

SUMMARY BACKGROUND

HOW CITY CODES WERE CHANGED TO BENEFIT DEVELOPERS WITHOUT NEIGHBORHOOD INPUT

For the past few months, Save Bozeman has been researching zoning codes that allow large, high-density, multi-story buildings to be proposed adjacent to historic neighborhoods. Until recently, buildings like the Black Olive were prohibited by sections of the NCOD (Neighborhood Conservation Overlay District) known as the “Block Character” clauses. Block Character clauses required the planning department to consider the appropriateness of buildings in relation to the character of the surrounding block.

In early 2015, a “task force” of architects and developers -- led by the Downtown Business Partnership -- modified the zoning code in the NCOD with the addition of Subchapter 4B. The Sub-Chapter 4B modifications removed the block character requirements, allowing previously prohibited buildings like the Black Olive (e.g., commercial B-3 properties) to be built adjacent to residential and historic neighborhoods. The adjoining neighborhoods were not invited to participate in the NCOD code update process. In addition, public notice indicating potential stakeholder impact was minimal and inadequate as indicated by the utter lack of neighborhood awareness or involvement in a process. Further, public documents indicate that a number of task force members appear to have had a clear conflict of interest.

In this post, we have provided a draft copy of Sub-Chapter 4B of the NCOD that clearly shows the removal of codes protecting neighborhoods from the impacts of buildings like the Black Olive. Red text indicates additions and red text with a line through it indicates what was removed. We are also posting a copy of the Commission Memorandum calling for the removal of reference to block character and changes to improve the transition between B3 commercial and residential zoning districts.

The authors of Sub-Chapter 4B will have well-rehearsed rebuttals and justifications for these changes but the facts remain. The affected neighborhoods were not invited to participate in the task force that recommended these changes to the commission. Changes were made on an “accelerated timeline” with “minimal collaboration.” Changes to the NCOD were made with limited public notification as to the implications of the code changes. Wendy Thomas, City Planning Director at the time, warned that large high density residential buildings could “adversely affect residential property values” and impede residents from enjoying the full value of their properties. She also recommended more protections for residential neighbors should be included in the new code. Her warnings were ignored.

Although some improvements were made to the transition zones in Sub-Chapter 4B, it is a moot point. Under the previous rules that included the Block Character clauses buildings like the Black Olive could not be proposed near residential neighborhoods in the first place. While Save Bozeman believes infill is needed in the downtown halo adjacent to historic Bozeman, the new rules derived from a collaborative, consensus-based process, must reflect the interest of the entire community, not just those of the developers.

Save Bozeman