

## **18.40.180 LARGE SCALE RETAIL, SIZE LIMITATIONS AND DESIGN AND SITE DEVELOPMENT GUIDELINES AND EQUIREMENTS**

### **A. Purpose.**

1. The purpose of this section is to establish general development standards for large scale retail developments. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents living within the City of Bozeman.
2. These standards are also intended to be used as guidelines for evaluating and assessing the quality and design of proposed large scale retail developments. The particulars of any large scale retail developments will be evaluated against their respective standards contained in this chapter. It is expected that the quality and design of the large scale retail developments, while not necessarily complying with the exact standards of this chapter, will meet or exceed the intent behind these standards.
3. Applicability. All uses listed in this chapter shall be subject to the specific standards described for each use, in addition to all other applicable standards which may apply.

### **B. Limitations on Size of Retail Stores.**

1. No retail building, utilized by a single tenant, shall exceed 75,000 square feet.
2. Retail development consisting of one or more single tenant building(s) greater than 40,000 square feet may offer for direct sale to the public merchandise, which is displayed outdoors, but the area occupied by such outdoor sales and storage, exclusive of warehouses, shall not exceed 25 percent of the total square footage of the retail building(s).
3. Notwithstanding '18.40.180.B.1 and '18.40.180.B.2, BMC, when an otherwise lawful retail building, in excess of 75,000 square feet, exists as of March 21, 2003, such building shall be considered a development nonconformity. Said building may be continued, structurally altered, repaired or reconstructed so long as it is not increased, extended or enlarged beyond the gross floor area of the building that existed on March 21, 2003. To the extent practicable, the design and site development guidelines of this section shall be applied to any alteration, reconstruction or repair that takes place after March 21, 2003.
4. The following principal uses are exempt, as they pertain to outdoor sales and storage:
  - a. Recreation vehicle sales and auto sales;
  - b. Agricultural implement sales; i.e., tractors, cultivators, balers, etc.; and
  - c. Plant nursery.

### **C. Design and Site Development Guidelines for Certain Retail Developments.**

1. Retail development consisting of a single tenant building greater than 40,000 square feet shall be subject to the design and site development criteria and development standards contained in subsection 5 and 6 below. These guidelines shall be applied as part of the review and approval process for use permits and detailed applications. For developments in the entryway corridor, which are also subject to the design guidelines in Chapter 18.30, BMC, if there is any conflict between the guidelines, the more restrictive guideline shall apply. The guidelines in this section shall not be applied to any development or portion of a development that is covered by an approved use permit as of March 21, 2003, unless modifications to the use permit are proposed by the applicant.

2. Intent and Purpose. All new construction of retail buildings described in subsection A above will be subject to design review. It is the intent and purpose of this section to ensure the quality of retail development will enhance the impression and enjoyment of the community both by guiding development and change that occurs after the adoption of the ordinance codified in this section, and by stimulating and assisting, in conjunction with other provisions of this title, improvements in signage, landscaping, access and other contributing elements of retail development appearance and function. It is further the intent of this section to establish design criteria, standards and review procedures that will allow the City and its advisory boards and agencies to review and direct, in a fair and equitable manner, the development and redevelopment of future and existing properties and facilities governed by this section. The recommendations of the Design Review Board or administrative design review staff shall be given careful consideration in the final action of any agency, board or commission involved in decisions involving retail developments governed by this chapter.
3. The Design Review Board and administrative design review staff shall have the powers and duties provided by this title in considering applications subject to this chapter.
4. Certificate of Appropriateness. A certificate of appropriateness, received from the City Commission, with a recommendation by the Design Review Board, shall be required as a condition of site plan approval for any development governed by this section. Application, review and public notice procedures for proposals governed by this section are set forth in Chapter 18.76, BMC, Noticing, and Chapter 18.34, BMC, Review Procedures for Site Development. A denial of a certificate shall be accompanied by a written statement of reasons for the denial.
5. Design Criteria and Development Standards. In addition to all other applicable review procedures and design criteria, all development governed by this section shall exceed design criteria and development standards contained in Chapter 18.30, BMC, Entryway Overlay District, including the general design objectives and guidelines contained in the adopted or updated Design Objectives Plan, regardless of location or zoning district. Said design criteria and development standards shall be exceeded through design practices such as additional architectural detailing, exceptional landscape design, improved public spaces, use of renewable energy and/or recycled construction materials, and provisions for alternative modes of transportation. The City Commission shall determine whether established design criteria and development standards have been exceeded based on a recommendation from the Design Review Board.
6. Adaptability for Reuse/Compartmentalization. The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation and air conditioning. The building design shall also allow for:
  - a. The interior subdivision of the structure into separate tenancies;
  - b. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;
  - c. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections;
  - d. Landscaping schemes that complement the multiple entrance design; and

- e. Other elements of design which facilitate the multi-tenant reuse of the building and site.

7. Appeals. Appeals may be taken as provided for in Chapter 18.66, BMC.

**D. Additional Criteria and Site Development Guidelines for Certain Retail Developments.**

1. Applications for large scale retail development shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the City Commission finds that:
  - a. The plan conforms to the City's growth policy and the requirements of this title or parts thereof for the municipality as a whole;
  - b. A sound and adequate plan exists for said redevelopment;
  - c. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the City; and
  - d. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including but not limited to building, parking lot and surfacing, landscaping, signage and elimination of "ghost signage."
2. The City may enter into a development agreement with the owner of the real property and undertake activities, including the acquisition, removal or demolition of structures, improvements or personal property located on the real property, to prepare the property for redevelopment. A development agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for a specified use consistent with the provisions of this title and offering recourse to the City if the redevelopment is not completed as determined by the City.

**E. Review.** The provisions of this section shall be reviewed by the Commission in five years and updated as needed.