## Storefront Block Frontages

### 38.510.030 B

#### Land use

- Non-residential uses, except for lobbies for apartments and hotels/motels

#### Floor to ceiling height

- 13' minimum (applies to new buildings only)

#### Building depth

- 20' minimum (applies to new buildings only)

#### Building placement

- At front property line or sidewalk edge
- Additional setbacks allowed for widened sidewalk

#### Building entrances

- Must face street
- May face corner on corner stores

#### Facade transparency

- 60% of ground floor between 30" and 10' above the sidewalk must be transparent for primary facades, primarily windows
- 40% of ground floor between 30" and 10' above the sidewalk must be transparent for secondary facades, primarily windows
- Windows may account for 50% of the transparency requirement

#### Weather protection

- 8-15' vertical clearance
- At least 5' in average depth
- Along at least 60% of the facade
- Retractable awnings may be used to meet requirements

#### Parking location

- Ground level parking must be placed behind or to the side of structures, limited to 60' of street frontage
- 6' minimum landscape buffer between parking lot and street parking

#### Sidewalk width

- 12' minimum between curb and storefront
- Setbacks and utility easements must be considered, may result in larger minimum sidewalk width



Consecutive storefronts placed on sidewalk edge



13' minimum ceiling height



12' minimum sidewalk width

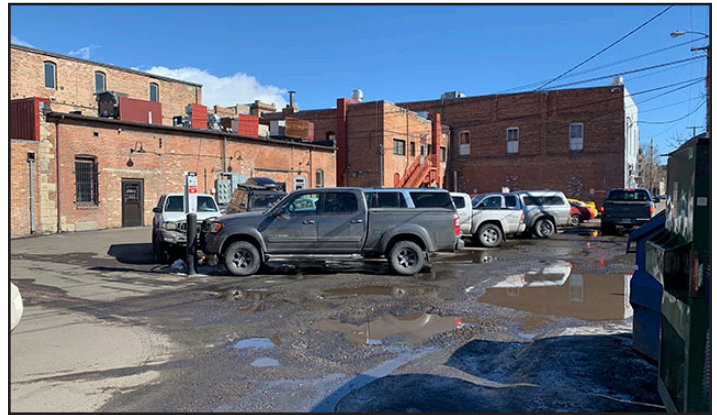
# BLOCK FRONTAGE STANDARDS SECTION 38.510.030 B

## Departure Criteria

- If a specific aspect of the code is unable to be met, applicants are able to apply for a departure, or an alternative design. These alternative designs must meet the purpose of the code standard. Departures are only applicable to the specific standards below.
- Retail space depth: if the required minimum building depth of 20' is unable to be met, an alternate design may be considered. The alternate design must accommodate a variety of retail uses.
- Facade transparency: an alternative facade standard will be permitted if the new design is interesting to viewers and removes some of the impacts of blank wall space. No less than 40% transparency of the facade between 30" and 10' may be approved with the departure.
- Weather protection: an alternate design may be considered, but it must provide the same amount of rain protection.
- Parking location: the alternate design must pose some sort of beneficial trade off, such as increased storefront area or higher quality storefront areas.
- Sidewalk width: if topographical challenges exist, different sidewalk widths may be considered. Alternate designs must accommodate safe and comfortable pedestrian travel.

### Image Sources:

- Halvorson, Cy. "Cateye." 2020. JPEG.
- Halvorson, Cy. "Parking." 2020. JPEG.
- Halvorson, Cy. "Sidewalk." 2020. JPEG.
- Halvorson, Cy. "Storefront Block." 2020. JPEG.
- Halvorson, Cy. "Transparency." 2020. JPEG.
- Halvorson, Cy. "Weather Protection." 2020. JPEG.



Parking behind/to the side of structures



60% transparency for primary facade between 30" and 10'



8'-15' vertical weather protection clearance, along 60% of facade



# Parking Lot Landscaping

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## Code Section 38.550.050

For purposes of defining parking lot landscaping requirements, the term “parking lot” means the area within the perimeter of the paved portion of the parking lot, including drive aisles but not including drive accesses and parking stalls in front of garages where the use of one or more spaces within the garage is assigned to a particular dwelling. What this means is the parking lot is the paved area outside a residential or commercial building, the laws of landscaping do not apply in areas where a parking stall for trucks or cars to pull up to buildings and load or unload anything. An aisle is an area between the parking spaces for vehicles to navigate through the parking area; the laws of landscaping have full effect in these areas. Another area the landscape laws do not have any impact on is inside a building, even if there is parking space available. One other place there is no effect is in parking structures, a parking structure is any structure with multiple floors and has open parking. All surface parking lots on the building site must be landscaped; this is any paved area on the ground level.

All parking lots must be screened to minimize views of parked cars from the public right-of-way by a landscaped treatment along all property lines, which abut the public right-of-way. To meet the screening requirements, the landscape has to reach a minimum of four feet and no higher than six feet. If the landscape hedge is over six feet, it can block traffic view and be dangerous to drivers, especially if next to the public street. Large canopy trees, large non-canopy trees or small trees must be provided in, or within 20 feet of, the parking lot at a minimum average density of:

- (1) One large canopy tree; or
- (2) One large non-canopy tree and one small tree; or
- (3) Three small trees for each nine parking spaces required or provided.

These requirements can be necessary to driver safety as trees can block vision and be dangerous with falling branches. Some other essential constituents include, no parking space shall be located more than 70 feet from the trunk of a tree and no tree shall be planted closer than three feet to the back of the curb or edging equivalent.

Additionally, any parking lot providing 15 or more parking spaces must have a minimum of 20 square feet of landscape area within the parking lot for each off-street parking space. This is beneficial to the environment having a green space within a paved area. It gives places for birds and other animals to live within an urban setting. An essential factor for a suitably functioning parking lot is how it flows; The designated needs to be easy to read for driver and pedestrian safety. This includes well-made aisles and landscape accurately made to scale. The minimum width and length of any parking lot landscaped area is eight feet. No landscape area may be less than two feet wide—this allows for good traffic flow and proper use of space within a lot.



# Parking Lot Landscaping

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## Code Section 38.550.050

Why Should Parking lots be landscaped?

### -Social Impact

Parking lots to many people are considered an eyesour or a wast of space when not in use. It is almost impossible to make a parking lot look aesthetically pleasing when its all asphalt and concrete. When landscaping is implemented into a parking lot, it can make it feel more welcoming. This is good for businesses and the overall looks of a city. Another significant impact landscaping can have socially is blocking views of the parking lot for the people who live next to the lot.



A 4'high landscaped treatment between perimeter trees screens parked cars from the public way.

### -Enviormental Impact

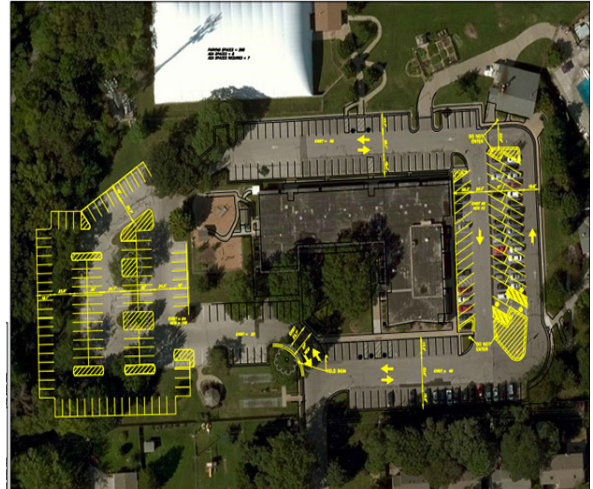
Landscaping can have a very positive impact on the environment. Parking lots will always be a problem for the environment because they take away so much green space and will ever be needed. Having landscape incorporated into the design of a massive block of asphalt can make a significant impact. Landscaping provides more green space, which gives home to animals, flowers to pollinate, and many other ecosystem services.



This is an Exmple of a loading dock where landscape rules would not apply, there is no requirement to have any landscaping in these areas as it could interfear with trucks or cars unloading items.

# Parking Lot Landscaping

Code Section 38.550.050



This is a good example of how a parking should flow in harmony with the landscape.



This is the new parking structure at Montana State , this would be considered an area where landscaping is not required.



This photo follows a good example of only having one large tree canopy per landscape block within a parking lot.



# LANDSCAPING

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## Street frontage landscaping required

### Sec. 38.550.050. - Mandatory landscaping provisions.

- In coordination with Montana Department of Transportation (MDT) a canopy (or regulated piece of agriculture approved by forestry department) must be implemented within 50 feet of total street frontage.

Bozeman's Municode of Sec. 38.550.050 is part of several ways to implement social, ecological, and perhaps economic benefits towards the city. Below are ways in which the code matches the city's plans of creating a healthier living space.

- Street Frontage Landscaping required implements Bozeman's Tier 1 Strategic Plan
  - Planning and Outreach
  - Parks and Trails Outreach
  - Climate Action
- The section uses Bozeman's resources to create a agricultural ecosystem that resonated with the city's efforts to match Goal C-5: Public Landscaping and Architecture Enhance the urban appearance and environment through the use of architectural excellence, landscaping, trees and open space, in Bozeman's Community Plan.
- "Chapter 14: Regional Coordination and Cooperation inerts policy action: Work with the Montana Department of Transportation and Gallatin County to develop coordinated public right-of-way landscaping guidelines, including desired tree and grass species and maintenance, in Bozeman's Community Plan"
  - Action Type: IGC (Intergovernmental Coordination)
  - Priority: 2 (Mid-Term, generally within 3-5 years of plan adoption)

- Section 6 of Bozeman's Strategic Plan,n Sustainable Environment
  - 6.2 Protect Local Air Quality
  - 6.3 Climate Action
  - 6.6 Habitat

On top of Bozeman's Strategic Plan and Community Plan the US Department of Agriculture outlines the "Monitoring and Assessment of Urban Forest and Trees" under the Urban Natural Stewardship. Under the Urban Canopy Tree Assessment, the benefits are

- Shading of the ground to reduce insolation
- Reduction of air pollution
- Enhancement of property values
- Increase wildlife habitat
- Preservation of social and aesthetic values

By administering code: Street frontage landscaping required, Bozeman's citizens adheres to environmental regulations and benefits. An example of benefits could be Bozeman mimicing its scenery to that of Yellowstone National Park to increases tourism.

# LANDSCAPING

## Street frontage landscaping required Sec. 38.550.050. - Mandatory landscaping provisions.

- Exceptions

Located at proposed development sites not used for street pavement, curbs, gutters, sidewalks, or drive aisles.

R-S districts (Residential Suburban Districts).

Zoning ordinances coinciding with other sections of code.

Not dismissed, but less strict

Impractical areas in which it may create inconvenience for citizens.

“Acceptable small ornamental” trees may be placed to combat a standard 50 feet of a large canopy tree.

- Requirements

In order to plant street trees a permit must be purchased from the forestry department.

50 feet of frontage for one large canopy tree or two small canopy trees within 50 feet,

Trees planted must be matched with landscaping services to care for them.

- Conductivity

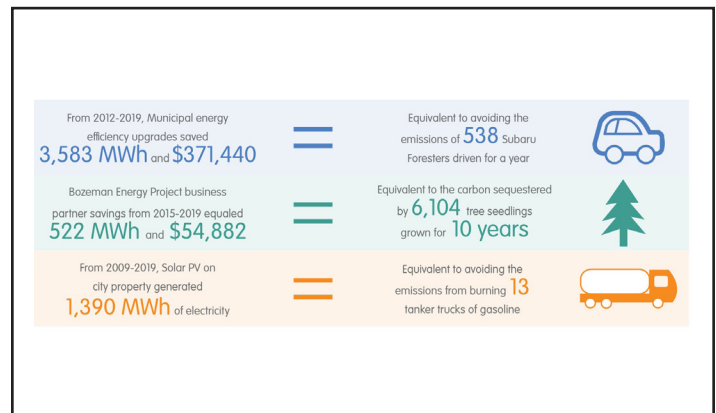
Maintenance is necessary to allow for proper growth of forestry

Bozeman is located in 3b,4a, and 4b hardiness zones

Bozeman’s soil/precipitation is optimal for sustainable growth

Property damage from forestry is the conflict of the property owner

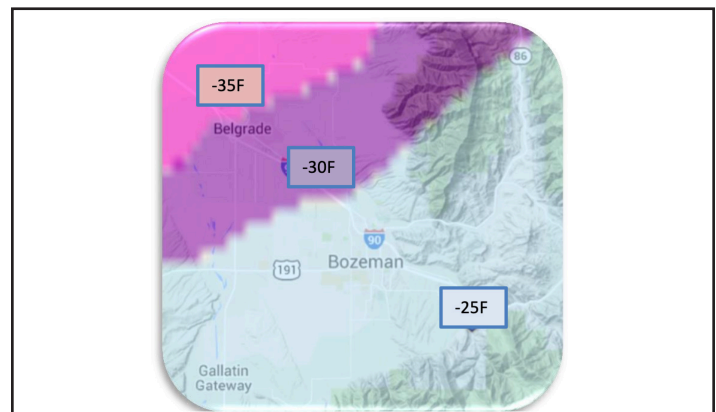
Death of forestry is to be replaced and cared for



Bozeman’s reduction in emissions throughout the years  
Photo attained from Bozeman Strategic Plan



Canopy trees on W Babcock St  
Photo attained from Tucker Hoefler



Plant Hardiness Zone Map  
Photo attained from US Department of Agriculture



# LANDSCAPING

## Departure Criteria

- For Section 38.550.050 to perform code departure it must be processed by the standard departure code.
- In order for the code departure, a new plan will have to be put in place, that will produce a greater “environment, landscape quality and character” than the previous code.
- No more than 20% of departures can be made to fix current landscape designs.

## Specifications of Departure

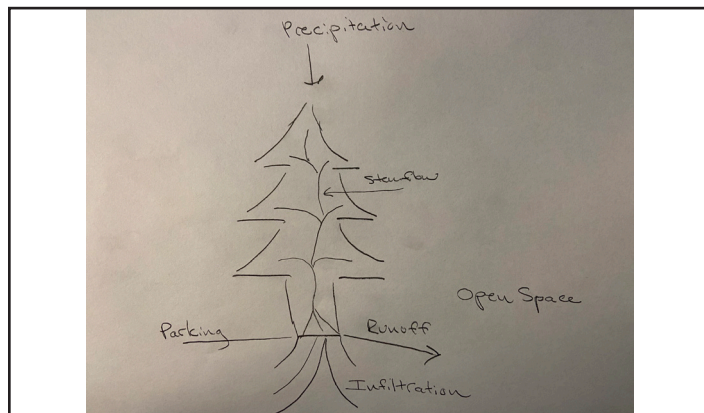
Sec. 38.550.050 rely on the the exceptions, requirements, conductivity of the design manual. As accomplish the purpose and intent of the landscaping division

Improve environmental and sustainable aspects to Bozeman’s agriculture ie. water quality, manage insolation

Intently divide land use

Improve social aspects and beautification ie block wind

Retains aesthetic values



Importance of canopy relations to water runoff  
Figure attained from Tucker Hoefler



Canopy trees Starbucks parking area on W Main St  
Photo attained from Tucker Hoefler



Tree failure resulting in replacement near urban area  
Photo attained from US Department of Agriculture

# CODE SECTION REFERENCE - 38.520.040C

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## Internal Circulation

### 38.520.040C

In order to insure the safety and convenience of pedestrians and bicyclers, this code focuses on access to sidewalks, residential pathways, parking lots, businesses, adjacent properties and trail systems. The cities goal is to adiquately address building requirements of walkways in not only in the areas of growth, but existing walks to meet with the growing demands of an urban area and sustaning Bozeman’s natural spaces.

### Community Plan (Draft)

Under currently proposed Community plan, the first Theme is a City of neighborhoods. This refers to a diverse amount of mix of housing, needed services, and opportunities within close proximity of each other. Having commutable neighborhoods helps promote a vibrant community that can interact with each other easily and safely.

**N-1.5 Encourage neighborhood focal point development with functions, activities, and facilities that can be sustained over time. Maintain standards for placement of community focal points and services within new development.**

**N-1.7 Install, replace, and maintain missing or damaged sidewalks, trails, and shared use paths.**

**N-1.8 Ensure multimodal connections between adjacent developments**

**N-1.9 Increase connectivity between parks and neighborhoods through continued trail and sidewalk development. Prioritize closing gaps within the network.**

### Strategic Plan

**4.3 -Strategic Infrastructure Choices** Another factor to take into consideration is the beginning Bozeman becoming a metropolitan area after the 2020 Cencus and will fall under the statutes and funding set in place by The Federal Highway Act of 1962. Prioritizing long-term investment and maintance of walkways that prepare us for mandates in becoming a Metropolitan Planning Organization(MPO).

# CODE SECTION REFERENCE - 38.520.040C

## Internal Circulation

### BMC Code Section

1. For sites with multiple buildings, pedestrian paths or walkways connecting businesses and residential entries on the same development site must be provided. Routes that minimize walking distances must be utilized to the extent practical. Departures will be allowed where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common usable open space. See subsection D below for walkway design standards.

2. Sites with residential units. Provide direct pedestrian access between all ground related unit entries and a public street or to a clearly marked pathway network or open space that has direct access to a public street. Residential developments must provide a pedestrian circulation network that connects all main entrances on the site to other areas of the site, such as:

- a. Parking areas
- b. Recreational areas
- c. Common outdoor areas
- d. Any pedestrian amenities;

For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard.

3. Crosswalks are required when a walkway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt), excluding painted surfaces.

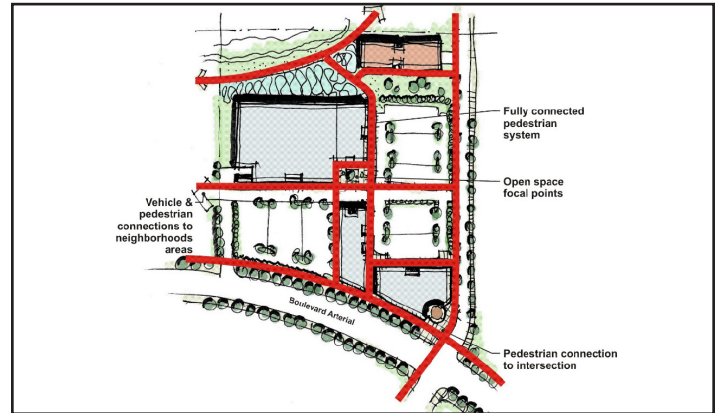


Figure 38.520.040.C.1. Internal and external pedestrian connections are important. Photo Source: City of Bozeman



Figure 38.520.040.C.2.a. Direct pathways between the street and dwelling units are required. Photo Source: City of Bozeman



Further Example of a direct pathway and differing material for crosswalk. Although the garage of this home faces a backstreet, here you can see a backyard that is directly connected to the street for better access of the park. Photo Source: Alec Humphries



# CODE SECTION REFERENCE - 38.520.040C

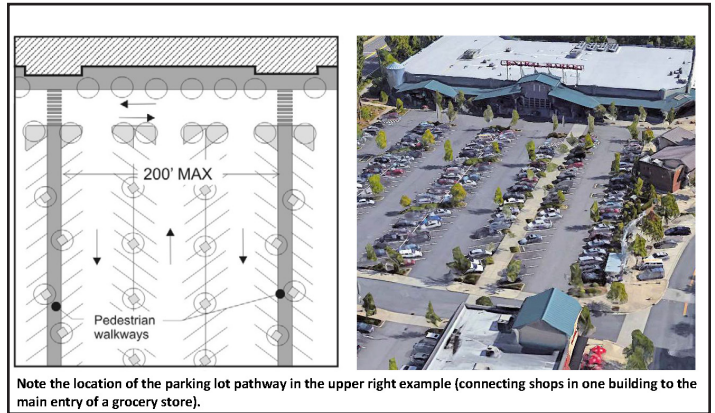
## Internal Circulation

### BMC Code Section

4. Pedestrian paths through parking lots. Developments must provide specially marked or paved sidewalks through parking areas. At least one walkway must be provided every four rows of parking or at a maximum spacing of 200 feet. The pathways must provide a safe connection to the building entrance and meet the pathway design standards set forth in subsection D of 38.520.040. See examples below.

### PARTS 5,6 ON NEXT PAGE.

7. Provide easements for non-motorized access to facilitate the future extension of paths when adjoining properties are improved.



Note the location of the parking lot pathway in the upper right example (connecting shops in one building to the main entry of a grocery store).

Figure 38.520.040.C.4. Parking area pathway standards and examples Photo Source: City of Bozeman



In this parking lot, they built a walkway from the entrance to back of the parking lot in order to create a safe place to walk. Photo Source: Alec Humphries

# CODE SECTION REFERENCE - 38.520.040C

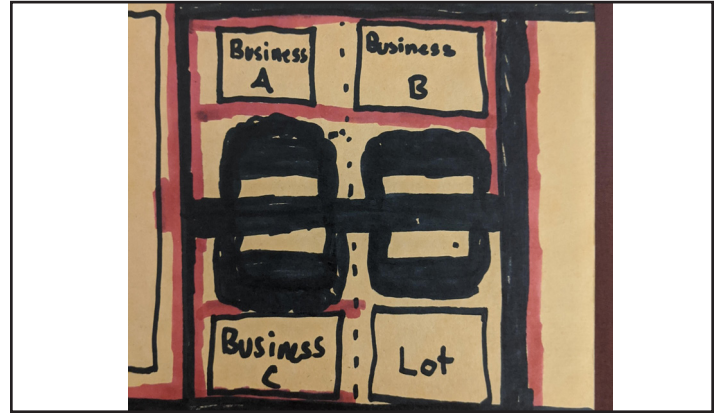
## Departure Criteria

5.Connections to adjacent properties (including parks and trails). Provide pathways that connect to adjacent properties, except in one of the following circumstances:

**a.When adjacent properties are residential developments of fewer than five dwelling units.**

**b.Departures are permitted where it is determined that internal connections aren't necessary due to shallow lot depths, steep slopes, or other contextual challenges.**

6.Barriers that limit future pedestrian access are prohibited. Gates that limit access to employees are permitted. See subsection D below for walkway design standards.



This Diagram has red lines representing walkways while black represents adjacent roads. Developer of the empty lot must connect with the sidewalks created by business C. Photo Credit:Alec H.

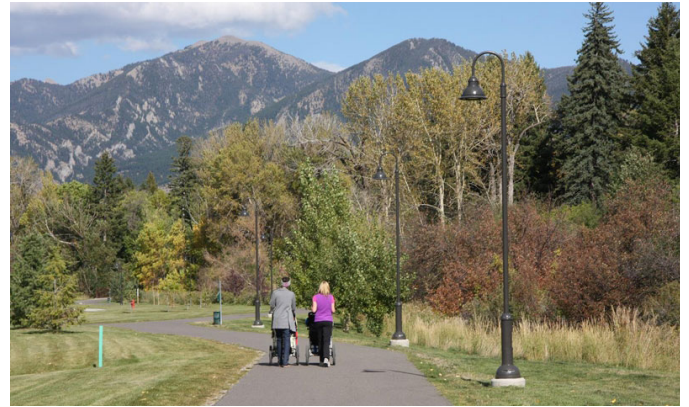
Code Section: 38.520.040

## Non-motorized circulation and design

### Item C: **Internal Circulation**

One of the nicest things about spending time in a city is the ability to travel from place to place safely and conveniently, without the use of a motorized vehicle. Cities and condensed urban areas are intended to be efficient and enjoyable, which is what implementing proper internal circulation is so important. According to the City of Bozeman Municipal code, the intent of internal circulation is to provide strategic placing of non-vehicular pathways between various locations, such as store fronts, businesses, parks, residences, parking lots, and more. In addition to serving this fundamental purpose, thoughtful internal circulation can enhance the social environment of an urban area, and create an enjoyable atmosphere people will want to be a part of.

Chapter 4 of Bozeman's Community Plan, **Community Quality**, largely reflects their intent for internal circulation. Goal C-2 emphasises the importance of an integrated circulation system that is easy to use. Goal C-3 emphasises the importance of pedestrian oriented neighborhoods with access to public spaces. Goal C-5 emphasises the implementation of natural elements in landscaping and architecture, to create plazas and other social places people will feel comfortable in. Chapter 11, **Transportation**, also emphasises the importance of an integrated transportation system to provide access to various areas around the city.



Main Street to Mountains - *Natural/ Urban Interface*



Cateye Café - *Plaza / Common Area*



Music on main - *Social Environment*



## Code Section: 38.520.040 C Internal circulation.

1. For sites with multiple buildings, pedestrian paths or walkways connecting businesses and residential entries on the same development site must be provided. Routes that minimize walking distances must be utilized to the extent practical. Departures will be allowed where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common usable open space. See subsection D below for walkway design standards.

2. Sites with residential units. Provide direct pedestrian access between all ground related unit entries and a public street or to a clearly marked pathway network or open space that has direct access to a public street. Residential developments must provide a pedestrian circulation network that connects all main entrances on the site to other areas of the site, such as:

- Parking areas
- Recreational areas;
- Common outdoor areas; and
- Any pedestrian amenities;

For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard.

3. Crosswalks are required when a walkway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt), excluding painted surfaces.

4. Pedestrian paths through parking lots. Developments must provide specially marked or paved sidewalks through parking areas. At least one walkway must be provided every four rows of parking or at a maximum spacing of 200 feet. The pathways must provide a safe connection to the building entrance and meet the pathway design standards set forth in subsection D below. See examples below.

5. Connections to adjacent properties (including parks and trails). Provide pathways that connect to adjacent properties, except in one of the following circumstances:

- When adjacent properties are residential developments of fewer than five dwelling units.
- Departures are permitted where it is determined that internal connections aren't necessary due to shallow lot depths, steep slopes, or other contextual challenges.

6. Barriers that limit future pedestrian access are prohibited. Gates that limit access to employees are permitted. See subsection D below for walkway design standards.

7. Provide easements for non-motorized access to facilitate the future extension of paths when adjoining properties are improved.



Church Street, Burlington VT - *Street Access to businesses/  
Social Environment*

## DEPARTURES

- Indirect pathway connection between buildings or other locations within concentrated sites will be allowed if it **enhances the design** of the area, or if there is an obstruction such as a steep slope.
- Indirect pathway connection may also be disregarded if there are shallow lot depths or other **contextual challenges**.

## Landscaped block frontages

### Section 38.510.030 C

There are six designated block frontage types outlined in Bozeman's Code of Ordinances [1], one of which is landscaped.

The landscaped block frontage designation is focused on the connection between buildings and the sidewalk in both new and existing streets in residential areas, as well as some commercial and mixed-used zone areas.

The key standards of a landscaped block frontage are as follows:

- weather protection over entry
- entry is street-facing and visible from the sidewalk
- special facade transparency requirements
- landscaped set-back of a 10' minimum

The intent of this code is to retain an element of homogeneity in Bozeman's residential areas, whilst still allowing freedom for homeowners to design their own property. Features such as a street facing entryway, and a minimum window requirement can make both residents and visitors feel safe in a neighbourhood, and promote sense of community.

These ideas reflect those of Jane Jacobs, who believed that buildings should be orientated towards the street in a way that encourages people to look out into the street and become immersed in 'sidewalk culture'. [2]

## Bozeman's Community Plan

Bozeman's Community Plan [3] exists to guide future growth and development within the city as far as land use and the community. A key element of the plan is working with members of the community in order to create a 'shared vision' for planners, residents and business-owners alike.

One of the aspects of the plan is the development of neighbourhoods, in order to create 'small towns within the city'. This idea is described in the plan as 'Theme 1: A City of Neighbourhoods'. Improving the landscape of block frontages can not only make them more aesthetically pleasing to a passerby, but by creating standards for these frontages, there can be an increased sense of

homogeneity and togetherness which helps build on communities within neighbourhoods.

By regulating the entryways to buildings and their proximity and spatial relation to the sidewalk, the Landscape block frontage code also helps reach another key principle of the Community Plan which is sense of place. Setting guidelines on the relation between both new and existing buildings, and the sidewalk, helps citizens know where they are. Landscaping can also provide individuals with their own, personal landmarks, which helps individuals anchor themselves to a place and orientate themselves within it.

Additionally, in the 'Community Desires' section of the drafted community plan for 2020 [4], it is stated how citizens who took part in the creation of the plan stated a desire for 'safe and accessible' streets and neighbourhoods. By focusing on the individual buildings on streets and making them look more homogenous, there is progress towards achieving this goal.

However, buildings and their orientation can only go part-way towards reaching an improved sense of community and a safe neighbourhood. Further solutions not only include other building codes outlined in chapter 38 of Bozeman's Code of Ordinances, but also other codes such as those regulating amusement and entertainment. Community outreach initiatives such as town meetings and organised activities for multiple groups will also help to increase the 'sense of place' experienced by each citizen.

Despite the code highlighting the need for a 'complete community' with homogenous features to make neighbourhoods more accessible, chapter 2 of the 2020 community plan draft also highlights the idea that diversity within neighbourhoods is still imperative in order to ensure that each citizen's needs are fulfilled. This includes various sizes of house, including features for disabilities, and creating housing options at various price ranges.

[1] Order of the City Commission (2020). Bozeman, Montana - Code of Ordinances

[2] Jacobs, J. (1961). The Death and Life of Great American Cities. Vintage

[3] Order of the City Commission (2009). Bozeman's Community Plan

[4] Order of the City Commission (2020). Bozeman's Community Plan (Draft)

## Landscaped block frontages

### Section 38.510.030 C

#### Bozeman's Strategic Plan

Bozeman's Strategic Plan [5] was adopted on April 16th, 2018, with one of the 'Tier 1' priorities for 2020 listed as Planning and Land Use.

The Strategic Plan has set goals on achieving a safe, welcoming community, with an engaged community. As mentioned earlier in Jane Jacobs [2] ideas on communities within cities, one of the key elements to making a street safe is making sure there are people on it. The city's building code on landscape block frontages reflects this idea as it is about making every building feel like part of the street, and creating a blend between the sidewalk and building frontages rather than isolating one from the other.

Additionally, the Strategic Plan aims for a 'well-planned city', that is liveable, affordable and connected. Section 38.510.030 C improves the liveability of the city as the increased visibility of building entryways can improve the accessibility of a building and make it seem more approachable. Furthermore, by having requirements on the transition between the building entrance and the sidewalk you are also increasing the connectivity of the street.

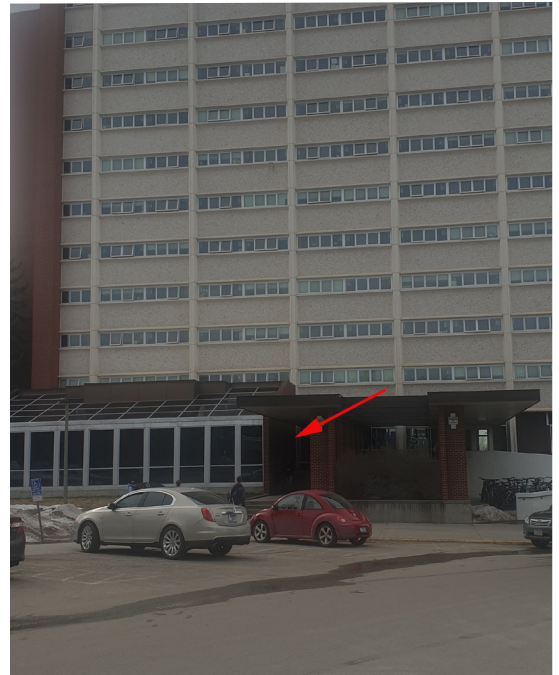
Transparency requirements on block frontages also make the building more accessible as it can make people feel safer, and also allows people to get a view inside the building and (if it is for commercial use) at what the building is selling/ used for, before they enter.

The two main actions of the strategic plan that are reflected in this code are number 3: A Safe, Welcoming Community, and number 4: A Well-Planned City. According to The City Commission, the former is 34% complete, and the second is 41% complete. With the amendments to the Code of Ordinances, further progress will hopefully be made.

[5] Bozeman City Commission (2018). Bozeman's Strategic Plan.



Order of the City Commission [5]. 'image displaying the key standards of a landscaped block frontage'. 2020. PNG



Lewis, Jessica. "Front of North Hedges accommodation block on Montana State University campus. The red arrow points to the main entryway, which is street facing and mostly visible from the sidewalk - although it could be argued that the weather protection somewhat blocks the view of the entryway. Additionally, there is a landscape setback in the form of patches of grass." 2020. JPEG



## Departure Criteria

Some buildings may have flexibility regarding the previously mentioned standards of the code in the following circumstances [1]:

1. The block frontage may face a busy road or steep slope, making it impractical for the netryway to be facing the main street.
2. There is an alternative deisgn proposed for the block frontage that wll provide a similar level of visual interest to the pedestrian, such as an art piece. This design must cover no less than 40% of the facade between 30 inches and ten feet of the sidewalk in order to be approved for departure from the code, and only applies in the place of ground-level windows.
3. For commercial areas (storefront) there may be a trade off between parking location and the block frontage landscaping. If there is an abundance of parking outside a storefront, then the landscaping will have to mitigate for this.

The first departure criteria allows for the varying topogra-phy of Bozeman, as many urban neighbourhoods will re-quire slightly adapted buildings and features that do not fit with the homogenous intent of this code. For example, a house on a steep slope may require a side-facing door with steps as opposed to one facing the street. In order to accomodate for this and keep the building accessible and approachable to passerbys, it may be necessary to mitigate for this on the front of the buidling, possibly by increasing the area taken up by windows, or adding alter-native design features such as vegetation.

An additional situation where street-facing entrances may not be ideal is on the university campus. for exam-ple, the main entrance for my residence block, Madison Hall, faces away from the street and into a courtyard-type area. This can not improve residents' sense of safety whilst on campus, but also help build the on-campus communi-ty by having accomodation blocks facing a central, public area.

Overall, this code will likely influence the social develop-ment goals of Bozeman's Community Plan by improving the homogeneity of neighbourhoods, and therefore increasing the sense of saftey and 'togetherness' felt by both residents and visitors.



Lewis, Jessica. "Front blockage of Madison Hall accomo-dation on Montana State Univeristy campus, with red arrows indicating the main 2 entryways, both covered in weather protection, with more than the minimum requiredlandscaped setback." 2020. JPEG.



Lewis, Jessica. "Northwaters' courtyard area on Montana State Univeristy campus. This image gives an example of a departure from the Landscaped block frontages code in the Code of Ordinances [1]. 3 of the 4 accomodation buildings in this courtyard having their main entryway facing inwards, towards the courtyard. This deviation from the code allows for a larger sense of place within the college campus community itself, as it encourages residents to spend time in the courtyard and interact." 2020. JPEG

## Site Planning and Design Elements Sec. 38.520.060. D. - On-site residential and commercial open space.

**Purpose:** The purpose of this code is to provide appealing spaces for residents and shoppers to use along pedestrian routes. These attractive open spaces serve a number of functions:

- They enhance the public's activities, such as shopping, dining, resting, and recreation by providing an aesthetic and friendly pedestrian environment.
- Promoting foot travel by providing aesthetic and functional improvements to a pedestrian's path
- Enriching the character of the city via thoughtful and artistic plaza's that break up monotonous building facades
- Provides for pedestrians' comfortable enjoyment of outdoor spaces near commercial and residential spaces. This code prevents public spaces from being populated with "eyesores", such as trash areas, blank walls, asphalt walkways, and chain link fences.

**Goals of Sustainability:** This code promotes foot travel in the community by providing inviting and desirable pedestrian features. Foot travel is a more sustainable form of transportation and spaces that encourage it create a greener and more connected city.

- Seating, access, lighting, and visually interesting landscaping all serve to accommodate for comfortable and enjoyable foot-travel.
- This code provides citizens an attractive alternative to automobile travel. Reducing carbon emissions from vehicles help keep the air and city cleaner, improving overall community quality.

### How does this align with Bozeman's Community Plan?

The following are excerpts from the Bozeman Community Plan along with information of how code Sec. 38.520.060. D aligns with various goals proposed.

#### Chapter 3: Land Use

*Objective LU-3.3:* "Encourage a traditional mix of diverse commercial and residential uses within the downtown to instill an active atmosphere and twenty-four hour presence."

- Attractive pedestrian spaces accommodate for use at all hours of the day via friendly and safe lighting requirements and positioning adjacent to highly trafficked areas.

*Objective LU-4.6:* "All mixed use areas should be developed on a grid of connectivity, including streets, alleys, driveways, and parking areas that contain multimodal facilities and a high level of connectivity to adjacent development. Shared use, underground, or other structured parking is recommended to reduce surface parking area."

- By ensuring both residential and commercial spaces appeal to pedestrian use, the code creates a fluid path of travel and use throughout the city regardless of site zoning.

"Non-residential spaces should provide an interesting pedestrian experience with quality urban design for buildings, sites, and open spaces." (Land Use, page 3-11)

#### Chapter 4: Community Quality

*Goal C-2:* providing connected vehicular and pedestrian modes of transportations.

- A well designed pedestrian environment ensures maximum use of walkable places by pedestrians.
- Pedestrian areas must be visually adjacent to streets and well traveled pedestrian areas, ensuring a connected flow of pedestrian amenities along commonly traveled paths. By making all development sites attractive to pedestrians, the code creates a smooth, uninterrupted pedestrian path across the city.

#### Chapter 10: Parks, Recreation, Open Space & Trails

*Goal R-3:* Promote business growth and economic development.

- By making store frontages attractive to pedestrians, economic activity is promoted via increased foot travel near those spaces as a result of increased pedestrian amenities. As more sites develop and pedestrian amenities increase, commercial areas will ideally see an increased flow of pedestrians and therefore customers.
- Commercial sites benefit from pedestrian amenities by creating a uniqueness and diversity of use on their site which can increase foot traffic in front of the store frontage. Large transparent windows as required increase the effect of advertisement as pedestrians are more likely to linger near the storefront and possibly enter the establishment.

# CH. 38 ARTICLE 5. - PROJECT DESIGN

## Site Planning and Design Elements

### Sec. 38.520.060. D. - On-site residential and commercial open space.

#### Pedestrian-oriented open space design criteria.

1. Required pedestrian-oriented open space features.
  - a. Visual and pedestrian access into the site from a street, private access road, or non-vehicular courtyard;
  - b. Paved walking surfaces of either concrete or approved unit paving;
  - c. Lighting must conform to division 38.570;
  - d. The spaces must be located in or adjacent to areas with significant pedestrian traffic to provide interest and security, such as adjacent to or visible from a building entry;
  - e. At least two feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space;
  - f. Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, raised planters, and/or potted plants.
2. Desirable pedestrian-oriented open space features:
  - a. Pedestrian amenities, such as site furniture, artwork, drinking fountains, shade structures or other similar features;
  - b. Adjacent buildings with transparent windows and doors covering at least 50 percent of the façade between 30 inches and ten feet above the ground level;
  - c. Pedestrian weather protection, alcoves, seating, or other features along building edges to allow for outdoor gathering.
3. Features prohibited within a pedestrian-oriented open space:
  - a. Asphalt pavement;
  - b. Adjacent service areas (e.g., trash areas) that are not separated with landscaping, as required in section 38.520.070.
  - c. Adjacent chain-link fences;
  - d. Adjacent “blank walls” without “blank wall treatment” (see 38.530.070.C);
  - e. Outdoor storage.

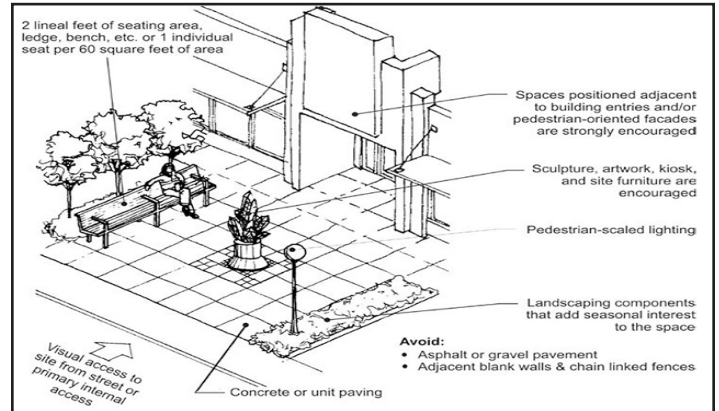


Diagram of appropriate pedestrian fixtures.



A good example of pedestrian seating, alcove, and decorated wall.



An example of landscaping that adds visual interest to the site.



# CH. 38 ARTICLE 5. - PROJECT DESIGN

## Departure Criteria

Sometimes a developer's site can not meet the exact requirements of the code. Departures may be granted if the site can fit the desired character stated in the codes intent; or if lacking criteria are compensated for with appropriately fitting substitution. Sec 38.520.060. D does not state any specific departures, however some possibilities for departure may include, but are not limited to, the following:

- Reductions in pedestrian seating could be considered if the space fits the desired character of the code and still provides an accommodating pedestrian environment. This could be achieved via an increased amount of other pedestrian amenities such as: artwork, drinking fountains, shade structures or other similar features.
- Reductions in window space on the building facade (< 50% coverage) may be considered if the wall space is decorated with a mural, painting, wall texture/ sculpture, landscaping, poster board etc. that provides an aesthetically pleasing wall space.
- Service areas (e.g, trash areas) that are not separated with landscaping may be allowed if they are hidden from view of the main pedestrian area/plaza.



An example of how lacking pedestrian amenities may be compensated for with a mural.



Note the large windows, shade structure, and mural painted on the blank wall.



Though this space has a blank wall portion and windows below 30in above the ground, seating and adjacency to traveled areas make this a desirable pedestrian space.

# LANDSCAPING

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## Street Frontage Landscaping Required

Section 38.550.050 E

### Intent of Code:

- To enhance and preserve the beauty of Bozeman street frontages
- To create a constant for landscaping amongst Bozeman street frontages
- To allow for air purification, groundwater recharge, and oxygen regeneration
- To conserve energy by allowing for wind breaks, shade and temperature moderation.
- To encourage a pleasant and safe environment for the citizens of Bozeman
- To enhance the appearance of entry ways into the city by providing high quality landscaping that compliments architecture

### Community Plans:

- Goal EPO-3.3** of Bozeman’s community plan mentions the support of use of native plants in landscaping and water reuse systems. These native plants in use are those approved by the forestry department.
- Goal EPO-4** of the Bozeman Community Plan calls to promote uses of the natural environment that maintain and improve habitat, water quantity, and water quality. Trees provide all three of the listed above.

### Other Relevant Plans include:

Community Climate Action-2011  
Urban Forestry Management Plans-2016  
Downtown Improvement Plan- 2019

### Influence on Environmental Goals:

- Planting trees can offer some control over the microclimate of Bozeman.
- The addition of trees to street frontages provide:
  - Oxygen purification
  - Windbreaks
  - Groundwater recharge
  - Temperature modification

### Influence on Social Goals:

- Provides shade and shelter for social gatherings
- Offers a sense of security to the people of Bozeman
- Enhances city beautification efforts
- Provides a sense of safety in walkability from large canopy trees
- Encourages Bozeman’s sense of place



# LANDSCAPING

## Street Frontage Landscaping required Section 38.550.050 E

Section 38.550.050 E focuses on Landscaping for street frontages. Public right-of-ways and types of trees allowed to be planted are the main focus of this section of Bozeman's Municipal Code.

1. Every street right-of-way that isn't being used for street pavement, curbs, gutters, sidewalks or drive aisles must be landscaped and must include one large canopy tree for each 50 feet of total street frontage rounded to the nearest whole number. Conflicts with other codes may result in a relaxed standard for this code to enhance balance in public interest.

A. Acceptable large canopy shade trees for use in public right-of-way are those accepted by the forestry department. Street trees must meet arboriculture specifications and standards of Chapter 16, Article V div. 3.

B. Prior to planning trees, a permit from the forestry department is necessary.

2. Where it may be difficult or impractical to plant a large canopy tree within the public right-of-way (Due to the presence of overhead power lines) the requirement for one large canopy tree for each 50 feet of street frontage may be substituted with two smaller, ornamental trees ever 50 feet of total street frontage. Acceptable small ornamental trees for use in public right of ways are those accepted by the forestry department.



The photo above shows public street right-of-ways that are referred to throughout the street frontage landscaping required code. The area pointed out in red shows the right-of-way.



This photo depicts the first code requirement. As you can see, there are four large canopy trees, evenly spaced, providing shade and security.



This picture displays the second part to the street frontage landscaping code. Smaller ornamental trees are placed here because it may be difficult or impractical to place larger canopy trees under obstructions such as powerlines.



# LANDSCAPING

## Street Frontage Landscaping required

3. The minimum quantity of trees and other landscaping required and provided in the public right of way must be designed to complement on-site landscaping and to enhance the proposed development project and streetscape.

4. Montana Department of Transportation (MDT) review and approval of street frontage landscaping for areas of a project included within or adjacent to right-of-ways subject to MDT jurisdiction must be demonstrated at time of landscape plan submission to the city.

## Departure Criteria:

A. To achieve the best looking landscape for an individual site or collection of sites, it may be necessary to depart from the strict application of landscaping requirements. Applications for such departure must be processed per section 38.250.060.

B. The application for said departure must also include written and graphic material sufficient to illustrate the conditions that the modified standards will produce so that review authority can determine the departure will provide an environment, landscape quality, and character superior to that of existing standards and will be consistent with the intent and purpose of this division 38.550. Upon such findings, review authority may authorize departments of up to 20 percent from landscape design standards contained herein.



This picture depicts how the addition of trees contributes to the improvement and beautification of Downtown Bozeman.



Above shows two smaller ornamental trees within the 50 feet scale.



Above is a picture of Bozeman's downtown area with a view of our beloved Bridger mountains. This should help give a sense of place and prove the importance of keeping our city beautiful while making improvements where we can.

## 38.550.070

### Introduction:

Development can have a negative impact on the environment, from the displacement of species/animals to increased erosion from modification of the site. Preservation and continual enhancement of Bozeman's open spaces and surrounding mountains.

The city recognizes that this section of the code is primarily for public health and safety, but also for beautification. The code provides the needed guidelines for landscaping that will:

- Lower water use,
- Provide shade/habitat,
- Reduce the spread of invasive species,
- Enhance the overall beauty of the city,
- Provide a safe environment for pedestrians.

This section of the code influences social, economic and environmental goals. Parks and other public areas are a social good, they have a positive impact on the community by encouraging people to spend time outside in the community, and tourism contributes to the economy when people come to visit Bozeman and enjoy the natural beauty around them. With all the development occurring in Bozeman, it is imperative that a code like this exists, so developers don't leave sites unfinished, and so that open spaces and parks are maintained for the public to enjoy. The code fits in with Bozeman's strategic plan, specifically chapters 1, 3,4 and 6. The strategic plan calls for:

- 1: Engaged Community,
- 3: Safe, welcoming community,
- 4: Well planned city,
- 6: Environmental sustainability.

Ensuring the wellbeing of the environment while providing guidelines to developers, and ensuring that Bozeman's parks, open spaces and trails remain accessible and maintained for all in the community, and ensuring economic development and growth continue in a sustainable way.

# DEPARTURE CRITERIA

Sec. 38.550.080: Departure from Landscape requirements

The Bozeman Municipal code has relatively strict requirements for landscaping, however there are instances when developers can depart from the code. A written application is required. The application will be reviewed, and if approved, departures of up to 20 percent from the standard will be allowed.

The intent of this code is to outline the process for developers/individuals if they need to develop/install landscaping that does not meet the code. Having a code like this simplifies and makes the process of changes fairer for all parties involved, and allows the city to reject some proposed substitutions.

Sec. 38.550.050 provides mandatory provisions for all landscaping. One provision, M, sets the minimum open space required in a planned unit development space. Developments must meet or exceed landscape requirements unless given an exception. This code is associated with a table, and developers must include three items





# LANDSCAPING OF PUBLIC LANDS

## Code Section Title

### BMC Code Section

### 38.550.070

This code is broken down into three sections, A, B and C. Section A covers city parks and rights-of-ways, section B covers maintenance, and section C covers state rights-of-ways.

(A) Before planting trees, obtain permit(s) from city of Bozeman forestry department, and any grass seed planted in these areas must be drought tolerant. During initial development, developers must install vegetative ground cover, trees along boulevards and a working irrigation system that uses a well. Before landscaping city parks/rights-of-ways, developers must submit plan to city facility manager for review and approval. Finally, when individual parcels are developed by their respective owners, they must landscape and plant trees within the public right-of-way and provide irrigation that meets code 38.550.050 E1.

(B) Except for tree trimming/removal, landscaping maintenance is the responsibility of adjacent property owners. In newly developed areas, developers are responsible for upkeep of landscaping/irrigation until 50 percent of lots are sold, at which point responsibility is transferred to the property owner's association. Per city approval, improvement districts can be established, and fees collected. The city of Bozeman will be responsible for the upkeep of all landscaping in public parks, rights-of-way, or other public lands.

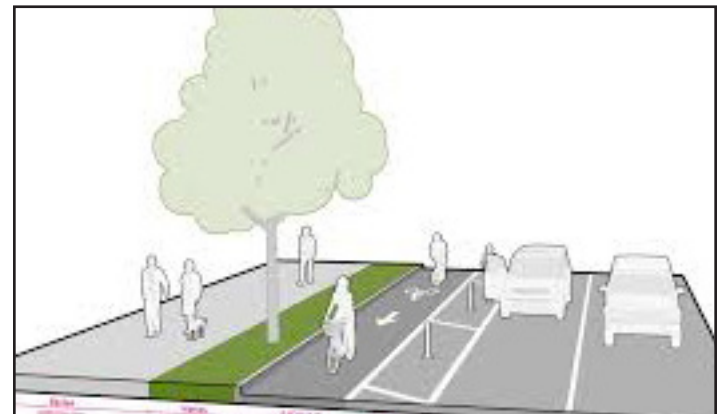
(C) Unless established by an encroachment permit, the upkeep of landscaping along state rights-of-way is the responsibility of adjacent property owners. Additionally, any landscaping must be approved by the state department of transportation.



Drought Resistant Grass in a Park



Landscaping Maintenance



Public-right-of-way

# LANDSCAPING

## Mandatory Landscaping Provisions - Parking Lots Sec. 38.550.050

### Purpose and Intent:

- Maintain ecological balance by implementing landscaping that promotes proper water runoff, air purification, and noise, glare, and heat reduction
- Provide visual barriers to make distinct land use areas
- Provide visually interesting landscaping and a beautiful urban forest
- To preserve character and aesthetics of local businesses
- To conserve energy by providing windbreaks, shade, and temperature moderation
- To encourage a desirable plant community which reduces spread of weeds
- To conserve water by encouraging low-water use landscaping
- To provide a diversity of vegetation throughout the city
- Serves the purpose of maintaining an eco-friendly city by maintaining ecological balance
- Maintains economic value of city by maintaining property values and attracting visitors by having a beautiful city

### Bozeman's Strategic Plan - How does it Relate?

- **3: A Safe, Welcoming Community**  
Beautiful landscaping that creates visual barriers between different land uses and promotes visually interesting areas makes the community more welcoming
- **4.3: Strategic Infrastructure Choices**  
High quality landscaping around infrastructure such as parking will make it a long-lasting investment into the city's well-being
- **4.4: Vibrant Downtown, Districts, and Centers**  
As more development occurs in the city proper landscaping will keep the character of these areas in line with the city's vibrant feel
- **6.1: Clean Water Supplies**  
Ensuring that new parking lots facilitate proper stormwater runoff will keep groundwater recharged and clean. In addition, implementation of low-water landscaping will reduce water wastefulness in the city.
- **6.2: Protect Local Air Quality**  
By planting vegetation that purifies air, local air quality will remain at a high level of cleanliness even with increasing development



Source: City of Bozeman



# LANDSCAPING

## Mandatory Landscaping Provisions - Parking Lots Sec. 38.550.050

Definition of “parking lot”:

Area within the paved portion of the parking lot, not including drive accesses or parking stalls in front of garages assigned to an individual dwelling. This also does not include indoor parking structures.

### A. Parking lot screening

- (1) All parking lots located on a lot next to a residential area must be screened from the residential area
- (2) All parking lots located between a principal structure and a public street, must be screened from the public street
- (3) The screening must be continuous and not less than four feet in width unless a different width is specified in 38.510.030
- (4) Screening must be maintained at a height of four to six feet unless this conflicts with fence/hedge limits required by front setbacks and street vision triangles.

**B.** Trees must be provided in, or within 20 feet, of the parking lot with a minimum of:

- (1) One large canopy tree; or
- (2) One large non-canopy tree and one small tree; or
- (3) Three small trees

for each nine parking spaces required or provided.

**C.** No parking space shall be located more than 70 feet from the trunk of a tree.

**D.** No tree shall be planted closer than three feet to the back of the curb or edging equivalent.

**E.** Any parking lot providing 15 or more parking spaces must have a minimum of 20 square feet of landscape area within the parking lot for each off-street parking space in the lot provided as follows:

- (1) The interior parking lot landscaping must be designed for proper vehicle circulation patterns
- (2) Internal parking lot landscaping provided must be proportionately dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet; and
- (3) The minimum width and/or length of any parking lot landscaped area is eight feet. No landscape area may be less than two feet wide.
- (4) All parking lots under this subsection must include at least one large canopy or non-canopy tree.
- (5) Individual internal parking lot landscaping areas with minimum dimensions of six feet by 16 feet must include large canopy or non-canopy tree(s).



Screening of a church parking lot from 3rd Street in line with A-2



Large canopy trees provided in a parking lot in line with B. Distance from the curb also complies with D.



Landscape area provided in line with E, with no unbroken rows of greater than 100 feet and a width greater than eight feet. This landscape area doesn't interrupt the proper flow of vehicle circulation in the lot.

Photo Sources: Max Smay



# LANDSCAPING

## Departure Criteria

To optimize landscape design on individual sites, or to coordinate the landscape design in an area, strict application of the aforementioned requirements may not be possible. In these cases, an application for a departure from these requirements can be submitted.

The application for departure must be accompanied by written and graphic material sufficient to illustrate what the product of the departures will be, enabling the review authority to determine that the departure will create a superior environment than one produced under the current standards. The application must also prove that this departure is in line with the intent and purpose of the existing standards.

If the departure is deemed necessary, the review authority may authorize departures of up to 20 percent from landscape design standards contained herein.

Such departures may include departure from these criteria in relation to available space, agreement with adjacent properties, or replacement of trees with other equivalently effective implements (solar panels, sculptures, etc).



Departure from requirements of landscaping area (E) in a parking lot, likely due to the high-density of the area.



Departure from D, possibly due to problems with close proximity of the trees to the adjacent property.



A parking lot with no trees or landscaping, likely not approved as an official departure due to the lack of any equivalent implements.

Photo Sources: Max Smay

## Block frontage standards Storefront block frontages

### Purpose of the code

The purpose of the block frontage standards codes is to create a comfortable walking environment for the Bozeman community. The standards have an emphasis on a system of streets and block frontages. This creates a safe, welcoming environment in retail areas and encourages people to visit frequently and stay longer. Another purpose of the codes is to design sites that have compatible development. The code implements the growth policy for the city of Bozeman to reflect the increased expansion of the city.

### Intent of the code

The intent of storefront block frontages code is to make the shopping and dining areas of Bozeman a vibrant and active area that people want to visit frequently. This contains small scale shops and/or frequent business entries to make the area attractive to consumers. To help achieve this, the code includes continuous storefronts placed along the sidewalk edge to improve the shopping experience.

### Bozeman's Strategic Plan

One part of Bozeman's Strategic Plan is to create a thriving, diversified economy within Bozeman. This is partnering with the Economic Development Plan and aims to support the retention and growth of the traded and local business sectors (section 2.1 in the strategic plan). It also aims to welcome and encourage new and existing businesses to develop and expand Bozeman's economy. This links to the purpose of the storefront block frontages as having appealing and welcoming storefronts will encourage people to shop more and grow the local economy.

Section 3.1 discusses public safety to ensure that Bozeman has the best protection possible. This includes ensuring streets are safe. This can be improved by having storefronts on the edge of sidewalks so they are easy to access, and people can be clearly seen from the sidewalk and road. This will also mean the area is well lit providing people with comfort, especially at nighttime.

Another aspect of the Strategic Plan is to have a well-planned city. The purpose and intent of this code section

is to have well thought out, intentional planning to create a relaxing, welcoming environment. 4.1a and 4.2a address the growth policy of Bozeman to ensure that the city continues to have the 'Bozeman feel', which links to the code section as it intended to create a safe, welcoming environment. There is a focus on sustainable development to ensure that Bozeman is expanding in the best possible way. Planning was included as a tier 1 priority for 2020.

Section 4 also talks about managing parking by district (4.2c). The Strategic Plan aims to develop a comprehensive, integrated approach to parking, especially around retail districts. This includes on-street parking as well as parking garages. Parking is included as a code under storefront block frontages and is an important part of developing the area. This reflects the Strategic Plan as the code intended to integrate parking into the retail districts by creating landscaping buffers and limiting the amount of storefront parking.

### Bozeman's Community Plan

Section DCD-3.2 of the community plan aims to support high density development along main corridors. This is in line with the purpose and intent of the code as it will create a vibrant and active shopping and dining area. This section of the code also supports high visibility street corridors to support businesses which can be achieved by having continuous storefronts placed along the sidewalk edge. This is included as part of Theme 2 which aims to have a city bolstered by downtown and complementary districts.

Theme 4 addresses a city that prioritizes accessibility and mobility choices. Sections M-1.4 and M-1.11 both address needing a system of streets and key sidewalk connections to create a comfortable walking environment. This is essential as it ensures that no one is excluded from the area due to accessibility issues. This addresses both the purpose and intent of the storefront block frontage code to ensure the environment is safe and comfortable.

### Goals

This code section may influence the economic goals of Bozeman as it will allow the development of the retail district and therefore encourage more economic activity. By creating a safe and comfortable environment it will also influence the social goals as people will be more likely to visit the area.



# SECTION 38.510.030 B

## Storefront block frontage standards

### BMC 38.510.030 B

#### Ground floor land use

- Non-residential uses except for lobbies in residential or hotel/motel on upper floors

#### Floor to ceiling height

- 13' minimum but only for new buildings

#### Non-residential space depth

- 20' minimum but only applies to new buildings

#### Building placement

- Buildings must be at the front of the property and the back edge of the sidewalk.
- Setbacks are sometimes allowed if the sidewalk is widened or for pedestrian-oriented space

#### Building entrances

- Must face the street.
- If the building is located on a corner, the entrance can face the street corner

#### Facade transparency

- This is the face of the building that looks onto the street.
- On the ground floor between 30" and 10' above the sidewalk, 60% must be for primary facades and 40% for secondary.
- If display windows are at least 30" in depth so that the display can be changed, it can count for 50% of the transparency.
- If the display is tack-on it does not count towards the transparency requirement.
- Windows that are glazed over or covered resulting in reduced visibility into the storefront space do not count as transparent window areas.

#### Weather protection

- Must have 8-15' vertical clearance and at least 5' in average depth along at least 60% of the facade.
- Retractable awnings can be used

#### Parking location

- New parking areas on the ground floor must be placed to the side or rear of structures and are limited to 60' of street frontage.
- There must be a 6' minimum buffer of landscaping between the street and off-street parking areas.

#### Sidewalk width

- 12 feet minimum between curb edge and storefront, including clear/buffer zone with street trees.
- Setbacks and utility easements must also be considered and may result in a larger minimum sidewalk width.



Buildings must be on the back edge of the sidewalk.



Building entrance facing the street corner.



Weather protection.



# SECTION 38.5 | 0.030 B

## Departure Criteria

### Retail space depth

- If the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses, then reduced depths will be considered.

### Facade transparency

- No less than 40% of the facade between 30" and 10' above the sidewalk may be approved. This is because ground level windows provide visual interest to the pedestrians and mitigates impacts of any blank wall areas.

### Weather protection

- Alternative designs can be proposed but they must provide equivalent weather protection benefits.

### Parking location

- Must be acceptable tradeoff between the amount and quality of storefront area and the applicable parking location. It must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets.

### Sidewalk width

- If there are topographical challenges in the area, alternative designs can be considered. They must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.



Facade transparency to provide interest to pedestrians.



Alternative weather protection with the doors being setback into the building and covered by the roof.



Features such as lampposts and trees to separate parking from storefronts.

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# Storefront Block Frontages

## Section 38.510.030 B

### The Intent of this Code is to Provide Clear Objectives for Planning and Development of Storefronts in Bozeman by Using These Objectives:

- New commercial and multi-household development is high quality and contributes to the Bozeman character.
- Promotes walking and bicycle use throughout.
- Enhances livability and maintains or raises property values within Bozeman.

### Parts of the Bozeman City Plan November 2019 Implied in This Code:

- **Theme 2 - A City Bolstered by Downtown and Complementary Districts.** This fits into the code as a way to improve the vibrant commercial centers and establish a compact yet appealing development pattern.
- **Theme 4 - A city that prioritizes Accessibility and Mobility Choices.** This relates to trying to make downtown and other urban areas more accessible for bikes and pedestrians while still allowing for automobile parking.
- **Theme 5 - A City Powered by its Creative, Innovative, and Entrepreneurial Economy.** This economy is reliant on open and appealing storefronts which are included in this code. As well as an abundant amount of shops and retail in the lower level of commercial buildings.

### Parts of the Bozeman Strategic Plan Implied in This Code:

- **2 - An Innovative Economy.** Identifying important commercial and industrial infrastructure needs that can be implemented through use of code to develop an innovative economy.
- **3 - A Safe, Welcoming Community.** This can be achieved by use of more windows (The code justifies at least 60% of all commercial storefronts must be glass and see through) and more people on the streets by encouraging bicycle and pedestrian use.
- **4 - A Well - Planned City.** Honoring the sense of place and the “Bozeman feel” as we develop for a livable, affordable and more connected city.

### How This Plan Addresses Bozeman’s Economic Goals

This code is very beneficial for the local economy because it emphasizes the walk-ability and availability of the downtown shops. It pushes an open facade environment that gives a town a sense of place and is compatible with an ever changing urban center. This will allow for great small business opportunities on the first floors of all new buildings. I feel that this is very important as we try to continue to fuel the Montana small business tradition in a rapidly growing urban center.

### How This Plan Addresses Bozeman’s Social Goals

It also creates a social environment for times like Music on Main when the majority of business is via pedestrian traffic. The open store fronts and large inviting sidewalk allow for great interaction and meeting places. Having covered entryways and shop windows gives people a place to find refuge in the thunderstorms of Montana’s summers or during the blizzards of the winter season.

### Opinion on Code Importance

I think this code is very important for both the economic and social reasons I stated above. There is the idea that we need to keep downtown Bozeman’s feel that we have right now. But with an ever changing incredibly fast growing economy this is simply not possible. Using structured code such as this will keep at least some of the old Bozeman feel and connect it with proper and insightful additions and modernizations.

# Storefront Block Frontages

## Section 38.510.030 B

### Ground Floor Land Use

Non-residential uses only, except for lobbies associated with residential or hotel uses on upper floors.

### Floor to Ceiling Height

13' minimum (applies to new buildings only).

### Non-residential Space Depth

20' minimum (applies to new buildings only).

### Building Placement

Required at front property line/back edge of sidewalk. Additional setbacks are allowed for widened sidewalk or pedestrian-oriented space.

### Building Entrances

Must face the street. For corner buildings, entrances may face the street corner.

### Façade Transparency

At least 60% of ground floor between 30" and 10' above the sidewalk for primary façades and 40% of ground floor between 30" and 10' above the sidewalk for secondary façades. Display windows may count for up to 50% of the transparency requirement provided they are at least 30" in depth to allow for changeable displays.

### Weather Protection

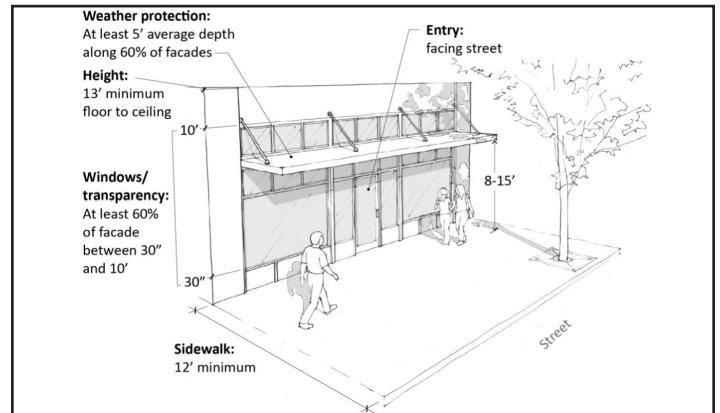
Weather protection with 8-15' vertical clearance at least 5' in average depth along at least 60% of façade. Retractable awnings may be used to meet these requirements.

### Parking Location

New surface and structured parking areas (ground floor) must be placed to the side or rear of structures and are limited to 60' of street frontage. Provide a 6' minimum buffer of landscaping between the street and off street parking areas meeting the performance standards of division.

### Sidewalk Width

12 feet minimum between curb edge and storefront (area includes clear/buffer zone with street trees). Setbacks and utility easements must also be considered and may result in a larger minimum sidewalk width.



Overview and vision of code.



Commercial first floor with glass design and pedestrian space.



Great representation of code in multi use building.



## Departure Criteria

### Retail space depth

Reduced depths will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses.

### Façade Transparency

The proposed alternative design treatment of façade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. No less than 40 percent of the façade between 30 inches and ten feet above the sidewalk may be approved with a departure.

### Weather Protection

Other proposed alternative design treatments must provide equivalent weather protection benefits.

### Parking Location

There must be an acceptable trade-off in terms of the amount and quality of storefront area that is integrated with the development and the applicable parking location departure. Plus, the alternative must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets.

### Sidewalk Width

Alternative designs may be considered where topographical challenges exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.

### Sources

Bozeman Code Sec. 38.510.030

[https://library.municode.com/mt/bozeman/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH38UNDECO\\_ART-5PRDE\\_DIV38.510BLFRST\\_S38.510.030BLFRST](https://library.municode.com/mt/bozeman/codes/code_of_ordinances?nodeId=PTIICOOR_CH38UNDECO_ART-5PRDE_DIV38.510BLFRST_S38.510.030BLFRST)

Bozeman City Plan November 2019

<http://weblink.bozeman.net/WebLink8/0/doc/201141/Electronic.aspx>

Bozeman Strategic Plan

<http://weblink.bozeman.net/WebLink8/0/doc/154660/Electronic.aspx>



The blank walls the code is trying to mitigate.



Different weather protection options for entryways.



Great sense of place built into a sidewalk and storefronts.

## Landscaped Block Frontages Descriptions and Intent

One of the overarching goals of this code is to promote clear pedestrian connections between the buildings and the sidewalks. The more connected the buildings and sidewalks are, the more connected people are to the businesses as well as the community around them. These codes apply to all new and existing streets within residential districts as well as commercial and mixed use areas where landscaping frontages are desired. This is achieved through codes as listed and described below.

**Transparency:** All building with ground level non-residential use must have at least 25% transparency. This means that there must be enough windows between 4'-8' above ground, that are not glazed or covered in any way. This allows the street pedestrians to see in the windows and it allows those in the business to see out on to the street. This applies only to the side or sides of the building that face the street.

For residential building sides that face the street the code states that 15% must be transparent as described above, and all habitual floors must have windows of some kind.

**Building setback:** Building fronts must be set back a minimum of 10' with options of a landscaped front, or a private patio screened with a low fence or hedge. The patio must be 60 square ft with at least a 6ft setback measured perpendicular to the building front. Patio must be raised 1' off the ground.

The landscaped front must comply with division 38.550. If the ground floor is raised 3' above ground level the landscaped area may be reduced to 4' in width. The landscaping must cover any blank walls and have short plants that don't obscure the views between street and building. There must be a variety of plant materials and textures to maintain the visual interest at the pedestrian scale.

**Building entrances:** Entrances to buildings must be visible and accessible by the street. For those building that have multiple sides that border the street, an entrance on each is suggested but not required.

**Sidewalk width:** In areas with arterial roads (important routes) or parks must have a sidewalk width of at least 6'. All other areas have a minimum of 5' with exceptions when the review authorities call for adopted plans.

**Weather protections:** There must be weather protections at least 3' deep over residential primary business entrances.

**Parking:** Parking must be placed to the side, rear, above or below the building. For single and multi-building developments, ground floor parking must take up no more than 50% of the street frontage. Garages must take up no more than 50% of the street frontage width. The 10' landscaped code applies to all parking structures.



# SEC 38.510.030 C

## Departure Criteria

Under these circumstances, there may be a departure from the codes as described below.

**Building entrances:** For the buildings placed on hills with steep slopes, or those facing busy arterial street with limited pedestrian traffic may warrant flexibility to this standard. Especially in residential zones

**Facade transparency:** If there is a proposed alternative design for the facade (all vertical walls facing the street) that goes to mitigate the impact of blank walls, there may be a departure from code. However, no less than 40% of the facade from 30" to 10' above the sidewalk may be approved for a departure.

**Parking locations:** There must be an acceptable trade off of the amount and quality of available storefront, and the departure of parking location. Plus the design must include features to mitigate the effect of extended parking locations along a building front.



Photo taken in front of Starky's Restaurant shows an example of interesting landscaping and design within code from a small business owner



This photo taken on the corner of Main st. and Tracy ave. shows the juxtaposition of proper transparency codes (likely a newer building) and a building that is not up to code (likely built before codes were set in place).



This photo taken outside The Lark shows a departure from the transparency code that states at least 25% of the ground level facade must be transparent. A possible compromise being the interesting architecture.



# SEC 38.510.030 C

## Strategic and Community Planning

This code is in compliance with **Bozeman's Community plan** in accordance to:

**Objective LU - 4.3** - Encourage the creation of well defined residential neighborhoods

**Objective LU - 4.6** Developing a grid of connectivity

**Objective C 1.2** Update guidelines to include more dense urban spaces

**Objective C 1.4** enhancing visual qualities within neighborhood

**Objective 1.4** Recognize the role of housing in economic development

This code is in compliance with **Bozeman's Strategic Plan** with regard to:

Creating a more engaged community

Creating a more welcoming community

And having more high performance organization

All of these codes are designed not to limit the developers, but to prescribe a way to unify the community both in the design of the buildings and communities, as well as provide structure that will protect pedestrians and the community as a whole.



This example at The Clothesline Laundromat shows an example of what a weather protection within code looks like.



This photo shows a departure of the parking code. The code states no more than 50% of street frontage may be taken up by surface parking, while at the Lewis and Clark Motel has 100% of street frontage taken up by surface level parking.



This photo taken at the corner of College st. and 11th ave. shows a sidewalk along an arterial route that is greater than 6' (about 9' wide).

# SITE PLANNING & DESIGN ELEMENTS (Div. 38.520)

## On-site residential and commercial open space Sec. 38.520.060

The intent of this code section is to create a space that residents may use for recreational activities. This space should contribute in a meaningful way to the community and the residential setting. Another intent of this section of code is to promote the creation and maintenance of plazas in order to attract shoppers to commercial areas. These plazas and pedestrian-oriented open spaces should enhance the character and attractiveness of commercial development, as well as promote opportunities for employees and the public to engage in active and passive activities such as dining, resting, and recreating.

The purpose of sec. 38.520.060 is to provide guidelines for what is allowed and what is not allowed during the planning and creation of pedestrian-oriented open spaces. These guidelines have been designed to protect the interests of residents and members of the community who utilize spaces such as these. They are also meant to aid in the stimulation of economic activities in these areas. By complying to this section of municipal code the pedestrian-oriented open space should contribute to the wellbeing and identity of the community and its members.

Section 38.520.060 fits into the Bozeman Community Plan because it addresses many of the community's desires for land use and open-space planning such as safe and accessible streets and walkable neighborhoods. Goal DCD-2.11 states that one of the goals of the Community Plan is to "promote mixed-use developments with access to parks, open space, and transit options." Having and planning for open space is obviously a key point of this goal. These open spaces also play an important role in the future land uses outlined by the Bozeman Community Plan, as pedestrian-oriented space is a large part of this section. These can be plazas, walkways, parks, and a multitude of other spaces and can be implemented in a variety of urban environments such as urban neighborhoods, mixed-use developments, public institutions, as well as in the traditional core of Bozeman.





# SITE PLANNING & DESIGN ELEMENTS (DIV. 38.520)

## On-Site Residential and Commercial Open Space

### Section 38.520.060

#### Required Criteria

- The site must contain a physically and visually accessible access point from the street, road, or courtyard.
- The walking surface of this access point must be paved in concrete or another approved paving material. (Figure 1)
- The space must provide adequate lighting according to division 38.570. (Figure 1)
- The space must be located in or next to areas of significant pedestrian traffic that is visible from the building to provide an interesting and secure space. (Figure 1)
- The space must include a minimum of 2ft of seating area, or one individual seat per 60ft of space. (Figure 1)
- Landscape elements must also be present to stimulate interest but these must not act as a visual barrier. (Figure 1)

#### Desirable Criteria

- Desirable features in pedestrian-oriented open spaces include pedestrian amenities such as drinking fountains, furniture, artwork, shade structures, and other similar features. (Figure 2)
- Areas for weather protection with seating, alcoves, or other features built along building edges are also desirable. (Figure 2)
- Adjacent buildings to pedestrian-oriented open spaces should have transparent windows and/or doors that makeup at least 50% of the facade between 30in and 10ft from ground level. (Figure 2)

#### Prohibited Criteria

- Asphalt pavement is prohibited in pedestrian-oriented open spaces, as is any form of outdoor storage. (Figure 3)
- Properties adjacent to the pedestrian-oriented open space should not have chain-link fences or blank walls without “blank wall treatment” (see section 38.530.070). (Figure 3)
- Adjacent properties should not be service areas that are not separated with landscaping (see section 38.520.070). (Figure 3)



Figure 1. This photo represents required accessibility, lighting, and seating requirements.



Figure 2. This photo represents desirable features and areas for weather protection

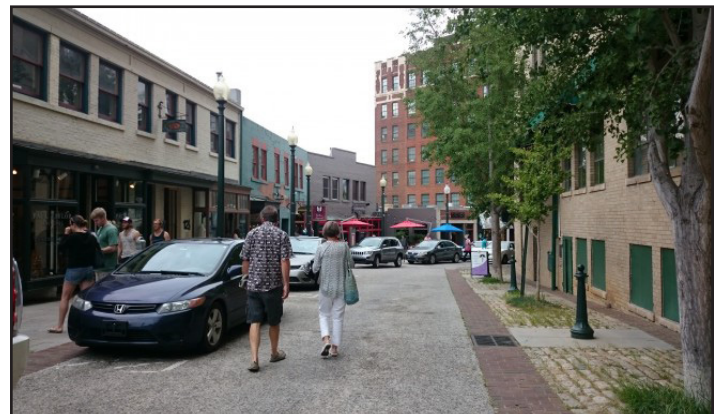


Figure 3. This photo represents an open space that does not contain any of the prohibited features.



# SITE PLANNING & DESIGN ELEMENTS (DIV. 38.520)

## Departure Criteria

### Departures From Requirements

- If you are unable to meet the seating criteria by traditional methods (benches, chairs, etc), you must incorporate elements into your building design that can serve as a functional sitting area.
- Should you depart from the requirement of landscaping not acting as a visual barrier you must provide additional lighting and design elements to stimulate visual interest within the space. (Figure 4).

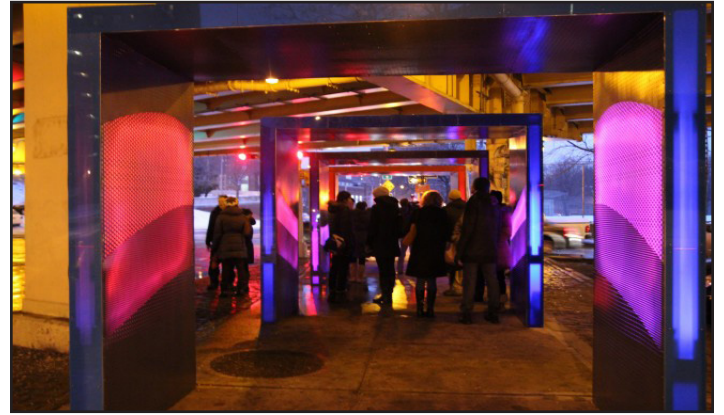


Figure 4. An example of alternative lighting and stimulating design elements.

### Departures from Desired Criteria

- If you are unable to provide a variety of pedestrian amenities housed within the open pedestrian-oriented space you must ensure that they are present and accessible within 200yds (walking distance) of the borders of the space.
- Should adjacent buildings not comply with the facade transparency guidelines you must provide another form of visual stimulation in that space. (Figure 5).



Figure 5. An example of visual interest added to adjacent buildings that do not meet the transparency guidelines.

### Departures from Prohibitions

- If you are to depart from the prohibition of an adjacent chain-link fence then you must implement a form of landscaping to hide the fence from view. This may be in the form of bushes, trees, etc. (Figure 6).
- Should you depart from the prohibition of service areas not being separated from the space through landscaping you must implement measures to mitigate the noise and sight of said service areas.



Figure 6. An example of how landscape can be used to cover an adjacent chain-link fence.

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## Parking Lot Landscaping

### Sec 38.550.050

The parking lot regulations regarding landscaping are put in place to help protect the aesthetic and health of nature, as well as the efficiency of the space being used. A parking lot is defined as the area within the perimeter of the paved portion of the parking lot, including drive aisles but not drive accesses and parking stalls in front of garages where the use of one or more spaces within the garage is assigned to a particular dwelling. These regulations help prevent ecological damage and enhances public well-being. All parking landscaped areas are to be maintained in a perpetually healthy manner.

Socially, it is crucial to take accessibility into account when planning the landscaping of a parking lot. If a lot seems closed off or out of the way from a desired location, it is less likely to attract people to it. A conveniently constructed and located parking lot can bring together the community. If a lot seems detached or remote, it is less likely that the public will deem it as a safe and suitable place to leave their vehicle, and will not spend time in the area. Regulations are put in place to keep congestion at a minimum and to keep every patron safe during use. As an added safety measure, some parking lot restrict certain spaces for compact vehicles only, or have large vehicle parking. This reduces the amount of collisions that occur.

Environmental codes are set in place to protect the natural scenery and to maintain a healthy habitat for the community. There are guidelines regarding the amount of shade a parking lot is required to have to reduce the amount of glare and heat build-up that pavement can experience during a sunny day, and there are guidelines regarding the amount of trees in each parking lot to provide visual relief and also to help filter out things such as debris and polluted stormwater. More specific bylaws are set in place to keep the environment clean as well. For example, major work on vehicles is prohibited in public parking spaces to prevent toxic materials and pollution from contaminating the area.

Parking lot regulations also aid in the success of the economy. In order to keep businesses in the area successful, there has to be appropriate parking to help support the amount of traffic that flows in and out. Parking lots must be close enough to be accessible to every customer, but placed strategically enough so as not to congest the area. Some businesses set in place restricted parking for their customers only, or timed parking. This keeps the area less congested and running efficiently by letting the customers get the most out of their time. The city can also implement areas in which parking is prohibited during certain hours which allows workers to appropriately manage the upkeep required to keep everything clean and up to health standards. Some areas in the city also require payment for parking which helps generate funds for the upkeep needed.

This code follows Bozeman's strategic plan to have a Well Planned City by evolving with parking options and regulations to ensure that the growing population has room to function. Section 4.2 High Quality Urban Approach discusses the best ways to devise efficient methods for building design and layouts in dense settings with multimodal transportation. These regulations aid in that process by providing an efficient and homogenous structure for the city to follow. This code section also supports section 4.3 Strategic Infrastructure Choices regarding parking lots in or around large buildings in town.



## Code Requirements

According to Sec. 38.550.050 C2

A. Parking lot screening is required. This is when a lot is bordered with landscaping or with an architectural wall or trellis. The following explain the circumstances in which this must be done:

1. Parking lots located with a residential adjacency must be screened from that residential agency.
2. Parking lots located between a principal structure and a public street must be screened from the public street.
3. Screening must be continuous and not less than four feet in width unless a different width is specified under Sec. 38.510.030.
4. Screening must be maintained at a height of four to six feet except as otherwise restricted by fence and hedge limits within required from setbacks and street vision triangles.

B. Trees must be provided in, or within 20 feet of, the parking lot at a minimum average density of:

1. One large canopy tree; or
2. One large non-canopy tree and one small tree; or
3. Three small trees for each nine parking spaces required or provided

C. No parking space can be located more than 70 feet from the trunk of a tree.

D. No tree can be planted closer than three feet to the back of the curb or edging equivalent.

E. Any parking lot providing 15 or more parking spaces must have a minimum of 20 square feet of landscape area within the parking lot for each off street parking space in the lot provided as follows:

1. The interior landscaping must be designed to facilitate, control and denote proper vehicular circulation patterns
2. Internal landscaping must be proportionally dispersed to define aisles and limit unbroken rows to a maximum of 100 feet, with landscaped areas provided in an appropriate scale to the size of the parking lot
3. The minimum width and/or length of any parking lot landscaped area is eight feet. No landscape area may be less than two feet wide.



This parking lot has optimal, timed space for the customers



Customer parking in front of the businesses with clear borders



Open plan for parking with screening from roadway

## Code Requirements cont.

4. All parking lots under this subsection must include at least one large canopy or non-canopy tree.

5. Individual internal parking lot landscaping areas with minimum dimensions of six feet by 16 feet must include large canopy or non-canopy tree(s).

## Departure Criteria

In some cases it may be necessary to depart from landscaping codes on individual sites or to coordinate the landscaping design in an area. An application for this process must be filed from Sec 38.250.060. This application must then be accompanied by written and graphic material sufficient to illustrate the conditions that that modified standards will produce a more efficient outcome than the existing standards would have, and will be consistent with the intent and purpose from Sec 38.550. If this criteria is met, the review authority may authorize departures of up to 20 percent from landscaping design standards.



Open parking lot with trees and a sidewalk in the screening



Screening with natural boundaries to show parking restrictions



Parking options next to screening for all levels of accessibility



# DIVISION 38.520 - SITE PLANNING AND DESIGN

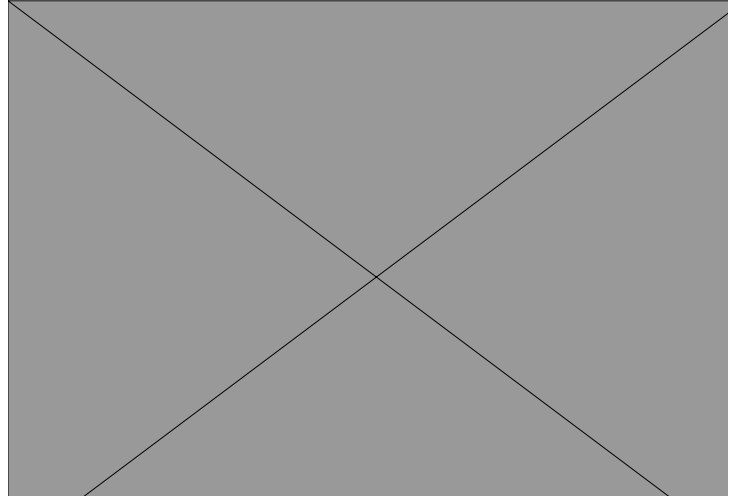
## Relationship to adjacent properties

### Section 38.520.030

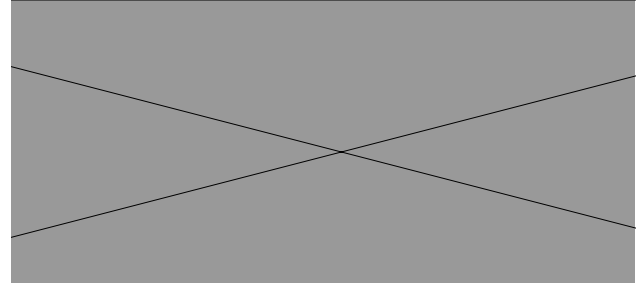
The relationship to adjacent properties (section 38.520.030) is a section of code which addresses issues regarding not only the privacy of residents living on adjacent properties, but also the overall functional and visual cohesion between neighboring properties. This is achieved through code requiring certain privacy levels on balconies or specific setbacks from the property lines for the construction of these structures. The code may work to help influence the communities social goals with focus being on privacy and properly addressing 'space' in regards to neighboring property lines.

This section of code would most specifically line up with the Community plans section titled "Land use descriptions for use on the future land use map". Sub-section number one of this section is titled "Urban Neighborhood" and it is focused on the spread of urban homes throughout a given area. They specify that large areas of a single housing type are discouraged. The code matches well with this section as adding structures to your homes such as balconies could be considered as diversifying the aesthetic of the area. Furthermore, the codes sections regarding setbacks is pertinent to any future household construction and is something that prospective, or current, homeowners should be aware of.

This code section also somewhat alligns with the citys strategic plan. Specifically chapter 4. A Well-Planned City. In this chapter, section 4.1, "Informed Conversation on Growth", has a subsection titled "(a) Adopt a New Growth Policy Based on Sustainable Growth Principles". This subsection talks about looking at sustainable growth through planning and land use, among other things. The planning and land use is where the code comes into play as it would be an interesting bit of information for the city to know how many people are building these balconies or making proper use of the setbacks laid out in the code. Knowledge of something like this could potentially help down the line in planning future code or city growth.



*Aerial Photograph of Bozeman, MT.  
Obtained from Taunya Fagan, Bozeman Montana News*



*Bozeman Community Plan graphic  
Obtained from Bozeman.net*



# DIVISION 38.520 - SITE PLANNING AND DESIGN

## Relationship to adjacent properties

### Section 38.520.030

#### A) Intent:

- 1) To promote functional and visual compatibility between developments
- 2) To protect the privacy of residents on adjacent properties

#### B) Balconies alongside and rear property lines adjacent to residentially zoned properties

Balconies or rooftop decks that are within 15 horizontal feet of a side property line abutting a residentially zoned property are required to have a railing system which is at least 50 percent opaque.

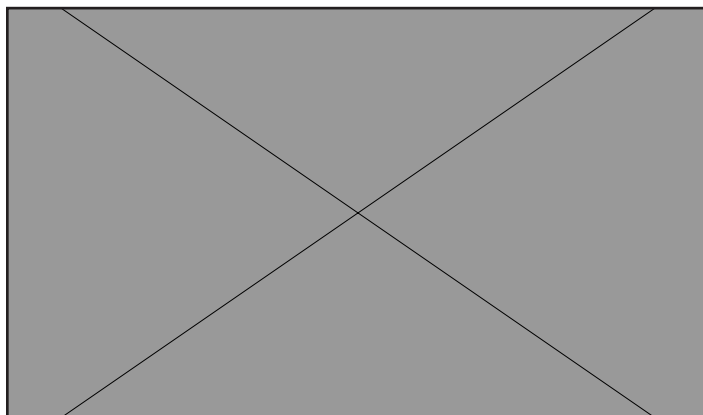
*\*Specifically, 50% of the area below the railing must be a sight-obscuring structure. See Figure 38.520.030 A\**

Departures from this standard will be allowed in the case that the balcony will not cause any visual or privacy impacts due to its location, orientation, design, or other consideration

#### C) Light and air access and privacy alongside and rear property lines

Buildings, or portions thereof, containing multi-household dwelling units whose only solar access (windows) is from the applicable side of the building (facing towards the side property line) must be set back from the applicable side or rear property lines at least 15 feet. See Figure 38.520.030 B.

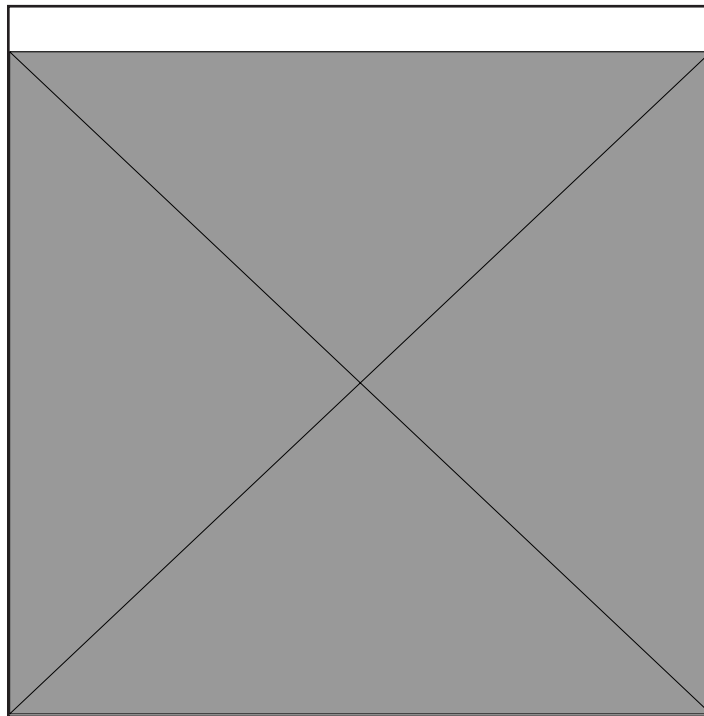
Departures will be allowed where it's determined that, based on the unique site context, the proposed design won't create a compatibility problem in the near or long term



**Figure 38.520.030 A**

*Example of balcony with at least 50% of the area below the railing being a sight-obscuring structure*

*Photograph from harmon-enterprises.com*



**Figure 38.520.030 B**

*Light and air access and privacy standards for multi-house residential buildings alongside/rear property lines.*

# SECTION 38.520.030

## Site planning and design: relationship to adjacent properties

This section of the code addresses the relationships between adjacent houses, laying a foundation for the development of houses in close proximity with regards to extension such as balconies and also the distance required between buildings. These codes have been implemented with the aim of reducing the impact of development in neighborhoods, helping to preserve public health, safety and the welfare of the populous of Bozeman.

In addition to this section 38.520.030, also aims to improve the compatibility of neighborhoods and add a level of organisation to housing development, leading to an enhanced system both visually and operatively. In turn, this will hopefully aim to create housing that is both optimally habitable without disregarding previous occupants and also ensure minimalistic social contradictions throughout the development project.

### ***How does this effect social, economic and environmental goals?***

This code that has been put in place to add a level of organization to the development of adjacent properties has a number of external implications. Firstly, in the social sense, these regulations help to maximise social satisfaction as they ensure both a safe standard of living through its light and air accessibility ruling, and an adequate level of privacy between adjacent dwellers. However, there is the consequential impact that it does limit a property's ability to expand and add extensions. So although it helps to reduce friction between adjacent dwellers, it does also impede upon the potential development wants of a single property.

In addition to the social benefits of increased levels of privacy and a better standard of living, this code helps to create a spatially organized form of development. This organized development will not only heed economic benefits but also environmental benefits through its logical method of planning.

## How the code aligns with the goals of the Community Plan

The Bozeman Code of Ordinance (BCO) for 38.520.030 operates in line with Bozeman's Community Plan and Strategic Plan. A key underlying theme of the Community Plan is the development of Bozeman through neighborhoods rather than individual buildings and settlements, which is reinforced by the BCO 38.520.030 as this code promotes development that does not make one worse off to make another better. It aims to ensure high quality housing that is not detrimental to adjacent properties.

### ***The code supports these objectives of the Community plan:***

*Objective G-1.1:* Ensure growth is planned and developed as an orderly and publicly open manner that maintains Bozeman as a functional, pleasing, and social community.

*Objective G-1.3:* Require development to mitigate its impacts on our community as identified and supported by evidence during development review, including economic, health, environmental and social impacts.

*Objective LU-1.3:* Encourage positive citizen involvement in their neighborhood and community.

Demonstrating, how the code helps to create development strategies in Bozeman that accommodate the needs and wants of an individual, without contradicting those of their neighbors and neighborhood.



# SECTION 38.520.030

## Site planning and design: relationship to adjacent properties

### Section 38.520.030 Code:

#### *Balconies alongside and rear properties*

The code itself covers balconies alongside and rear property lines adjacent to residentially zoned properties; an light and air access and privacy alongside and rear property lines. Balconies or rooftop decks within 15 feet of a side property line overlooking a residentially zoned property must include a rail system with at least 50 percent below the railing being obscured. Furthermore, the balcony will be permitted if the balcony does not visually impair the adjacent property.

#### *Light and air access and privacy alongside and rear property lines*

The other portion of the code, dictates the level of impairment an adjacent house can have on another's light and air access through windows. Multi-household dwellings facing towards the side property line must be set back 15 feet to allow for light and clean air access through another properties windows, unless there is a unique context in which this enforcement is not required. In situations where the building has multiple sides of solar access, the required distance is only 5 feet.

### Departure Criteria:

#### *Balconies alongside and rear properties*

Departures will be allowed of the balcony or terrace does not have a negative impact on adjacent housing visually or impact the adjacent house through impairing the privacy of adjacent houses.

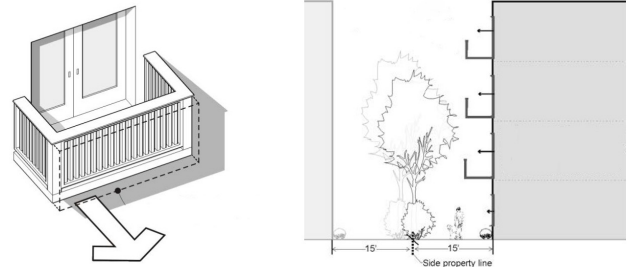
Therefore, an alternative to building a balcony or terrace that obstructs the adjacent properties view or impedes on their privacy could be the addition of a railing that is semi/fully opaque. Another departure could be the planting of a hedge or trees that enables the property to have a balcony at 15 feet or higher but obscures the view of the adjacent property to ensure the properties privacy.

#### *Light and air access and privacy alongside and rear property lines*

Departures will also be allowed on the code regarding adjacent building distances in unique examples, such as the adjacent building not receiving its solar access from the side that the adjacent building will be developed on. In contrast to the code regarding balconies, departures from the light and air access regulation are harder to im-

plement. This is because there are not many methods that mitigate the issues create by a property blocking sunlight and clean air access. However, one possible departure could be variation in the elevation of the building. One could potentially make the part of the development nearest the adjacent property a: low-level, terraced roof, one story; that does not prevent light or air access. The rest of the development can be any height as long as it does not impede on the codes requirements or is more than 15 feet away. This, however, would be a situational departure as it would depend on the solar access to the area and also the solar facing of the building.

*Balconies alongside and rear property lines (Image extracted from the Bozeman's code of ordinance):*



*Light and air access and privacy alongside and rear property lines (Image extracted from the Bozeman's code of ordinance):*

