

Zone Text Amendment

A Zone Text Amendment (ZTA), also called a Unified Development Code (UDC) Text Amendment, requests a change in the regulations governing the division, use, placement, spacing or size of land and buildings. This handout provides details for the application requirements required to modify the development code (or... amend Chapter 38 of the City's adopted code(s)).

Digital Submittals & Naming Protocol

MINIMIZE DELAYS WITH CORRECT FORMATTING. APPLICATION SUBMITTAL REQUIREMENTS ARE MANDATORY PER BMC 38.220

- 1) Create and submit a Planning application using the [ProjectDox portal](#);
 - a) After completing your Development Review Application, you will receive a Notification Letter ([example](#)) via email. Please download this document and obtain the owner's signature. Upload as a PDF to the "Documents" folder in ProjectDox.
- 2) The digital copies must be separated into two categories: Documents and Drawings.
 - a) The Documents folder should include items such as application forms, narrative, response to City comments, supplemental documents, technical reports, easements, legal documents, etc.
 - b) The Drawings folder should include items such as site plans, civil plans, landscape plans, irrigation plans, photometric plans, elevations, etc. All drawing files must be drawn and formatted for a 24" x 36" sheet file or an 11" x 17" sheet file. Plan pages shall be properly oriented in landscape mode. Refer to our [Quick Guide](#) for additional information.
- 3) Naming protocol. All files should be numbered and named according to their order listed on your provided Submittal Checklist. File names should start with a numeric value followed by the document name. The numeric value at the beginning of the file name ensures the order in which they are displayed. Refer to our [Quick Guide](#) for additional information.

Application Checklist

- 1) Zone Text application. Submit a complete and signed Zone Text Application (ZTA)
- 2) Project narrative. Briefly describe the intent and reason for requesting a text amendment.
- 3) Draft text. Provide language to be removed from the Unified Development Code in strikeout format on the original pages if proposed. Provide new text and location to be inserted into the Unified Development Code
- 4) Zone text change narrative. Discussion and analysis for each of the State review criteria in support of the requested zone(s) listed below.
- 5) All the data and information pertinent to the understanding and judgment of the proposal, as may be prescribed by the commission for that purpose so as to ensure the fullest practicable presentation of facts for the permanent record; and

- 6) A notarized statement by at least one of the owners of property within the area subject to the proposed changes attesting to the truth and correctness of all facts and information presented with the petition.

Review Criteria

Section [76-25-304, Mont. Code Ann.](#) of state law establishes the criteria for the creation and amendment of zoning. Due to the range of subjects, the applicability of any individual criterion may be of more or less importance. The City Commission must evaluate whether the applicable criteria are met, not applicable, or if the benefits of the change offset negative impacts. Below is the state statute that provide the criteria and guidelines for zoning decisions. The state may amend these criteria.

The city relies on adopted issue plans and similar documentation to consider the jurisdiction wide issues and establish policy. If an amendment proposes something that has not been considered during issue plan or land use plan development, the applicant may be required to conduct a broader scale analysis.

(1)(c) make a preliminary determination as to whether the zoning regulation and map, as proposed or as amended, would be in substantial compliance with the land use plan, including whether the zoning regulation or map:

- I. accommodates the projected needed housing types identified in 76-25-206;
- II. contains five or more specific strategies from 76-25-302 to encourage the development of housing within the jurisdiction;
- III. reflects allowable uses and densities in areas that may be adequately served by public safety, emergency, utility, transportation, education, and any other local facilities or services identified by the local government in 76-25-207;
- IV. allows sufficient area for existing, new, or expanding commercial, industrial, and institutional enterprises the local government has identified in 76-25-208 for targeted economic growth in the jurisdiction;
- V. protects and maximizes the potential use of natural resources within the area, as identified in 76-25-209;
- VI. minimizes or avoids impacts to the natural environment within the area, as identified in 76-25-209; and
- VII. avoids or minimizes dangers associated with natural hazards in the jurisdiction, as identified in 76-25-209; and

(d) preliminarily determine whether the proposed zoning regulation, map, or amendment results in new or increased impacts to or from local facilities, services, natural resources, natural environment, or natural hazards from those previously described and analyzed in the assessment conducted for the land use plan.

Minimum Narrative Standards

As an amendment is a legislative action, the Commission has broad latitude to determine a policy direction. The burden of proof that the application should be approved lies with the applicant. A zone map amendment must be in accordance with the land use plan policy (1(c)).

Standards which prevent or mitigated negative impacts are incorporated throughout the entire municipal code but are principally in Chapter 38, Unified Development Code. The information, or argument, is necessary to make a decision. Statements supporting the application must identify goals and objectives of the land use plan advanced by the proposed change. Conclusory statements are not arguments for a proposed change. Your argument is critical to the success or failure of your application.

Analysis must accompany the submittal necessary to determine anticipated increase, no change, decrease, or a combination of impacts for services. For reference, the Bozeman Community, Community Plan [Appendices](#) includes a list of local services and facilities.

Changes to the text affect all areas of the community subject to the regulation. Your narrative should demonstrate how the community as a whole benefits from the proposed change.

Certification and Signatures

I (We), the undersigned, hereby certify that the information contained in the application is true and correct to the best of my (our) knowledge.

Property Owner's Signature(s)

Date

State of: _____

County of: _____

On this _____ date of _____, 20 ____, before me, a Notary Public and the State of _____, personally appeared _____, know to me to be the person(s) whose name(s) is(are) subscribed to the above instrument and acknowledge to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the date and year first above written.

Notary Signature

Notary Public for the State of _____

Residing at _____

My Commission Expires _____

Application Fee(s)

For the current application fee, see the current [Fee Schedule for Planning Review](#)

Contact Us

Bozeman Community Development

Planning Division

20 East Olive St., Bozeman, MT 59715

Phone: 406-582-2260

Email: PlanningTech@bozemanmt.gov

Website: www.bozeman.net/planning