

ORDINANCE NO. 1974

AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING THE CITY OF LIVINGSTON, MONTANA'S ZONING ORDINANCE BY ESTABLISHING BUILDINGS DESIGN STANDARDS IN THE DESIGN REVIEW OVERLAY DISTRICT.

Purpose

The purpose of Zoning is to promote public health, safety and welfare, to lessen congestion in the streets, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements through the regulation of lots, buildings, structures and uses in the Overlay Zone.

WHEREAS, the City has established the Overlay Zone; and

WHEREAS, the Livingston Zoning Commission has recommended to the City Commission that the Zone Code be amended to create Building Design Standards for the Overlay Zone..

NOW, THEREFORE, BE IT ORDAINED by the Livingston City Commission as follows:

SECTION 1

That a new section to Chapter 30 Zoning of the Livingston Municipal Code be and the same is enacted as follows:

BUILDING DESIGN STANDARDS

This section provides policies and standards for the design of buildings in the Design

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Review Overlay-Zone. In general, they focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such, they address only broad-scale topics and do not dictate specific architectural styles or building details.

Objectives for Building Design:

1. Achieve high quality design.

Buildings in the overlay-zone shall convey a high quality of design, in terms of their materials and details, as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.

2. Reflect the design traditions of Livingston.

Buildings shall reflect the design traditions of the region, in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Sloping roofs, in gable, hip and shed varieties are historical precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snowfall. Flat roofs with varied parapet lines and cornices are also a part of the city's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale, to reduce the impact of building scale on the adjacent property, as well as on the neighborhood.

3. Promote buildings that fit with the natural setting.

Structures shall be sited to fit with the land and incorporate colors seen in the natural

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setting.

4. Promote buildings that reflect pedestrian scale.

Human scale shall be an integral part of all buildings. Large, flat, windowless block buildings do not reflect human scale or the design traditions of Livingston. Thoughtful use of landscaping, color, building materials and architectural details bring human scale to buildings.

Building and Topography.

Policy:

A building shall respect the natural topography of the site.

Standards:

Step a building foundation to follow the slope of the site when feasible.

In general, an exposed building foundation shall not exceed three feet in height.

Building Character.

Policy:

Buildings shall reflect the regional urban character.

Guideline:

1. Designs that draw upon regional design traditions are preferred.

Standardized "franchise" style architecture will be strongly discouraged by following these standards

2. The primary entrance to a building shall have a human scale.

Provide a one-story element at the building entrance to help establish a sense of scale.

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3. Where no windows or other obvious indication exists, express the position of each floor in the external skin design of a building to establish a human scale.

Use belt courses or other horizontal trim bands of contrasting color and materials to define floor lines.

Articulate structural elements, or change materials as a method of defining floors.

4. Use building materials that help establish a human scale.

For example, use brick in a standard module to express a human scale.

Avoid using large surfaces of panelized products or featureless materials.

A large surface of stucco or similar material that lacks articulation or detailing shall be avoided.

5. New construction shall relate to adjacent residential and historic resources.

Where a new project abuts a residential neighborhood or an historic structure, step the building down at the property edge to minimize abrupt changes in scale, or increase side yards to reduce the impact.

Primary Building Entrance.

Policy:

The primary entrance of a structure shall orient to a street, major sidewalk, pedestrian way, plaza, courtyard or other outdoor public space.

Standards:

1. Design the main entrance to be clearly identifiable.

Provide a sheltering element such as a canopy, awning, arcade or portico to signify the primary entrance to a building.

Where more than one user shares a structure, each individual entrance shall be identified

2. Orient the primary entrance of a building to face a street, plaza or pedestrian way.

Focusing an entrance toward a parking lot without also addressing the street is inappropriate.

Consider using a "double-fronted" design where the entrance to parking and to the street is required. That is, provide a door to the street and another to the parking lot.

Consider locating a pedestrian plaza at the entrance; this may be enhanced with landscaping and streetscape furnishings.

Street Level Interest.

Policy:

When a building is located close to a street or walkway, it shall be designed to provide interest to pedestrians. For example, commercial buildings with storefronts are of interest to passers-by. Such features encourage pedestrian activity and shall be used whenever feasible.

The overall mass of a building shall appear to be in scale with buildings seen traditionally. This will help new structures fit with the Livingston context. At the same time, newer structures may be larger than those seen before; they shall simply be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.

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Standards:

1. Develop the street level of a building to provide visual interest to pedestrians .

All sides of a building shall include interesting details and materials to avoid presenting a "back side" to neighboring properties. For example, the sides of restaurants and specialty stores shall incorporate windows and display cases over at least a third of the facade area. A large expanse of blank wall is inappropriate on any street oriented facade.

Building Mass and Scale.

Policy:

A building shall appear to have a "human scale." In general, this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions, as noted throughout this ordinance, e.g. " Small Details / Visible to pedestrians. "

Standards:

In order to reduce building scale, each major building project shall provide all of the following:

1. Divide a building into visual modules that express dimensions of structures seen traditionally.

A. Buildings shall employ all of the following design techniques:

Change material or color with each building module to reduce the perceived mass.

Change the height of a wall plane or building module.

Change roof form to help express the different modules of the building mass and,

Change the arrangement of windows and other facade articulation features, such as columns or strap work that divide large wall planes into smaller components.

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B. Express facade components in ways that will help to establish a human scale. (Details oriented towards pedestrians)

Establish a pattern and rhythm on exterior walls to establish a human scale.

Windows, columns, and other architectural treatments used repetitively can create this effect.

Using windows and doors that are similar in scale to those seen traditionally also can help establish a human scale.

Also, recess these elements, even if slightly, and articulate them with headers, sills, columns, and/or mullions.

Roof Form.

Policy:

The primary roof form of a structure shall help reduce the perceived scale of the building. For that reason, sloping roofs shall be used in most contexts. These also will help the building fit into the mountain backdrop. Varied roof forms in the appropriate context are also encouraged.

Standards:

1. Using sloping roof forms to reduce the perceived scale of a building is encouraged.

Varying roof forms is encouraged.

Providing variety in ridgeline height is encouraged.

2. All roof forms shall have no less than two of the following features:

- A flat roof with parapet
- A cornice or molding to define the top of a parapet
- Overhanging eaves

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- Sloping roofs with a minimum pitch of 6:12
- Multiple roof planes

Signage.

Policy:

Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development, it will be important within this overlay zone, to keep signage as minimal and unobtrusive as possible.

Standards:

1. Free-standing and monument signs will be constructed of materials and contain details which match those of the building being advertised.

- Use brick, wood or stone facades on signage structures to help them blend into and match the site.

- Simulate architectural details of the building, such as colors, textures, and geometric forms, in designing sign structures.

2. Signs that detract from the site design of a development shall be avoided.

- The use of internally backlit signs will not be allowed. Spotlighting or other lighting methods shall be explored.

DESIGN STANDARDS ADMINISTRATION

The building design standards and review procedures contained herein, shall apply to all non-residential property annexed into the City and falling within the Gateway Overlay Zoning District, which has been mapped and amended to the City's Growth Policy. These Design Standards will be applied through the use of an overlay-zone that will add the provisions of this

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Section to the underlying zoning designation. Within the Design Review Overlay-Zone all new construction, exterior remodels and additions to existing buildings will be subject to the following application and review process:

APPLICATION: A completed application form along with a site-plan and other detailed drawings, including but not limited to building elevations indicating exterior materials, colors and necessary architectural details required to determine compliance with this Section, shall be submitted to the Planning Department along with the required application fee. Once accepted by the Planning Department, the applicant will be notified as to whether or not the plans submitted comply with adopted City standards. This notification will occur as soon as the review is completed but in any case shall not be later than thirty (30) days from the date the application was accepted by the Planning Department. Failure of the City to complete a review and notify the applicant within the allotted thirty-day period will constitute approval of the application.

If a plan is rejected for non-compliance, it will be returned to the applicant with an explanation as to how the plan fails to comply with City standards and/or this Section. The applicant will then be allowed to re-submit the application, with no additional application fee, provided the City receives the revised application within sixty (60) days from the original rejection.

REVIEW FEES: The fee for design review shall be established by separate resolution.

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and

parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court having competent jurisdiction, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings provision:

This ordinance does not affect the rights or duties that mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

SECTION 5

Effective date:

This ordinance will become effective 30 days after the second and final adoption.

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the 7th day of August, 2006.



STEVE CALDWELL - Chairman

ATTEST:



PAM PAYOVICH - Recording Secretary

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PASSED, ADOPTED AND APPROVED by the City Commission of the City of

Livingston, Montana, on second reading at a regular session thereof held on the 5th day of

~~August~~, 2006.
September



STEVE CALDWELL - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
Livingston City Attorney

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NOTICE

The public is invited to attend and comment at a public hearing to be held at 7:30 p.m. on September 5, 2006, on the second reading of **ORDINANCE NO. 1974**, entitled: **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING THE CITY OF LIVINGSTON, MONTANA'S ZONING ORDINANCE BY ESTABLISHING BUILDINGS DESIGN STANDARDS IN THE DESIGN REVIEW OVERLAY DISTRICT**. A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call Pam at 823-6001.

(The Notice must be published twice at least 6 days apart 7-1-4127(6)MCA and post the ordinance on the City bulletin board and copies need to be made available to the public 7-5-103 MCA. **Note for zoning the law requires an added requirement of at least 15 days notice(76-2-303(2).**

NOTICE

The public is invited to attend and comment at a public hearing to be held at 7:30 p.m. on Tuesday, September 5, 2006, on the second reading of **ORDINANCE NO. 1974**, entitled:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY OF LIVINGSTON, MONTANA'S ZONING ORDINANCE BY ESTABLISHING BUILDINGS DESIGN STANDARDS IN THE DESIGN REVIEW OVERLAY DISTRICT.

A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call Pam Payovich at 823-6001.

Please Publish August 18, 2006, August 24, 2006 and August 30, 2006.

Pam Payovich
City of Livingston
Administrative Support/Recording Secretary

Date: August 8, 2006