

## **ORDINANCE NO. 1952**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA TO AMEND CHAPTER 38, UNIFIED DEVELOPMENT CODE, TO ADD SECTION 38.42.762 TO DEFINE COTTAGES, TO ADD SECTION 38.42.764 TO DEFINE COTTAGE HOUSING SUBDIVISION, TO AMEND ARTICLES 38.08 AND 38.09 TO ALLOW COTTAGE HOUSING AS A USE IN RESIDENTIAL ZONING DISTRICTS, TO AMEND SECTION 38.05.020 SUBDIVISION EXEMPTION PROCEDURES TO ALLOW CREATION OF COTTAGE HOUSING SUBDIVISIONS THROUGH A SUBDIVISION EXEMPTION PROCESS, TO AMEND SECTION 38.05.070 TO ESTABLISH CRITERIA FOR COTTAGE HOUSING SUBDIVISIONS AS A SUBDIVISION EXEMPTION, AND TO ADD SECTION 38.22.240 TO ESTABLISH STANDARDS AND PROCEDURES FOR COTTAGE HOUSING SUBDIVISIONS.**

**WHEREAS,** The City of Bozeman (the “City”) is authorized by the City Charter and Montana law to regulate the subdivision of land to promote public health, safety and welfare and otherwise execute the purposes of Sections 76-3-102 and 76-3-501, MCA; and

**WHEREAS,** The City is authorized by the City Charter and Montana law to adopt zoning regulations and provide for the enforcement and administration of zoning regulations and otherwise reasonably provide for the intentions of Section 76-2-304, MCA; and

**WHEREAS,** The City has had land development regulations since at least 1934 and has amended them from time to time to respond to changes in state law and changing community needs;

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

### **Section 1**

#### **Legislative Findings:**

1. The City relies upon the standards and definitions within Chapter 38, BMC to enable the development of the City in a manner which avoids conflicts, enables public notice of and comment on development which may affect residents and land owners, and provide predictability in government actions.
2. There are long-term and large scale demographic trends toward smaller household sizes as shown by the 2010 US Census which found that 33.5% of all households in Bozeman were comprised of an individual person.
3. Smaller households have less earning power as reflected in the annual US Department of Housing and Urban Development household income figures.
4. Lot size and structure size are factors affecting the cost of housing.
5. A limited supply of affordable housing is a long standing concern for the City of Bozeman and the City has taken financial and regulatory steps to encourage the provision of housing attainable by persons with incomes below the area median.
6. Allowing alternative types of housing development may increase the supply of modestly sized and priced homes and improve housing options for residents of Bozeman.
7. Cottage housing developments are presented with numerous spatial challenges that require innovative design solutions. Regardless of spatial constraints, cottage housing must strive for neighborhood compatibility while meeting all regulatory requirements, such as parking and driveways, adequate trash and utility locations, and adequate indoor and outdoor living space; within the project site.
8. Challenges of site configuration and layout, access to transportation facilities, provision of necessary and required public and private utilities, and compliance with all regulatory standards may require development of cottage housing at less than the number of homes allowed by lot area requirements.

## **Section 2**

That the Bozeman Municipal Code be amended by revising Section 38.05.020.A to add a new subparagraph to read as follows with the remainder of the section to remain as written:

7. Divisions of one or more lots within a platted subdivision to create cottage lot developments subject to 38.22.240 as authorized by MCA 76-3-203. This section is not applicable to the development of condominiums. An amended plat of the original

subdivision showing the new dependent lots and all common lots must be filed and must comply with the uniform standards for final subdivision plats specified in 24.183.1107, ARM and as updated.

### Section 3

That the Bozeman Municipal Code be amended by revising Section 38.05.070.A to add a new subparagraph to read as follows with the remainder of the section to remain as written:

7. For lots within a platted subdivision, divisions made for the purpose of creating lots subject to zoning regulations as cottage development and not recorded as condominiums. (MCA 76-3-203).
  - a. The proper use of the exemption is to create lots for cottage development in compliance with 38.22.240. A restriction or requirement on the original platted lot continues to apply to those areas.
  - b. An amended plat of the original subdivision showing the new dependent lots must be filed and must comply with the uniform standards for final subdivision plats specified in 24.183.1107, ARM and as updated.

### Section 4

That the Bozeman Municipal Code be amended by revising Table 38.08.020 to add a new subparagraph to read as follows with the remainder of the table to remain as written:

Table of Residential Uses	Table 38.08.020							
	Authorized Uses							
	R-S	R-1	R-2	R-3	R-4	R-O	R-5	RMH
<u>Cottage Housing</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

### Section 5

That the Bozeman Municipal Code be amended by revising Table 38.09.020 to add a new subparagraph to read as follows with the remainder of the table to remain as written:

Table 38.09.020		
Table of Uses	Maximum Gross Building Area	Authorized Uses
<u>Cottage Housing</u>		<u>P</u>

## Section 6

That the Bozeman Municipal Code be amended by creating Section 38.22.240 to read as follows:

### **38.22.240. - Cottage housing subdivisions.**

#### A. Purpose and intent.

1. The purpose of this section is to achieve the goals and objectives of the Land Use and Housing chapters of Bozeman's growth policy and the goals of the Inclusionary Housing Ordinance, Article 38.43. Cottage housing enables higher density development by allowing smaller lots, smaller home sizes, and clustered home sites, which are subject to design standards. This housing development option encourages more efficient use of land and energy
2. Cottage housing development regulations are to:
  - (a) Provide opportunities for creative, diverse and high quality infill and greenfield development that is compatible with existing neighborhoods.
  - (b) Support development of diverse housing in accordance with the growth policy;
  - (c) Increase the variety of housing types available within the community;
  - (d) Support the creation of neighborhoods with a mix of housing opportunities for mixed incomes;
  - (e) Provide opportunities for small, detached cottages within existing neighborhoods; and
  - (f) Support more efficient use of urban residential land;

#### B. Goals. Cottage housing developments are to achieve:

1. Increase housing supply and the choice of housing styles available in the community as encouraged by the growth policy;
2. Provide for development of housing that responds to changing demographics and smaller-sized households;
3. Support the efficient use of land and higher density infill in developed areas;
4. Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes;

5. Promote high-quality housing design to minimize impacts of more dense development on adjacent properties;
  6. Allow flexibility in site and design standards while promoting infill projects compatible with existing single-household developments;
  7. Ensure cottage housing contributes to the overall character of residential areas;
  8. Provide for centrally located and functional common open space that fosters a sense of community;
  9. Provide for semi-private areas around individual cottages to enable diversity in landscape design and foster a sense of ownership;
  10. Minimize visual impacts of parking areas; and
  11. Provide opportunities for creative, diverse and high quality developments compatible with existing neighborhoods.
- C. Affordable housing applicability. The requirements of chapter 38 article 43, unless specifically modified in this article, apply to all cottage housing subdivisions regardless of the number of cottages proposed to be included in the development. Notwithstanding the provisions of 38.43, a cottage housing subdivision must provide at least one lower-priced home, or three moderate-priced homes. A cottage housing subdivision may have more affordable homes than the required minimum.
- D. Cottage housing subdivisions.
1. Cottage housing developments involve the subdivision of a parcel of land, referred to herein as the primary lot, into: a) dependent lots for individual dwellings, and b) private common area for the common use of the owners of the dependent lots.
  2. The review procedures for cottage housing subdivisions are as follows:
    - a. For the creation of five or fewer lots, the provisions for approval of a first minor subdivision apply.
    - b. For the creation of six or more lots, the provisions for approval of a major subdivision apply.
    - c. A cottage housing subdivision is exempt from subdivision review pursuant to 38.05.020.A.7 if;
      - (1) The primary lot was previously reviewed as part of a subdivision;
      - (2) All public street, water, sewer, and stormwater infrastructure (excluding individual services to proposed lots and internal main extensions) is installed; and
      - (3) All park requirements applicable to the proposed density of dwellings have been satisfied.
    - d. Cottage housing subdivisions meeting the requirements of 38.22.240.D.2.c must:
      - (1) Include notice to the public equal to that required for a site plan in Table 38.40.030; and

- (2) The subdivision application is subject to review for acceptability and adequacy pursuant to 38.19.090.

3. Requirements and restrictions.

- a. The development as a whole must meet the development standards of this chapter applicable at the time the subdivision application is deemed adequate.
- b. The primary lot must meet the size, length, width, frontage, and similar development standards of Chapter 38.
- c. Homes on dependent lots do not need to meet the lot size, lot coverage, lot configuration, or setback requirements (except watercourse and overlay district) in chapter 38 except as in table 38.22.240.G-1. Private open space for each cottage must be provided on the same lot as the cottage it serves and any structure must be within the boundary of the dependent lot.
- d. Lot subdivisions and subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the primary lot.
- e. Notes on the conditions of approval page of the plat must include the restrictions applicable to the dependent lots including but not limited to:
  - (1) The dependent lot is not a buildable lot independent of the primary lot and associated cottage housing development;
  - (2) Additional development of the dependent lots may be limited as a result of the application of development standards applicable to the primary lot;
  - (3) Any and all restrictions that apply to the common open areas; and
  - (4) Permitted cottage square footages.
- f. A cottage housing subdivision may use the concurrent construction provisions of 38.39.030.D without the requirement of a planned unit development.
- g. Reciprocal joint use and maintenance agreements, for each dependent lot within the primary lot, must be executed for access, use and maintenance of common garage or parking areas, common open area and other similar features, and recorded with the Gallatin County Clerk and Recorder's Office along with the final plat.
- h. A cottage housing subdivision must include establishment of a property owner's association which meets the requirements of 38.38.020 and 38.38.030. The property owner's association must hold title to and maintain all common areas.
- i. Separation or use of a dependent lot in a manner contrary to the approved cottage housing subdivision is a material modification of the project and subject to 38.01.070.
- j. If a subdivision exemption is used to create a cottage housing subdivision, installation of all required water and sewer mains and services, parking areas, and similar features must be completed and accepted by the City prior to recording of the subdivision exemption; or the developer may enter into an improvements agreement to secure the same work.
- k. The following modifications require compliance with 38.01.070:

- (1) Increasing the number of cottages;
- (2) Altering the character of the development by relocating common spaces, adding or removing common buildings, or changing the design of more than 20 percent of the cottages;
- (3) Increasing the floor area in one building by more than 10 percent;
- (4) Changing access points to the primary lot;
- (5) Moving buildings around on the site;
- (6) Reducing the area of common open spaces by more than two percent; or
- (7) Diminishing the effectiveness of perimeter buffers.

E. Density standards.

1. The following density standards apply to cottage housing subdivisions and replace those listed in 38.08 and 38.09. A “cluster” refers to a group of cottages oriented toward a common open area.
  - a. Up to two cottages may be built for each non-cottage single-household dwelling allowed under the zoning applied to the property.
  - b. Existing single-household dwellings on the primary lot will count towards total units. If the existing dwelling exceeds the maximum allowed gross floor area of a cottage it counts as two cottages in determining maximum allowed density.
  - c. Minimum units per cottage cluster: four.
  - d. Maximum units per cottage cluster: 12.
  - e. Maximum units per cottage housing development: 24.
  - f. Cottage housing subdivisions must be spaced so that the total number of cottages within the area defined by a 500-foot radius from the geographic center of a proposed cottage housing subdivision is no more than 24. The number of cottages within a proposed development is included in the total allowed within the defined area.
  - g. Accessory dwelling units are not allowed within a cottage development.
2. Existing dwellings. An existing detached single-household dwelling that is incorporated into a cottage housing subdivision as a residence and which exceeds the standards of this section may remain and will be counted as one or more of the allowed units. However, the extent of the noncompliance may not be increased unless the proposed change is determined by the Review Authority to be consistent in character, scale and design with the cottage housing development. Repair, maintenance and reconstruction of a non-conforming dwelling are regulated by 38.32. An existing dwelling may be replaced with cottage units consistent with this section.

F. Departures from the design standards in this section.

1. An applicant may request departures from the provisions of paragraphs G-I of this section. Departures must be consistent with the purpose, intent and requirements of this section.
2. The applicant must describe each requested departure and document in writing how the departure is consistent with the purpose, intent and requirements of this section.
3. A departure may not exceed 10 percent of any numeric standard. A departure may not alter procedural requirements. A departure may only apply to the application of standards internal to the primary lot and not to standards applicable to the separation or interaction of cottage housing to an adjacent parcel.
3. The review authority may approve a departure after documenting in writing that the departure is consistent with the intent, purpose and requirements of this chapter; and do not threaten the public health, safety, or welfare.

G. Design standards.

The cottage housing option minimizes the required sizes of side, rear, and front yards on dependent lots. As a result, small lots are ultimately shaped by building configuration. Designers should consider how the arrangement of interior space affects exterior massing and how the configuration of building elements responds to adjacent buildings. Design strategies incorporating neighborhood context include considerations of: building height transitions, arrangement of buildings and open space, landscape elements, vehicular driveways and pedestrian paths, and architectural details and scaling devices that break down the massing of the development. With reduced setback requirements and small lot areas, providing access to air, light, and ventilation is more challenging than typical single dwelling designs. Thus, architects and builders must take full advantage of the unique design opportunities presented to them to create livable environments.

These design standards:

1. Ensure that cottage designs are based on a coherent architectural concept;
2. Ensure that the overall sizes of cottages are smaller and cause less visual impact than standard sized single-household dwellings;
3. Ensure that cottages contribute positively to the architectural character of the neighborhood;
4. Provide flexibility in design and contrast among individual cottages while assuring attention to design features and character; and
5. Provide variety in cottage housing developments through a mixture of building sizes and footprints.

The following table establishes specific performance standards for development of cottages and cottage housing. All cottage development must be evaluated against the standards of this table.

**Table 38.22.040.G-1**

Standard	Requirement
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<b>Standard</b>	<b>Requirement</b>
<b>Minimum number of cottages with less than 1,000 square feet gross floor area</b>	<b>25% of total cottages</b>
<b>Maximum number of cottage exceeding 1,200 square feet gross floor area</b>	<b>25% of total cottages</b>
<b>Maximum gross floor area per cottage</b>	<b>1,500 square feet</b>
<b>Maximum cottage footprint</b>	<b>1,000 square feet (includes attached garages)</b>
<b>Maximum size of 2<sup>nd</sup> floor</b>	<b>100% of gross floor area of 1<sup>st</sup> floor</b>
<b>Minimum floor area per cottage</b>	<b>Minimum livability standards as defined by Chapter 3 of the International Residential Code</b>
<b>Minimum common open space per cottage (See subsection H below for more information)</b>	<b>400 square feet</b>
<b>Minimum private open space per cottage (See subsection F.10 below for more information)</b>	<b>200 square feet</b>
<b>Maximum height for cottages</b>	<b>25 feet for two stories and 18 feet for single story cottages</b>
<b>Maximum dormer size</b>	<b>Dormers greater than 40% of sidewall width in aggregate will be considered a floor</b>
<b>Setbacks (to exterior property lines of primary lot)</b>	<b>See 38.08.050 or 38.09.030 as applicable; except that porches and steps may encroach up to five feet into a required front yard setback</b>
<b>Maximum height for accessory structures and community buildings</b>	<b>18 feet</b>
<b>Minimum distance between detached structures (including accessory structures)</b>	<b>Seven feet with allowed eave protrusion into the required distance of up to 18 inches</b>

Standard	Requirement
<b>Lot coverage</b>	<p><b>Allowed lot coverage within individual dependent lots – 100% so long as all other standards are met</b></p> <p><b>Allowed lot coverage within primary lot – As otherwise restricted in this section</b></p>

6. Cottage size. Areas within a cottage which do not count toward the gross floor area or footprint calculations:
  - a. Interior spaces with a finished ceiling height of six feet or less, such as in a second floor area under the slope of the roof;
  - b. Unheated storage space located under the ground floor of the cottage;
  - c. Attached unenclosed porches;
  - d. Detached garages;
  - e. Carports; or
  - f. Architectural projections (i.e., bay windows, fireplaces or utility closets) no greater than 12 inches in depth and four feet in width.
7. Documentation of approved cottage size. The total approved square footage of a cottage must not be increased from its approved size by more than two percent. A note must be placed on the conditions of approval sheet of the final plat stating this limitation for each dependent lot and noting the approved size of the cottage for that dependent lot.
8. Roofs. A gable, hipped, or other sloped roof form is required. Non-sloped roofs may be considered as a departure. Dormers are allowed.
9. Orientation of cottages.
  - a. Each cottage must be oriented toward a common open space, and not less than 60 percent of the units must abut the common open space.
  - b. Dependent lots in a cottage housing development are not required to abut a public street. Lots not abutting a public street must provide legal and physical access from a public street to the dependent lot.
  - c. Each cottage abutting a public street (not including alleys) must have a secondary entrance, porch, bay window, or other architectural enhancement oriented to the public street.
  - d. Cottages must be oriented around and have the main entry from the common open space or from the public street.
10. Private open space. The private open space required in Table 38.22.240.G-1 must be provided contiguous to each cottage and be contained within the boundary of the dependent lot for the exclusive use of the cottage residents. Orientation of private open

spaces toward the common open space is required unless applicant demonstrates an alternative location provides a superior outcome for both the individual cottage and cottage housing subdivision. The area of an unenclosed porch may be included in the required private open space. Private open space must have no dimension less than 10 feet.

11. Basements. Cottages may have basements. In areas where groundwater is determined to be at a depth of less than nine feet no basement is allowed.
12. Cottages located facing a public street. Cottages located facing a public street must provide:
  - a. A covered entry feature (with a minimum dimension of six feet by six feet) visible from the street;
  - b. At least two architectural details visible from the street, such as:
    - (1) Decorative lighting;
    - (2) Decorative trim;
    - (3) Special door details;
    - (4) Trellis or decorative building element; or
    - (5) Bay window.
    - (6) Alternative design treatments, which may be considered by the review authority on a case-by-case basis.
13. Character and diversity. Cottages and accessory buildings within a cluster must be designed within the same family of architectural styles.
  - a. Examples of unifying architectural elements include:
    - (1) Similar building/roof form and pitch;
    - (2) Similar siding materials;
    - (3) Similar porch detailing; and
    - (4) Similar window trim.
  - b. Variety in building and site design. Cottage housing developments must avoid the repetitive use of the same combination of building size, styles, features, and site design elements within an entire cottage housing subdivision and between adjacent dwellings. Dwellings with the same combination of features and treatments must not be located adjacent to each other.
  - c. Porches. Porches must create a visual and physical connectivity to the common open space and to other cottages. Cottage porches must:
    - (1) Be unenclosed, covered;
    - (2) Surround or enclose the primary entrance to the cottage;
    - (3) Be oriented toward a common open space or a public street; and

- (4) Have at least 80 square feet in area with no horizontal dimension shorter than six feet.
  - d. Façade transparency. Transparent windows and/or doors are required on the façades of cottages facing a street and common open space. The area of the windows and doors must be at least 10 percent of the area of the façade on which they are located.
14. Fence design standards. The standards of this paragraph are in addition to the standards of 38.22.130.
- a. Fencing and screening. The intent of internal decorative fencing and screening is to delineate private yards and to screen parking structures, community assets and cottage walls. A cottage housing development must internally be an open community sharing common areas.
  - b. Decorative fencing may be used for delineating private yards.
  - c. Fencing or shrubbery may be used to screen parking areas, community assets, and cottage walls.
  - d. Dependent lot fencing and shrubbery may not exceed 36 inches in height, except directly adjacent to a parking area.

#### H. Community assets.

1. Common open space. Yards and common areas serve a dual function, and therefore deserve particular attention. They act both as habitable outdoor space for owners and as shared areas within the proposed development and the neighborhood. The yard is a visual amenity to the development, neighborhood, and passers-by. Additionally, it serves as a semi-transparent bridge between the private interior of the home and common areas. Landscaping should be visually interesting, sustainable, and relatively easy to maintain.

The minimum common open space requirements set forth in this section are intended to provide a sense of openness, visual relief, and community. Common open spaces provide much of the functions of required rear and front yards in 38.08 and 38.09. Common open space must provide a centrally located, focal area for the cottage housing subdivision.

- a. The total common open space must be at least 1,600 square feet, regardless of the number of units in the cluster.
- b. The required common open space may be divided into no more than two separate areas per cluster.
- c. To be included as part of the common open space requirement, a common area must have minimum dimensions of 20 feet on all sides.
- d. At least two sides of each common open space must have cottages along the perimeter.
- e. Common open space must comply with 38.42.630. However, the building footprints of community buildings, excluding garages, are counted towards the common open space requirements.

f. Landscaping requirements.

- (1) All common open spaces must have landscaping as defined in 38.42.1530 except for those portions developed for play structures, common structures, gardens or similar uses.
- (2) All cottage housing developments must be designed to have a minimum of 160 square feet of tree canopy cover per dwelling at maturity of the species selected for the landscaping.
- (3) The provisions of 38.26.060 do not apply to cottage housing subdivisions.

2. Community buildings.

- a. Community buildings are permitted in cottage housing developments.
- b. Community buildings must be clearly incidental in use and size to cottages.
- c. Design must be similar to and compatible with the design of the cottages.
- d. Other shared facilities could include tool sheds, gazebos, workshops, or similar common elements.

3. Storage.

- a. Storage closets for each cottage may be included as part of community buildings or added to garages.
- b. Storage for gardening supplies or similar shared items may be included as part of a community building.

I. Access and parking.

1. Purpose. The intent of these access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties and to provide for adequate off-street parking for cottage housing.
2. Off-Street parking.
  - a. No off-street parking space is required to be enclosed.
  - b. Garages may not exceed 125% of the minimum width or area required by Table 38.25.020 for a single vehicle.
  - c. Guest parking may be clustered with resident parking. Guest parking must be clearly identified as reserved for visitors.
  - d. At least one stall of each parking type must meet the accessibility standards of the building code.
  - e. Enclosed garages may not be located on the façade of the cottage with the primary entrance. Carports or unenclosed parking adjacent to a cottage may be on the façade with the primary entrance.
3. Parking design. The intent of these parking design standards is to create unobtrusive parking, by screening parking structures and spaces from surrounding properties,

including screening by architectural design and/or vegetation, and by minimizing the number of contiguous parking spaces.

- a. Shared detached garage structures may not exceed four garage doors per building and a total footprint of 1,200 square feet.
  - b. Parking must be separated from the common open space, adjacent properties, and public streets by landscaping and/or architectural screening. Solid board fencing is not allowed as an architectural screen. Exception: One parking structure may be adjacent to the common open area, if the garage includes architectural features to make it look consistent with the cottages and community buildings.
  - c. Parking, including garages, must be set back a minimum of 20 feet from a public street.
  - d. The parking layout must be designed to minimize walking distance to cottages.
  - e. A sloped roof is required for all parking structures.
  - f. The design of garages and carports, including roof lines, must be similar to and compatible with that of the cottages within the cottage housing development.
  - g. Parking may be located between or adjacent to cottages or common garages, if it is located toward the rear of the structure and is served by an alley or driveway.
  - h. Parking stalls, circulation areas, and related spaces must comply with 38.25. If there is a conflict between the standards of 38.25 and this paragraph the provisions of this paragraph apply.
4. Walkways.
- a. A system of interior paved walkways must connect all cottages with each other, the parking area, and the sidewalks abutting any public streets bordering the cottage housing development.
  - b. Interior walkways must be a minimum of five feet and a maximum of eight feet in width.

## **Section 7**

That the Bozeman Municipal Code be amended by adding Section 38.41.180 to read as follows:

### **38.41.180. - Submittal materials for cottage housing subdivision**

- A. Applications for a cottage housing subdivision must be made on forms provided by the City and include the following information:
1. An affordable housing plan per 38.43.080;
  2. Applicable materials to review the development as either a subdivision or a subdivision exemption as set forth in 38.03, 38.05, and 38.41;

3. Preliminary development plan. In addition to the above materials, the applicant must provide all necessary information to demonstrate compliance with the applicable standards of this chapter. These include but are not limited to:
  - a. A site plan of the proposed development drawn to scale, indicating property lines, proposed setbacks, and lot coverage calculations;
  - b. The location of all adjacent structures, the distance to property lines, and the footprint of any existing structures on the property with a note on which structures will remain;
  - c. The location, size, configuration, and dimensions of the lot(s) on which the cottage housing subdivision will be developed;
  - d. The location and footprint for each cottage;
  - e. A depiction of the individual dependent lot that delineates the cottage footprint and the spacing around each cottage;
  - f. A delineation of the common areas;
  - g. The height and square footage of each cottage;
  - h. The parking locations, layout, circulation, ingress and egress;
  - i. The location, if applicable, of any buildings to be used in common;
  - j. The layout and dimensions of pedestrian circulation from the parking areas to the cottages, and connecting the cottages;
  - k. Design illustrations that show, and a design checklist that lists, the design features that constitute the required design elements for each cottage;
  - l. A depiction of the driveway access from a publicly maintained street to the cottage housing development parking areas, with its dimensions;
  - m. A depiction and description of storm water facilities;
  - n. A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character;
  - o. A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for a cottage housing development;
  - p. A detailed description of the proposed cottage type, including proposed square footage, cottage mix, and number of bedrooms per cottage;
  - q. General information about the site including the number of cottages allowed by the zone and the number of proposed cottages, open space allowed and proposed, impervious surface allowed and proposed, and building height allowed and proposed;
  - r. Draft of no build easements, cross access, joint use, and maintenance agreements and Home Owner Association documents; and
  - s. Additional information as required by the application forms provided by the city or deemed necessary by city staff to consider the application.

## **Section 8**

That the Bozeman Municipal Code be amended by creating Section 38.42.762 to read as follows:

**38.42.762. - Cottage.** “Cottage” means an individual small single-household dwelling that is clustered with other similar cottages as part of a cottage housing subdivision.

## **Section 9**

That the Bozeman Municipal Code be amended by creating Section 38.42.764 to read as follows:

**38.42.764. - Cottage housing.** “Cottage housing” means clusters of cottages on individual dependent lots arranged around common open space and developed as an integrated project on a primary lot and subject to the standards of 38.22.240.

## **Section 10**

### **Repealer.**

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

## **Section 11**

### **Savings Provision.**

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.



**Section 12**

**Severability.**

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

**Section 13**

**Codification.**

This Ordinance shall be codified as indicated in Section 2-9.

**Section 14**

**Effective Date.**

This ordinance shall be in full force and effect thirty (30) days after final adoption.

**PROVISIONALLY ADOPTED** by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 27<sup>th</sup> day of June, 2016.

  
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**CARSON TAYLOR**  
Mayor

ATTEST:

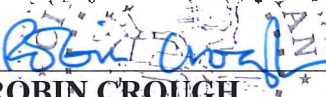
  
\_\_\_\_\_  
**ROBIN CROUGH**  
City Clerk




**FINALLY PASSED, ADOPTED AND APPROVED** by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 11<sup>th</sup> of July, 2016. The effective date of this ordinance is August, 10<sup>th</sup>, 2016.


  
\_\_\_\_\_  
**CARSON TAYLOR**  
Mayor

ATTEST:

  
\_\_\_\_\_  
**ROBIN CROUGH**  
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
**GREG SULLIVAN**  
City Attorney