



CITY OF HAMILTON ZONING UPDATE WORKING GROUP

JOINT MEETING OF THE ZONING COMMISSION, PLANNING BOARD, & ZONING BOARD OF ADJUSTMENT MONDAY, SEPTEMBER 22, 2025, 5:30 PM AGENDA

This meeting will be conducted in a hybrid format including in-person and remote participation through Zoom. Any member of the public who wishes to observe or participate is able to attend and make comments in person, on the Internet or by phone. Detailed instructions on joining and participating via Zoom are available at www.cityofhamilton.net or by contacting aenglish@cityofhamilton.net. Meeting will be held at City Hall, 223 South 2nd Street, Hamilton, MT.

- I. Call Meeting to Order**
- II. Roll Call of the Zoning Update Working Group**
- III. Public Comment on Non-Agenda Items**
- IV. Old Business:**
- V. New Business:**
 - A. Discussion:** Cottage Court Standards
 - B. Discussion & Recommendation:** Draft Zoning Text & Map Update
 - C. Discussion & Recommendation:** Draft Comprehensive Plan Land Use Framework and Future Land Use Map Update
 - D. Discussion:** Outreach and Public Hearing Process for Zoning and Comprehensive Plan Land Use Framework update
- VI. Approval of Minutes:** August 4, 2025
- VII. Open Discussion – Board Members and Staff**
- VIII. Meeting Adjournment**

Attachments

- Comments received since August 4, 2025 meeting – Page 1
- Conceptual Cottage Court layouts in proposed R-1 and R-2 Districts – Pages 6 & 7
- Lot widths map – Page 8
- Current zoning map – Page 9
- Draft zoning map update – Page 10
- Comprehensive (clean) version of draft zoning code update – Page 11
 - o Track changes version available at www.HamiltonZoningUpdate.com.
- Draft Comprehensive Plan Land Use Framework & Future Land Use Map Update (clean and track changes – Pages 101 & 115
- Table outlining amendments to Future Land Use Map implementing zoning districts – Page 130
- August 4, 2025 Zoning Update Working Group Minutes – Page 131

A quorum of the Hamilton City Council may be present

City of Hamilton Zoning Working Group
Delivered by Email to Planner and Clerk

August 5, 2025

Subject: Hamilton Zoning Update August 4, 2025

Greetings,

I attended the meeting of the working group on August 5. I again compliment Matthew Rohrbach on his presentation and thoughtful comments. He was correct about the coverage of the property I mentioned. I understand this working group has spent time on this plan and applaud the effort to update Hamilton's zoning code. Much of the work I saw was well thought out.

I do have some concerns, however, based on having seen the pattern of growth in Ravalli County, Hamilton, and other places, as well as seeing the data and meeting working people who are struggling, sometimes unsuccessfully, with finding housing in Ravalli County.

As I mentioned at the meeting, I've observed the town of Port Aransas, located up the beach from my high school, growing in size and housing density. Yet, it continues to fail to provide affordable housing for its residents. Several rental sites will say that Port Aransas has affordable rent. Still, when you look at where they are, the rental is not in "Port A," but in places like Aransas Pass, a 5 to 15 mile drive and a ferry ride, Portland, a commute and a ferry ride, or Corpus Christi, a long commute. This was a shrimping port with some tourist activity and deep-sea fishing. It was affordable, with a culture similar to what you can read about in *An Unreasonable Woman*, set in Seadrift, which is 60 miles up the coast from Port Aransas. But, as it became a tourist and spring break destination, the developers rushed to build towering condos in the sand dunes of Mustang Island south of the town, and it now has one or two shrimp boats and a ton of Airbnbs and vacation rentals. Many of the Airbnbs are entire homes managed by an out-of-city management company. It is still a pleasant place to visit, but the culture has completely changed.

Shrimping, logging, and milling have some things in common: fewer workers per product as automation and economies of scale kick in, combined with the pressure on the natural environment. In the case of sawmills, Pyramid Lumber is an example of a company that figured out how to add more value to wood products and use smaller materials, going beyond turning round logs into square boards, while being at the forefront of sustainable logging. But there was no one to help them when they went under — not due to the logging business according to them, but due to the lack of affordable housing for their workers.

Housing density does not necessarily equal affordable housing. Of course, this may be due to pressures that Hamilton has little control over. When a place becomes a destination for internal immigration, the pressure to push housing prices can be a real problem. In 2020, I gave a presentation to the County Commissioners on behalf of the Affordable Housing Coalition. I showed an 800 square foot condo for sale in Redondo Beach, California; the cash from that sale

would buy a million-dollar house here — and only a fraction of a fraction of the population of the Los Angeles basin would have to decide to move here to double our population, and push housing prices up and up.

Even so, there are things the City of Hamilton can and should do.

The single-family district will allow the population in that district to almost triple — given that landowners will not all optimize density, doubling the population in this district is a better projection. This will change the character of the traditional neighborhood. If this working group wants to move forward, it must confront this reality and accept it as a consequence that aligns with the desires of both itself and its constituents.

The population increase needs to be disclosed to the public, as well as the impact on water, sewage, police, and traffic congestion.

Currently, a 4,200 square foot lot is occupied by one family. The ADUs approved earlier have yet to be built out. The ADU, as defined in both the current zoning and new zoning, can be as large as the primary residence or larger. A duplex would now be allowed on this lot. A quick sketch indicates that three dwellings, about 1,500 square feet each, will fit on this lot with the setbacks and less than 40% coverage. The maximum build-out seems to be a factor of almost three from the current state of events.

My gross estimate of a 20,000 population is:

5,400 current population
3,400 increase in single residential (2.3 people dwelling x 1,500 current units – on average)
2,200 increase in R-2 new construction
2,000 mobile home parks
2,000 commercial districts
6,000 new high-density
20,000 total

Since I only have zoning maps to work from, this may not be correct, so correct me if I am wrong. It is incumbent on this working group to develop a maximum population capacity and population projection, and the impact of that population increase on city infrastructure, services, and traffic congestion before moving this forward to the City Council.

What is the impact on the value of existing homes? The public deserves an answer and assessment since for many this may represent most of their wealth.

ADU sizes should be limited to make them more affordable. ADUs that are new construction should be limited in size. While it is envisioned as a converted garage or guest cottage, and the like, that is not how it is specified.

Airbnb should be banned in R-1 and R-2 or much more tightly regulated. There are two kinds of Airbnb:

- 1) A room in someone's house. This was the original idea of Airbnb. I have stayed in these, and sometimes you are sharing the same living room, kitchen, and bath with other guests and the resident. Sometimes, it is a different floor or a separate entry.
- 2) A separate building. This is, in essence, a hotel room.

This first needs little or no regulation. It does not take a rental off the market. The second is a space that could be a long-term rental. Of course, the owner can make more money with a short-term rental if they can achieve an occupancy rate above 20%. These are often profitable enough where the owner contracts out the management and cleaning — it becomes an investment property for what is functionally a hotel room.

Abnb in R-1 should be a conditional use permit as a minimum.

Some Group homes need to be conditional use. The purpose and management of a group home are of concern to the neighbors. Some served populations are unlikely to be an issue, others may involve neighborhood safety concerns, suggesting the need for a neighborhood safety plan. Thus, at least some of these need to be for conditional use.

Rent limited developments. I have developed property in Hamilton. As such, I do a projection for rental income, less operating costs, less amortized real estate purchase and construction. If the rental market at the time supports a reasonable profit, the profit is based on the financial risk I am taking, and I can and have built it.

What can happen if the rental market improves, allowing me to raise my rents? This is especially true if there are investors, as I will be under pressure to do so. And thus, as everyone else and I raise rents, the person working for \$10 an hour cannot afford anything in town. Some large cities have implemented rent control or stabilization programs, which landlords dread. They are dreaded because they are imposed after the fact, as far as the landlord is concerned.

While there are programs for low-income housing, the government management of housing vouchers is problematic. What might work better is for the builder to have gone through the math, knowing they are going to make a profit at a given rent and occupancy rate.

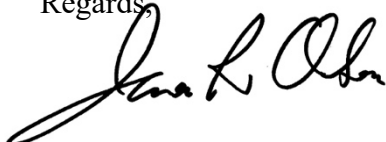
If a builder offers a rent that is 30% of the rate for a ____ dollar-an-hour worker and agrees not to raise the rent more than the rate of inflation or some other formula, the city could figure out how to incentivize it or zone it or both.

Roof high height in R-1 lowered. Why?

Setbacks in R-1 for front and back are too inflexible. Why this may be someone's esthetic, I have lived in functional neighborhoods where front setback was much less 20 feet, where you could sit on your front porch and actually talk to a neighbor walking by.

I thank all of the volunteers on this working group. Please enter this into the record.

Regards,



James R. Olsen

From: [Dan Harmon](#)
To: [Matthew Rohrbach](#)
Subject: Re: Public Comment on Hamilton Zoning Update
Date: Tuesday, September 9, 2025 4:33:37 PM

Matthew:

Good afternoon. I was finally able to read Mr. Olson's letter in detail. Mr. Olson put a lot of time and thought into his comments, many of which made good sense to me. I do trust your office will consider anything presented that would serve to enhance the work we have been doing over the past year. I do believe the planning and zoning joint group has proceeded in the correct direction with the proposed modifications to the City Zoning Code. I believe the proposed changes as they are currently presented offer the best opportunity for enhancing housing affordability within the City for the citizens of Hamilton, while also paying close attention to respecting existing neighborhood character.

Unfortunately, I am unable to attend the upcoming zoning update meeting on September 22, 2025. I am hopeful this note will provide you with my formal input. I support the changes presented by the City Planning Office at our last meeting, and would vote to recommend formal presentation to the City Council.

Best Regards;

Dan Harmon
City of Hamilton Planning Board

On Thu, Aug 21, 2025 at 5:43 PM Matthew Rohrbach <mrohrbach@cityofhamilton.net> wrote:

Hello Zoning Update Working Group,

Please find attached a public comment addressed to the working group regarding the City of Hamilton's zoning update.

Thank you,

Matthew Rohrbach, AICP

City Planner

City of Hamilton, MT

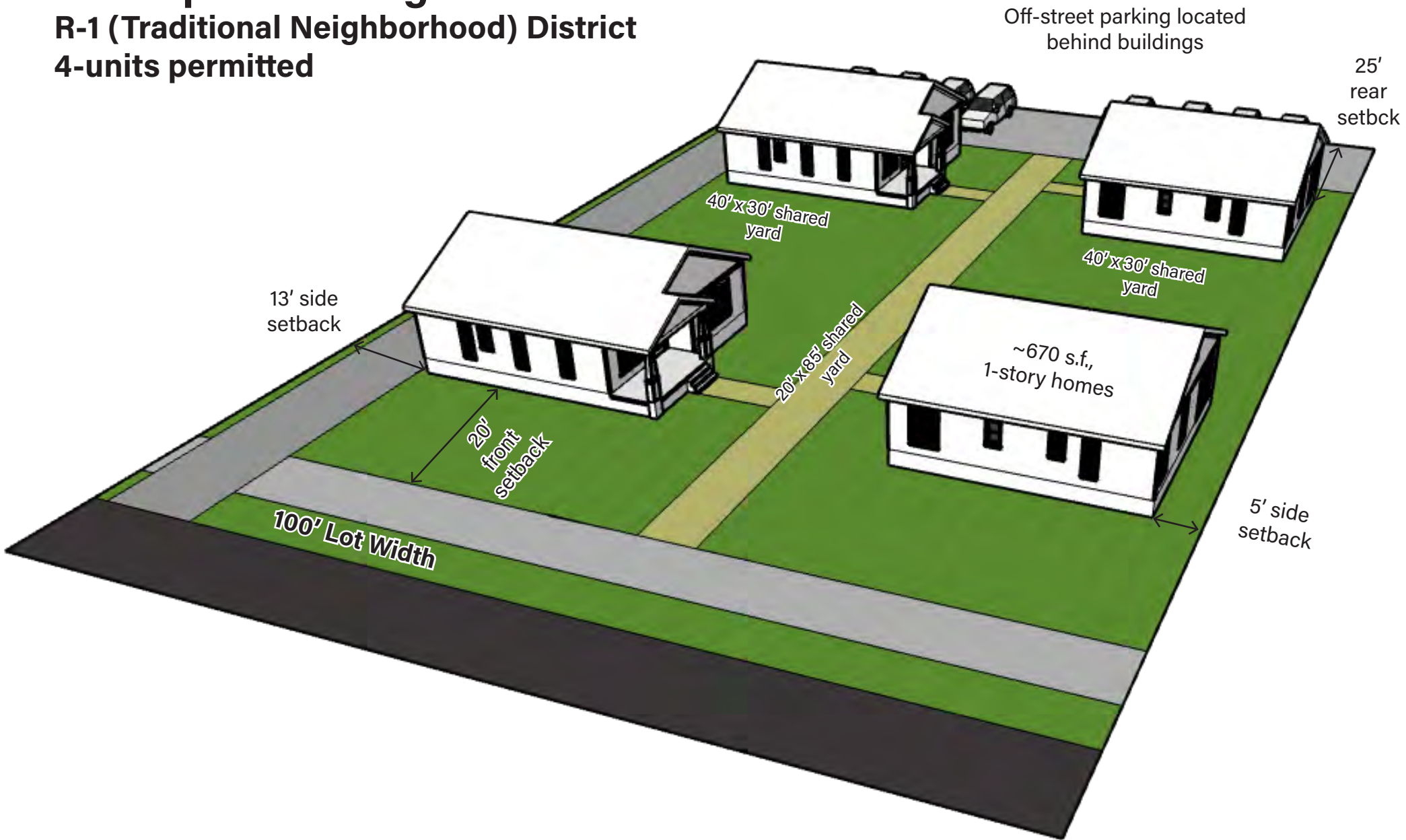
406.363.2101

mrohrbach@cityofhamilton.net

Conceptual Cottage Courts

R-1 (Traditional Neighborhood) District

4-units permitted



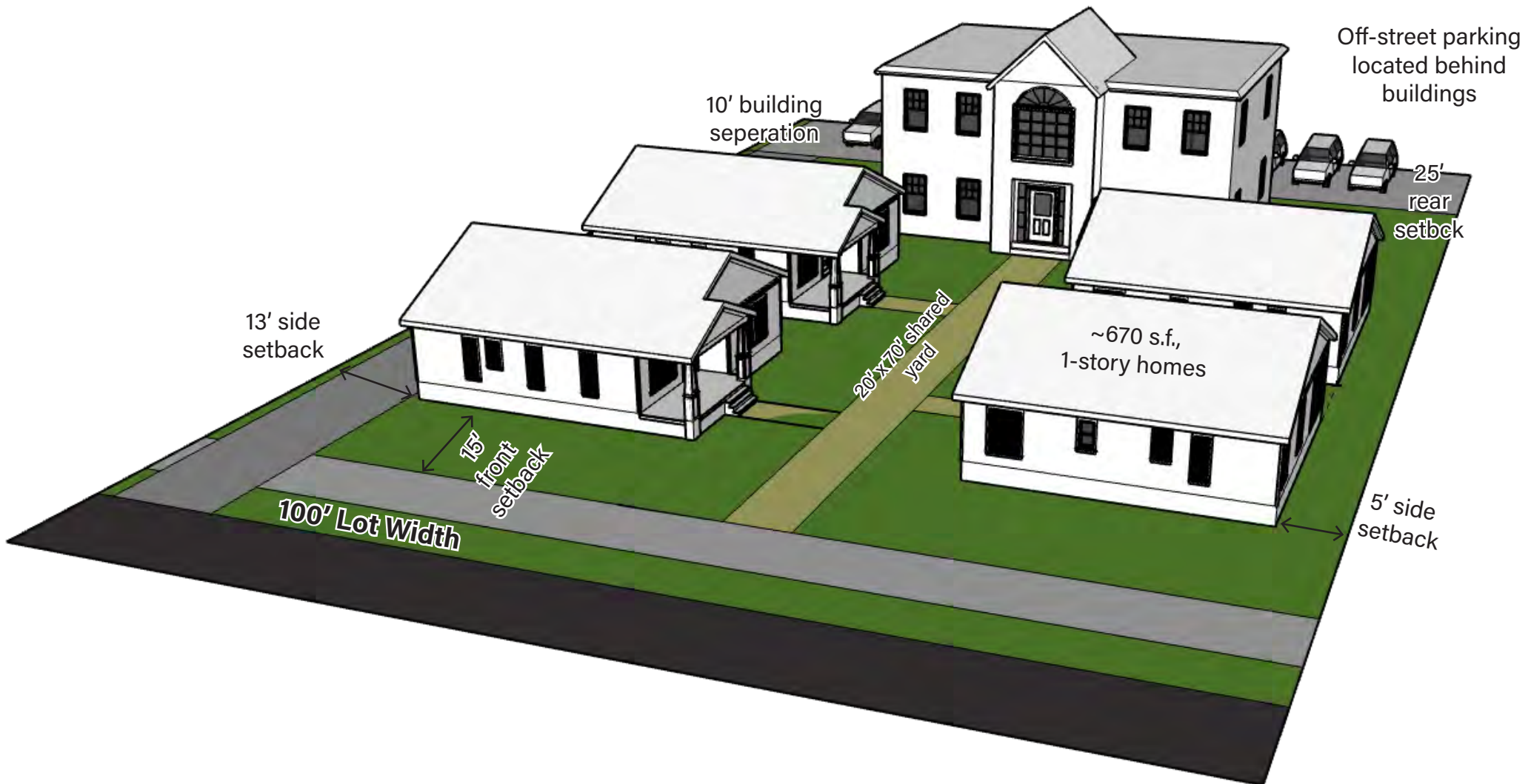
Conceptual Cottage Courts

R-2 (Medium Density Residential) District

6-units permitted

2,600 s.f (1,300 s.f. footprint) duplex.
2-stories / 25-feet

(buildings over 1.5 stories/20-feet are only
allowed parallel and adjacent to an alley).



Hamilton Boundary



Lots Where Cottage Courts Would be Permitted

Lot Width

-  < 100'
-  > 100'
-  > 150'
-  > 200'

Lot Widths

(for lots where cottage courts would be permitted)

N

0 2,000 4,000 Feet

Current Zoning Map

--- Hamilton Boundary

Zoning

RS - Single-Family Residential

RM - Multiple-Family Residential

RH - Residential High Density

MHP - Mobile Home Park Residential

B - Transitional Neighborhood Business

B1 - Local Business

B2 - Highway Related Business

CBD - Central Business

PS - Professional Services Business

CM - Commercial or Manufacturing

PI - Public and Institutional

PUD - Planned Unit Development



0 2,000 4,000 Feet

Draft Zoning Map Update

Hamilton
Boundary

Proposed Zoning

R-1 - Traditional
Neighborhood

R-2 - Medium
Density
Residential

R-3 - High
Density
Residential

MHP - Mobile
Home Park

B -
Neighborhood
Business

B-1 - Local
Business

B-2 - Highway
Business

CBD - Central
Business

PS - Professional
Business

CM -
Commercial/
Manufacturing

PI - Public and
Institutional

PUD - Planned
Unit
Development



0 2,000 4,000
Feet

CITY OF HAMILTON ZONING UPDATE | PROPOSED DRAFT AMENDMENTS SEPTEMBER 2025

**Clean Copy - Track Changes Version Available At:
www.HamiltonZoningUpdate.com**

Title 17 ZONING

Chapter 17.04 GENERAL PROVISIONS

Chapters:

Sections:

17.04.010 Title.

The ordinance codified in this chapter shall be known as the "Zoning Ordinance of the City of Hamilton" and shall be referred to herein as "this Title 17" or "this title."

17.04.020 Authority.

This Title 17 is adopted under the authority of the Municipal Zoning Enabling Act (MONTANA CODE ANNOTATED 76-2-301, et seq.).

17.04.030 Jurisdictional area.

The zoning jurisdiction of the City of Hamilton shall include the land within the corporate limits of the city.

17.04.040 Purpose and intent.

- A. The purpose of this Title 17 is to adopt and enforce such regulations that:
1. Are designed in accordance with the growth policy or comprehensive plan;
 2. Are designed to lessen congestion in the streets;
 3. Will secure safety from fire, panic and other dangers;
 4. Will promote health and the general welfare;
 5. Will provide adequate light and air;
 6. Will prevent the overcrowding of land;
 7. Will avoid undue concentration of population;
 8. Will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other such public requirements;
 9. Give reasonable consideration to the character of the district;

10. Give reasonable consideration to the district's particular suitability for specific uses;
 11. Give reasonable consideration to conserving the value of buildings; and
 12. Will encourage the most appropriate use of land throughout the jurisdictional area.
- B. Further, the intent of this Title 17 is to:
1. Ensure that the land uses of the community are properly situated in relation to one another, providing adequate space for each type of development and preventing problems associated with incompatible uses;
 2. Control the density of development in each area of the community so that property can be adequately served by public facilities such as streets, schools, recreation and utility systems;
 3. Direct new growth into appropriate areas;
 4. Protect existing property by requiring that development afford adequate light, air and privacy for persons living and working within the municipality;
 5. Improve the quality of the physical environment of the community;
 6. Protect and maintain property values;
 7. Preserve and develop the economic base of the community; and
 8. Encourage the provision of affordable housing for households of all income levels.
- C. This Title 17 shall apply to all pending variances and conditional use permit applications, building permits and other requests and actions under this Title or other provisions of the Hamilton Municipal Code.

17.04.050 Official zoning map.

- A. The official zoning map of Hamilton, Montana, and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this title. The official zoning map shall illustrate the current boundaries of all established zoning districts. If there is a conflict between the information on the official zoning map and the enabling ordinance, the wording of the enabling ordinance shall control.
- B. Maintenance of the official zoning map.
1. The official zoning map shall be kept in the city clerk's office and in the office of the zoning administrator. It shall be the final authority as to the current status of zoning districts in the City of Hamilton.
 2. The official zoning map shall bear the signature of the mayor, attested to by the city clerk, and the date of adoption by the city council.
 3. The official zoning map shall bear the seal of the city under the following words, "This is to certify that this is the official zoning map of Hamilton, Montana, referred to in the Hamilton Municipal Code."
 4. Whenever any change is made to a zoning district boundary in accordance with the procedures set forth in this title, such change shall be promptly entered on the official zoning map, and a copy of the enabling ordinance shall be attached to the map.
 5. In January of each year, the official zoning map shall be updated to reflect the zoning district boundary changes that were approved to and attached to the official zoning map during the previous calendar year. The official zoning map shall be approved by resolution of the city council.
- C. Loss, damage or destruction of the official zoning map. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the city council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The resolution may correct drafting or other errors or omissions in the prior map.

17.04.060 Severability.

Should any section or provisions of the ordinance codified in this title be declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

17.04.070 Fee schedule.

Fees for the processing of applications under this Title 17 shall be set by the city council by resolution.

Chapter 17.08 ZONING DISTRICTS, PERMITTED USES, AND SITE AND STRUCTURE REGULATIONS

Sections:

Article 1 Zoning Districts

17.08.010 Zoning districts designated.

The City of Hamilton shall be divided into the following zoning districts and overlay options:

- A. Traditional Neighborhood District (R-1) ;
- B. Medium Density Residential District (R-2) ;
- C. High Density Residential District (R-3) ;
- D. Mobile home park residential district (MHP);
- E. Recreational vehicle park district (RVP);
- F. Professional services business district (PS);
- G. Neighborhood business district (B);
- H. Local business district (B-1);
- I. Highway business district (B-2);
- J. Central business district (CBD);
- K. Commercial & manufacturing district (CM);
- L. Manufacturing & industrial district (M/I);
- M. Public institutional district (PI);
- N. Planned unit development (PUD) overlay).

17.08.020 Zoning districts intent and purpose statements.

- A. The Traditional Neighborhood Development District (R-1) is intended to be a walkable residential neighborhood, with blocks, alleys, and within walking distance of retail & services. The R-1 district accommodates a variety of low-intensity housing options including detached single-family dwellings, multi-family dwellings up to four units, and accessory dwelling units. The R-1 district is intended for areas of infill on

Hamilton's west side as well as developing areas intended to replicate patterns of traditional neighborhood development..

- B. The Medium Density Residential District (R-2) is intended to be a walkable residential neighborhood accommodating a variety of low to moderate-intensity housing options including detached single-family dwellings, duplexes up to six-plexes, and accessory dwelling units. The R-2 is intended for areas that have developed more recently as well as newly developing areas.
- C. The High Density Residential District (R-3) is intended to provide for higher density housing through a variety of building types including apartments, cottage courts, townhouses, and condominiums.
- D. Mobile home park residential district (MHP). The MHP district establishes zoning for semi-permanent placement of mobile housing in subdivisions created for rent or lease
- E. Recreational vehicle park district (RVP). The RVP establishes zoning for a vehicular unit eight feet or less in width, designed as temporary living quarters for recreational camping or travel use and operated under its own motive power or mounted on or drawn by another vehicle, including a travel trailer, camping trailer, truck camper and motor home for temporary parking and set up in a ninety (90) days or less in any twelve (12) month period.
- F. Professional services business district (PS). The PS district establishes zoning regulations for office or professional uses that generate low vehicle traffic volume, which includes medical and health related services adjacent to major medical facilities such as the hospital.
- G. The Neighborhood Business District (B) is intended to be a walkable mixed use district with a residential emphasis. A wide variety of housing types at varying densities are permitted along with a limited number of residential supportive commercial uses.
- H. The Local Business (B-1) district is intended to be a vibrant mixed-use district. It accommodates a variety of commercial use and high-density residential housing types. The B-1 district is appropriate for higher traffic transportation corridors and commercial nodes..
- I. Highway business district (B-2). The B-2 district establishes zoning for businesses located along highways and arterials
- J. Central business district (CBD). The CBD district is a part of the original Hamilton town site and was developed for commercial purposes in the 1890's, much before the advent of our current car-based society. It is also referred to as "Downtown Hamilton." Most of the businesses are located on small twenty-five by one hundred thirty (25x130) feet lots with a variety of retail, commercial, professional, government services and residential dwelling units above the street level. The intent of this district is to:
 - 1. Promote and maintain a viable pedestrian friendly business community;
 - 2. Encourage remodeling efforts to preserve the historical character of each building and new construction that blends with the old;
 - 3. Retain on-street parking spaces;
 - 4. Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
 - 5. Provide flexibility in the site and design of new development and redevelopment to anticipate changes in the market place;
 - 6. Encourage preservation of the historic character of the central business district;
 - 7. Promote streets as public places that encourage pedestrian and bicycle travel. Provide roadway and pedestrian connections to residential areas;
 - 8. Provide transition between high traffic streets and neighborhoods, as stated in the city's transportation plan;

9. Encourage efficient land use by facilitating high-density development and minimizing the amount of land that is needed for surface parking;
 10. Facilitate land use mix, density and design that supports public transit;
 11. Provide appropriate locations and design standards for commercial and institutional automobile and truck-dependent uses;
 12. Maintain mobility along traffic corridors and state highways.
- K. The Commercial & Manufacturing District (CM) is intended for commercial and manufacturing uses which generate low volumes of vehicular traffic and create negligible noise, glare, dust, or odor.
- L. The Manufacturing & Industrial District (MI) is intended for higher intensity manufacturing and industrial uses.
- M. Public institutional district (PI). The PI district establishes zoning to accommodate those public and institutional uses which are related to the health, safety, educational, cultural and welfare needs of the city.
- N. Planned Unit Development overlay district (PUD). See Chapter 17.08, Article 4.

Article 2 Permitted Uses

17.08.030 Interpretation of use tables.

- A. Uses in each zoning district are depicted in Tables 17.08.040 — 17.08.070. Permitted uses are indicated with a "P," conditional uses are indicated with a "C," and uses which are not permitted within the district are indicated by a "-."
- B. If a use is not listed in Tables 17.08.040 — 17.08.070 the zoning administrator shall determine the classification of a particular use and whether it is similar to a permitted or conditional use listed in the applicable district.
- C. Additional requirements.
 1. A * indicates that particular use is defined in section 17.34.020.
 2. A code section referenced indicates that use is subject to additional standards in that code section.
- D. Per Montana Code Annotated 76-2-402, a government agency, as defined in Montana Code Annotated 76-2-401, may propose to use public land contrary to the regulations in this Title. Within 30 days of receiving notice of an agency's intent to develop land contrary to this Title, the Hamilton City Council shall hold a public hearing to review and decide on the proposal.

17.08.040 Permitted residential uses.

Table 17.08.040 Permitted residential uses													
P = Permitted	C = Conditional	*Use defined in section 17.34.020						^ Use Specific Regulations					
		Apply											
Uses		Zoning Districts											
		R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP
Single-family dwelling*		P	P	P	P	-	-	-	-	-	-	-	-
Townhouses* ^		P	P	P	P	-	-	-	-	-	-	-	-
Multiple-family dwelling* — 2-4 units		P	P	P	P	-	-	-	-	-	-	-	-
Multiple-family dwelling* — 5-6 units		-	P	P	P	-	-	-	-	-	-	-	-
Accessory dwelling unit* ^		P	P	P	P	-	-	-	-	-	-	-	-

Table 17.08.040 Permitted residential uses													
P = Permitted	C = Conditional	*Use defined in section 17.34.020						^ Use Specific Regulations Apply					
Uses	Zoning Districts												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	
Manufactured Housing*	P	P	P	P	-	-	-	-	-	-	-	-	
Apartments*	-	-	-	P	P ₁	P ₁	P ₁	-	-	-	-	-	
Apartment building* ^	-	-	P	P	P	P ₁	P ₁	-	-	-	-	-	
Mobile home*	C	-	-	-	-	-	-	-	-	-	-	P	
Mobile home park* ^	-	-	-	-	-	-	-	-	-	-	-	P	
Cottage Courts* ^ - 4 units or fewer	P	P	P	P	-	-	-	-	-	-	-	-	
Cottage Courts* ^ - 6 units or fewer	-	P	P	P	-	-	-	-	-	-	-	-	
Cottage Courts* ^ - 7 or more units	-	-	P	P	-	-	-	-	-	-	-	-	
Community residential facilities serving 8 or fewer persons*	P	P	P	P	P	P	-	P	-	-	P	-	
Community residential facilities serving 9 or more persons*	C	C	P	P	P	P	-	P	-	-	P	-	
Daycare home*	P	P	P	P	P	-	-	-	-	-	-	-	
Boarding House*	-	-	C	C	C	-	-	-	-	-	-	-	
Home occupations*	P	P	P	P	P	P	P	-	-	-	-	P	
Accessory uses and buildings*	P	P	P	P	P	-	-	-	-	-	-	P	
1. Apartments in the B-1, B-2, and CBD districts shall be located above or behind a permitted principal use, except that in the B-1 district ground floor dwellings are permitted in apartment buildings.													

17.08.050 Permitted commercial uses.

Table 17.08.050 Permitted commercial uses													
P = Permitted	C = Conditional	*Use defined in section 17.34.020						^ Use Specific Regulations Apply					
Uses	Zoning Districts												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	
Accessory uses and buildings*	-	-	-	P	P	P	P	P	-	-	C	P	
Animal Shelter or Boarding* ^	-	-	-	-	-	C	-	-	C	P	C	-	
Auction House*	-	-	-	-	C	C	-	-	P	P	-	-	
Bar*	-	-	-	-	P	P	P	-	-	-	-	-	
Bed and Breakfast*	C	C	C	P	C	C	-	-	-	-	-	-	
Car wash*	-	-	-	-	-	P	-	-	C	-	-	-	
Casinos*	-	-	-	-	C	P	C	-	-	-	-	-	
Daycare centers*	-	-	C	P	P	P	P	P	-	-	-	-	
Entertainment Venue, large*	-	-	-	-	-	P	-	-	C	-	C	-	

Table 17.08.050 Permitted commercial uses													
P = Permitted	C = Conditional	*Use defined in section 17.34.020						^ Use Specific Regulations Apply					
Uses	Zoning Districts												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	
Entertainment Venue, medium*	-	-	-	-	C	P	P	-	-	-	C	-	
Entertainment Venue, outdoor*	-	-	-	-	C	C	-	-	C	-	-	-	
Entertainment Venue, small*	-	-	-	C	P	P	P	-	-	-	-	-	
Equipment and Vehicle Sales & Rentals*	-	-	-	-	-	P	-	-	P	P	-	-	
Financial Services*	-	-	-	-	P	P	P ₁	P	-	-	-	-	
Food Truck*	-	-	-	P	P	P	P	P	-	-	-	-	
Gas Stations*	-	-	-	-	C	P	-	-	C	C	-	-	
Hotels and motels*	-	-	-	-	P	P	P	-	-	-	-	-	
Laundry and dry cleaning	-	-	-	C	P	P	P	-	P	-	-	-	
Marijuana dispensaries* ^	-	-	-	-	-	P	P	-	-	-	-	-	
Microbreweries, wineries, & micro-distilleries	-	-	-	C	P	P	P	-	P	-	-	-	
Mortuary*	-	-	-	-	-	C	-	-	P	-	P	-	
Parking structure*	-	-	-	-	-	C	-	-	-	-	C	-	
Personal Service*	-	-	-	P	P	P	P	-	-	-	-	-	
Professional Office*	-	-	-	P	P	P	P	P	P	-	-	-	
Recreation, commercial (indoor)*	-	-	-	C	P	P	P	P	P	-	C	-	
Recreation, commercial (outdoor)*	-	-	-	-	C	C	C	-	C	-	C	-	
Recreational vehicle park* ^	-	-	-	-	-	C	-	-	-	-	-	-	
Restaurants*	-	-	-	P ₁	P	P	P ₁	-	-	-	-	-	
Retail 10,001 - 25,000 sqft.*	-	-	-	-	P	P	P	-	P	P	-	-	
Retail 25,001 - 40,000 sqft.*	-	-	-	-	P	P	C	-	P	P	-	-	
Retail over 40,000 sqft.*	-	-	-	-	-	P	-	-	-	-	-	-	
Retail, 0 - 10,000 sqft.*	-	-	-	P	P	P	P	P ₂	P	P	-	-	
Short-term rentals* ^	P	P	P	P	P	P	P	-	-	-	-	-	
Storage, indoor commercial*	-	-	-	-	-	C	-	-	C	P	-	-	
Storage, outdoor commercial*	-	-	-	-	-	C	-	-	C	P	-	-	
Vehicle Repair & Service*	-	-	-	C	C	P	-	-	P	P	-	-	
1. No Drive Thrus 2. Retail in the PS district must be an accessory use to a permitted or conditional use													

17.08.060 Permitted manufacturing and industrial uses.

Table 17.08.060 Permitted manufacturing and industrial uses												
P = Permitted	C = Conditional	*Use defined in section 17.34.020						^ Use Specific Regulations Apply				
Uses	Zoning Districts											
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP
Accessory uses and buildings*	-	-	-	-	-	-	-	-	P	P	-	-
Crematorium* ^	-	-	-	-	-	C	-	-	C	P	-	-
Data Centers* ^	-	-	-	-	-	-	-	-	-	P	-	-
Digital asset mining* ^	-	-	-	-	-	-	-	-	-	P	-	-
Manufacturing, artisan*	-	-	-	P	P	P	P	-	P	P	-	-
Manufacturing, intensive* ^	-	-	-	-	-	-	-	-	C	P	-	-
Manufacturing, light*	-	-	-	-	C	P	-	-	P	P	-	-
Manufacturing, moderate* ^	-	-	-	-	-	C	-	-	C	P	-	-
Recycling center* ^	-	-	-	-	-	-	-	-	C	P	C	-
Salvage yard* ^	-	-	-	-	-	-	-	-	-	P	-	-
Warehousing, Wholesale, & Freight Movement* ^	-	-	-	-	C	C	-	-	P	P	-	-

17.08.070 Permitted public, civic, and institutional uses.

Table 17.08.070 Permitted public, civic, and institutional uses												
P = Permitted	C = Conditional	*Use defined in section 17.34.020					^ Use Specific Regulations Apply					
Uses	Zoning Districts											
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP
Accessory uses and buildings	-	-	-	-	-	-	-	-	-	-	P	-
Cemetery	-	-	-	-	-	-	-	-	-	-	P	-
Community Center	C	C	C	P	P	P	P	-	-	-	P	-
Convention Center	-	-	-	-	C	P	-	-	-	-	C	-
Correctional facilities	-	-	-	-	-	-	-	-	-	-	C	-
Government facilities	-	-	-	-	-	-	-	-	-	-	C	-
Hospital	-	-	-	-	-	-	-	P	-	-	P	-
Library	-	-	-	-	-	-	-	-	-	-	P	-
Museums	-	-	-	P	P	P	P	-	-	-	P	-
Nursing home/skilled nursing facility	-	-	C	C	C	-	-	P	-	-	P	-
Park	P	P	P	P	P	P	P	P	P	P	P	P
Public utilities	-	-	-	-	-	C	-	-	C	-	C	-
School	-	-	-	-	-	-	-	-	-	-	P	-
Wireless Communication Towers* ^	-	-	-	-	-	C	-	-	C	-	C	-

Article 3 Site and Structure Regulations

17.08.080 Interpretation of site and structure regulation tables.

Site and structure regulations in each zoning district are shown in Tables 17.08.090 - 17.08.200. For additional requirements, refer to Chapter 17.20 (general development regulations) and Chapter 17.16 (use specific regulations).

17.08.090 R-1district.

Table 17.08.090 Site and structure regulations in the R-1 District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	1 – 2 dwellings: 4,200 square feet
		3 – 4 dwellings: 2,000 square feet per unit
		Townhouses: 2,000 square feet
		All other uses: 4,200 square feet
B.	Minimum lot width ¹	1 – 2 dwellings: 30 feet

Table 17.08.090		
Site and structure regulations in the R-1 District		
	Regulation	Specification(s)
		3 – 4 dwellings: 50 feet
		Townhouses: 20 feet
		All other uses: 30 feet
C.	Maximum lot coverage ¹	40%.
D.	Minimum yard setbacks ¹	Front yard: • 3 – 4 unit buildings: 10 feet • Front facing garages: - o With alley access: 5 feet behind front of principal building. - o Without alley access: even with principal building. • All other buildings: 20 feet Rear yard: • Principal building: 20 feet • Accessory building: 5 feet Side yard: • 1– 1.5 story buildings: 5 feet • 2– 2.5 story buildings: - o Duplexes: 5 feet - o All other buildings: 10 feet • Corner lots: 10 feet along the side lot line adjacent to the street. • Townhouse interior walls: 0 feet
E.	Maximum building height ¹	Principal building: 2.5 stories / 30 feet. Accessory buildings: • Accessory dwelling units: 2.5 stories / 30 feet. • All other accessory buildings: 2 stories / 25 feet. Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
F.	Encroachments	Porches, bay windows, stairs, roof eaves and the like may encroach into setbacks, as outlined below. Encroachments shall not encroach closer than 2' to any property line. • Front 5' • Side 3' • Rear 10'
1. See Section 17.34.010 for how to measure.		

17.08.100 R-2 district.

Table 17.08.100		
Site and structure regulations in the R-2 District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	1 – 2 dwellings: 4,000 square feet

Table 17.08.100		
Site and structure regulations in the R-2 District		
	Regulation	Specification(s)
		3 – 4 dwellings: 6,000 square feet
		5 – 6 dwellings: 8,000 square feet
		Townhouses: 2,000 square feet
		All other uses: 4,000 square feet
B.	Minimum lot width ¹	1 – 2 dwellings: 30 feet
		3 – 4 dwellings: 50 feet
		5 – 6 dwellings: 60 feet
		Townhouses: 20 feet
		All other uses: 30 feet
C.	Maximum lot coverage ¹	50%
D.	Minimum yard setbacks ¹	Front yard: • 3 – 4 unit buildings: 10 feet • Townhouses: 10 feet • All other buildings: 15 feet
		Rear yard: • Principal building: 20 feet • Accessory building: 5 feet
		Side yard: • Townhouse interior walls: 0 feet • All other buildings: 5 feet • Corner lots: 10 feet along the side lot line adjacent to the street.
E.	Maximum building height ¹	Principal building: 2.5 stories / 30 feet.
		Accessory buildings: • Accessory dwelling units: 2.5 / 30 feet. • All other accessory buildings: 2 stories / 25 feet.
		Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
F.	Encroachments	Porches, bay windows, stairs, roof eaves and the like may encroach into setbacks, as outlined below. Encroachments shall not encroach closer than 2' to any property line. • Front 5' • Side 3' • Rear 10'
1. See Section 17.34.010 for how to measure.		

17.08.110 R-3 district.

Table 17.08.110		
Site and structure regulations in the R-3 District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	None
B.	Minimum lot width ¹	1 – 2 dwellings: 30 feet

Table 17.08.110		
Site and structure regulations in the R-3 District		
	Regulation	Specification(s)
		3 – 6 dwellings: 50 feet
		Townhouses: 16 feet
		All other uses: 60 feet
C.	Maximum lot coverage ¹	70%
D.	Minimum yard setbacks ^{1 2}	Front yard: • Townhouses: 5 feet • All other buildings: 15 feet
		Rear yard: • Principal building: 15 feet • Accessory building: 5 feet
		Side yard: • Townhouse interior walls: 0 feet • All other buildings: 5 feet • Corner lots: 10 feet along the side lot line adjacent to the street.
E.	Maximum building height ^{1 2}	Principal building: • Townhouses: 3 stories / 36 feet. • Single-family dwellings: 2.5 stories / 30 feet. • All other buildings: 4 stories / 60 feet.
		Accessory buildings: • Accessory dwelling units: 2.5 stories / 30 feet. • All other accessory buildings: 2 stories / 25 feet.
		Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
F.	Encroachments	Porches, bay windows, stairs, roof eaves and the like may encroach into setbacks, as outlined below. Encroachments shall not encroach closer than 2’ to any property line. • Front 5’ • Side 3’ • Rear 10’
G.	Maximum building footprint ¹	Principal buildings: 12,000 square feet per building.
		Accessory buildings: 2,000 square feet per building.
1. See Section 17.34.010 for how to measure. 2. Residential buildings with 7 or more dwelling units facing public spaces are subject to the building and site development standards in Section 17.20.040.		

17.08.120 MHP district.

Table 17.08.120		
Site and structure regulations in the MHP District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	Park area: five acres

Table 17.08.120		
Site and structure regulations in the MHP District		
	Regulation	Specification(s)
		Lot rental or lease area: 4,000 square feet.
B.	Minimum lot width ¹	50 feet.
C.	Minimum yard setbacks ¹	Front yard: 20 feet.
		Rear yard: five feet.
		Side yards: five feet.
D.	Maximum building height ¹	Permanent structure: Three stories / 45 feet.
		Semi-permanent structure: 20 feet.
		Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
1. See Section 17.34.010 for how to measure.		

17.08.130 PS district.

Table 17.08.130		
Site and structure regulations in the PS District		
	Regulation	Specification(s)
A.	Minimum lot area	10,000 square feet
B.	Minimum lot width	None
C.	Minimum yard setbacks	Front yard: 20 feet.
		Rear yard: • 20 feet • Ten additional feet for each story over two.
		Side yards • Ten feet. • Ten additional feet for each story over two. • Corner lots: 15 feet along the side lot line adjacent to the street.
D.	Maximum building height	Three stories / 45 feet.
		Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
E.	Screening	Where a PS use abuts a residential district, it shall be screened to a height of four feet unless it is separated by a street or an alleyway or a yard of 50 feet.
1. See Section 17.34.010 for how to measure.		

17.08.140 B district.

Table 17.08.140		
Site and structure regulations in the B District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	Commercial uses: 3,500 square feet Residential uses: Same as R-3 district.
B.	Minimum lot width ¹	Commercial uses: 25 feet Residential uses: Same as R-3 district.
C.	Maximum lot coverage ¹	70%
D.	Minimum yard setbacks ^{1 2}	Front yard: • Townhouses: 5 feet • All other buildings: 10 feet Rear yard: • Principal building: 10 feet • Accessory building: 5 feet Side yards • Townhouse interior walls: 0 feet • All other buildings: 5 feet • Corner lots: 10 feet along the side lot line adjacent to the street.
E.	Maximum building height ^{1 2}	Principal building: • Townhouses and Single-family dwellings: 2.5 stories / 30 feet. • All other buildings: 3 stories / 40 feet. Accessory buildings: • Accessory dwelling units: 2.5 stories / 30 feet. • All other accessory buildings: 2 stories / 25 feet. Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
F.	Encroachments	Porches, bay windows, stairs, roof eaves and the like may encroach into setbacks, as outlined below. Encroachments shall not encroach closer than 2' to any property line. • Front 5' • Side 3' • Rear 10'
G.	Maximum building footprint ¹	Principal buildings: 12,000 square feet per building. Accessory buildings: 2,000 square feet per building.
^{1.} See Section 17.34.010 for how to measure. ^{2.} Residential buildings with 7 or more dwelling units and commercial buildings facing public spaces are subject to the building and site development standards in Section 17.20.040.		

17.08.150 B-1 district.

Table 17.08.150		
Site and structure regulations in the B-1 District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	3,500 square feet

Table 17.08.150		
Site and structure regulations in the B-1 District		
	Regulation	Specification(s)
B.	Minimum lot width ¹	25 feet
C.	Maximum lot coverage ¹	70%
D.	Minimum yard setbacks ^{1 2}	Front yard: • Abutting an R district with frontage on the same street: same as required front yard setback for abutting R district. • Not abutting an R district: none Rear yard: • Abutting an R district: same as required rear yard setback for abutting R district. • Not abutting an R district: none Side yard: • Abutting an R district: same as required side yard setback for abutting R district. • Not abutting an R district: none • Corner lots: 10 feet along the side lot line adjacent to the street.
E.	Maximum building height ^{1 2}	Principal building: 4 stories / 60 feet. Accessory buildings: 2 stories / 25 feet. Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
F.	Encroachments ¹	Porches, bay windows, stairs, roof eaves and the like may encroach into setbacks, as outlined below. Encroachments shall not encroach closer than 2' to any property line. • Front 5' • Side 3' • Rear 10'
G.	Maximum building footprint ¹	Principal buildings: 15,000 square feet per building. Accessory buildings: 2,000 square feet per building.
H.	Additional regulations	See section 17.20.030 for additional regulations for specific uses in the B-1 district.
^{1.} See Section 17.34.010 for how to measure. ^{2.} Residential buildings with 7 or more dwelling units and commercial buildings facing public spaces are subject to the building and site development standards in Section 17.20.040.		

17.08.160 B-2 district.

Table 17.08.160		
Site and structure regulations in the B-2 District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	7,000 square feet
B.	Minimum lot width ¹	45 feet
C.	Minimum yard setbacks ¹	Front yard:

Table 17.08.160		
Site and structure regulations in the B-2 District		
	Regulation	Specification(s)
		- Abutting an R district with frontage on the same street: same as required front yard setback for abutting R district. - Not abutting an R district: 10 feet 25 feet for motor fuel pumps
		Rear yard: - Abutting an R district: same as required rear yard setback for abutting R district. - Not abutting an R district: none
		Side yard: - Abutting an R district: same as required side yard setback for abutting R district. - Not abutting an R district: none Corner lots: 15 feet along the side lot line adjacent to the street.
D.	Maximum building height ¹	3 stories / 45 feet.
		Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
E.	Maximum building size	60,000 square feet
		Buildings in excess of 60,000 square feet may be allowed upon approval by of a special use permit - see Section 17.12.080.
F.	Additional regulations	See section 17.20.030 for additional regulations for specific uses in the B-2 district.
1. See Section 17.34.010 for how to measure.		

17.08.170 CBD district.

Table 17.08.170		
Site and structure regulations in the CBD District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	3,250 square feet
B.	Minimum lot width ¹	25 feet
C.	Minimum yard setbacks ¹	None
D.	Maximum building height ¹	Three stories / 45 feet.
		Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
E.	Projections into public property	- Are limited to parts or appendages of buildings which extend over walks or other rights-of-way adjacent to public streets. - May include awnings, marquees, sun control devices and miscellaneous architectural ornamentation as authorized by current building codes. - Includes projecting signs, see Chapter 17.28.
2. See Section 17.34.010 for how to measure.		

17.08.180 CM district.

Table 17.08.180		
Site and structure regulations in the CM District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	10,000 square feet
B.	Minimum lot frontage ¹	50 feet
C.	Minimum yard setbacks ¹	Front yard: • Abutting an R district with frontage on the same street: same as required front yard setback for abutting R district. • Not abutting an R district: 20 feet
		Rear yard: • Abutting an R district: same as required rear yard setback for abutting R district. • Not abutting an R district: 10 feet
		Side yards: • Abutting an R district: same as required side yard setback for abutting R district. • Not abutting an R district: 5 feet • Corner lots: 20 feet along the side lot line adjacent to the street..
D.	Maximum height ¹	3 stories / 45 feet.
		Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
E.	Maximum lot coverage ¹	70%.
F.	Additional regulations	See section 17.20.030 for additional regulations for specific uses in the CM district.
1. See Section 17.34.010 for how to measure.		

17.08.190 MI district.

Table 17.08.190		
Site and structure regulations in the MI District		
	Regulation	Specification(s)
A.	Minimum lot area ¹	20,000 square feet
B.	Minimum lot width ¹	150 feet
C.	Minimum yard setbacks ¹	Front yard: 20 feet
		Rear yard: • Abutting an R district: same as required rear yard setback for abutting R district. • Not abutting an R district: 10 feet
		Side yard: • Abutting an R district: same as required side yard setback for abutting R district. • Not abutting an R district: 5 feet

Table 17.08.190		
Site and structure regulations in the MI District		
	Regulation	Specification(s)
		• Corner lots: 20 feet along the side lot line adjacent to the street.
D.	Maximum height ¹	3 stories / 45 feet. None for smokestacks, air pollution equipment, and water towers. Roof features outlined in Section 17.34.010.B.2 may extend up to 5-feet above the maximum building height.
E.	Additional regulations	See section 17.20.030 for additional regulations for specific uses in the MI district.
1. See Section 17.34.010 for how to measure.		

17.08.200 PI district.

Table 17.08.200		
Site and structure regulations in the PI District		
	Regulation	Specification(s)
A.	Building site area	Shall be established by the zoning board of adjustment.
B.	Minimum yard setbacks ¹	Shall be established by the zoning board of adjustment.
C.	Maximum height ¹	Shall be established by the zoning board of adjustment.
1. See Section 17.34.010 for how to measure.		

Article 4 Planned Unit Development Overlay District

17.08.210 Intent.

The intent of the planned unit development (PUD) overlay district is to:

- A. Ensure future development is in accordance with the City of Hamilton's growth policy or comprehensive plan and the goals, objectives, and policies therein;
- B. Provide flexibility in regulations and standards in exchange for community benefits and innovative, quality design;
- C. Promote logical development patterns of residential, commercial, office and industrial uses that will mutually benefit the developer, the neighborhood, and the community;
- D. Promote the efficient use of land and provision of city infrastructure and services;
- E. Minimize adverse environmental impacts and encourage the preservation and enhancement of natural amenities, cultural resources and open space;
- F. Promote the use of walking and biking as viable transportation options;
- G. Encourage development of a variety of housing types to accommodate households of all ages, sizes, and incomes;
- H. Improve the design, quality and character of new development; and
- I. Encourage development of vacant properties in developed areas.

17.08.220 Overview.

- A. The PUD overlay district is a zoning designation that overlays an underlying zoning district.
- B. A PUD requires approval of a zone map amendment according to Section 17.12.050 to obtain a PUD designation. A PUD designation is available in the following zoning districts: R-3, and B. Approved PUDs shall be identified on the zoning map by appending the map symbol to the underlying zoning district (e.g., "R-3/PUD").
- C. PUD zone map amendments must be processed concurrently with a PUD application and preliminary development plan. The zoning administrator shall determine whether a PUD application should be processed concurrently or separately with subdivision and annexation proceedings.

17.08.230 Approval required.

Approval of PUD preliminary and final development plans must occur before any building permit is issued. Permits may be issued for a development phase if a preliminary development plan has been approved for the entire PUD and a final development plan has been approved for the subject phase.

17.08.240 Requirements.

- A. No application for a PUD will be approved unless all property included in the application is under unified ownership, a single entity's control, or the application is filed jointly by the owners of all the property to be included.
- B. The approved final development plan must specify a manner of holding title to areas and facilities of joint use and how areas of joint use shall be maintained. Normally such areas and facilities must be retained in title by the developers or deeded to an organization composed of all owners in the development.
- C. PUDs must contain at least two acres.

17.08.250 Guidelines.

PUDs are encouraged to contain a mixture of the following components:

- A. Building and site design guidelines.
 - 1. A connected internal street network that also connects with the existing transportation network in the city;
 - 2. Pedestrian and bicycle facilities throughout and connecting to adjacent nonmotorized transportation facilities;
 - 3. Lots and blocks with alleys;
 - 4. A coordinated landscape plan;
 - 5. Storm water management that utilizes natural features, including the use of low impact design such as bioswales;
 - 6. Blocks no larger than three hundred fifty (350) feet in length;
 - 7. Limited curb cuts;
 - 8. The use of slow flow or yield streets;
 - 9. Prevalent on-street parking;
 - 10. Building entrances oriented towards the street;
 - 11. Landscaping screening off-street parking;
 - 12. Lighting that minimizes light pollution and trespass; and

13. Street trees.

B. Land use guidelines.

1. A mixture of single and multi-family housing;
2. Affordable housing units;
3. A mix of residential and neighborhood commercial land uses;
4. Off-street parking located on the rear portion of the lot or behind the principal building; and
5. Public spaces such as playgrounds, plazas, parks, or trails designed for active and passive users.

17.08.260 Regulations and standards eligible for deviation.

A. In order to encourage flexibility and creativity, quality designs, and community benefits, deviations from the following regulations may be granted by the city council during PUD designation:

1. Uses allowed;
2. Minimum lot area;
3. Minimum lot width;
4. Minimum yards (setbacks);
5. Maximum height;
6. Maximum lot coverage;
7. Off-street parking and loading requirements; and
8. Streets
 - a. Alternatives to the City of Hamilton Public Works Standards street cross-sections and designs may be approved when the city council determines that such alternative designs would better meet the purpose of the PUD overlay, while still providing a safe and efficient transportation system. The city public works director and fire chief must review and make recommendations on requests for alternative street standards.

B. All requested deviations and other relaxations of regulatory requirements must be identified in writing at the time of preliminary development plan submittal. Failure to identify such items may result in the delay of application processing. Regulations and standards proposed to be modified do not require review or approval of variances, but may be approved through the PUD designation and review process. In granting deviations, the city council shall have the right to establish and provide conditions and limitations.

17.08.270 Preliminary development plan review.

A. A preapplication meeting between the applicant (or applicant's agent) and the city zoning administrator is required before submitting a PUD application and preliminary development plan. At the time of request for a preapplication meeting, the applicant shall provide a sketch showing the layout and features of the proposed PUD. The zoning administrator shall review the preapplication request and submitted information and meet with the applicant within thirty (30) calendar days of submittal. The zoning administrator may request other city departments participate in the preapplication meeting as deemed necessary. At the preapplication meeting the zoning administrator will provide the applicant with written comments regarding the submittal, review process, and recommendations to inform and assist the applicant prior to preparing the PUD applicant and preliminary development plan. For a PUD project reviewed as a subdivision, the subdivision preapplication review may serve to meet this requirement.

- B. At the option of the applicant, the preliminary development plan may also serve as the preliminary subdivision plat if such intention is declared before the planning & zoning board public hearing and if the application(s) include all information required for preliminary plats and preliminary development plans.
- C. In addition to the requirements for zone map amendments and subdivisions (if applicable), each PUD application must include the following items:
1. A preliminary site plan showing the location and area of lots and blocks, buildings, motorized and nonmotorized transportation facilities, public spaces, parking, landscaping, utilities, and other pertinent features;
 2. A list of the specific requirements and standards that are requested to be modified;
 3. A list of land uses that are proposed;
 4. The total number of residential dwelling units by type of dwelling unit and total net and gross residential density;
 5. Total number of commercial buildings by type of building and total net and gross building density;
 6. Information about buildings including type, size, and locations;
 7. Landscape plan including plans for irrigation;
 8. Description of public spaces, parks, and recreation amenities;
 9. A written description of the community benefits of the proposed development, how the proposed PUD provides greater benefits to the city than would development in line with existing regulations and standards, and how the proposed development incorporates the guidelines from section 17.08.250;
 10. A written narrative regarding how the proposed PUD conforms to the City's growth policy or comprehensive plan;
 11. A description and draft documents indicating how common areas and facilities will be managed.
- D. The zoning administrator shall review the PUD application and preliminary development plan in light of the provisions of this chapter and the review criteria in Section 17.08.280. The zoning administrator shall prepare a report and recommendation for the planning & zoning board based on the zoning administrator's review. The zoning administrator may incorporate other city staff comments into the report, or request city staff provide supplemental reports as needed.
- E. The planning and zoning board shall hold a joint public hearing on the PUD application and preliminary development plan. Following the close of the hearing the planning and zoning board must act by simple majority vote to recommend to city council that the PUD and preliminary development plan be approved, approved with conditions, or denied.
- F. After action by the planning & zoning board, the city council must convene its own public hearing on the PUD application and preliminary development plan. Following the close of the public hearing, the city council may act to approve, approve with conditions, or deny the PUD application and preliminary development plan. The city council may also return the application to the planning & zoning board for further consideration, together with a written explanation of the reasons for doing so.
- G. All public hearings of the planning & zoning board and city council on PUD applications and preliminary development plans shall be noticed according to Section 17.12.030. Such notices may be consolidated with other notices related to the project as long as the various aspects of the project (e.g., PUD review, zone map amendment, annexation, subdivision, etc.) are properly noticed in compliance with city and state requirements.

17.08.280 Review criteria.

- A. In reviewing and making decisions on a PUD application and preliminary development plan, the following criteria must be considered:
 - 1. The zone map amendment criteria in Montana Code Annotated 76-2-304
 - 2. The PUD application and preliminary development plan's consistency with Section 17.08.210 (Intent);
 - 3. The PUD application and preliminary development plan's consistency with Section 17.08.250 (Guidelines). Proposed PUDs shall meet at least five of the building and site design guidelines and two of the land use guidelines;
 - 4. The extent to which the PUD application and preliminary development plan would result in a greater benefit to the city than would development under conventional zoning regulations;
 - 5. Subdivision review criteria as established by Hamilton Municipal Code (if applicable) and Montana law; and
 - 6. Annexation review criteria as established by city policy (if applicable) and Montana law.

17.08.290 Final development review.

- A. Final development plan applications must be filed with city planning department after approval of and before the lapse of a preliminary development plan.
- B. A final development plan will not be considered complete and ready for processing if all approved conditions of approval have not been met or if the final development plan constitutes a major change from the approved preliminary development plan, per Section 17.08.330 (Changes to Approved Plans) of this chapter.
- C. If a final development plan is submitted that constitutes a major change to an approved PUD application and preliminary development plan, no further processing of the final development plan may occur. The zoning administrator shall notify the applicant that major changes may be made only in accordance with Section 17.08.330 (Changes to Approved Plans) of this chapter.
- D. If the final development plan complies with the approved preliminary development plan, all conditions of the preliminary development plan approval, and all applicable standards of this zoning ordinance, the city council must approve the final development plan.
- E. If the submitted final development plan does not comply with the approved preliminary development plan, any conditions imposed on that plan, or any applicable standards of this zoning ordinance, the city council must deny the final development plan and advise the applicant in writing of the specific reason for denial. In the event that the city council does not approve the final development plan, the applicant may resubmit the final development plan to correct any identified inconsistencies and deficiencies.

17.08.300 Effect of approval.

- A. An approved final development plan shall be filed with the county clerk and recorder's office immediately.
- B. The filing of a final development plan with the county clerk and recorder's office does not constitute the effective dedication of easements, rights-of-way, or access control, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land or dedication of easements.
- C. A PUD project must be developed in accordance with the approved final development plan. If the applicant chooses to abandon a final development plan or portion thereof after it has been given final approval, they must notify the zoning administrator.

17.08.310 Duration of approval.

- A. If the applicant fails to file an application for final development plan approval within three years of the date of preliminary development plan approval, the approval will be deemed to have lapsed and the preliminary development plan will be of no further effect, unless an extension is approved by City Council in accordance with 17.08.310.D.
- B. For projects to be developed in phases, phase limits must be shown on the preliminary development plan. The city council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development and compliance with current public health and safety standards, including requirements for financial guarantees ensuring construction of all required improvements.
- C. In the event the applicant fails to commence development shown on the final development plan within three years after final approval, then such final approval will lapse and be of no further effect unless an extension is approved City Council in accordance with 17.08.310.D.
- D. Requests for extensions must be submitted to the zoning administrator before the preliminary or final development plan approval expires. Extension requests must go before City Council for review and decision. Any mutually agreed upon extension request must be in writing and dated and signed by the City Council President and the applicant or the applicant's agent.

17.08.320 Phasing.

- A. The city council may approve phased PUDs that extend beyond the maximum three-year preliminary approval period set forth in Section 17.08.310, in accordance with a phasing schedule proposed by the applicant.
- B. Phased PUDs and corresponding phasing plans shall follow the application and review procedures outlined in Section 17.08.270 (Preliminary Development Plan Review) and Section 17.08.280 (Review Criteria).
- C. Phasing Plans:
 - 1. Applicants applying for a phased PUD must submit a phasing plan that includes phased development boundaries, schedules, conceptual development plan map, and other details pertaining to the phasing of the project.
 - 2. Phasing plans must be submitted along with materials required in Section 17.08.270 (Preliminary Development Plan Review) for the phase(s) to be developed within the initial three-year time frame established in Section 17.08.310.
 - 3. Conceptual development plan maps shall include the following elements:
 - a. Motorized and nonmotorized transportation infrastructure;
 - b. Locations of public spaces and open space corridors;
 - c. Proposed land uses and housing types for each phase; and
 - d. Estimated residential densities for each phase.
 - 4. All phases of a PUD must conform to the phasing plan.
- A. Within twenty years of the date the phased plan is approved by city council, all individual phases must be submitted for review and approved, conditionally approved, or denied in accordance with the preliminary development plan review and approval procedures outlined in this chapter. Any phase not approved, conditionally approved, or denied within this twenty-year timeframe shall be null and void.
- B. The applicant may change the phasing schedule only with approval of city council following a public hearing. The city council may approve a proposed change to the phasing schedule only if the change does not negate a condition of approval or otherwise adversely affect public health, safety, or welfare.
- C. Completion assurance.

1. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the Hamilton City Attorney for the completion of the development according to the approved conceptual development plan and any other documents of record, and for the maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained by the city, and shall place covenants on the property to bind any successors in title to any commitments made under this section.

17.08.330 Changes to approved plans.

- A. Changes to an approved development or phasing plan shall be processed using the procedures outlined in this section for minor and major changes.
- B. Minor changes.
 1. Minor changes may be approved administratively by the zoning administrator in writing without additional public notice.
 2. Minor changes are defined as follows:
 - a. Changes that do not alter the character of development;
 - b. A less than five percent change in the number of residential dwelling units;
 - c. A less than five percent increase in gross nonresidential floor space;
 - d. A less than five percent reduction in the amount of land set aside for public space;
 - e. Changes that do not create substantial adverse impact on surrounding property owners or adversely affect public health, safety, or welfare.
- C. Major Changes
 1. Major changes may be made only after review and rehearing of a new PUD application and preliminary development plan in accordance with review procedures outlined in Section 17.08.270 (Preliminary Development Plan Review), including payment of fees, all notices, and hearings.
 2. Major changes are defined as follows:
 - a. Changes that alter the character of development;
 - b. A five percent or greater change in the number of residential dwelling units;
 - c. A five percent or greater increase in gross nonresidential floor space;
 - d. A five percent or greater reduction in land set aside for public space;
 - e. A reduction in the number of affordable dwelling units;
 - f. A change in the location or placement of buildings;
 - g. An increase in the number of lots;
 - h. Changes that create substantial adverse impact on surrounding property owners or adversely affect public health, safety, or welfare.

Chapter 17.12 APPLICATION PROCEDURES

Sections:

17.12.010 Plan review.

- A. The construction, reconstruction, modification or placement of a building in the City of Hamilton is subject to the provisions of this Title 17, building code(s) adopted by the city, Hamilton Public Works Standards, and all other requirements of the Hamilton Municipal Code.
- B. An application for the establishment of a new land use or the construction, reconstruction, modification or placement of a building in the City of Hamilton shall contain the following information:
 - 1. The appropriate application form needed to establish a land use or to construct, reconstruct, modify or place a building on the property.
 - 2. The name and address of the landowner and a legal description of the subject property.
 - 3. A site plan, drawn to scale, indicating the following:
 - a. Property boundaries/lot lines with dimensions and a north arrow indicator.
 - b. On-site and adjacent off-site streets, roads, alleys and easements, including existing and proposed improvements such as curb, gutter, sidewalks, and bike paths.
 - c. Geographic features such as slopes, water bodies, floodplains, wetlands, trees and other vegetation.
 - d. Existing and proposed utility lines on and adjacent to the property.
 - e. Existing and proposed parking facilities, landscaping, lighting, drainage, and ingress and egress points.
 - f. Any existing wells, septic systems or any other subsurface facilities.
 - g. Existing and proposed buildings on the property.
 - h. Exterior refuse collection and snow storage areas.
 - 4. A statement assessing the significant impacts on the surrounding physical environment and human population in the area to be affected including conditions, if any, that may be imposed to avoid or minimize potential significant impacts that are identified.
 - 5. Any additional information required by the Hamilton Municipal Code, building codes, and public works standards.
- C. Prior to approving a land use or the construction, reconstruction, modification or placement of a building the City of Hamilton shall:
 - 1. Verify and require that the property is served by adequate emergency, medical, fire protection services and law enforcement services for the proposed use of the property;
 - 2. Verify that the property is served by adequate water supply and sewage and solid waste disposal facilities
 - 3. Verify and require that the property has adequate legal and physical access for the proposed use.
 - 4. Verify and require that the proposed land use or building is in compliance with the city public works standards, city floodplain regulations, zoning regulations and other city regulations.
 - 5. Impose conditions on the issuance of any city permit that mitigate adverse impacts of the proposed land use or building on the surrounding physical environment and human population in the area of the subject property.
- D. Individual application requirements may be waived at the discretion of the zoning administrator.

17.12.020 Common application procedures.

- A. The following requirements are common to application procedures for zone map amendments, conditional use permits, variances, and special use permits. Additional details may be included in each specific application procedure.
 - 1. Applicants must submit a properly completed application form, the required supporting materials, and the required application fee.
 - 2. The zoning administrator shall determine whether the application is complete and sufficient. When an application is determined incomplete or insufficient, the administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
 - 3. After the application is determined to be complete and sufficient, the zoning administrator shall notify the applicant and schedule a public hearing on the application on the agenda of the appropriate review body for which notice requirements can be met per Section 17.12.030, and at which time allows for its proper consideration.
 - 4. The zoning administrator shall give notice of the public hearing in accordance with Section 17.12.030.
 - 5. The zoning administrator shall prepare, or contract for the preparation of, a report that describes the applicant's proposal and how it complies, or fails to comply, with the applicable review criteria. The report shall include a recommendation for approval, approval with conditions, or denial.
 - 6. The zoning administrator shall forward their report and the application to the appropriate review body.
- B. Requests initiated by the city council, planning and zoning board, or zoning administrator are not required to complete application steps (1) and (2) outlined under Subsection 17.12.020.A. of this chapter.

17.12.030 Public notice requirements.

- A. All actions of the City of Hamilton requiring public hearings under the provisions of this Chapter 17.12 shall comply with the Montana Code Annotated and the provisions of this section with regard to public notification.
- B. Public notices shall provide the following information
 - 1. Name of the applicant and landowner (if different)
 - 2. A legal description of the subject property and a commonly known address or local description
 - 3. A brief description of the proposed action
 - 4. The time, date and place of the public hearing; and
 - 5. The city office, email, and telephone number where further information may be obtained; and
- C. Notice of public hearings required under this Chapter 17.12 shall be provided as follows:
 - 1. Notice shall be sent by mail to all property owners within three hundred (300) feet of the subject property at least fifteen (15) days in advance of the hearing.
 - 2. Notice of the hearing shall be published twice in a newspaper of general circulation within the City of Hamilton. The two publications shall be separated by not less than six days. The first public notice shall be published at least fifteen (15) days in advance of the hearing.
 - 3. Notice shall be posted on the subject property at least fifteen (15) days in advance of the hearing.
 - a. The applicant is responsible for posting notice on-site. The city will provide the notice to the applicant for posting on-site not less than four days prior to the notice period.
 - b. At least one notice must be placed on the property's frontage so that it may be seen from the abutting street. If the property abuts more than one street, a notice shall be posted along each abutting street.

4. Notice shall be posted on the City of Hamilton website at least fifteen (15) days in advance of the hearing.

17.12.040 Review and decision-making bodies.

A. Zoning Administrator.

1. The city council shall designate a zoning administrator to administer and enforce this title. The zoning administrator may request or the mayor may direct city personnel or departments to provide assistance as appropriate.
2. Duties of zoning administrator. Where the zoning administrator finds that any of the provisions of this title are being violated, the zoning administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The zoning administrator may order the discontinuance of illegal buildings or structures or illegal additions, alterations or structural changes; or may take any other action authorized by this title to ensure compliance with or to prevent violation of its provisions.

B. Planning and Zoning Board.

1. The city council shall establish a planning and zoning board consisting of nine members as follows:
 - a. One member to be appointed by the Hamilton City Council from its membership;
 - (i) The term of the appointed City Council member shall be coextensive with the term of office to which they have been elected or appointed unless the City Council, appoints another to serve as its representative or unless their term is terminated.
 - b. One at-large member, to be appointed by the Hamilton City Council, who shall reside within Hamilton city limits and who may, at the discretion of the Hamilton City Council be an employee or hold public office in the City of Hamilton or Ravalli County;
 - c. One member to be appointed by the City of Hamilton Mayor upon the designation by the Ravalli County Commissioners;
 - d. Six at-large members, to be appointed by the City of Hamilton Mayor, two of whom shall reside within the Hamilton urban area, outside of Hamilton city limits and four of whom shall reside within Hamilton city limits;
 - (i) At-large members appointed by the City of Hamilton Mayor shall hold no other office in the City of Hamilton government.
2. Powers and Duties
 - a. The powers and duties of the planning and zoning board are specified in Chapter 2.44 of the Hamilton Municipal Code.

C. Zoning board of adjustment.

1. The zoning board of adjustment shall.
 - a. Consist of seven members, all of whom reside within the Hamilton city limits;
 - b. Be appointed by the mayor with the consent of the city council;
 - c. Be appointed for a term of three years; and
 - d. Make decisions by a concurring vote of four members.
2. Function.
 - a. To determine whether proposed conditional uses or variances should be approved according to the applicable review criteria;
 - b. To hear and decide special exceptions to the terms of this Title 17;

- c. To hear and decide appeals of administrative actions in enforcing this Title 17. Such appeals shall be initiated within thirty (30) days of the administrative action.
- 3. Zoning board of adjustment action.
 - a. A quorum shall consist of four members;
 - b. Concurring votes of at least four members of the zoning board of adjustment are required to conduct zoning board of adjustment functions;
 - c. Abstentions shall not be recorded as affirmative or negative votes; and
 - d. If the zoning board of adjustment cannot act because of absences, abstentions, conflicts of interest or vacancies, the zoning board of adjustment shall refer the request to the city council for resolution. Concurring votes of at least four members of the city council are required.

17.12.050 Zoning amendments.

- A. Initiation.
 - 1. Zoning map amendments: Amendments to zoning map district boundaries may be initiated by city council, planning and zoning board, or upon application from an owner of property within the city
 - 2. Zoning Text Amendments: Amendments to this title may be initiated by city council, planning and zoning board, or the zoning administrator.
- B. Procedures.
 - 1. Applicants for zoning amendments shall complete steps (1) through (6) outlined under Subsection 17.12.020.A. of this chapter.
 - 2. The planning and zoning board shall hold a public hearing on the proposed zoning amendment within forty-five (45) calendar days after a completed application and all exhibits have been submitted. At the public hearing the planning and zoning board shall make a recommendation to the city council to approve or deny the application. The planning and zoning board shall forward its recommendation to the city council within thirty (30) calendar days of completion of the planning and zoning board's public hearing.
 - 3. The city council shall hold a public hearing on a proposed zoning district boundary changes within sixty (60) calendar days after receiving a recommendation from the planning and zoning board. The city council shall approve or deny the proposed zoning amendment.
- C. Review criteria: The planning and zoning board and city council shall consider the following criteria in making a recommendation or decision regarding a proposed zoning amendment. In considering the criteria, the findings must show that the proposed zoning amendment meets criteria 1—4, while criteria 5—10 must be considered.
 - 1. Is the zoning in accordance with the city's growth policy or comprehensive plan;
 - 2. Is the zoning designed to secure safety from fire and other dangers;
 - 3. Will the zoning promote public health, public safety and general welfare;
 - 4. Will the zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
 - 5. Will the zoning reasonably provide adequate light and air;
 - 6. How will the zoning affect motorized and nonmotorized transportation systems;
 - 7. Will the zoning promote compatible urban growth;
 - 8. Does the zoning consider the character of the district and its peculiar suitability for particular uses;
 - 9. Does the zoning conserve the value of buildings; and

10. Does the zoning encourage the most appropriate use of land throughout the city.
- D. Protest: Per MONTANA CODE ANNOTATED 76-2-305(2) in the event of a protest against a zoning amendment signed by the owners of 25 percent or more of either the area of the lots included in the proposed amendment or those lots or condominium units 150 feet from a lot included in a proposed amendment, such amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city council. When considering protests from condominium owners the provisions of MONTANA CODE ANNOTATED 76-2-305(3) apply.

17.12.060 Conditional use and conditional use structure permits.

- A. A conditional use permit or conditional use structure permit is issued for and attached to the use of the property.
- B. Procedures.
1. Applicants for conditional use permits shall complete steps (1) through (6) outlined under Subsection 17.12.020.A of this chapter.
 2. The zoning board of adjustment shall hold a public hearing on the proposed conditional use within forty-five (45) calendar days after a completed application and all required supporting materials have been submitted. At the public hearing the zoning board of adjustment shall approve, approve with conditions, or deny the application.
 3. Within thirty (30) days after a decision on the conditional use permit application is made, the zoning administrator, with approval of the zoning board of adjustment chair, shall provide the applicant a record of decision in accordance with Section 17.12.090, documenting the decision and any conditions attached to the approval.
- C. Review criteria: A conditional use or conditional use structure permit may be granted when allowed in the district, provided that the zoning board of adjustment finds that the proposal demonstrates conformance with the following criteria:
1. Is the proposal consistent with the goals and policies in the city's growth policy or comprehensive plan;
 2. Will the proposal negatively impact public health, safety, or general welfare; and
 3. How will the proposal impact public facilities and services, including, but not limited to transportation, water, sewer, police, fire, and parks.
- D. Duration of Approval.
1. A Conditional Use Permit shall become null and void unless substantial construction, or if no construction is involved, actual commencement of the use, has occurred within 24 months of the date of approval, unless an extension is approved by the Zoning Board of Adjustment in accordance with 17.12.060.D.3.
 2. The zoning board of adjustment may, at the time of approval, specify a longer period for commencement if warranted by the nature of the proposed use or development.
 3. Requests for extensions must be submitted to the zoning administrator 60-days prior to expiration of the Conditional Use Permit. Extension requests must go before the Zoning Board of Adjustment for review and decision. Any mutually agreed upon extension request must be in writing and dated and signed by the Zoning Board of Adjustment chair person and the applicant or the applicant's agent.
- E. Discontinuation of Use
1. If a use established under a Conditional Use Permit is discontinued or abandoned for a period of 24 months or more, the permit shall be deemed expired unless otherwise specified in the original approval.

17.12.070 Variances.

- A. Variances for relief from this Title 17 may be granted only as follows:
- B. Procedures.
 - 1. Applicants for a variance shall complete steps (1) through (6) outlined under Subsection 17.12.020.A of this chapter.
 - 2. The zoning board of adjustment shall hold a public hearing on the proposed variance within forty-five (45) calendar days after a completed application and all required supporting materials have been submitted. At the public hearing the zoning board of adjustment shall approve, approve with conditions, or deny the application.
 - 3. Within thirty (30) days after a decision on the variance application is made, the zoning administrator, with approval of the zoning board of adjustment chair, shall provide the applicant a record of decision in accordance with Section 17.12.090, documenting the decision and any conditions attached to the approval.
- C. Review criteria: A variance from the terms of this Title 17 may be granted only if the zoning board of adjustment finds that the following criteria have been substantially met or are not relevant to the proposal.
 - 1. That, owing to special conditions unique to the property, a literal enforcement of the provisions of this Title 17 would result in an unnecessary hardship that would deprive the property of rights commonly enjoyed by other properties in the same district;
 - a. Conditions unique to the property may include, but are not limited to, size of property, shape of the property, topography of the property, location of existing nonconforming structure(s) on the property, or location of existing service lines.
 - b. A hardship does not include a financial hardship or hardship arising from actions by the applicant, owner, or occupants.
 - 2. That granting the variance will not confer on the applicant any special privilege that is denied by this title to other properties in the same district;
 - 3. Approval of the variance will not be contrary to the public interest;
 - 4. Approval of the variance will observe the spirit of this title and do substantial justice.
- D. Duration of Approval.
 - 1. A variance shall become null and void unless substantial construction has occurred within 24 months of the date of approval, unless an extension is approved by the Zoning Board of Adjustment in accordance with 17.12.070.D.3.
 - 2. The zoning board of adjustment may, at the time of approval, specify a longer period for commencement if warranted by the nature of the proposed development.
 - 3. Requests for extensions must be submitted to the zoning administrator 60-days prior to expiration of the variance. Extension requests must go before the Zoning Board of Adjustment for review and decision. Any mutually agreed upon extension request must be in writing and dated and signed by the Zoning Board of Adjustment chair person and the applicant or the applicant's agent.

17.12.080 Special use permits.

- A. Special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed special use, its relationship to the surrounding land uses, impact on public facilities, potential environmental effects, compatibility with the neighborhood, and conformance to adopted

policies, guidelines, plans and regulations of the City of Hamilton. Prior to establishment of a special use, a special use permit must be approved or approved with conditions by city council.

B. Procedures.

1. Applicants for special use permits shall complete steps (1) through (6) outlined under Subsection 17.12.020.A of this chapter.
2. The planning and zoning board shall hold a public hearing on the proposed special use permit within forty-five (45) calendar days after a completed application and all exhibits have been submitted. At the public hearing the planning and zoning board shall make a recommendation to the city council to approve, approve with conditions, or deny the application. The planning and zoning board shall forward its written recommendation to the city council within thirty (30) calendar days of completion of the planning and zoning board's public hearing.
3. The city council shall hold a public hearing on the proposed special use permit within sixty (60) calendar days after receiving a written recommendation from the planning and zoning board. The city council shall approve, approve with conditions, or deny the proposed special use application.
4. Within thirty (30) days after a decision on the special use permit application is made, the city clerk, with approval of the city council president, shall provide the applicant a record of decision in accordance with Section 17.12.090, documenting the decision and any conditions attached to the approval.

C. Review criteria: The planning and zoning board and city council shall consider the following criteria in making a recommendation or decision regarding a proposed special use permit:

1. Is the proposal consistent with the goals and policies in the city's growth policy or comprehensive plan;
2. Does the proposal conform to the requirements of this Title 17;
3. Is the proposal compatible with the character of the surrounding area;
4. Will the proposal negatively impact public health, safety, or general welfare;
5. How will the proposal impact public facilities and services, including, but not limited to transportation, water, sewer, police, fire, and parks; and
6. Is the proposal contrary to the public interest.

D. Duration of Approval.

1. Special use permits shall become null and void unless substantial construction has occurred within 24 months of the date of approval, unless an extension is approved by City Council in accordance with 17.12.080.D.3.
2. The City Council may, at the time of approval, specify a longer period for commencement if warranted by the nature of the proposed use or development.
3. Requests for extensions must be submitted to the zoning administrator 60-days prior to expiration of the Special Use Permit. Extension requests must go before the City Council for review and decision. Any mutually agreed upon extension request must be in writing and dated and signed by the City Council president and the applicant or the applicant's agent.

17.12.090 Record of decision.

- A. The zoning board of adjustment or city council, as appropriate, shall maintain a record of its decision on conditional use permit, variance, or special use permit requests in the form of a record of decision. The record of decision shall include the following information.
1. Name of the applicant and landowner (if different).
 2. A legal description of the subject property and a commonly known address or local description.

3. A brief description of the proposed action.
4. The date of the public hearing.
5. Any conditions, if applicable, attached to the approval.
6. Documentation of reports and recommendations relied upon.
7. Documentation of the vote of each member of the zoning board of adjustment, planning and zoning board, or city council, as applicable.

17.12.100 Appeals.

A. Appeals from application of this Title 17.

1. The zoning board of adjustment shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this title.
2. Any person aggrieved by or any officer of the municipal government affected by a decision made by an administrative official or body may file a notice of appeal within sixty (60) days of the date the subject decision was made. The notice of appeal must be submitted to the zoning administrator, must specify the grounds of the appeal, and must comply with any rules adopted by the zoning board of adjustment.
3. The zoning administrator shall timely transmit to the zoning board of adjustment the notice of appeal and all papers constituting the record of the subject decision.
4. The zoning board of adjustment shall fix a reasonable time for hearing of the appeal and give public notice of the hearing as well as notice to the parties in interest. At the hearing, any party may appear in person or be represented by the party's attorney.
5. The zoning board of adjustment, in conformity with the provisions of the this title, may reverse, affirm, wholly or in part, or modify the order, decision or action appealed and may make such order, decision or action as deemed necessary, and to that end shall have the powers of the administrative official whose decision is appealed.
6. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed, unless the zoning administrator certifies to the zoning board of adjustment after the notice of appeal is filed that the stay would, in the zoning administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the zoning board of adjustment or by a court of record on application, on notice to the zoning administrator and on due cause shown.

B. Appeals from decisions of the zoning board of adjustment.

1. Any person or persons, jointly or severally, aggrieved by any decision of the zoning board of adjustment or any taxpayer or any officer, department, board, or bureau of the city may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision in the office of the board. Such appeal will be heard according to the provisions of Montana law.
2. Upon the presentation of the petition, the court may allow a writ of certiorari directed to the zoning board of adjustment to review the decision of the board of adjustment and shall prescribe in the writ the time within which a return must be made and served upon the relator's attorney, which may not be less than ten days and may be extended by the court. The allowance of the writ does not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.
3. The zoning administrator on behalf of the zoning board of adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original

papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

4. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence that it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
5. Costs shall not be allowed against the zoning board of adjustment unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

17.12.110 Complaints.

- A. Whenever a violation of this Title 17 occurs or is alleged to have occurred, any aggrieved person or any officer, department, board, or bureau of the City may file a written complaint. The complaint, stating fully the causes and basis of the violation, shall be filed with the zoning administrator who shall reasonably investigate and take action as provided by this chapter.
- B. Penalties.
 1. Violations of the provisions of this Title 17 or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances, conditional uses, permits, or any of the requirements imposed by the decision-making body, may constitute a misdemeanor subject to prosecution under the provisions of Montana law and the Hamilton Municipal Code.
 2. Any person who violates this title or fails to comply with any conditions, safeguards, or requirements may also be ordered to pay all costs and expenses involved in remedying the violation. Each day such violation continues may be considered a separate offense as allowed by Montana law.
 3. Nothing set forth in this section shall prevent the city from taking any other lawful action to prevent or remedy any violation.

17.12.120 Conditions of approval.

- A. Variances, conditional use permits, and special use permits may be granted subject to conditions which are authorized by state law and this Title 17, including but not limited to:
 1. Dedication and/or improvement of a public right-of-way;
 2. Protection of adjoining property;
 3. Placement and regulation of nature and extent of uses on the property;
 4. Regulation of height; and
 5. Regulation of term of permit or variance.

17.12.130 Revocation.

- A. Revocation. A variance, conditional use permit, or special use permit may be revoked after a public hearing in accordance with procedures required for granting it if:
 1. Conditions have changed substantially since it was issued;
 2. Revocation is necessary to address an imminent threat to the health, safety or welfare or the public or any person(s); or
 3. The holder has not complied with the conditions under which it was issued;

Chapter 17.16 USE SPECIFIC REGULATIONS

Sections:

17.16.010 Accessory dwelling units.

A. Standards for all accessory dwelling units.

1. Intent. The intent of this section is to allow efficient use of the existing housing stock and city infrastructure; provide housing options that respond to changing household sizes and needs: provide a means for residents to remain in their homes and neighborhoods, obtain extra income, security, companionship and assistance: and to provide a broader range of housing options. Accessory dwelling units are intended to be clearly subordinate to the principal dwelling on the lot.
2. Definition.

"Accessory dwelling unit" or ADU means a separate dwelling unit within or attached to a single-family dwelling, a separate dwelling unit that occupies an accessory building located on the same lot as a single-family dwelling, or a detached dwelling unit located on the same lot as a single-family dwelling. ADUs shall be located in a structure that is permanently located on the ground.
3. Where allowed.
 - a. ADUs are allowed in the following zoning districts: Traditional Neighborhood District (R-1), Medium Density Residential District (R-2), High Density Residential District (R-3), and Neighborhood Business District (B).
 - b. ADUs are only permitted on lots occupied by a single-family dwelling.
 - c. Only one ADU is permitted per zoned lot.
 - d. ADUs are not permitted in front yards.
4. Minimum lot area.
 - a. Lots shall meet the minimum lot area and minimum lot width requirements of the underlying zoning district.
5. Size.
 - a. The maximum size of an ADU shall be no more than 75% of the gross floor area of the principal dwelling on the lot or 1,000 square feet, whichever is less: except that all qualifying lots may have an ADU up to 300 square feet. For the purposes of size calculations, gross floor area means the interior habitable area.
6. Addressing.
 - a. ADUs shall obtain a new address from the Ravalli County GIS Department that is unique from the principal dwelling unit.
 - b. Address identification characters for ADUs shall contrast with their background, be alphanumeric, be a minimum four inches high, and be visible from the public street or alley fronting the structure. If required by the city fire chief, address identification shall be provided in additional approved locations to facilitate emergency response.
7. Permits required.

- a. A residential building permit is required for all ADUs.
- B. Additional standards for detached accessory dwelling units.
 - 1. Entrances.
 - a. Building entrances to detached ADUs shall not face the nearest side or rear property line unless there is an alley abutting that property line.
 - 2. Conversions.
 - a. In instances of conversions of existing accessory buildings or garages to ADUs, where the existing accessory building or garage encroaches into the required yard setbacks, the ADU conversion may be permitted provided there are no adverse impacts to health and safety and all other standards in the Hamilton Municipal Code are met.
- C. Existing nonconforming accessory dwelling units.
 - 1. Existing ADUs established prior to adoption of these standards remain nonconforming structures in accordance with Chapter 17.32 of the Hamilton Municipal Code.
- D. In the event these requirements in this section conflict with building codes, fire codes, or public health and safety regulations adopted pursuant to Montana Code Annotated Title 50, chapter 2, building codes, fire codes, or public health and safety regulations govern.

17.16.020 Short-term rentals.

- A. Intent.
 - 1. The intent of this section is to provide for the regulation of short-term rentals in the city, to preserve neighborhood character, to encourage economic activity, investment, and diversity, and to promote public health, safety, and welfare.
- B. Applicability.
 - 1. This section does not apply to any rental of a dwelling unit which is governed and defined by The Montana Residential Landlord and Tenant Act of 1977 (Landlord Tenant Act). This section applies only to transient occupancy of a short-term rental as defined herein.
 - 2. The short-term rental regulations are not intended to interfere with, abrogate, or annul any legal or lawful private covenants.
- C. Where allowed.
 - 1. An owner may operate a short-term rental in established dwelling units in all zoning districts where such use is authorized in this title.
- D. Compliance with laws.
 - 1. In addition to the provisions of this section, the short-term rental owner must comply with all other applicable local, state and federal laws and regulations. Loss of any required permit or license will result in revocation of the short-term rental registration.
- E. Licensing process.
 - 1. Licensing is required for all short-term rentals and shall be renewed annually. A separate license shall be required for each short-term rental unit.
 - 2. The applicant must complete and submit a short-term rental application using a form provided by the city. As part of the application process the applicant shall:

- a. Provide the name, telephone number, address, and email address of all property owners and of the persons or business responsible for all maintenance and safety concerns. If the property owner is a business, the name(s) and contact information of all business owners must be provided.
 - (i) Provide certification the applicant has submitted a public sleeping accommodation plan review application to the Ravalli County Environmental Health Department.
 - (ii) Pay the short-term rental license fee.
 3. Once the applicant has submitted a complete short-term rental application, the zoning administrator will review the application and all submittal materials in conjunction with city building and fire departments and the Ravalli County Health Department. The short-term rental license will be issued when it has been determined that:
 - a. All city requirements have been met;
 - b. The Ravalli County Environmental Health Department has approved the short-term rental as a public accommodation;
 - c. The short-term rental will not cause or contribute to an imminent threat to public health and safety.
 4. Prior to registration, the city, or any authorized representative thereof, shall have the right to enter the short-term rental to inspect for conformance with city requirements after reasonable notice to the property owner or designee indicated on the application.
- F. Revocation.
1. The zoning administrator may revoke a license to operate a short-term rental for good cause related to public health and safety, including violation of applicable laws or ordinance. If the zoning administrator determines that three violations of any city ordinance or law occurs at a short-term rental within a twelve-month period, the license to operate the short-term rental must be revoked at that location for a period of one year. Appeals of revocations shall be made to the zoning board of adjustment.
- G. Number.
1. No more than one short-term rental unit is permitted per lot in the R-1 and R-2 zoning districts.
 2. No more than two units per building may be used as a short-term rental in the R-3 and B zoning districts.
 3. No individual or business shall register more than two short-term rentals in the R-1, R-2, and R-3 zoning districts.
- H. Fees.
1. Short-term rental licensing fees shall be established by resolution of the Hamilton city council.

17.16.030 Marijuana.

- A. The provisions of this section shall apply to all marijuana businesses within the city, including both medical and adult use marijuana manufacturing, transporting, testing, cultivation, and dispensaries, unless otherwise stated herein.
- B. Outdoor storage of marijuana merchandise, raw materials, or other marijuana materials associated with the production of marijuana is prohibited.
- C. Signage for marijuana businesses must meet state requirements as well as the City of Hamilton sign regulations found in Chapter 17.28 of this title.
- D. Unless required by state law, marijuana dispensary storefronts shall not have security bars, metal screens, grates, opaque windows or other visible security devices other than door locks or discrete security cameras.
- E. Marijuana dispensaries and manufacturing facilities shall not be located within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or

postsecondary school other than a commercially operated school. This section does not apply if the marijuana business was licensed and established before the church, synagogue, or other place of worship or school or postsecondary school existed on the same street. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the marijuana dispensary or manufacturing facility.

- F. No marijuana dispensary may be located within 200 feet of and addressed on the same street as another marijuana dispensary. This distance must be measured in a straight line from the center of the nearest public entrances.
- G. Marijuana dispensaries shall not have any public entrances facing an alley.
- H. Marijuana manufacturing, testing, and storage facilities must be sited and operated in a manner that prevents marijuana odors from being detected offsite. A sufficient odor absorbing ventilation and exhaust system utilizing negative pressure inside the building must be used so odor generated distinctive to its operation cannot be detected outside the facility or anywhere on adjacent property or public rights-way, nor in interior common area walkways, hallways, foyers, lobby areas or other areas available for use by common tenants or the visiting public. An odor control plan must be submitted as part of any business license application.
- I. Marijuana cultivation is prohibited within the City of Hamilton.

17.16.040 Home occupations.

- A. Intent. The intent of this section is to allow for certain, low-impact, home occupations as a lawful secondary use of residential property while also ensuring that home occupations do not adversely impact the character and livability of the surrounding neighborhood.
- B. Standards.
 - 1. Home occupations must be secondary to the use of a dwelling unit for residential purposes and may not occupy more than twenty-five (25) percent of the gross floor area of the principal dwelling unit.
 - 2. The owner of the home occupation must reside in the dwelling unit in which the home occupation is located.
 - 3. In addition to the resident business owner, up to three nonresident persons, including employees, associates and customers may be present on the property at any time. In order to accommodate occasional larger gatherings, the three-person limit may be exceeded on up to two days each calendar month.
 - 4. Establishment of a home occupation requires an application for and approval of a City of Hamilton business license.
 - 5. There shall be no external structural alterations or construction that would change the residential character of the property upon which the home occupation is located. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, and the addition of commercial-like exterior lighting.
 - 6. The home occupation and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within a completely enclosed building, either the principal residential building or an allowed accessory building.
 - 7. No traffic may be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood.
 - 8. All parking associated with the home occupation shall occur on-site. No on-street parking shall be utilized in excess of what is typical for a residential use. Depending on the individual circumstances of each application, additional off-street parking may be required.

9. Home occupations shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than what is typical of a residential use in the district in question where no occupation exists.

10. Signage shall be allowed in conformance with Chapter 17.28 (Sign Regulations) of this Title.

B. Complaints

1. Complaints, after investigation by the zoning administrator, may be cause for revocation of the home occupations business license.
2. Zoning administrator decisions in relation to complaints are subject to appeal per section 17.12.100 (Appeals) of this Title.

C. Prohibited uses.

1. Restaurants.
2. Animal boarding.
3. Motor vehicle repair services.
4. Marijuana businesses.
5. Dispatch centers or operations involving fleet vehicles.
6. Retail.
7. Tow truck services.
8. Material or equipment storage.
9. Automotive repair, painting, or service.
10. Appliance repair.
11. Medical or dental clinics

- D. Per MONTANA CODE ANNOTATED 76-2-1003 digital asset mining is permitted as a home occupation provided it does not violated noise ordinances in the Hamilton Municipal Code.

17.16.050 Wireless communication facilities.

- A. Purpose. To accommodate the increasing communication needs of the City of Hamilton "city" residents, businesses, and visitors, while protecting the public health, safety and general welfare and visual environment of the city, this chapter is established to:

1. Enhance the ability to provide communication services to city residents, businesses and visitors;
2. Simplify the process for obtaining permits for communication facilities, while at the same time protecting the legitimate interests of city residents;
3. Protect the city's natural resources and visual environment from the potential adverse effects of communication facilities, through careful design and siting standards;
4. Limit the number of towers needed to serve the city, by requiring facilities to be placed on existing buildings and structures where possible, and requiring co-location of wireless communication providers on existing and new towers.

- B. These towers shall be construed to be consistent with any federal or state standards regulating communication facilities which pre-empt or take precedence over the standards in this chapter. In the event that either federal or state government adopts mandatory standards more stringent than those described in this chapter, the more stringent standard shall apply and these standards shall be revised accordingly.

C. Definitions.

1. "Antenna" means an exterior transmitting or receiving device used in telecommunications that radiates or captures radio frequency signals or electromagnetic waves, including but not limited to directional antenna, such as panels, microwave dishes and satellite dishes and omni-directional antenna, such as whip antenna, but not including satellite earth stations.
 2. "Antenna, attached" means an antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole, or other support structure other than an antenna tower.
 3. "Antenna, concealed" (stealth) means an antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site context and surrounding environment. Examples of concealed antennas include manmade trees, clock towers, flag poles, lighting structures, and similar structures that camouflage or conceal the presence of antennas or towers.
 4. "Antenna tower" means a freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment. The term includes microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the structure and any support thereto.
 5. "Antenna tower height" means the distance from the average grade at the antenna tower base to the highest point of the tower. Overall antenna tower height includes the base pad, mounting structures and panel antennas, but excludes lightning rods and whip antennas.
 6. "Co-location" means locating wireless communications equipment for more than one communications provider on a single structure or within an established electronic communications site.
 7. "Communication facilities" means communication lines and towers, antennas and microwave receivers.
 8. "Electronic communications site" means an area established because of its unique elevation and location engineered with multiple antenna towers, buildings or facilities to provide or enhance communication over a specific area.
 9. "Facility" (communication) means the equipment, physical plan and portion of the property and/or building used to provide power and communication services, including but not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening and parking areas.
 10. "Microcell" means a low power facility used to provide increased capacity to telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility. Unreasonable adverse impact: the proposed project would produce an end result which is:
 - a. Out of character with the designated scenic, natural, historic and cultural resources affected, including existing buildings, structures and features within the designated resource area; and
 - b. Would diminish the scenic, natural, historic and cultural value of the designated resource.
- D. Applicability. All communication facilities, towers or antennas located within the incorporated areas of the City of Hamilton, whether upon private or public lands, shall be subject to this chapter. Only the following facilities shall be exempt from the application of this section:
1. Pre-existing towers or antennas. Towers and antennas existing prior to the date of the ordinance codified in this chapter shall not be required to meet the requirements of this section, so long as the pre-existing towers or antennas were in compliance with all applicable permitting requirements in effect at the time of installation and are currently in compliance with all other required approvals, permits and exceptions.
 2. Nothing in this chapter shall be construed to regulate, nor shall it regulate antennas, antenna support structure devices or facilities installed, maintained and used exclusively for amateur radio communications by amateur radio operators licensed by the Federal Communications Commission.

3. Maintenance or repair. Maintenance or repair of a communication facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
 4. Emergency communication facilities. Temporary communication facilities for emergency communications by public officials.
- E. Standards. All communication facilities must demonstrate compliance with the following standards prior to city approval.
1. Preferred communication facilities. The order of preference for new or reconstructed permanent communication facilities is as follows from most preferred to least preferred:
 - a. Co-location on existing communication facilities. If not technically feasible;
 - b. Antennas attached to existing commercial or industrial buildings or structures. If not technically feasible, then:
 - (i) Concealed antennas. If not technically feasible,
 - (ii) Microcell antenna towers. If not technically feasible, then
 - (iii) New communication facilities tower.
 - (iv) In addition to the above-listed preferences, it is preferred that any new facilities be located on public lands or structures.
 2. Facilities in relation to scenic view shed and historic or cultural resources. Facilities shall not create an unreasonable adverse impact toward the view from any public park, natural resource area or historic or cultural site. In determining the potential adverse impact of the proposed facility upon such area; the land services department shall consider the following factors:
 - a. The extent to which the proposed communication facility is visible from the viewpoint(s) of the impacted resource;
 - b. The type, number, height and proximity of existing structures and features and background features within the same line of sight as the proposed facility;
 - c. The amount of vegetative screening;
 - d. The distance of the proposed facility from the impacted resource; and
 - e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.
 3. Communication facilities spacing requirements. Antenna towers over sixty (60) feet in height shall be located at least five thousand two hundred eighty (5,280) feet from any other communication facility over sixty (60) feet in height. Antenna towers proposed to be located closer than five thousand two hundred eighty (5,280) feet from any other communication facility over sixty (60) feet in height shall be co-located. Exception to spacing requirements may only be allowed if co-location is scientifically proven to be unfeasible and/or where it can be demonstrated that a unique hardship exists to prevent compliance with this section.
 4. Minimum setback requirement.
 - a. From property lines or road rights-of-way, facilities shall be set back minimum distance that is equal to or greater than the height of the facility, plus the height of any building upon which the facility is located, as well as any extensions to the facility (such as lightning rods or lightning devices), plus twenty (20) feet.
 - b. Alternative setbacks may only be approved by the zoning board of adjustment where it can be clearly demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to fully address safety concerns, conceal the facility and minimize its visual impacts.

- c. Guide wires and equipment buildings and cabinets shall be set back from all property lines a minimum of twenty (20) feet.
 - d. The maximum height of any facility shall not exceed three hundred (300) feet, which shall include the height of any building on which the facility is located.
- 5. Equipment design. The following equipment design standards shall apply to all new communication facilities:
 - a. Attached antennas on a roof may extend up to fifteen (15) feet over the height of the building or structure.
 - b. Attached antennas on a roof shall be located as close to the center of the roof as possible.
 - c. Attached antennas mounted on a building or structure wall shall be as flush to the wall as technically possible, and shall not project above the top of the wall.
 - d. Attached antennas and equipment shall be located, painted and/or screened to be architecturally and visually compatible with the building or structure it is attached on.
 - e. Microcell towers shall be painted or coated in a uniform nonreflective color that blends with the surrounding building and/or the natural environment. The use of wood poles is further encouraged.
 - f. Communication facility antenna towers shall not be artificially lighted except as required by the FAA or other state or federal agency. If safety lighting is required by the FAA, the use of red beacons is preferred to flashing strobe lights. Security lighting on the site may be mounted up to twenty (20) feet in height, and shall utilize cut-off lighting directed towards the ground to reduce light pollution, prevent offsite light spillage and avoid illuminating the tower.
 - g. Equipment buildings shall be compatible with the architectural style of the surrounding built environment considering exterior materials, roof form, scale, mass, color, texture and character. Equipment cabinets shall be located, painted and/or screened to be architecturally and visually compatible with the surrounding built and/or natural environment.
 - h. Equipment shall not generate noise in excess of federal, state and local noise regulations. This does not apply to generators used in emergency situations where the regular power supply for a facility is temporarily interrupted.
- 6. Site design. All communication facilities shall be designed to blend into the surrounding environment to the greatest extent possible. The following measures shall be implemented:
 - a. Screening and landscaping appropriate to the context and in harmony with the character of the surrounding environment is required when any part of the facility is visible from a public right-of-way or adjacent residential use. Natural materials shall be used for screening and fencing. Wire fencing, if utilized, shall be screened from public view. If a facility fronts on a public road or abuts a residential use, a combination of hedges and/or evergreen trees (at least four feet in height when planted) shall be planted along the roadway or around the facility to provide a continuous visual screen. Towers and antenna support structures shall be finish coated in a uniform nonreflective color that blends with the surrounding environment.
 - b. Existing vegetation and grades on the site shall be preserved to the extent possible.
 - c. Signage at the site is limited to nonilluminated warning and equipment identification signs. This does not apply to concealed antennas that are incorporated into freestanding signs.
 - d. Communication facilities shall not include staffed offices, long-term vehicle storage or other outdoor storage, or other uses needed to send, receive or relay transmissions.
- 7. Radio frequency emission standards. All existing and proposed communication facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified by Part 1, practice and procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio

Frequency Radiation Exposure Limits. A statement by a licensed professional engineer shall be provided demonstrating that the proposed facility complies with all FCC standards for radio emissions.

8. Co-location requirements for communication facilities.
 - a. Communication facility providers shall cooperate to achieve co-location of facilities and equipment. Communication facility providers shall not act to exclude other providers from co-locating on the same tower or electronic communications site when co-location is structurally and technically feasible. Competitive conflicts shall not be considered adequate reason to preclude co-location.
 - b. In addition to equipment proposed for the applicant's use, proposed communication facilities shall be designed in all respects to accommodate both the applicant's antenna and comparable antenna for at least two additional users if the antenna tower is over one hundred (100) feet in height, or for at least one additional user if the antenna is between sixty (60) feet and one hundred (100) feet in height.
 - c. No new tower shall be permitted unless the applicant clearly demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna by co-locating. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following. The term "existing" includes pending applications, as well as approved applications for proposed, but not yet constructed, towers, antennas and facilities:
 - (i) No existing towers or structures are located within the geographic area to meet the applicant's engineering requirements;
 - (ii) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
 - (iii) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and cannot be reinforced to provide sufficient strength;
 - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structure, or the antenna on the existing tower and structures would cause interference with the applicant's proposed antenna;
 - (v) The fees or costs required to share an existing tower or structure, or to adopt an existing tower or structure for co-location are unreasonable. Costs below new tower development are presumed reasonable;
 - (vi) Property owners, or owners of existing towers or structure are unwilling to accommodate the applicant's needs;
 - (vii) The applicant clearly demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
9. Abandonment. Communication facilities will be considered to be abandoned if they are unused by all providers at the facility for a period of one hundred eighty (180) consecutive days. Determination of abandonment shall be made by the director of land services, who shall have the right to require documentation from the facility owner regarding the tower or antenna usage. Upon determination of abandonment, the facility owner shall have ninety (90) days to:
 - a. Re-use the facility or transfer the facility to another owner who will re-use it; or
 - b. Remove the facility. If the facility is not re-used or removed within ninety (90) days of determination of abandonment, the city may remove the facility at the facility's and/or property owner's expense.
10. Modification to existing facilities.
 - a. Addition of equipment for co-location of additional communication facility providers on existing antenna towers and sites are not subject to additional review if the tower height remains unchanged. However, a permit is required.

11. Building codes and safety standards. To ensure the structural integrity of communication facilities, the owner of a facility shall ensure that it is constructed, operated and maintained in compliance with the standards contained in applicable local, state and federal building codes and the applicable standards for telecommunication facilities, as may be amended from time to time. This must be shown through a completed inspection process or certification by an appropriate regulatory agency and a copy of that certification sent to Ravalli County Land Services.

F. Application submittal requirements.

1. Application contents. Applications for review and approval of proposed communication facilities, and additions or modifications to existing facilities, shall include the following:
 - a. A site plan showing the location and legal description of the site, including the lot number and geo-code number(s) and a copy of the recorded plat or certificate of survey, on-site land uses; adjacent roadways, parking and access; areas of vegetation and landscaping to be added, retained, replaced or removed; setbacks from property lines; and the location of the facility including all related improvements and equipment.
 - b. A vicinity map showing adjacent properties and land uses within one thousand (1,000) feet of the proposed antenna site.
 - c. Elevation drawings of the proposed facility showing all antennas, towers, structures, equipment buildings and cabinets, fencing, screening, landscaping, lighting and other improvements related to the facility. Specific colors and materials shall be noted.
 - d. Photo-realistic renderings (photo simulations) of the site after the antenna construction, demonstrating the true impact of the antenna on the surrounding visual environment. The director of land services may request photo-realistic renderings of the site from a specific vantage point.
 - e. A report describing the facility and the technical, economic and other reasons for its design and location, the need for the facility and its role in the overall network; and describing the capacity of the structure, including the number and type of antennas it can accommodate.
 - f. The FAA response to the notice of proposed construction of alteration (FAA form 7460-1), if the facility is located within the distance from the airport runways as specified under paragraph 77.13, of FAA form 7406-1 construction or alteration requiring notice.
 - g. A statement from the applicant verifying that the request has been submitted to the Montana Aeronautics Division for a formal response.
 - h. A copy of the provider FCC license verifying that the applicant is authorized by the licensing guidelines of the FCC.
 - i. A letter of intent to allow co-location on the antenna tower as proposed, if the communication facility is taller than sixty (60) feet in height.
 - j. A letter of intent to remove the facility at the expense of the facility and/or property owner if it is abandoned. The letter shall include a signed statement by the property owner consenting to the city's entry on to the property to remove an abandoned facility.
 - k. Proof of ownership of the land upon which a communication facility is proposed to be constructed, or a copy of an appropriate easement, lease or rental agreement.
 - l. A statement by a licensed professional engineer shall be provided demonstrating that the proposed facility complies with all FCC standards for radio emissions, and for all applicable local, state and federal building codes.
2. Facility inventory. The first application for a proposed communication facility by a provider shall include a detailed inventory of all the provider's existing and approved facilities within Ravalli County and all incorporated areas within the city.

- G. Severability. If any part or portions of this chapter shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder shall nonetheless continue in effect.
- H. Retroactivity. The ordinance codified in this chapter shall apply to all towers, antennas and facilities and including all pending applications to locate towers, antennas and facilities within the limits of the City of Hamilton.

17.16.060 Mobile home parks.

- A. Each mobile home park shall be connected to the City of Hamilton water and sewer system. The park shall be provided with a master water meter to meter the entire parks water use. All utility service lines shall be installed below ground;
- B. Minimum private interior street or drive width shall be thirty (30) feet wide and shall meet city public works street standards and specifications;
- C. All street or drives shall be paved to city public works street standards and drainage shall be installed on-site to retain all storm water run-off on-site;
- D. Area equal to five percent of the total area of the mobile home park shall be dedicated to common recreation and parks development for the park;
- E. Boundaries of each mobile home lot as indicated on the accepted plans shall be clearly and permanently marked on the ground;
- F. A mobile home and accessory buildings may occupy a maximum of fifty (50) percent of a lot;
- G. Distance of mobile homes from park boundaries shall be a minimum of twenty-five (25) feet from any property boundary line provided with suitable landscaped cover;
- H. Mobile homes shall be skirted within sixty (60) days of installation with weather resistant materials similar to that used in the mobile home's construction;
- I. Mobile homes shall be anchored to the ground by conventional construction method or by over the top frame ties. Anchoring devices shall be capable of resisting a force equivalent to an eighty (80) mile-per-hour (mph) wind;
- J. Mobile home lots shall be designed with easy access for placement and removal of homes, shall be have longitudinal grade of less than four percent and provide adequate surface drainage. The mobile home site on each lot shall be compacted and surfaced with material that prevents vegetative growth;
- K. Access to a mobile home park shall be from a public street;
- L. Each mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a wall, fence or evergreen hedge which creates a visual buffer;
- M. No space in a mobile home park shall be occupied until at least ten spaces are completed and ready for occupancy;
- N. Roadways located within a mobile home park shall be named, labeled, or otherwise adequately described so as to be easily found by persons entering the park. Mobile home spaces shall be numbered or otherwise adequately described and the number or other description shall be posted at the proper space so that it can be clearly read from each street on which the space fronts or abuts;
- O. Off-street parking shall consist of two paved off-street parking spaces shall be provided for each mobile home lot.

17.16.070 Townhouses

- A. Intent

1. The intent of this section is to allow for a range of home ownership options while also upholding public health, safety, and general welfare for townhouse developments. It is further the intent of this section to facilitate townhouse developments exempt from subdivision review under state law within Hamilton City limits where city infrastructure exists. It is not the intent of this section to facilitate complicated development proposals outside of city limits requiring annexation and extension on city infrastructure. Those developments should be pursued through the subdivision process.

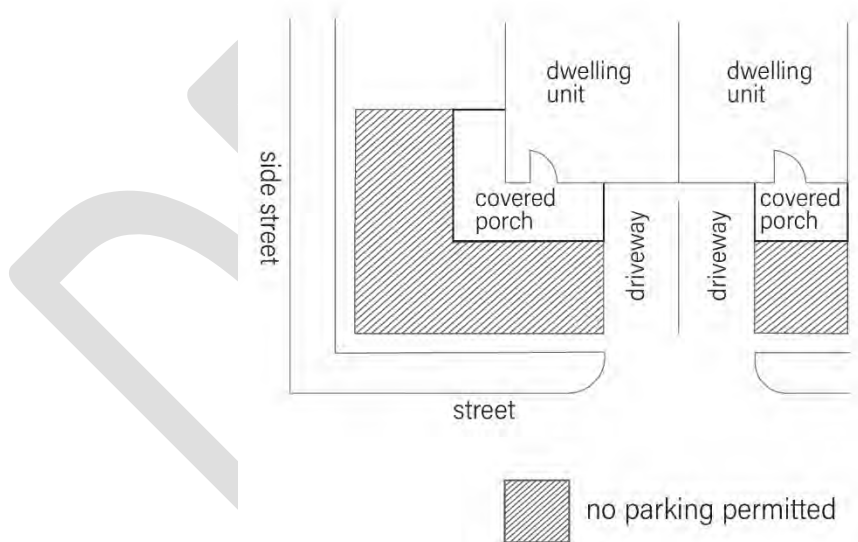
B. Applicability

1. Townhouse developments are a permitted use in the R-1 R-2, R-3, and B zoning districts. Townhouse developments that convert spaces in buildings from rental to owner occupancy, that do not include the division of land, do not need to conform to this section.

C. Standards

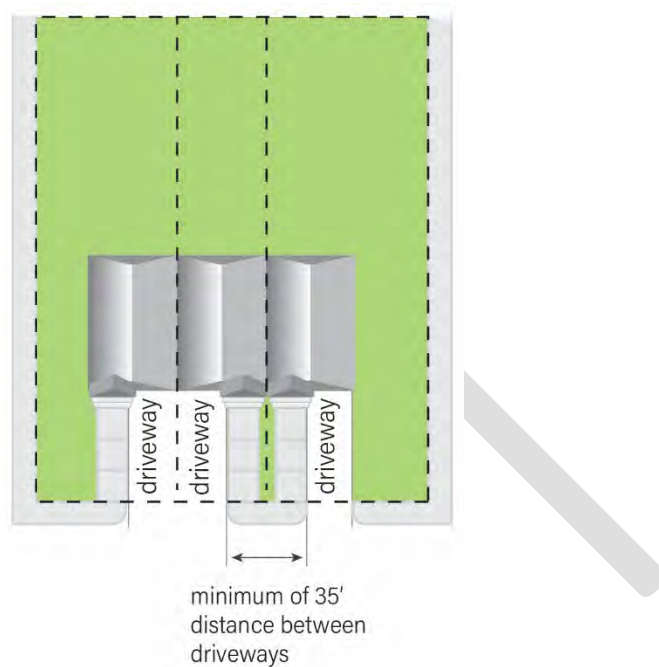
1. Buildings shall not contain more than four attached townhouse units.
2. All detached townhouse buildings shall be separated by a minimum distance of 10-feet.
3. Parking
 - a. Access to parking spaces and garages must be from the alley for all townhouses that abut an alley.
 - b. For townhouses without alley access, driveways, parking and other vehicular use areas may not be located between the covered building entrance and the street. See Figure 17.16.070.C.1.

Figure 17.16.070.C.1 – Townhouse Restricted Parking



- c. Garages and carports that abut a street must be set back at least 25 feet from all townhouse lot lines abutting a public street or from the back of sidewalk (back of curb where no sidewalk exists) on private streets.
- d. There must be a minimum of 35 feet distance between single or paired driveways, unless otherwise approved by the city Director of Public Works. See Figure 17.16.070.C.2.

Figure 17.16.070.C.2 – Townhouse Driveway Separation



4. Each townhouse lot shall have legal and physical access.
5. Blocks
 - a. Blocks and streets shall be designed to create a grid pattern to the extent possible.
 - b. Blocks and streets shall be designed to maximize connectivity to adjoining developed lands or connectivity potential to adjoining undeveloped lands.
6. Block length shall not exceed 500 feet.
7. Each townhouse must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a street or a right-of-way other than an alley.
8. Orientation
 - a. Townhouse front facades must be oriented to public streets, private roads within a public access easement, or courtyards.
 - b. Within individual townhouse developments fronts of townhouses shall not face backs of other townhouses.

17.16.080 Recreational Vehicle Parks

- A. Intent
 1. The intent of this section is to standards for the siting, design, and operation of Recreational Vehicle (RV) Parks in order to promote, protect, and secure the health, safety, and general welfare of the public and the residents and users of such facilities.
- B. Applicability
 1. This section applies to Recreational Vehicle Parks as defined in section 17.34.020 of this Title.
- C. Standards

1. Recreational vehicle parks shall be a minimum of 3 acres.
2. Each recreational vehicle space or lot must have the following minimum dimensions:
 - a. Total area: 1,250 square feet
 - b. Width: 25 feet
3. Recreational vehicle spaces or lots shall be setback a minimum of 25 feet from the boundaries of the recreational vehicle park. Management or service buildings may be constructed within 10 feet of front property lines.
4. Access to a recreational vehicle park must be from a arterial, minor arterial, or collector street.
5. Accessory Use and Buildings. The following may be allowed as accessory uses and buildings in recreational vehicle parks:
 - a. Parks, playgrounds and recreational facilities designed for use by park tenants.
 - b. Folding, collapsible or detachable canopies, awnings and other similar devices designed to be an integral and transportable part of a recreational vehicle.
 - c. Manager's residence and/or office.
 - d. Convenience stores housed in permanent structures and used in conjunction with the operation of the recreational vehicle park, including the sale of propane fuels for occupants.
 - e. Uses designed to serve the temporary nature of recreational vehicle park occupants to include showers, toilets, and laundry facilities.
6. The maximum height for permanent structures in recreational vehicle parks shall be 2.5 stories / 25 feet.
7. A minimum of one off-street parking space shall be provided adjacent to or on each recreational vehicle space or lot.
8. Recreational vehicle parks shall be screened from adjacent R-1, R-2, and R-3 districts by a permanent wall, fence or hedge a minimum of 6 feet in height.
9. All outdoor lighting shall be full cut-off or fully shielded fixtures that direct light downward and do not create light spillover onto adjacent properties or public rights-of-way.

17.16.090 Cottage courts

A. Applicability

1. These standards apply to cottage courts, which are developments containing a cluster (or clusters) of detached or attached dwellings on the same lot located around common open space.
2. Cottage courts are permitted in the R-1, R-2, R-3, and B zoning districts, with number of units permitted in each zoning district set forth in section 17.08.040 of this Title.

B. Standards

1. Minimum lot width
 - a. Cottage courts lots shall have a minimum lot width of 100-feet.
2. Maximum building height
 - a. Buildings parallel to and adjacent to an alley: 2 stories/25-feet.
 - b. All other buildings: 1.5 stories/20-feet.
3. Maximum building footprint
 - a. Detached single-family dwellings: 800 square feet.

- b. Buildings with 2-3 dwelling units: 1,800 square feet.
 - c. Buildings with 4 or more dwelling units: 2,400 square feet.
- 4. Building separation
 - a. Buildings in cottage court developments shall be separated by a minimum of 10-feet on all sides.
 - b. In the event these building separation requirements conflict with building code, the building code governs.
- 5. Parking
 - a. Parking shall be in conformance with Chapter 17.24 of this Title.
 - b. Off-street parking shall not be located adjacent to the frontage street.
 - c. If an alley is present, off-street parking shall be accessed from the alley.
- 6. Common open space
 - a. Buildings in cottage court developments shall be oriented around a common open space for the use and enjoyment of all residents that is not reserved for the exclusive use of any single dwelling.
 - b. Minimum size: 20-feet by 20-feet
 - c. All buildings not fronting a street shall front the required common open space
 - d. Parking areas, roads, and driveway do not qualify as common open space.

Chapter 17.20 GENERAL DEVELOPMENT REGULATIONS

Sections:

17.20.010 General regulations for all districts.

- A. Unless otherwise expressly stated, buildings erected, altered or moved after the effective date of the ordinance codified in this Title shall meet the requirements specified in the chapter governing the district in which each are located.
- B. A yard required by this chapter for one building shall not be included as part of the yard required for another building.
- C. Control and disposal of surface run-off is the responsibility of each property owner and shall not be directed onto adjoining lots or public rights-of-way.
- D. Hamilton Municipal Code Title 12, Title 13 and Title 15 shall also apply to each and every district established by this Title 17.
- E. No "livestock" as defined in section 17.34.020, of the Hamilton Municipal Code (HMC), shall be kept within the city limits at any time for any purpose.
- F. The director of public works shall determine the need for infrastructure, and the property owner shall be responsible for the construction and/or maintenance of such improvements (including curb, gutter, sidewalk and paving) to the centerline of all contiguous streets or alleys.
- G. The director of public works shall determine whether a consent to agree to the formation of a special improvement district shall be accepted in lieu of the construction of the improvements identified in Subsection F of this section. Such consent shall be recorded with the Ravalli County clerk and recorder's office and shall bind transferees, successors and assigns.

17.20.020 General regulations in residential and mixed use districts (R-1, R-2, R-3, MHP, B).

- A. An accessory building may be built in an established yard, but it may only occupy a maximum of thirty (30) percent of the established yard.
- B. Residential accessory structures not exceeding 120 square feet and/or 9 feet in height and not requiring a building permit are exempt from side and rear setbacks. No part of the accessory structure may extend beyond the property line.
- C. In the residential zone in which each is situated, freestanding television satellite dishes and radio antennas shall be located in rear yards and shall meet the setback requirements for rear yards.
- D. Uncovered terraces, patios or decks, if less than thirty (30) inches above the average finish grade of any affected yard, may be constructed within the required setback.
- E. A lot having frontage on two parallel or approximate parallel streets (double frontage lot) shall have the minimum front yard setback from each of the parallel streets.

17.20.030 General regulations in commercial and manufacturing districts (PS, B, B1, B2, CBD, CM, MI).

- A. In CM and MI districts, any outdoor area used for the storage of materials or vehicles shall be completely enclosed by a fence, wall, or landscape a minimum of six feet in height, to screen the outside storage area from public rights-of-way and adjacent properties. The area designated for outside storage shall be indicated on the site plan submitted for city review and approval.
- B. In the CM and MI districts, a minimum of five percent of the total site shall be devoted to landscaping. The landscaping shall be designed to provide for a screening of the development from the public rights-of-way and adjacent residential properties.
- C. Commercial, manufacturing, and industrial uses, all outdoor lighting adjacent to residential zoning districts (R-1, R-2, & R-3) or residential land uses shall be full cut-off or fully shielded fixtures that direct light downward and do not create light spillover onto adjacent properties or public rights-of-way.
- D. To mitigate and diffuse impacts of noise, light, and odor on public health and safety, the following uses shall be setback from residential zoning districts (R-1, R-2, & R-3) and residential land uses as specified below. Measurements shall be taken from the furthest extent of the building, use, or activity in question to the nearest residential zoning district or building containing residential dwelling units. All distances are inclusive of rights-of-way. The setbacks listed below may be reduced after approval of a conditional use permit from the zoning board of adjustment with documentation showing how impacts from noise, light, and/or odor will be effectively mitigated.
 - 1. Data Centers: 600 feet
 - 2. Digital asset mining: 600 feet
 - 3. Crematorium: 200 feet
 - 4. Manufacturing, moderate: 200 feet
 - 5. Manufacturing, intensive: 600 feet
 - 6. Recycling center: 300 feet
 - 7. Salvage yard: 600 feet
 - 8. Warehousing, Wholesale, & Freight Movement: 300 feet
 - 9. Animal Shelter or Boarding: 200 feet

10. Marijuana manufacturing: 300 feet

17.20.040 Building and site development standards.

A. Intent

1. The intent of the building and site development standards is to enhance the character, quality, health, and safety of new and existing neighborhoods by requiring development to meet certain standards for building facades facing public spaces.

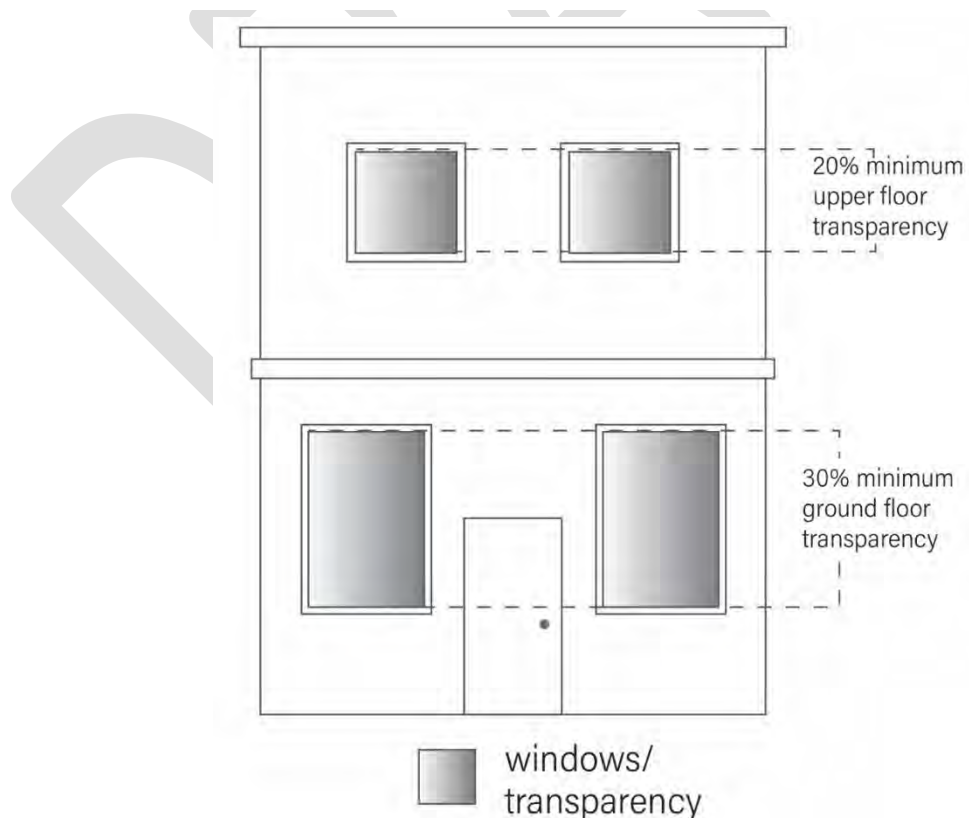
B. Applicability

1. Building and site development standards apply to building facades of residential buildings with seven or more units in the R-3, B, and B-1 districts and commercial buildings in the B and B-1 districts that are adjacent to:
 - a. Public or private streets, OR
 - b. Public parks or non-motorized paths.

C. Standards

1. Minimum Façade Transparency
 - a. Building facades shall meet the minimum transparency requirements outlined below. The percentage of transparency per story shall be calculated within the area between finished floor and finished ceiling. See Figure 17.20.040.C.1
 - (i) Ground floor: 30%
 - (ii) Upper stories: 20%

Figure 17.20.040.C.1 – Façade Transparency



- b. Ordinary maintenance and repair of existing buildings shall be exempt from the transparency requirements of this section.
 - c. In the event these minimum transparency requirements conflict with building code, the building code governs.
- 2. Principal entrance
 - a. Where a building is adjacent to a public street, its principal entrance must be located along and directly face the street. Additional building entrances are permitted.
- 3. Buildings Adjacent to the R-1 and R-2 Zoning Districts
 - a. Buildings over two and a half stories tall shall meet the following requirement for each façade adjacent to (inclusive of rights-of-way) property zoned R-1 or R-2.
 - (i) Each story over two shall be setback an additional 10-feet per story beyond the required setback along each facade facing property zoned R-1 or R-2.

17.20.050 Fences.

Fences erected after the effective date of this title shall meet the requirements specified within this chapter and shall require a fence permit.

- A. Front property line.
 - 1. Sight-obstructing fences shall not exceed four feet in height.
 - 2. Nonsight-obstructing fences shall not exceed six feet in height.
 - 3. Fences constructed on a front property line shall be set back a minimum six inches from that property line.
- B. Side property line.
 - 1. Sight-obstructing fences shall not exceed four feet in height to a distance of ten feet set back from the front yard property line.
 - 2. Nonsight-obstructing fences shall not exceed six feet in height on the side property line.
- C. Rear property line.
 - 1. Sight-obstructing or nonsight-obstructing fences located on the rear property line shall not exceed six feet in height.
 - 2. Fences constructed on the rear property line shall be set back six inches from the rear property line.
- D. Definitions.
 - 1. "Fence" means a structure constructed of wood, metal, block, brick, stone or any other material other than natural vegetation to create a barrier.
 - 2. "Sight-obstructing" shall mean any fence structure where the fence material obstructs twenty-five (25) percent or more of the clear visibility through the fence.
 - 3. "Nonsight-obstructing" shall mean any fence structure where the fence material obstructs twenty-five (25) percent or less of the clear visibility through the fence blocked.
- E. Fences constructed more than six feet high shall require a variance approved by the zoning board of adjustment.
- F. Fence permit approved by the zoning administrator and/or designee is required for all fence construction within the City of Hamilton boundaries.
- G. Property owner is responsible for providing proof of property boundaries prior to construction of fence.

- H. Fences constructed on public rights-of-way, streets or alleys are prohibited and shall be required to be removed.
- I. In all cases for the placement, construction and/or the removal of a fence, the owner must call line locators at 1-800-424-5555 or 811 prior to the start of the project.
- J. Fees for fence permits shall be established by resolution of the city council and shall be paid to the public works office at the time the application for a permit is filed.

Chapter 17.24 OFF-STREET PARKING AND LOADING

Sections:

17.24.010 Intent.

The intent of the off-street parking and loading chapter is to provide the public with an adequate number of parking spaces, vehicular ingress and egress from a building or parking area to a public street, and access for emergency vehicles. The purpose of off-street parking requirements is also to provide convenient and safe access to property, avoid the negative impacts associated with spillover parking into adjacent neighborhoods (while at the same time avoiding the negative environmental and urban design impacts that can result from excessive parking), and, alleviate hazards with access to traffic generating business and industrial uses.

The intent is to control parking, internal circulation and access onto a public street and to provide adequate and safe parking for residents and business customers, to avoid and mitigate traffic congestion, and to provide aesthetically pleasing parking facilities, all in the interest of public safety and general welfare. The parking requirements specific to the CBD zoning district can be found in Section 17.24.130 of this title.

17.24.020 Definitions.

As used in this chapter:

"Floor area" means the total gross floor area of all floors of any building which includes all space intended for occupation use and storage.

"Loading space" means an area used for loading or unloading located entirely on private property with a minimum vertical clearance of fourteen (14) feet and provided with permanent independent access.

"Off-street parking space" means an area used for parking a motor vehicle located entirely on private property with permanent independent access for use by occupants, patrons or residents of the property.

"Public works standards" means those standards adopted by the City of Hamilton city council that include the adoption by reference the Montana public works standards and specifications most recent edition (hereinafter "public works standards").

17.24.030 Designs.

- A. Off-street parking spaces must conform to the public works standards and specifications.
- B. Off-street parking areas must be accessible from a public street.
- C. The access to an off-street parking area must be constructed according to the public works standards and specifications.
- D. Off-street parking spaces that service residential uses must be located on the same lot as the dwelling and may not be located in any front yard except in a single designated driveway.
- E. Off-street parking areas serving commercial, industrial, public or institutional uses must be located within one city block (approximately three hundred (300) feet) of the use.

- F. Off-street parking areas serving multi-family residential developments of more than ten units, or commercial, industrial and institutional uses must comply with the following provisions:
1. Grading and drainage. Off-street parking areas shall be graded and any needed swales, culverts or other drainage facilities shall be installed to remove storm water run-off in a manner that does not adversely affect adjacent properties, public streets or surface waters.
 2. All off-street parking areas shall be surfaced according to the public works standards.
 3. Screening. Where an off-street parking area abuts a residential zoning district, the parking area shall be effectively screened at the property line(s) by sight-obstructing wall, fence or hedge acceptable to the director of public works with a minimum height of five feet.
 4. Lighting. Lighting used to illuminate a parking lot shall be directed downward and illuminating the parking area only. No illumination shall spill over to any adjoining residential zoning district. No source of lighting shall face upward to the sky.

17.24.040 Enforcement of requirements.

Any change to a building, or any change in use of a building or site to such an extent that a building permit or certificate of occupancy is necessary, shall require compliance with the provisions contained in this chapter. No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved. Every lot portion thereof used as a public or private parking area shall be developed and maintained in accordance with this chapter.

17.24.050 General regulations.

- A. The property owner or the authorized representative is responsible for the continuous provision and maintenance of off-street parking for employees, customers, business vehicles and loading spaces. Compliance with these regulations shall be a part of the building permit review process whenever a facility's use is established, enlarged or changed.
- B. A site plan of the proposed parking area, including location, curb cuts, pedestrian walks, screening, lighting, drainage retention, landscaping, traffic control devices, drainage facilities and any other features shall be submitted for approval as part of the building permit approval process.
- C. In the event a discrepancy should arise between this Code and the adopted public works standards, the public works standards shall supersede this title.

17.24.060 General requirements (all parking areas).

Paving and hard surfacing of all parking areas shall provide for proper on-premises storm drainage and allow for parking stalls and installation of other traffic control devices as deemed appropriate by the director of public works. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard surfaced areas. Pedestrian walks on the exterior of the parking lot shall be curbed or raised six inches above the lot surface, excluding those areas used for driveways, curb cuts necessary for meeting handicap requirements and curb cuts necessary to meet public works standards. The parking lot surfacing and drainage facilities shall be inspected and approved by the director of public works or his or her designee prior to the issuance of a certificate of occupancy. Off-street parking stalls shall comply with public works standards for off-street parking.

17.24.070 Off-street parking space requirements.

- A. The following minimum number of off-street parking spaces shall be provided for the respective uses, subject to the adjustments allowed in subsection 1. When calculation of the required parking results in a fraction of a parking space being required, the fractional space is not required to be provided.
 1. Residential uses:

- a. One parking space may be deducted from the total off-street parking spaces required for a residential development for every twenty-four (24) uninterrupted linear feet of available and usable parallel on-street parking directly adjacent to a lot.
- b. One parking space may be deducted from the total off-street parking spaces required for a residential development for every two diagonal or perpendicular parking spaces directly adjacent to a lot, which are usable for on-street parking and have been striped by the City of Hamilton.
- c. The width of drive accesses, designated nonparking areas, and clear sight triangles may not be considered to be available for the purpose of an on-street parking space.
- d. The number of on-street spaces calculated may not exceed the number of dwellings on the lot.

Use Classification		Number of Parking Spaces Required
A.	Single-family and mobile homes	2 spaces per dwelling unit (may be a stacked drive-way)
B.	Multi-family dwellings	1½ spaces per dwelling unit
C.	Retirement or elderly apartments (low income subsidized)	1 space per 3 dwelling units
D.	Retirement or elderly apartments	1 space per dwelling unit; or 1 space per 3 dwelling units when a deed restriction is filed against the property limiting use of the site to retirement or elderly housing; or 1 space per 3 dwelling units when additional land is perpetually reserved to provide adequate parking at 1 space per dwelling unit to facilitate eventual conversion; or 1 space per 3 dwelling units when a form of financial assurance, acceptable to the zoning administrator
E.	Hotels, motels, rooming or boarding houses, clubs and lodges with overnight accommodations	1 space per unit or room, plus parking as required for restaurants, conference and convention facilities and retail shops
F.	Dormitories	1 space per planned resident
G.	Group homes (community residential facility, community treatment facility and transitional community facility)	1 space per staff person, plus 1 space per 5 residents, plus 1 space per vehicle operated by the home or facility
H.	Family day care homes and mini-day care centers	None required other than for single-family dwellings
I.	Day care centers	1 space per staff person, plus 1 pick up and drop off space, plus 1 space per 10 children
J.	Nursing homes and convalescent centers	1 space per 4 beds
K.	Hospitals	1 space per 2 beds
L.	Junior high schools and elementary schools	2 spaces per teaching station
M.	High schools	5 spaces per teaching station
N.	Specialized schools or studios (dance, gymnastics, martial arts, etc.)	1 space per 100 gross square feet
O.	Professional offices	1 space per 500 square feet of floor area, minimum of 5 spaces
P.	Medical and dental offices and animal clinic or veterinary	1 space per 250 square feet of floor area
Q.	Banks and other services	1 space per 500 square feet of floor area, minimum of 5 spaces
R.	Barber or beauty shops or schools	1 space per 100 square feet of floor area

S.	Launderettes or self service laundries	1 space per 4 machines
T.	Libraries, art galleries, museums	1 space per 500 square feet of floor area
U.	Auditoriums, theaters, stadiums, churches, funeral homes, bingo parlors (fixed seating)	1 space for every 4 seats or 1 space for every 8 feet of bench or pew
V.	Clubs, lodges, dance halls, bingo parlors, meeting rooms and other assemblies (without fixed seating)	1 space per 100 square feet of floor area
W.	Tennis, racquetball, handball and similar courts and clubs (indoor)	2 spaces per court, plus 1 space per 50 square feet of all other floor area
X.	Bowling alleys	4 spaces per lane
Y.	Skating rinks	1 space per 150 square feet of floor area
Z.	Drive thru and take out restaurants (no seating)	1 space per 50 square feet of floor area, minimum of 6 spaces
AA.	Full service restaurants, taverns and lounges	1 space per 100 square feet of floor area, minimum of 6 spaces
BB.	Casinos	1 space for every 2 gambling machines for nonmixed use and/or 1 space for every 4 gambling machines for mixed use
CC.	Car washes and other short turn around auto services (lube, etc.)	1 space for each employee, plus 2 spaces for each service bay. If flow-thru service bays are used, spaces may be stacked at the entrance. Space inside the service bay shall be considered a parking place.
DD.	Auto repair garages	1 space per employee plus 2 spaces for each service bay
EE.	Motor vehicle or large machinery, retail	1 space per 1,000 square feet of floor area, plus 1 space per 1,500 square feet of outside display and sales lot
FF.	Manufactured and mobile homes and recreation vehicle, retail	1 space per 3,000 gross square feet of lot area
GG.	Furniture and/or large appliance, retail	1 space per 500 square feet of floor area
HH.	Other retail, commercial	1 space per 250 square feet of floor area, minimum of 3 spaces
II.	Self-service storage facilities	1 space for the manager, 1 space for each employee if full service office is located on the lot and 1 space for every 100 storage units. Driveway aisles shall be a minimum of 20 feet where access to storage units is only on one side of the aisle, and 24 feet where access to storage units is on both sides of the aisle.
JJ.	Wholesale commercial	1 space per 2,000 square feet of floor area
KK.	Wholesale warehouse	1 space per 5,000 square feet of floor area
LL.	Industrial	1 space per 4,000 square feet of floor area. Storage areas in excess of 1,000 square feet in industrial buildings can be calculated separately as warehouse.
MM.	Motor freight companies	1 space per 1,000 square feet of floor area
NN.	Auto wrecking yards	15 spaces for sites up to ten acres, 25 spaces for sites over 10 acres
OO.	Outdoor facilities (pools, athletic fields, etc.)	1 space per 4 of total occupancy load and 1 per 8 feet of grandstand or bleacher seating space

PP.	CBD zoning district	Refer to Section 17.24.130, CBD
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17.24.080 Landscaping requirements.

- A. "Landscaping" means any combination of living plants such as trees, shrubs, vines, ground covers, flowers or lawns; and may include such decorative rock, stone and bark or structural features such as fountains, pools, art work, screens, walls, fences and benches.
- B. Landscaping shall be required on a minimum five percent of any parking area.
- C. A minimum of seventy-five (75) percent of the required area of landscaping shall consist of live plants and the remaining twenty-five (25) percent may consist of rock, stone, bark, structural features or walkways. Trees shall be the major design element in landscaping of parking areas.
- D. Landscaping plans must be submitted for approval with an application to include a plan for irrigation.
- E. Special landscaping requirements for the CBD zoning district are to be found within Section 17.24.130 of this title.

17.24.090 Illumination.

Illumination of a parking area shall be constructed, shielded and used so as not to create glare visible from adjacent properties or public rights-of-way. Lighting conflicting with traffic signals or emergency vehicle lights or otherwise creating safety hazards for pedestrian or vehicular traffic is prohibited.

17.24.100 Parking requirements for mixed-use occupancies.

In the case of mixed-use occupancies in a building or on a lot, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for a particular use shall not be considered as providing required facilities for any other use except as hereinafter specified for joint use, Section 17.24.110. Special parking requirements for the CBD zoning district are to be found within Section 17.24.130 of this title.

17.24.110 Joint use of off-street parking facilities.

- A. The owner(s) of a group of uses or buildings may jointly provide for the collective use of off-street parking and loading spaces, subject to the zoning administrator's approval of the plans therefore. Such plans shall include the identification of the limits of the property involved; the outline of all structures; the identification of all other areas not involved in the off-street parking, loading or access thereto (pedestrian areas, landscaping, refuse storage areas); the actual layout of all off-street parking and loading spaces, as well as access thereto; identification of those spaces to be used collectively if other than all spaces on the property; and an agreement signed by all owners of the subject property binding them to continued collective use of off-street parking and loading spaces.
- B. For shopping centers, the zoning administrator may establish a total parking requirement based upon the mixture of uses contained within the center. If the zoning administrator finds that the uses within the center have substantially dissimilar peak demands for off-street parking, the zoning administrator may establish the center's parking requirements at a level reduced up to twenty-five (25) percent of the normal parking requirement.
- C. Up to fifty (50) percent of the parking areas required by this section for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa, provided that the reciprocal parking area is located within one city block (approximately three hundred (300) feet).
- D. Up to one hundred (100) percent of the Sunday and/or nighttime parking facilities required by this section for a church or auditorium incidental to a public or parochial school may be supplied by parking area required for

the school use, provided that the reciprocal parking area shall be subject to the conditions set forth in this chapter.

- E. It shall be the applicant's responsibility to establish that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of the parking facility is proposed.
- F. Special joint-use parking requirements for the CBD zoning district are to be found within Chapter 17.24.130 of this title.
- G. Parties jointly using off-street parking areas, as provided for herein, shall execute a legal easement regarding their joint use agreement. The agreement shall be subject to review by the zoning administrator and recorded in the Ravalli County clerk and recorder's office. The agreement shall run with the land and not be terminable without authorization being given by the zoning administrator.

17.24.120 Parking for unspecified uses.

When the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the zoning administrator and such determination shall be based upon the requirements for the most comparable use specified in this chapter or other requirements based on the best available information concerning the proposed use.

17.24.130 Parking requirements for the central business district (CBD).

Due to the uniqueness of this zone and the uses allowed in this chapter, reciprocal parking and off-site parking shall be permitted. Required off-street parking for proposed uses shall be allowed credit for on-street parking spaces to satisfy off-street parking requirements. Credit shall be given for on-street parking spaces located within the public right-of-way that are directly in front of or adjacent to the subject proposed use or lot. When an on-street parking space is shared between two uses or lots, a line perpendicular to the right-of-way at the point separating the uses or lots will be projected to the curb. From this point the distance will be measured along the curb to each parking stripe. The use or lot having the majority of this distance may count the space towards its required parking. Standards not included within this chapter shall be subject to review and approval through the conditional use permit process. The required parking for all uses within this zone shall be those as delineated within this zone and shall be exempt from Section 17.24.070 of this chapter. All other uses other than those described within this text shall be calculated from Section 17.24.070 of this chapter.

- A. Professional and personal offices: One space per five hundred (500) gross square feet of building.
- B. Medical and dental offices: One space per five hundred (500) gross square feet of building.
- C. Banks, credit unions and other financial institutions: One space per one thousand (1,000) gross square feet of building services.
- D. Barber or beauty shops: Two spaces per work station or One space per five hundred (500) gross square feet of building whichever is less.
- E. Libraries, art galleries, museums: One space per one thousand (1,000) gross square feet of building.
- F. Eating establishments, taverns, lounges and casinos: One space per five hundred (500) gross square feet of building.
- G. Furniture or large appliance, retail: One space per two thousand (2,000) gross square feet of building.
- H. Other retail, commercial: One space per five hundred (500) gross square feet of building.
- I. Minimum off-street parking spaces per residential dwelling unit: One space.
- J. All other uses not described within Section 17.24.130 must comply with Section 17.24.070, off-street parking space requirements.

- K. Mixed-use parking shall be the aggregate of all proposed uses. Joint-use parking cannot be applied to residential parking space requirements.
- L. When off-street parking is not available in the same lot for an existing residential dwelling, the landlord must obtain off-street parking.
- M. Parking lots shall not be located on main street frontage, and shall be located behind buildings in the interior of the block to the maximum extent feasible or shall be located behind or to the side of a building when possible.
- N. The zoning administrator may grant a reduction of or an exemption from landscaping requirements when it is determined the amount of land available for parking spaces is limited and the installation of landscaping would decrease the amount of parking spaces.
- O. Off-street parking spaces, parking stripes and parking lots abutting or adjacent to a residential area shall provide landscaped screening and shall comply with landscape requirements listed in Section 17.24.080 of this chapter.
- P. Required off-street parking spaces shall be located on the same lot or premises as the building or use for which they are required unless such spaces are provided for collectively by two or more buildings or uses on adjacent lots in a single parking area located within the boundaries of the adjacent lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required.
- Q. Joint use parking. See Section 17.24.110, joint use off-street parking, of this chapter.
- R. Credit for on-street parking. The amount of required off-street parking for each lot shall be reduced by one off-street parking space for every on-street parking space in front of or adjacent (corner lots) to that lot. The zoning administrator shall address the configuration of on-street parking and any allowable credit toward off-street parking requirements during site or design review.
- S. Reduced or waive minimum off-street parking spaces. The applicant may request a variance to reduce or waive the number of parking spaces required. Such variance shall be handled according to Section 17.12.070. As part of the variance process, an applicant may be required to perform and present a parking impact study. Such study shall contain an estimated peak use, reductions due to easy pedestrian accessibility, availability of transit service, and likelihood of car pool use, and adjacent on-street parking.
- T. Maximum parking ratio. Surface parking shall not exceed one hundred ten (110) percent of the minimum-parking requirement for the subject land use(s). Exemptions may be approved by the zoning administrator through site or design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities.

17.24.140 Off-street loading regulations.

- A. It is the intent of this section to require all future commercial, business, institutional or industrial development to provide off-street loading facilities in order to guarantee full utilization of existing rights-of-way to accommodate present and future traffic demands. Off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls. Off-street loading facilities must be located in such a manner that service vehicles do not block or intrude into public rights-of-way or block driveways or parking area circulation.
- B. Loading and design:
 - 1. All off-street loading spaces shall be designed to minimize impacts on adjacent properties.
 - 2. In all cases, loading facilities shall be located on the same lot as the structure they are designed to serve. Required front or side yards cannot be used for loading. Off-street loading space shall not be included in an area used to satisfy off-street parking requirements.
 - 3. Loading spaces shall be designed and located so vehicles using these spaces do not project into any public right-of-way or otherwise extend beyond property lines.

4. Loading spaces shall be designed and built so that no vehicles must back into or from an adjacent public street, except for minor access for heavy trucking in industrial zones on local access streets.
- C. When a proposed structure is intended to be used concurrently for different purposes, final determination of required loading spaces shall be made by the zoning administrator provided the loading requirement for the combined uses shall not be less than the total of the requirement for each separate use.
- D. Off-street loading spaces shall measure fifteen by sixty by fifteen feet high (15×60×15). In the event that only one off-street loading space is required, it may measure twelve by thirty by fourteen feet and six inches high (12×30×14.5).
- E. The minimum number of off-street loading spaces shall be required according to the following table:

1. Industrial, manufacturing wholesale, warehouse, similar uses	5,000—40,000 square feet	1 space
	40,000—60,000 square feet	2 spaces
	60,000—100,000 square feet	3 spaces
	over 100,000 square feet	1 space for each 50,000 square feet or part thereof
2. Offices, hotel/motel, restaurants	20,000—60,000 square feet	1 space
	60,000—100,000 square feet	2 spaces
	over 100,000 square feet	1 space for each 50,000 square feet or part thereof
3. Hospitals, convalescent centers, nursing homes, similar institutions	10,000—40,000 square feet	1 space
	40,000—100,000 square feet	2 spaces
	over 100,000 square feet	2 spaces for each 50,000 square feet or part thereof
4. Department stores, retail and other commercial uses	10,000—20,000 square feet	1 space
	20,000—50,000 square feet	2 spaces
	50,000—100,000 square feet	3 spaces
	over 100,000 square feet	1 space for each 50,000 square feet or part thereof
5. Residential	No requirement	

- F. Refer to Section 17.24.130 for specific requirements for the CBD zoning district.

Chapter 17.28 SIGN REGULATIONS

Sections:

17.28.010 Purpose.

These sign regulations are established to safeguard the health, safety, convenience, order and welfare of all residents of the City of Hamilton, Montana. It is the intent of these regulations to provide for the proper control of signs within the City of Hamilton. It is recognized that signs are a necessary means of visual communication for the convenience of the public and also for the benefit of businesses. These regulations are intended to provide a reasonable balance between the right of the individual to identify a business, the right of the individual to utilize signs for other legitimate purposes, and the right of the public to be protected against visual discord, distraction and clutter resulting from the unrestricted proliferation of signs.

These regulations are also intended to aid in protecting the natural aesthetic character and scenic beauty of the area. It is further intended that the public be protected from signs that are structurally unsafe or obscure the vision of motorists or conflict with necessary traffic signs. Further, these regulations are intended to prevent unnecessary

or excessive competition between signs in the City of Hamilton. No sign shall be permitted as a principal or accessory use under this Title 17 except in accordance with the provision of this chapter.

17.28.020 Scope.

The provisions of these regulations shall apply to the display, construction, installation, alteration, use, maintenance, and location of all signs within the City of Hamilton. All signs displayed, constructed, installed or altered after the date of the adoption of these regulations shall be in conformance with the provisions of these regulations. All signs that are existing at the time of the adoption of these regulations shall not be altered nor enlarged without being brought into conformance with these regulations. The administrator of these regulations is hereby authorized and directed to enforce the provisions of these regulations.

These regulations shall not regulate official traffic or government signs, the copy and message of signs, signs not intended to be viewed from a public right-of-way, window displays, product dispensers and point of purchase displays, scoreboards on athletic fields, flags of any nation, government, or noncommercial organization, gravestones, barber poles, religious symbols, commemorative plaques, the display of street numbers, temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations, or any display or construction not defined herein as a sign.

17.28.030 Definitions.

Certain terms are defined for the purposes of these regulations as follows:

- A. Abandoned sign: A sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product or activity, and/or for which no legal owner can be found.
- B. Administrator: The zoning administrator or his designee.
- C. Animated sign: Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.
- D. Awning: A shelter projecting from and supported by an exterior wall of a building constructed of nonrigid materials on a supporting framework.
- E. Awning sign: A sign painted on, printed on, or attached flat against the surface of an awning.
- F. Balloon: Any tethered inflatable object.
- G. Banner sign: A sign made of fabric or any nonrigid material with no enclosing framework. Also, a flag or pennant.
- H. Billboard: A sign larger than two hundred fifty (250) square feet in area which is designed to advertise products, services or businesses not necessarily located on the premises on which the sign is located. A sign shall not be considered a billboard unless the sign is designed with a surface on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual advertising message.
- I. Building frontage: The linear feet of fascia parallel, or nearly parallel to any street, public parking, or public entrances of any given building.
- J. Canopy sign: A sign which is mounted on a roofed shelter covering a sidewalk, driveway or other similar area which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground. See also "under-canopy sign" definition.
- K. Changeable copy sign (automatic): A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.
- L. Changeable copy sign (manual): A sign on which copy is changed manually in the readerboards with changeable letters.

- M. Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- N. Construction sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- O. Copy: The wording on a sign of either permanent or removable letter form.
- P. Directional/information sign: An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.
- Q. Double-faced sign: A sign with two faces.
- R. Electrical sign: A sign or sign structure in which electrical wiring, connections, or fixtures are used.
- S. Façade or fascia: The flat horizontal surface immediately below the surface of a roof.
- T. Face of sign: The area of a sign on which the copy is placed.
- U. Festoons: A string of ribbons, tinsel, small flags, or pinwheels.
- V. Flashing sign: A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Flashing is less than a two second hold time and a one second transition time.
- W. Freestanding sign: A sign supported upon the ground by poles, braces or a framework and not attached to any building. The supporting structure of a freestanding sign shall be installed on or permanently attached to a concrete foundation.
- X. Government sign: Any temporary or permanent sign installed and maintained by the city, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.
- Y. Ground sign: A type of freestanding sign which is installed on the ground and which contains no free air space between the ground and the top of the sign; sometimes referred to as a monument sign or sandwich board.
- Z. Height (of a sign): The vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street (at the flow line of the gutter or edge of the nearest travel lane if no gutter exists) or the surface grade beneath the sign, whichever is less.
- AA. Identification sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
- BB. Illegal sign: A sign which does not meet the requirements of these regulations and which has not received legal nonconforming status. See also "Nonconforming sign" definition.
- CC. Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- DD. Incidental sign: A small sign, emblem or decal of no more than three square feet informing the public of goods, facilities or services available on the premises, (e.g., a credit card sign, a sign indicating hours of business, directional signage or traffic flow).
- EE. Lot: means a contiguous area of land with defined boundaries under common ownership created by subdivision, subdivision exemption or their legal equivalent.
- FF. Lot frontage: The length of a lot that directly abuts a public or private street, right-of-way or easement, measured along the front lot line..
- GG. Maintenance: For the purposes of these regulations, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
- HH. Multi-faced sign: A sign with more than one face which faces are not part of the same geometric plane.

- II. Mechanically driven fan signs or advertisements: A sign or advertising tool that requires the use of a mechanical fan to function.
- JJ. Nameplate: A nonelectric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- KK. Nonconforming sign:
1. An existing sign which was installed legally but which does not comply with subsequently enacted sign restrictions and regulations.
 2. A sign which does not conform to the sign regulation requirements but for which a special permit has been issued.
- LL. Occupancy: The portions of a building or premises owned, leased, rented or otherwise occupied for a given use.
- MM. Off-premises sign: A sign advertising an establishment, merchandise, service, entertainment or property which is not sold, produced, manufactured or furnished at the property on which said sign is located.
- NN. On-premises sign: A sign which relates to the use of the premises upon which it is located.
- OO. Owner: A person recorded as such on official records. For the purposes of these regulations, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e. g., a sign leased from a sign company.
- PP. Parapet: The extension of a false front or wall above a roofline.
- QQ. Pennant: A sign made of lightweight pliable material designed to move in the wind and suspended from a wire, string or rope; may or may not carry a commercial message.
- RR. Person: For the purpose of these regulations any individual, corporation, association, firm, partnership, limited liability company or similarly defined interest.
- SS. Pole cover: Covers enclosing or decorating poles or other structural supports of a sign.
- TT. Political sign: For the purposes of these regulations, a temporary sign used in connection with a local, state or national election or referendum.
- UU. Portable sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Portable signs must be adequately braced or secured to prevent motion.
- VV. Premises: A lot with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit of real estate.
- WW. Projecting sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
- XX. Public right-of-way: The entire width between the dedicated boundaries of all public streets, roads, boulevards and alleys including sidewalks and public parking strips located within any such boundaries. The City of Hamilton or the State of Montana own and control all of the property within all public rights-of-way in Hamilton.
- YY. Real estate sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
- ZZ. Roof sign: Any sign installed over or on the roof of a building.
- AAA. Rotating sign: A sign in which the sign itself, or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

- BBB. Sandwich board sign: A portable sign consisting of two sign faces which connect at the top and extend outward at the bottom of the sign either placed on the ground as a ground sign.
- CCC. Sign: Any identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. Signs shall also include all sign structures.
- DDD. Sign structure: Any structure which supports, has supported or is capable of supporting a sign, including a decorative cover.
- EEE. Snipe sign: A temporary sign affixed to a tree, fence, telephone pole, etc. on public property or in any public right-of-way.
- FFF. Subdivision identification sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- GGG. Temporary sign: A sign not constructed or intended for long-term use.
- HHH. Under-canopy sign: A sign suspended beneath a canopy, ceiling, roof or marquee.
- III. Use: The purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.
- JJJ. Wall sign: A single-sided sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letter and cabinet signs and signs on a mansard. It also includes signs painted on the face of a wall and signs placed permanently in windows.
- KKK. Window sign: A sign installed inside a window and intended to be viewed from the outside. This does not include merchandise located in a window.
- LLL. Wall graphic: Any mosaic, painting, mural, or graphic art applied, implanted or placed directly onto a wall and containing no copy, advertising/hallmark symbols, lettering or references to any product, service, or goods sold on or off the premises.

17.28.040 General sign regulations.

The following general regulations shall apply to all signs in all zone districts:

- A. All signs shall be designed and installed so as to withstand a wind of eighty (80) miles per hour.
- B. Area determination for projecting, freestanding, ground and wall signs:
 1. Projecting and freestanding: The area of a freestanding sign, ground sign, or projection sign shall have only one face of any double-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:
 - a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
 - b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
 2. Wall signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign

area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

- C. "For" sale"" or "for" rent" signs and political signs which shall not exceed six square feet and eight square feet, respectively, in a residential zone district and which shall not exceed sixteen (16) square feet in all other zone districts; provided that no political sign shall be allowed on a lot in any zone district for longer than ninety (90) days in any twelve-month period; and, provided further that any person desiring a political sign to remain on a lot in any zone district longer than ninety (90) days may apply to the zoning board of adjustment for a variance to extend the ninety-day time period. The board of adjustment shall determine, based upon factors other than agreement or disagreement with the contents of the particular political sign, whether there is sufficient reason for an extension of time and the exact amount of time to be extended, taking into consideration the purpose for which the sign was installed, whether or not that purpose would still be served by allowing the sign to remain on the lot for an additional period of time, and the appropriate amount of time necessary to effectuate that purpose.
- D. Every electric sign shall comply with the International Building Code and the National Electrical Code as adopted by the State of Montana.
- E. Signs which identify a business which no longer exists on the premises shall be removed within thirty (30) days after such business ceases.
- F. Special use banners, pennants and searchlights shall not be used in any zone district, provided that any person who desires to make use of special use banners, pennants and searchlights in connection with a special event may apply to the administrator for a specific permit to allow the use of such signs for a limited period of time not to exceed thirty (30) days. The administrator shall grant such permit for the use of special use banners, pennants and searchlights in locations in which the administrator determines will not cause unreasonable annoyance or inconvenience to adjoining property owners or other persons in the area, and upon such conditions as the administrator determines necessary to protect adjoining premises and the public. In the event any such permit is granted, the person applying for the permit shall remove the banners and pennants installed pursuant thereto on or before the time the permit expires.
- G. No signs shall be installed, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- H. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be installed in front of and may cover transom windows when not in violation of the provisions of the building code adopted by the City of Hamilton.
- I. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors. In no case shall a sign be installed closer than forty-eight (48) inches horizontally or vertically from any conductor or public utility guy wire, or as recommended by the local public utility company.

17.28.050 Signs permitted.

Signs shall be permitted in the various zone districts as accessory uses in accordance with these regulations. It shall hereafter be unlawful for any person to install, place or maintain a sign in the City of Hamilton except in accordance with the provisions of these regulations.

17.28.060 Permits required.

Unless otherwise provided by these regulations, all signs shall require sign permits and payment of fees as described in this chapter. No sign permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs. In addition to the required sign permit, a building permit may be required by the administrator for signs incorporating structural elements or attached to buildings.

17.28.070 Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of these regulations:

- A. Construction signs of twenty-five (25) square feet or less.
- B. On-site traffic, directional/information signs of four square feet or less and less than ten (feet in height that comply with Section 17.28.140.A.
- C. Holiday or special events decorations.
- D. Nameplates of two square feet or less per public entrance per business.
- E. Political signs.
- F. Public signs or notices or any sign relating to an emergency.
- G. Real estate signs under four square feet in residential districts and under twelve (12) square feet in all other zone districts.
- H. Gas pump signs, provided that such signs shall be limited to two per pump island and shall be no larger than four square feet per face.
- I. Incidental signs.
- J. Banner signs advertising goods or services for hunters during a designated big game hunting season. Such signs shall be allowed only on the premises of the business establishment being advertised.

17.28.080 Signs prohibited.

The following types of signs are prohibited in all zone districts:

- A. Abandoned signs.
- B. Rotating, animated or flashing signs.
- C. Special use banners, pennants, festoons and searchlights except as authorized in Section 17.28.040.F.
- D. Roof signs that extend upward beyond the highest point of the roof section upon which the sign is placed.
- E. Signs imitating or resembling traffic or government signs or signals.
- F. Snipe signs on any public property or public right-of-way, except bill posting allowed under Section 5.12 of the Hamilton Municipal Code.
- G. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. (This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business).
- H. Any sign in the boulevard or public right-of-way without an encroachment permit.
- I. Signs which contain statements, words or pictures of an obscene, indecent or immoral character.
- J. Incidental signs larger than two square feet.
- K. Mechanically driven fan signs or advertising.

17.28.090 Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The administrator shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.

17.28.100 Lighting.

Unless otherwise specified by these regulations, all signs in the nonresidential zone districts may be illuminated. No illuminated signs are allowed in the residential zone districts. However, no sign regulated by these regulations may utilize:

- A. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- B. Any revolving beacon light.
- C. Any light source which produces flashing, intermittent, rotating or moving lights. An illuminated sign or lighting device may not be placed or directed so that the illumination therefrom causes glare, the effect of which constitutes a traffic hazard or a nuisance or is otherwise detrimental to the public health, safety or welfare.
- D. All lit automatic changeable copy signs may not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours or more than five hundred (500) nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. All lit automatic changeable copy signs must be equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.

17.28.110 Changeable copy.

Unless otherwise specified by these regulations, any sign herein allowed may use manual changeable copy or automatic changeable copy.

17.28.120 Signs in the PI (public/institutional) district.

Signs in this district are limited to the identification of the use allowed in Chapter 17.08 Article 2 of this title. Signs for this district shall be for the purpose of identification and direction only. No signs depicting commercial advertising are allowed. These signs will be erected with the approval of the zoning administrator or his or her designee. The only exception to this section would be advertising signs placed on any playing field fence. In this case, all wording and graphics of the advertising signs shall be turned towards the inside of any playing field and shall not be visible to the public from any public right-of-way.

17.28.130 Signs permitted in residential zoning districts R-1, R-2, R-3, and MHP.

Signs are allowed as follows in the R-1, R-2, R-3 and MHP zone districts:

- A. One identification sign per one-family or two-family dwelling, provided such sign does not exceed two square feet in area per face.
- B. One identification sign per multiple-family dwelling, provided such sign does not exceed thirty-two (32) square feet in area per face.
- C. One "for sale" or "for rent" sign per lot, provided such sign does not exceed four square feet in area per face.
- D. Identification signs during the construction of a development, providing that the placement and use of all such signs shall be governed by and shall be within the following limitations:
 - 1. The maximum size for identification signs shall be thirty-two (32) square feet in area per face.

2. All such signs shall be located within the development and must be located along arterial roads adjacent to the development, provided that no more than one such sign shall be permitted on any single adjacent arterial roadway.
 3. When a development has no frontage on an arterial road, identification signs may be located along collector streets adjacent to the development, except that no more than one such sign shall be permitted on any single collector boundary of the development.
- E. One identification sign per public or semipublic use, provided such sign does not exceed thirty-two (32) feet in area per face.
 - F. One identification sign per entrance to the property identifying a subdivision or housing project, provided such sign does not exceed thirty-two (32) square feet in area per face.
 - G. One identification sign per child care center, provided such sign does not exceed ten square feet in area per face.
 - H. One identification sign per subdivision sales office, provided such sign does not exceed ten square feet in area per face.
 - I. All signs not requiring a permit as provided in Section 17.28.070.

17.28.140 Signs permitted in business (PS, B, B-1, B-2, CBD), commercial & manufacturing (CM) and manufacturing & industrial (MI) zone districts.

Signs are allowed as follows in all nonresidential zone districts identified above:

- A. Such signs as are permitted in the residential zone districts.
- B. Freestanding and ground signs total allowable square footage shall be determined by Section 17.28.150
- C. Wall signs and projecting wall signs square footage shall be determined by the following provided that the placement and use of all such signs shall be governed by and shall be within the following limitations:
 1. The maximum sign area permitted shall be equal to one square foot of sign area for each lineal foot of fascia on all building frontage sides.
 2. Banner signs are allowed at twenty-five (25) percent of the total building signage and are not counted as building signage. Banner signs may not be placed on freestanding signs.
 3. CBD zone building signs may have one per floor of any given two-story building.

17.28.150 Freestanding and ground sign requirements.

In zone districts where freestanding signs are permitted, the following rules shall apply to such signs:

- A. Signs within fifteen (15) feet (measured along the street right-of-way) of the intersection of any given street with another street or a driveway, which exceed thirty-six (36) inches in height, shall be set back at least fifteen (15) feet from the street right-of-way line or shall maintain free air space between a height of thirty-six (36) inches above the adjacent street elevation and a height of ninety-six (96) inches above the adjacent street elevation.
- B. When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be inspected and be located underground.
- C. Size, height and location of freestanding and ground signs:

Distance from Street Right-of-Way Line (feet)	Maximum Height Above Grade (feet)	Maximum Size Allowed per Side (square feet)
5	16	50
10	16	50

15	16	70
20	18	90
25	20	100
30	22	120
35 and greater	30	120

1. The following requirements with respect to size, height and location apply to freestanding signs only:
 2. The maximum size for ground and freestanding signs shall be one hundred and twenty (120) square feet per side.
 3. The maximum height for ground and freestanding signs shall be thirty (30) feet above grade.
 4. No freestanding or ground sign shall be built within ten feet of any interior side lot line.
 5. Single-faced freestanding and ground signs shall be set back from the street right-of-way line according to the provisions of this section. Any such setback shall be measured from the street right-of-way line at the street to which the sign face is most nearly parallel.
 6. Double-faced freestanding and ground signs shall be set back from the street right-of-way line according to the provisions of this section. Any such setback shall be measured from the street right-of-way line at the street to which the support structure is most nearly perpendicular.
 7. When any freestanding or ground sign is placed at a forty-five degree (45°) angle on property located at the intersection of two dedicated public streets, the required setback may be measured from either of the street right-of-way lines involved.
- D. No more than one freestanding or ground sign shall be permitted for every one hundred and fifty (150) linear feet of lot frontage.

17.28.160 Projecting signs CBD zone.

- A. Sign projecting over private property in any zone district shall not project more than six feet from the face of the building nor beyond the minimum required building setback for the zone district in which the property is located. Such signs shall not exceed sixteen (16) square feet per face.
- B. Signs projecting over public right-of-way in the central business district zone shall not project more than six feet from the face of the building. Projecting signs must be located a minimum of seven and a half feet above the sidewalk or travel-way below the sign. No projecting sign above the public right-of-way shall exceed sixteen (16) square feet per face.
- C. The allowance of projecting signs is one per floor per fifty (50) linear feet of lot frontage.

17.28.170 Canopy signs.

- A. No canopy sign shall project from the face of a canopy.
- B. Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting signs, and shall be subject to Section 17.28.160.
- C. Under-canopy signs which are parallel or perpendicular to the face of the building shall be a minimum of seven and a half feet above grade.
- D. Under-canopy signs shall be a maximum square footage of four square feet for every twenty-five (25) feet of building frontage. Under-canopy signs must be located a minimum of seven and a half feet above the sidewalk or travel-way below the sign.
- E. No canopy sign shall project above the canopy upon which it is mounted.

- F. Canopy signs shall not exceed sixteen (16) square feet and only one sign is allowed per twenty-five (25) feet of building frontage with multiple tenants or per canopy.

17.28.180 Awning signs.

- A. No awning sign shall project above the top of the awning upon which it is mounted.
- B. No awning sign shall project from the face of an awning.
- C. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven and one-half feet from the face of a supporting building.
- D. Awnings on which awning signs are mounted shall be at least eight feet above any public right-of-way, except that any valance attached to an awning may be only seven and one-half feet in height above a public right-of-way.
- E. Awning signs shall not exceed sixteen (16) square feet and only one sign is allowed per twenty-five (25) feet of building frontage with multiple tenants or per awning.
- F. Under-awning signs shall be a maximum square footage of four square feet for every twenty-five (25) feet of building frontage. Under-awning signs must be located a minimum of seven and a half feet above the sidewalk or travel-way below the sign.

17.28.190 Off-premises signs in any zone district.

Off-premises signs shall be allowed in any zone district upon the approval of a conditional use permit issued by the zoning board of adjustment.

17.28.200 Nonconforming signs.

All nonconforming signs shall be removed or brought into conformance with these regulations at the earliest to occur of the following events:

- A. The sign is relocated or replaced with a new sign.
- B. The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to changing copy on a changeable copy sign or to normal maintenance.
- C. The sign suffers structural damage or deterioration as to create a life, health, or safety issue as determined by the administrator.
- D. That all existing animated signs not in conformance with the provisions of these regulations shall be adjusted such that such animation effects shall cease within four years of the effective date of the ordinance adopting these regulations.
- E. All portable ground signs and sandwich boards shall come into compliance with these regulations upon adoption of this chapter.

17.28.210 Administrator.

The administrator of the City of Hamilton's sign regulations shall be authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of these regulations, both in letter and in spirit. The administrator is authorized to promulgate regulations and procedures consistent with this function. The administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the city for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable regulations. Such inspections shall be carried out during business hours unless an emergency exists. Where possible and feasible, reasonable notice, minimum twenty-four (24) hours, shall be provided to the owner or manager of the premises requiring inspection.

17.28.220 Application for sign permit.

An application for a permit for the installation, alteration, or relocation of a sign shall be made to the administrator upon a form provided by the City, and the application shall require the following information:

- A. Name and address of the owner of the sign.
- B. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- C. The type of sign or sign structure as defined in these regulations.
- D. A site plan showing the proposed location of the sign, the locations and square footage areas of all existing signs on the same premises and all of the measurements required by these sign regulations including setbacks.
- E. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.
- F. If the application is for an off-premises sign, include a map showing the location of the proposed sign in relation to the property, establishment, place of service, etc., which the proposed sign advertises and will also include legal permission from the owner of the property.

17.28.230 Permit fees.

All applications for permits filed with the administrator shall be accompanied by a payment of the initial permit fee for each sign. Permit fees shall be established by resolution of the city council and shall be paid at the time the application for a permit is filed.

17.28.240 Issuance and denial of permits.

The administrator shall issue a permit and permit sticker for the installation, alteration, or relocation of a sign within fourteen (14) days of receipt of a valid application, provided that the proposed sign complies with all applicable laws and regulations of the city. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the administrator shall give a written notice to the applicant along with a brief statement of the reasons for denial. The administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

All permits are provisional permits until sign installation is completed and the administrator has inspected and approved the sign as installed. A permit becomes permanent following such approval.

A permit issued by the administrator becomes null and void if work is not commenced within one hundred eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for sixty (60) days, the permit must be renewed with an additional payment of one-half of the original fee.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in these regulations.

17.28.250 Inspection upon completion.

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the administrator upon completion of the work. The administrator shall require a final inspection, including inspection of footings on freestanding signs.

The administrator may require in writing upon issuance of a permit that the administrator be notified for inspection prior to the installation of certain signs.

17.28.260 Variances.

The applicant for a sign permit may apply to the zoning board of adjustment for a variance from the requirements of this chapter. The variance application will be reviewed by the zoning board of adjustment under the variance provisions of this Title 17. In granting a variance, the zoning board of adjustment may attach conditions it deems necessary to conform to the spirit of these regulations.

17.28.270 Violations.

When in the opinion of the administrator a violation of these regulations exists, the administrator shall issue a written notice to the alleged violator. The notice shall specify those sections of these regulations which the individual may be violating and shall state that the individual has thirty (30) days from the date of the notice in which to correct the alleged violation or appeal to the administrator for reconsideration.

If, upon inspection, the administrator finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring the owner or occupant to repair or remove the sign within fifteen (15) days of the date of the order. In cases of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the building code or other regulations or standards adopted by the City of Hamilton.

17.28.280 Removal of signs by the administrator.

The administrator may cause the removal of an illegal sign in cases of emergency or for failure to comply with a written order for removal or repair. After removal of a sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed. The notice shall demand payment of the costs as certified by the administrator together with an additional ten percent for inspection and incidental costs.

If the amount specified in the notice is not paid within thirty (30) days of the notice, collection action may be taken as allowed by Montana law or the Hamilton Municipal Code.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon.

For purposes of removal, the sign shall include all sign embellishments and structures designed specifically to support the sign.

17.28.290 Penalties.

Any person who violates any provisions of these regulations may be subject to any of the penalties set forth in this Title 17.

Chapter 17.32 NONCONFORMITIES

Sections:

17.32.010 General.

A. Intent

1. The regulations of this chapter govern nonconformities, which are lots, uses, and structures that were lawfully established but, because of annexation or the adoption of new or amended regulations, no longer comply with one or more requirements of this Title.
2. The intent of this chapter is to clarify the regulation and effect of such nonconformities and avoid confusion with buildings and uses that were unlawfully established in violation of this Title. This chapter is

further intended to recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established; promote maintenance, reuse and rehabilitation of existing buildings; and place reasonable limits on nonconformities that have the potential to adversely impact health, safety and general welfare of surrounding properties or the general public.

3. Nothing in this chapter shall be deemed to prevent the routine repair and maintenance of a nonconforming structure.
4. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any authorized official charged with protecting public health, safety, or general welfare.

B. Right to Continue

1. Unless expressly stated otherwise, any nonconformity may be continued in accordance with this Title in the event of the following circumstances:
 - a. The nonconformity existed on the effective date of adoption of the ordinance codified in this Title;
 - b. An amendment to this Title causes a lot, use, or structure to become a nonconformity; or
 - c. An annexation, and resulting City of Hamilton zoning designation, causes a lot, use, or structure to become a nonconformity.
2. Nothing in this chapter shall be deemed to require a change in the plans or construction if a building permit has been issued or a variance approved prior to the effective date of adoption or amendment of the ordinance codified in this Title.

17.32.020 Nonconforming uses.

A. Description

1. A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed nonconforming uses.

B. Change of Use

1. A nonconforming use may be changed to any other use that is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established on the subject lot.

C. Expansion of Use

1. Unless otherwise expressly stated, the zoning administrator is authorized to approve expansion of a nonconforming use into another part of the same building as that building existed on the date that the use became nonconforming, provided that the zoning administrator determines that such expansion:
 - a. Will not result in a violation of off-street parking or loading requirements;
 - b. Will not violate any applicable lot or building standards of the subject zoning district; and
 - c. Will not create adverse impact on the health, safety, or general welfare of surrounding property owners or the general public.
2. Nonconforming use expansions other than those authorized under Section 17.32.020.C.1, may only be approved as a variance in accordance with Section 17.12.070.

D. Moving

1. A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation eliminates or reduces the extent of nonconformity.

2. A nonconforming use may be moved to another lot only if the use is allowed under the zoning regulations that apply to that lot.

E. Abandonment

1. Abandonment of a legal nonconforming use is only applicable to commercial and industrial uses for which there has been a cessation of nonconforming use or activity.
2. Should any nonconforming commercial or industrial use cease for any reason for a period of more than two years, any subsequent use of the land or structure shall conform to the regulations specified by this Title.
3. Any nonconforming residential use or density may be continued after being abandoned for any length of time.
4. Any period of discontinued use caused by government action, unintended fire, or natural disaster will not be counted in calculating the length of discontinuance.

F. Maintenance and Replacement

1. A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not increase the degree of nonconformity or violate other regulations of this Title.
2. A building containing a nonconforming use may be replaced and the use continued (whether due to intentional or accidental destruction) without the loss of nonconforming status provided that no new nonconformities are created and that the existing degree of nonconformity is not increased.

17.32.030 Nonconforming structures.

A. Description

1. A nonconforming structure is any building or structure, other than a sign, that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but which no longer complies with the site and structure regulations of the zoning district in which it is located.
2. Nonconforming structures may remain, subject to the regulations of this chapter.

B. Alterations

1. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable zoning and building standards, and does not increase the nonconformity of a nonconforming structure. For example, a building with a nonconforming front yard setback, may be expanded to the rear as long as the rear expansion complies with applicable rear and side yard setback standards and all other applicable zoning and building standards. On the other hand, a multi-dwelling building that is nonconforming with regard to density (i.e., contains more dwelling units than allowed by the underlying zoning) may not be expanded to add additional dwelling units.
2. Expansion of Nonconforming One-Unit Residential Dwelling Units and Nonconforming Accessory Dwelling Units
 - a. A one-unit residential building or accessory dwelling unit that is nonconforming because it encroaches into side yard setbacks and is not closer than three feet to the subject side property line may be expanded up to 15 feet along the existing nonconforming building line.
 - b. A one-unit residential building or accessory dwelling unit may be expanded vertically in alignment with a nonconforming front, side, or rear yard setback to the permitted height of the subject zoning district and will not be considered to increase the non-conformity.
 - c. In both of the cases above, the following standards apply:

- (i) When building height or length is increased within a side setback, doors and windows on the wall facing the subject side setback are prohibited closer than ten feet from the adjacent building or required setback for the adjacent building, whichever is closer.
 - (ii) All other building requirements and development standards of the subject zoning district must be met.
- C. Use
 - 1. A nonconforming structure may be used for any use allowed in the zoning district in which it is located.
- D. Moving
 - 1. A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity. A nonconforming structure may be moved to another lot only if the structure would comply with the zoning regulations that apply to that lot.
- E. Replacement
 - 1. A nonconforming structure that is nonconforming because it encroaches into front, side, or rear yard setbacks may be replaced with the same encroachments as the existing nonconforming structure without the loss of nonconforming status provided that no new nonconformities are created and that the existing degree of nonconformity is not increased.
 - 2. Newly constructed or replaced structures may not apply Section 17.32.030.B.2 at the time of construction or in the future.
 - 3. Replacement of a nonconforming structure requires a building permit be obtained within 24 months of the date the structure is removed or demolished, otherwise the nonconforming status is lost.

17.32.040 Nonconforming lots.

- A. Description
 - 1. A nonconforming lot is a lawfully created tract of record, shown on a plat or survey map recorded in the office of the County Clerk and Recorder that does not comply with all applicable minimum lot area or lot width standards of the zoning district in which the lot is located.
- B. Use of Nonconforming Lots
 - 1. Any nonconforming lot in the R-1, R-2, R-3, or B district may be used as a building site for a single detached dwelling unit, except as expressly stated in 17.32.040.B.3 and 17.32.040.B.4.
 - 2. In nonresidential zoning districts, a nonconforming lot may be used as a building site and developed with a use allowed in the subject zoning district, except as expressly stated in 17.32.040.B.3 and 17.32.040.B.4.
 - 3. When two contiguous lots are held in common ownership, and when both of the lots are nonconforming lots, they will be deemed a single lot for the purpose of meeting applicable lot area and lot width requirements of the zoning district in which they are located. This provision treats contiguous lots under common ownership as merged for the purposes of the zoning regulations but does not aggregate individual lots.
 - 4. A nonconforming lot may not be used as a building site if the land area resulted from the removal or destruction of a structure that utilized contiguous nonconforming lots as a single building site.
 - 5. Development on nonconforming lots shall comply with all other applicable zoning and building standards of the subject zoning district unless otherwise expressly stated.

17.32.050 Nonconforming mobile homes.

A. Description

1. A nonconforming mobile home is a mobile home as defined in section 17.34.020, that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but which no longer complies with the use or site and structure regulations of the zoning district in which it is located.
2. Nonconforming mobile homes may remain, subject to the regulations of this chapter.

B. Moving and Expansion

1. A nonconforming mobile home may be moved to another location on the same lot only if the movement or relocation does not increase the extent of nonconformity.
2. A nonconforming mobile home may be moved to another lot only if the mobile home would comply with the zoning regulations that apply to that lot.
3. Alterations, including enlargements and expansions, of nonconforming mobile homes are permitted if the proposed alteration or expansion complies with all applicable zoning and building standards, and does not increase the nonconformity of a nonconforming mobile home.

C. Replacement

1. A nonconforming mobile home that is nonconforming due to use or because it encroaches into front, side, or rear yard setbacks may be replaced with the same use and setback encroachments as the existing nonconforming mobile home without the loss of nonconforming status provided that:
 - a. No new nonconformities are created and that the existing degree of nonconformity is not increased;
 - b. The footprint of the replacement mobile home does not increase by more than 10%;
 - c. The replacement mobile home meets all other applicable zoning and building standards;
 - d. The replacement mobile home does not adversely impact health, safety or general welfare of surrounding properties or the general public, as determined by the zoning administrator.

- D. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any mobile home or part thereof declared to be unsafe by any authorized official with protecting the public safety.

Chapter 17.34 DEFINITIONS & MEASUREMENTS

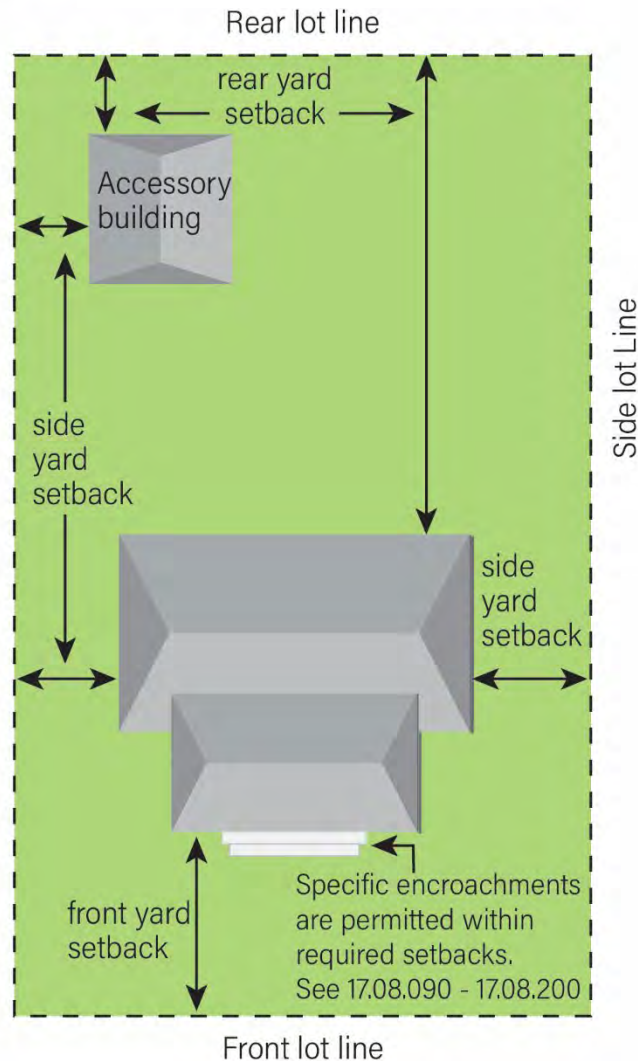
Sections:

17.34.010 Measurements.

A. Setbacks

1. Setbacks are measured perpendicular from the lot line to the closest point of a building or structure. See Figure 17.34.010.A.1.

Figure 17.34.010.A.1 - Setbacks



2. Garage setbacks in the R-1 district
 - a. Per section 17.08.090.D, in the R-1 district front facing garages on lots with alley access shall be setback a minimum of 5-feet behind the front of the principal building. On lots without alley access front facing garages may be even with the principal building but shall not extend beyond the front of the principal building. See Figures 17.34.010.A.2 and 17.34.010.A.3

Figure 17.34.010.A.2 – Front facing garage setback in R-1 district with alley access

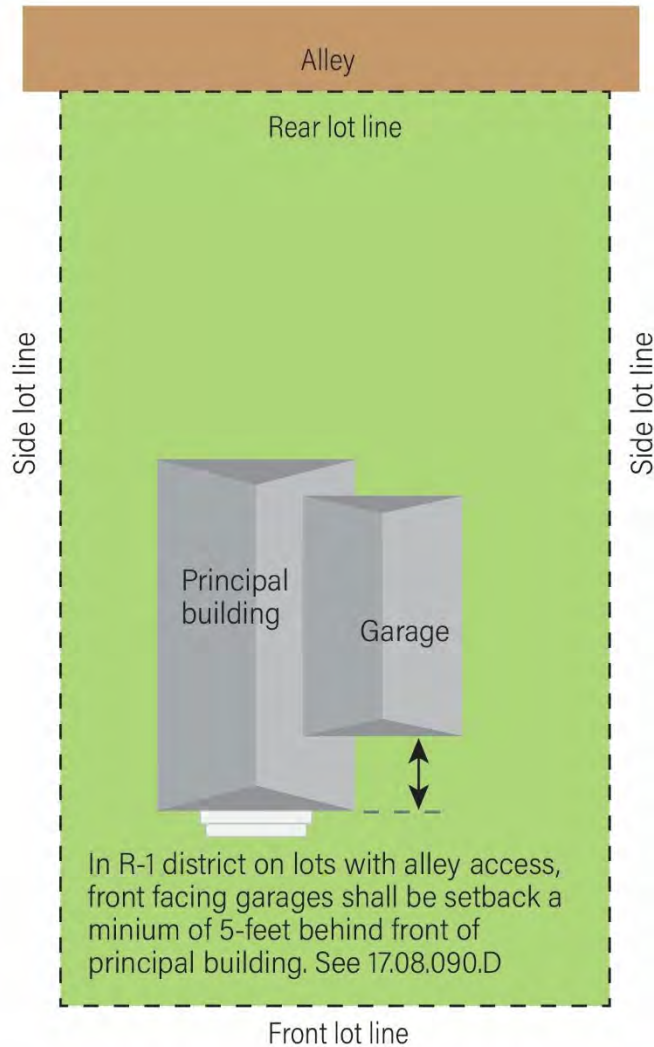
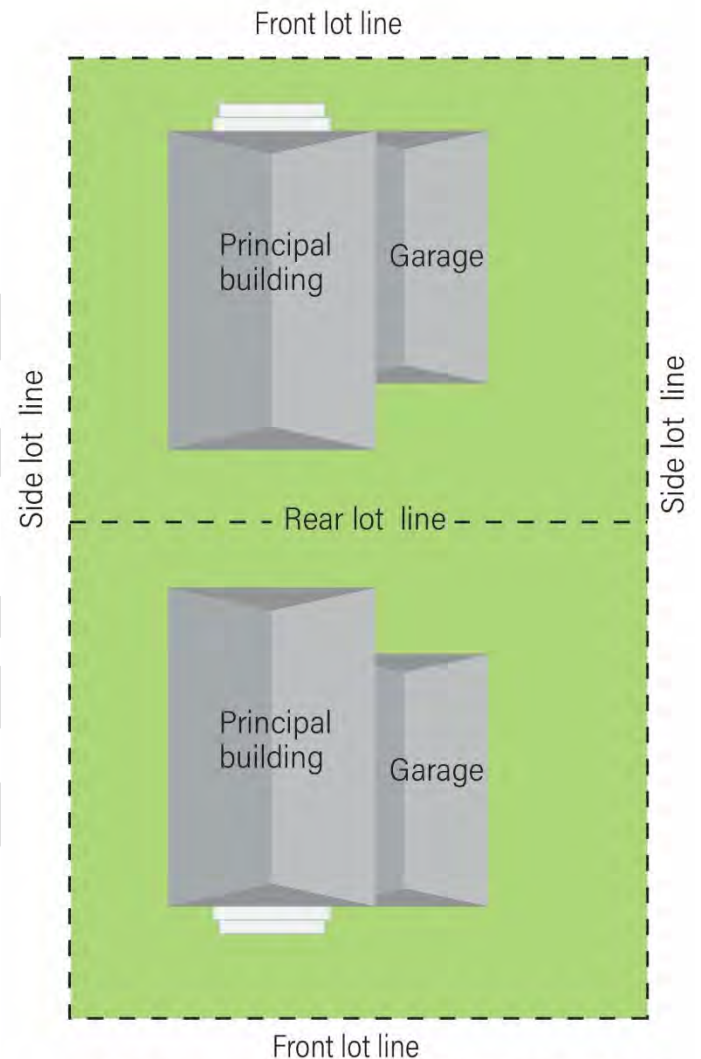


Figure 17.34.010.A.3 – Front facing garage setback in R-1 district without alley access



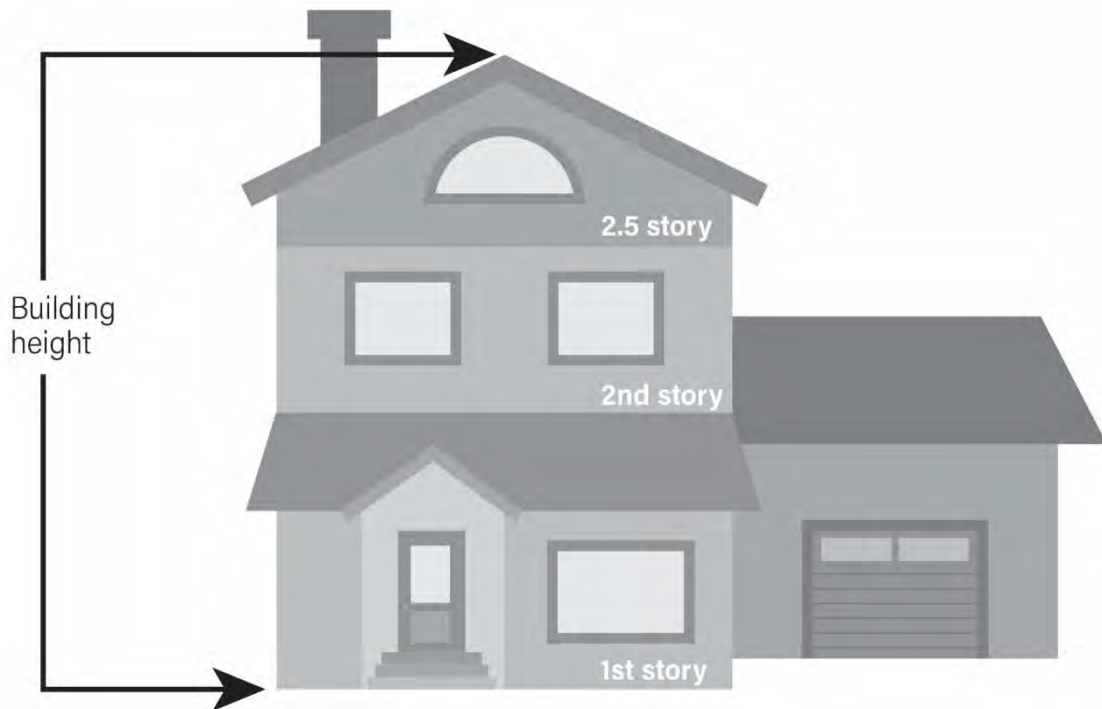
In R-1 district on lots without alley access, front facing garages may be even with, but may not extend past, front of principal building. See 17.08.090.D

B. Building height

1. Building height is measured as the vertical distance from the average elevation of the final grade at the front of a building to the highest point of the building. See Figure 17.34.010.B.1.
2. The following roof features may extend up to 5-feet above the maximum building height in each zoning district without the need for a variance.
 - a. Chimneys

- b. Antennas or satellite dishes
- c. Rooftop mechanical equipment (e.g. HVAC units, vents)
- d. Solar panels
- e. Sky lights
- f. Architectural features (e.g. cupolas, belfries, and steeples)
- g. Similar features that do not add habitable floor area to a building.

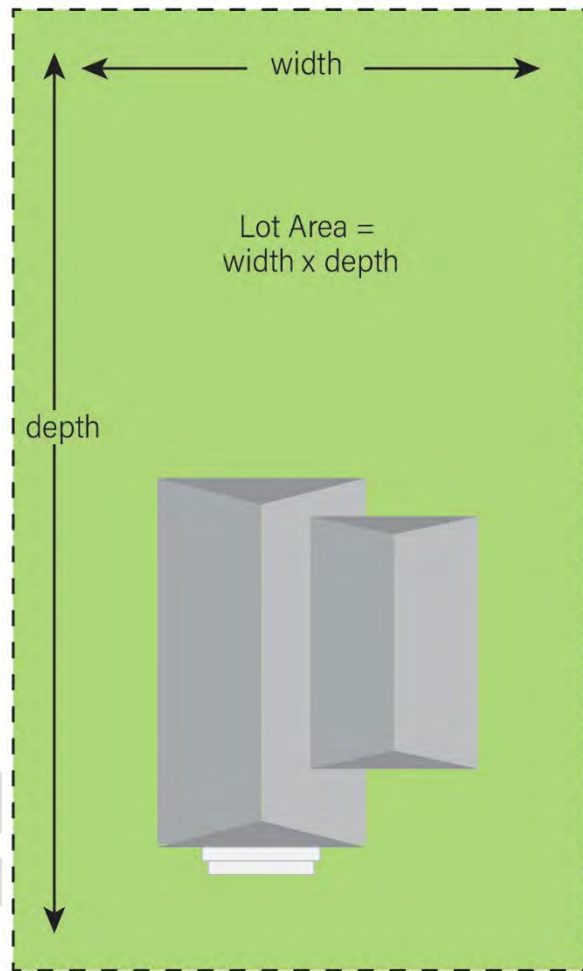
Figure 17.34.010.B.1 – Building Height



C. Lot area

1. Lot area is measured as the total horizontal area contained within lot lines. See Figure 17.34.010.C.1. For purposes of determining compliance with minimum lot area requirements for existing lots, a lot that is deficient by not more than one half percent (0.5%) shall be deemed to meet the minimum lot area requirement. For example, in the R-1 district, an existing 4,185 square foot lot would be deemed to meet the 4,200 square foot minimum lot area requirement as it is deficient by 0.3% ($4,200 - 4,185 = 15$; $15/4,200 = .003$ or 3%).

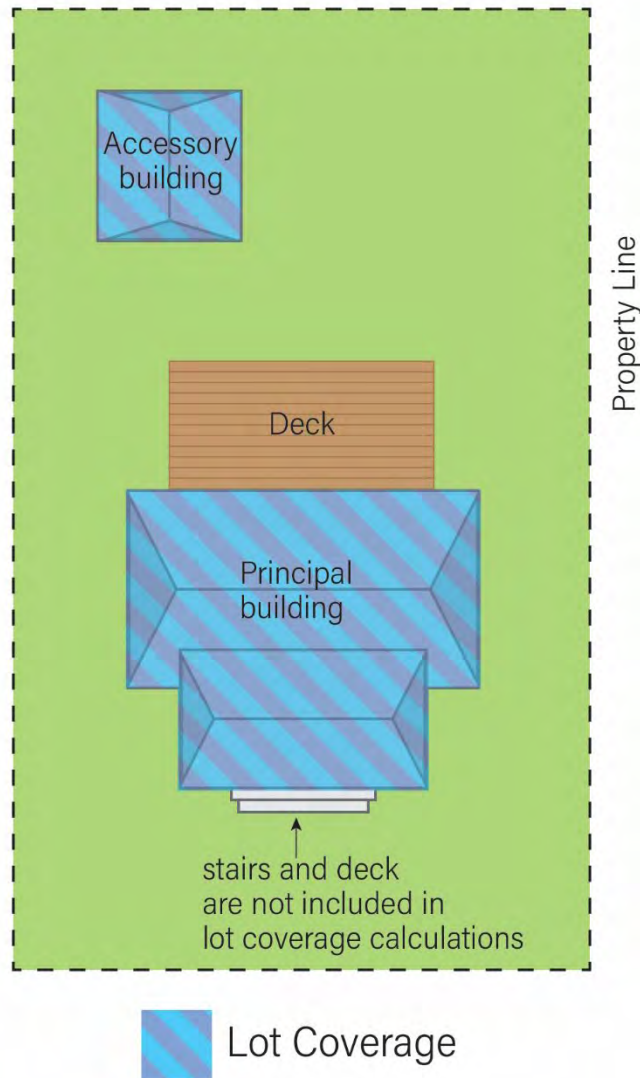
Figure 17.34.010.C.1 – Lot Area



D. Lot Coverage

1. Lot coverage is calculated as the area of a lot occupied by principal and accessory buildings (measured from the exterior walls of the ground floor) divided by the total lot area. For the purposes of calculating lot coverage, those portions of a structure which do not have exterior walls are not included, even if it is covered by a roof. See Figure 17.34.010.D.1

Figure 17.34.010.D.1 – Lot Coverage



17.34.020 Definitions.

- A. This chapter defines certain words and terms as they are used in this title.
- B. General.
 - 1. Words used in the present tense include the future;
 - 2. The singular number includes the plural and the plural includes the singular;
 - 3. The words "shall" and "will" are mandatory;
 - 4. The word "may" is permissive;
 - 5. The word "should" is a preferred alternative;
 - 6. The word "lot" shall include the words "plot," "piece," and "tract."

"Accessory building or use" means a subordinate building located on the same lot as the principal building, or a subordinate use of land, which is incidental to the principal building or use.

"Accessory dwelling unit" or ADU means a separate dwelling unit within or attached to a single-family dwelling, a separate dwelling unit that occupies an accessory building located on the same lot as a single-family dwelling, or a detached dwelling unit located on the same lot as a single-family dwelling. Accessory dwelling units shall be permanently located on the ground.

"Affordable housing" means housing for individuals or families earning less than one hundred twenty (120) percent of the area median income (AMI) for ownership housing and eighty (80) percent AMI for rental housing.

"Agriculture" means the production of food, feed and fiber commodities, livestock and poultry, bees, biological control insects, fruits and vegetables and sod, ornamental, nursery and horticultural crops that are raised, grown or produced for commercial purposes or the raising of wildlife in domestication or a captive environment. For the purpose of this Title agriculture does not include feed lot operations.

"Airport" or "airstrip" means a place, on either land or water, where aircraft may land and take off, discharge or receive cargo and passengers, make repairs and take on fuel.

"Alley" means a dedicated right-of-way set aside for vehicular traffic, entering or going through a city block.

"Animal boarding" means a facility where three or more domestic animals are temporarily housed for compensation, including kennels, pet hotels, dog daycares, and overnight boarding facilities. This may include grooming, training, or exercising services. For purposes of this Title, animal boarding does not include breeding of any species for commercial sale, livestock husbandry, or other uses that are not incidental to animal boarding.

"Apartment" means a habitable room or suite of two or more habitable rooms, meeting the requirements of the city's adopted International Building Code, located in an apartment building or used for residential purposes in non-residential buildings.

"Apartment building" means a building other than a hotel, motel, townhouse, or rowhouse containing seven or more dwelling units.

"Auction house" means a place where items are offered for sale through competitive bidding. For purposes of this Title auction house does not include livestock auctions.

"Bar" means an establishment that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages. The term includes but is not limited to taverns, night clubs, and cocktail lounges.

"Bed and Breakfast" means a single-family dwelling which remains owner-occupied at all times providing one or more guest rooms for compensation, where food service is limited to breakfast which may be served to overnight guests only, and where the number of daily guests served does not exceed 18.

"Block" means A group of lots, tracts or parcels within well-defined and fixed boundaries..

"Boarding house" means a building in which separate sleeping rooms are rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility.

"Building" means a structure having walls and a roof, permanently located on the ground, either directly or by being attached to a structure located on the ground. Separate parts of a building divided by an unpierced wall shall be deemed separate buildings.

"Building area" means that portion of the lot that may be occupied by buildings after setback and open space requirements are met.

"Building footprint" means the horizontal area of the outermost perimeter of a building measured from the exterior walls of the ground level. The building footprint does not include roof overhangs, eaves, awnings, architectural features that do not extend to the ground, or portions of a building which do not have exterior walls even if it is covered by a roof.

"Building height" means the vertical distance from the average elevation of the proposed final grade at the front of a building to the highest point of the building.

"Building site" means a lot occupied or intended to be occupied by uses and structures and which abuts a public street, road or highway or a private road which conforms to approved standards.

"Car wash" means a building which has its primary purpose as washing automobiles. Such facilities are considered incidental to gas stations if not more than one vehicle may be washed at one time and if the gas station is clearly the principal use.

"Casino" means an establishment whose principal use or activity is gambling, either in the form of gambling machines (video poker, keno, etc.), card games or other licensed gambling activity. A casino may have beverage and restaurant facilities as accessory uses. An establishment will be considered a casino for the purpose of these regulations if any of the following characteristics apply:

- The establishment is referenced as a casino by signage, advertisement or by name;
- More than one card table is on the premises; and/or
- 6 or more gambling machines are on the premises.

"Cemetery" means a place where remains of the deceased are buried or interred.

"Common area" means those areas within the property of an association of unit owners of town homes pursuant to MONTANA CODE ANNOTATED 70-23-101, et seq., but which are not under the individual private ownership of one unit owner. Common areas include landscaped areas other than patios of individual units.

"Community center" a building or portion of a building used for nonprofit cultural, educational, recreational, religious or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. Examples of community centers are schools, churches, senior centers, Boys and Girls Clubs, and similar uses.

"Community residential facility" means a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care; a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in MONTANA CODE ANNOTATED 52-2-602; a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons; a licensed adult foster family care home; or an assisted living facility licensed under MONTANA CODE ANNOTATED 50-5-227.

"Conditional use structure" means a structure not allowed in a district as a matter of right, but which is permitted upon approval of conditional use permit by the zoning board of adjustment in conformance with section 17.12.060 of this Title.

"Conditional use" means a use not allowed in a district as a matter of right, but which is permitted upon approval of a conditional use permit by the zoning board of adjustment in conformance with section 17.12.060 of this Title.

"Condominium" has the meaning set forth in Montana Code Annotated 70-23-102.

"Convention center" means an assembly use of property where one or more buildings hosts events, conferences, meetings, exhibitions, and/or similar functions attended by a large gathering of individuals or groups, typically across one or more indoor spaces.

"Corner lot" means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street, two cords of which form an interior angle of one hundred thirty-five (135) degrees or less.

"Correctional facility" means a facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals.

"Cottage court" means a development containing a cluster (or clusters) of detached or attached dwellings on the same lot located around common open space.

"Crematorium" means an establishment where bodies of deceased persons or domestic animals are cremated.

"Data center" means a use involving a building or premises in which the majority of the use is occupied by computers, telecommunications, or related equipment, including supporting equipment, where information is processed, transferred, and stored.

"Day care " means care for children provided by an adult, other than a parent of the children or other person living with the children as a parent, on a regular or irregular basis, as applicable, for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours.

"Day care center" means an out-of-home place in which day care is provided to 16 or more persons on a regular or irregular basis.

"Day care home" means a private residence or other structure in which day care is provided to 3 to 15 children on a regular basis.

"Digital asset mining" means a group of computers working at a single site that consume more than 1 megawatt of energy on an average annual basis for the purpose of generating digital assets by securing a blockchain network.

"Double frontage lot" means a lot having frontage on two parallel, or approximately parallel, streets..

"Downtown core business area." That area of downtown Hamilton which is bounded on the east beginning at Highway 93 (First Street) at the intersection of State Street, then north to Cherry Street, then westerly to the alley between Highway 93 and Second Street, then northerly to Pine Street, then westerly to Fourth Street, then southerly to Pinckney Street, then westerly to Fifth Street, then southerly to State Street, then easterly to the alley between Third Street and Fourth Street, then southerly to Bedford Street, then easterly to Second Street, then northerly to State Street, then easterly to the point of beginning at Highway 93 (First Street).

"Dwelling" means a building, or portion thereof, used for residential purposes by one household providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, that meets the requirements of the city's adopted International Building Code. Dwellings do not include hotels or motels.

"Easement" authorization by a property owner to the public, a specific person or persons, or entity for a right to use the subject property for a specific purpose or purposes.

"Entertainment venue" means any building or structure dedicated to events typically involving spectators such as auditoriums, theaters, and cinemas. Entertainment venues are divided into the following categories to further regulate impacts:

- *"Entertainment venue, small"* means establishments having a capacity of no more than 149 people, such as a small theater, concert venue, or banquet hall.
- *"Entertainment venue, medium"* means establishments having a capacity between 150 and 500 people, including single or dual screen cinemas and large meeting or banquet halls.
- *"Entertainment venue, large"* means establishments having a capacity to serve more than 500 people, such as arenas, large theaters, multi-screen cinemas, and auditoriums.

"Entertainment Venue, Outdoor" means an entertainment venue with outdoor space dedicated to events typically involving spectators such as amphitheaters, fairgrounds, stadiums, and racetracks.

"Façade" means the exterior face or elevation of a building, including walls, windows, doors, and other architectural elements, visible from a public street, pedestrian way, or open space. The term "façade" includes all portions of the building envelope between the grade and the roofline on that exterior side.

"Family" means one or more persons occupying a dwelling unit as a single, nonprofit, housekeeping unit.

"Feed lot " has the meaning set forth in Montana Code Annotated 81-3-201.

"Fence" means a structure constructed of wood, metal, block, brick, stone or any other material other than natural vegetation to create a barrier.

"Financial services" means a business use associated with the deposit, withdrawal, saving, investment, or loaning of money or financial instruments, including and not limited to banks, credit unions, trust companies, mortgage associations, foreign exchange establishments, security and commodity-contract dealerships, investment brokerage firms, and other similar businesses.

"Food truck" means a self-contained mobile trailer unit, truck, or cart selling food or beverages to the general public.

"Frontage" means the length of a lot that directly abuts a public or private street, right-of-way or easement, measured along the front lot line.

"Gas station" means the use of a site for the retail sale of vehicle fuels.

"Governing body" means the Hamilton city council.

"Home occupation" means a for-profit activity carried on in a residential dwelling as a secondary use subordinated to the principal use.

"Hospital" has the meaning set forth in Montana Code Annotated section 50-5-501.

"Hotel" or "Motel" means one or more buildings with sleeping rooms which are provided to transient guests for compensation.

"Household" see definition of "family."

"Incidental" means any action or use that is secondary to, any other action or use.

"Interior lot" means a lot other than a corner lot.

"Landscaping" means natural vegetation or any combination of natural and man-made materials intended to enhance the appearance or mitigate the adverse effects of the use of a property.

"Livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus and domestic ungulates.

"Lot" means a contiguous area of land with defined boundaries under common ownership created by subdivision, subdivision exemption or their legal equivalent.

"Lot coverage" means the area of a lot occupied by principal and accessory buildings, measured from the exterior walls of the ground floor. For the purposes of calculating lot coverage, those portions of a structure which do not have exterior walls are not included, even if it is covered by a roof.

"Lot depth" means the mean horizontal distance between the front and rear lot lines.

"Lot line, front" means the lot line that "faces" and is adjacent to the street. For corner lots the front lot line is the lot line adjacent to the street from which the lot is addressed. Where an address has not been assigned, the front lot line shall be designated as the shorter of the two street-adjacent lot lines, unless otherwise determined by the zoning administrator for purposes of uniformity or access.

"Lot line, rear" means the lot line opposite and most distant from the front lot line.

"Lot line, side" means any lot line that is not a front or rear lot line.

"Lot width" means the distance between the side lot lines measured at minimum front yard setback line. See Figure 17.34.020.B.1.

Figure 17.34.020.B.1 – Lot Width



“Manufactured home” means a residential dwelling built offsite in a factory, that is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in MONTANA CODE ANNOTATED 15-1-101.

“Manufacturing” means: The transformation of materials or substances into new products, including the assembling of component parts; the manufacturing, fabrication, or processing of products; and the blending of materials. This use group includes commercial production of cannabis products as well as beer, wine, and spirits that do not meet the definition of microbreweries and micro-distilleries. Manufacturing activities are divided into the following categories based on character and intensity, infrastructure needs, and potential off-site impacts:

- “*Manufacturing artisan*” means production of goods by use of hand tools or small-scale mechanical equipment typically in an enclosed building with no outdoor storage. Typical uses include

woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

- *"Manufacturing light"* means small scale manufacturing and production of finished parts or products, primarily from previously prepared materials. Typical uses include commercial kitchens and catering; printing and related support activities; machinery, electronic equipment, small appliance and computer manufacturing and assembly; furniture manufacturing and assembly; and any other manufacturing or assembly activity that has limited external impacts on surrounding properties that can be adequately addressed through site design. These uses typically occur entirely indoors and feature low levels of trucking access.
- *"Manufacturing moderate"* means uses that accommodate moderate intensity levels of manufacturing, production, and assembly activities; storage; warehousing; associated offices; and similar uses. This use category includes, but is not limited to contractors; textiles; marijuana manufacturing, testing, and transporting, apparel; call centers; textiles; wood products; printing; pharmaceuticals; machinery manufacturing; research and development; and bulk storage and handling of such products. These uses may feature some outdoor activities and/or storage and/or moderate levels of associated trucking access.
- *"Manufacturing intensive"* means uses that contain land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. This use category includes, but is not limited to wrecking yards, building material manufacturing, petroleum products, chemical plants, concrete and asphalt plants, and larger freight facilities.

"Marijuana" has the meaning set forth in Montana Code Annotated 16-12-102.

"Marijuana business" means a marijuana cultivator, manufacturer, dispensary, combined-use licensee, testing laboratory, transporter, or any other business or function that is licensed by the state.

"Marijuana cultivator" means a use operated by a person licensed by the State of Montana to plant, cultivate, grow, harvest, and dry marijuana; or package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

"Marijuana dispensary" means a registered premises from which a person or entity licensed by the State of Montana may obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved by the state; and sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age, or both.

"Marijuana manufacturer" means a use operated by a person licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extract and package, repack, label, or relabel marijuana products.

"Marijuana product" means a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates.

"Marijuana testing laboratory" means the qualified person licensed by the state that provides testing of representative samples of marijuana and marijuana products; and provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.

"Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

"Medical services" means professional occupations concerned with treating and caring for sick and injured persons and animals.

"Mobile home" means forms of housing known as "trailers," "house trailers" or "trailer coaches" exceeding 8 in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

"Mobile home park" means the use of land upon which two or more mobile homes are located for dwelling or sleeping purposes.

"Mortuary" means a facility where deceased persons are prepared for burial or cremation, and funeral services may be conducted.

"Multiple-family dwelling" means a building or portion thereof with two or more individual residential dwelling units.

"Nonconforming " means a lot, use, or structure that was lawfully established but, because of annexation or the adoption of new or amended regulations, no longer complies with one or more requirements of this Title.

"Non-sight obstructing fence" means any fence structure where the fence material obstructs twenty-five (25) percent or less of the clear visibility through the fence blocked.

"Nursing home/skilled nursing facility" means a facility that provides a wide range of health and personal care services that focus on medical care more than assisted living or community residential facilities as defined in these regulations. Services typically include nursing care, 24-hour supervision, three meals a day, and assistance with everyday activities. Rehabilitation services, such as physical, occupational, and speech therapy, may also be available. For the purposes of these regulations, nursing home includes a long-term care facility.

"Park" means a publicly or privately owned lot or area reserved and maintained for active and/or passive recreation and open space, available to the public. Parks include but are not limited to landscaped/open areas, playgrounds, trails, gardens, picnic areas, sports fields, natural preserves, and related support facilities. Buildings and other physical structures are allowed only as incidental uses to the principal use as a park.

"Parking structure" means a covered structure or portion of a covered structure, other than a "garage," that provides parking for motor vehicles

"Personal service" means an establishment or facility which provides information, instruction, or services for personal improvement and other similar services of a non-professional nature, including the cleaning, maintenance or repair of clothing or footwear, and maintenance or improvement of the customer's physical appearance. Typical uses include hair salons, barber shops, beauty shops, nail salons, yoga or dance studios, driving schools and martial arts studios.

"Planned unit development" means a land development project in which flexible and efficient use of land and services is encouraged while preserving and enhancing open space and natural or historical features. Such development may include public, commercial and/or residential uses.

"Principal building or use" means the primary or predominate building(s) or use on a lot. In general, the principal use is carried out in a principal building.

"Professional office" means an establishment where professionals, government officials, managers, or administrative services providers offer professional services. Such services include, but may not be limited to, those rendered by attorneys, accountants, medical professionals, veterinarians, chiropractors, podiatrists, architects, optometrists, planners, physical therapists, professional engineers, surveyors, and Realtors. This definition includes walk-in clinics providing medical services that do not involve overnight stays. This definition does not include uses more specifically classified or defined within these regulations.

"Public utility" has the meaning set forth in Montana Code Annotated 69-3-101

"Recreation, commercial (indoor)" means a commercial business offering amusement, fitness, recreational or entertainment activities where such activities are contained within one or more buildings.

"Recreation, commercial (outdoor)" means a commercial business offering amusement, fitness, recreational or entertainment activities where part or all of such activities are outdoors.

"Recreational vehicle (RV)" means a vehicular unit eight feet or less in width, designed as temporary living quarters for recreational camping or travel use, and operated under its own motive power or mounted on or drawn by another vehicle. Includes travel trailer, camper trailer, truck camper and motor home.

"Recreational vehicle park" means a plot of ground upon which two or more sites are located, established or maintained for occupancy by the general public as temporary spaces for recreational vehicles.

"Recycling center" means a public or semi-public use of land or buildings for sorting, short-term storage and loading of recyclable materials for off-site distribution and processing. For the purpose of this Title, it does not include trash or refuse transfer stations, sanitary landfills, or processing of materials into recycled products, and does not allow for collection or storage of hazardous materials.

"Restaurant" means an establishment whose primary purpose is preparing and serving food and beverages to customers for immediate consumption, either on-site or off-site. A restaurant may include the service of alcoholic beverages provided that alcohol is served only in conjunction with the service of food..

"Retail" means the sale, lease, or rental of new or used products to the general public.

"Right-of-way" means a linear public way established or dedicated for public purposes by duly recorded plat, deed, easement, grant, prescription, condemnation, governmental authority or by operation of the law and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, water line, sanitary sewer line, storm sewer line or other similar uses.

"Salvage yard" means land or buildings where waste or discarded or salvaged materials are brought, sold, stored, exchanged, cleaned, packed, disassembled or handled.

"School" means a public or private educational facility including pre-schools, elementary schools, middle/junior high schools, high schools, vocational schools, colleges, community colleges, universities, and military academies, and encompassing school grounds and facilities.

"Setback" means the required distance between lot lines and any structure or building on the lot.

"Short-term rental" means a residential dwelling or part of a residential dwelling that is rented by or on behalf of the owner to the general public for compensation for transient guests.

"Sight obstructing fence" means any fence structure where the fence material obstructs twenty-five (25) percent or more of the clear visibility through the fence.

"Sign" means any identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. Signs shall also include all sign structures..

"Single-family dwelling" means a building with one individual dwelling unit.

"Special use" means a use which, because of its unique or varying characteristics, cannot properly be classified as an permitted use in a particular zoning district. Special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed special use, its relationship to the surrounding land uses and its impacts on traffic capacities, potential environmental effects, compatibility with the neighborhood, and conformance to adopted policies, guidelines, plans and regulations of the City of Hamilton.

"Storage, indoor commercial" means a facility providing enclosed mini-storage units leased on a self-service basis for storage of household or business goods.

"Storage, outdoor commercial" means designated outdoor areas used for storage of vehicles (automobiles, RVs, boats, motorcycles, trucks) that are not used for dismantling, repair, or sales of vehicles.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the surface of any floor and the ceiling above. A basement is not considered a story.

"Story, half" means the portion of a building between the top floor and a sloping roof, with at least two opposite exterior walls meeting the sloping roof not over three feet above such floor level. "Street" means a public or private thoroughfare which affords the principal means of access to abutting property for use by motor vehicles, bicycles, and pedestrians.

"Structure" means anything constructed or erected, and permanently located on the ground either directly or by being attached to a structure located on the ground. A structure is not necessarily a building, but a building is a structure.

"Townhouse" or "townhome" means property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities..

"Townhouse or townhome lot" a lot created through Townhome Exemption (MONTANA CODE ANNOTATED § 76-3-203) that includes the land beneath each dwelling unit and can include land adjacent to each dwelling unit as shown in the approved Townhome Declaration Site Plan. Only one dwelling unit is associated with each townhouse lot.

"Transient guest" means an occupant who is temporary in nature, staying at one location for twenty-eight (28) days or less.

"Use" means the purpose for which land, buildings, and/or structures are designed, arranged, intended, occupied or maintained.

"Variance" means a deviation from the terms of this Title 17. See section 17.12.070.

"Vehicle broker" means an individual or company who:

- a. Engages in the business of offering to procure or procuring a motor vehicle, a trailer, a semitrailer, a pole trailer, a travel trailer, a motorboat, a personal watercraft, a snowmobile, or an off-highway vehicle on behalf of another; or
- b. Represents to the public through solicitation, advertisement, or otherwise that the person is one who offers to procure or procures a motor vehicle, a trailer, a semitrailer, a pole trailer, a travel trailer, a motorboat, a personal watercraft, a snowmobile, or an off-highway vehicle by negotiating purchases, contracts, sales, or exchanges on behalf of another and who does not store, display, or take ownership of a motor vehicle, a trailer, a semitrailer, a pole trailer, a travel trailer, a motorboat, a personal watercraft, a snowmobile, or an off-highway vehicle.

"Vehicle repair & service" means the repair or servicing of automobiles, engines, motorcycles, motor homes, recreational vehicles or boats. This includes the sale and on-site installation of parts, wheel and brake shops, body and fender shops, oil change shops, and similar repair and service activities, but excludes dismantling or salvage and gas stations.

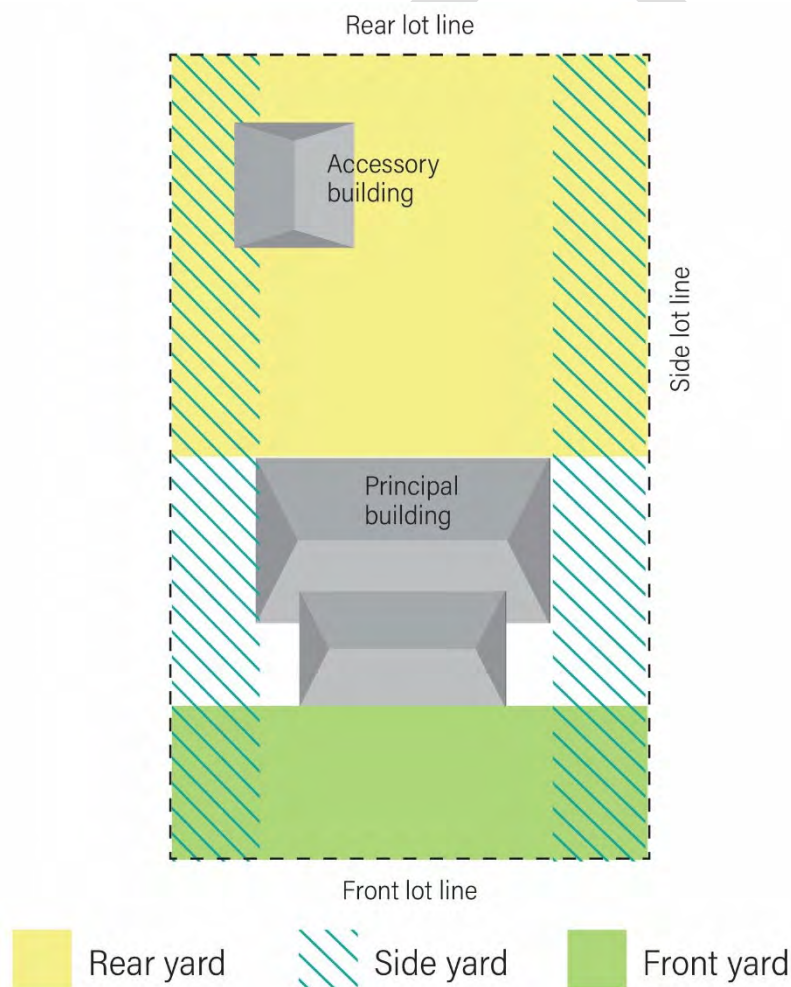
"Warehousing" means the storage, wholesale, and distribution of raw or manufactured products, supplies, equipment, excluding bulk storage of materials that are hazardous, inflammable or explosive.

"Wholesale" means the selling of products to retailers, contractors, industrial or institutional business users, or other wholesalers, rather than to the general public. These uses may include processing, packaging, and shipment operations, with warehousing as an accessory activity.

"Yard" means the horizontal space between a principal building and a property line. Yards are divided into the following categories:

- "Front yard" means the yard between a principal building and the front property line of the lot on which the building is located, extending along the full length of the front property line between the side property lines. See Figure 17.34.020.B.2.
- "Rear yard" means the yard between a principal building and the rear property line of the lot on which the building is located, extending along the full length of the rear property line between the side property lines. See Figure 17.34.020.B.2.
- "Side yard" means the yard between a principal building and the side property line of the lot on which the building is located, extending along the full length of the side property line between front and rear property lines. See Figure 17.34.020.B.2.

Figure 17.34.020.B.2 – Yards



"Zoned lot" means a legally described lot that is located within a defined zoning district within the City of Hamilton boundaries.



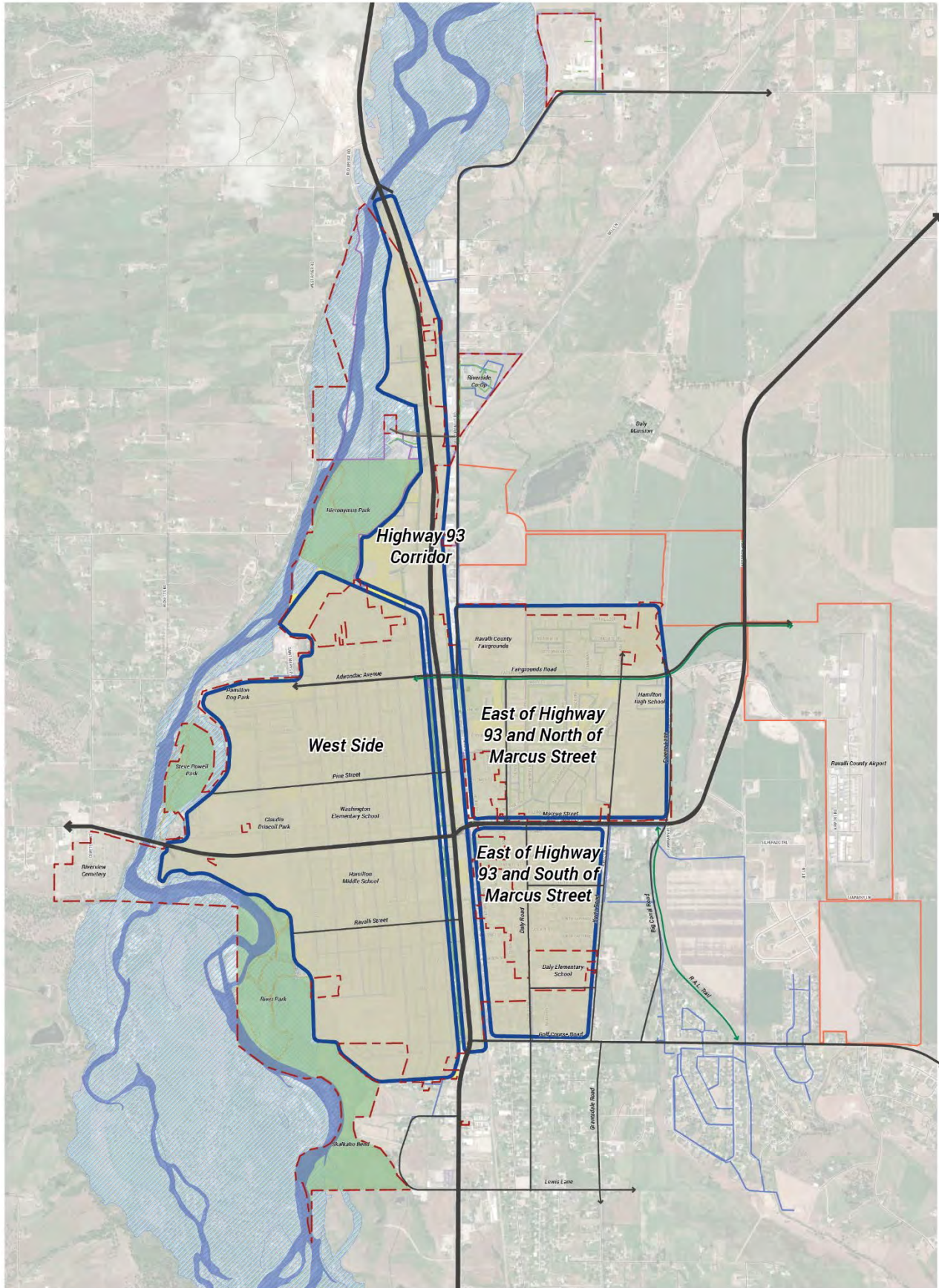
5 / Land Use Framework

City of Hamilton Comprehensive Plan Proposed Amendments – September 2025 (Clean Copy)

Current Land Use Pattern

Hamilton's current land use pattern (Map 10) can be generally defined by four geographical areas:

- **West Side.** The West Side generally consists of downtown and the residential neighborhoods between Highway 93 and the Bitterroot River. This area has a well-connected transportation network on a 380' by 380' street grid. Residential neighborhoods, while seeing some redevelopment and infill, specifically on the north side, are relatively stable. Civic uses, including Hamilton Middle School, Bitterroot College, parks, city and county facilities, and the Bitterroot Public Library. Large employers include Bitterroot Health and Rocky Mountain Laboratory. Four parks (Hieronymus, Steve Powell, River, and Skalkaho Bend) serve as a transition between developed areas and the Bitterroot River. The entire West Side is served by city water and sewer infrastructure, aside from small, scattered parcels at the southern edge of the city boundary, and at northwest areas along the river.



Map 10. Current Land Use Pattern

- **East of Highway 93 and South of Marcus Street.** This area consists of a range of residential neighborhoods, varying in both age, housing type, and acreage. This area is characterized by older subdivisions (pre-1976), including mobile home parks, ½- to 1-acre residential lots, with interspersed larger undeveloped lots. North-south connectivity is provided through Daly Avenue, Kurtz Lane, and Big Corral Road. East-west connectivity is limited to Golf Course Road with few east-west streets, creating a disconnected transportation network. Much of the area is not within the existing city boundary and is not served by city sewer, while a few residential areas are served by city water. Institutional uses include Daly Elementary School and the Vester Wilson Athletic Complex, a city park.
- **East of Highway 93 and North of Marcus Street.** This area is home to Hamilton's newer developments including a mix of single-family neighborhoods and multi-family complexes. The Hamilton High School is also located in this area along with Ravalli County Fairgrounds and the Ravalli County Road Department. This area has a well-connected transportation network with most developed areas served by city water and sewer. This area includes Old Corvallis Road.
- **Highway 93.** The Highway 93 corridor bisects on a north-south axis and accommodates the majority of the city's retail and offices uses outside of downtown. Nearly all the west side street network connects into Highway 93, with signalized intersections at Fairgrounds Road, Pine Street, Main Street/Marcus Street, Ravalli Street and Golf Course Road. The railroad runs north-south along the east side of the highway, limiting connectivity to neighborhoods and commercial areas east of Highway 93.

Anticipated Growth

Through initial community outreach efforts, anticipated growth areas (Map 11) and the city's approach to growth were preliminarily identified and then refined through public land use workshops. The growth areas, and the city's general approach to growth, defined below align with the plan's three guiding themes.

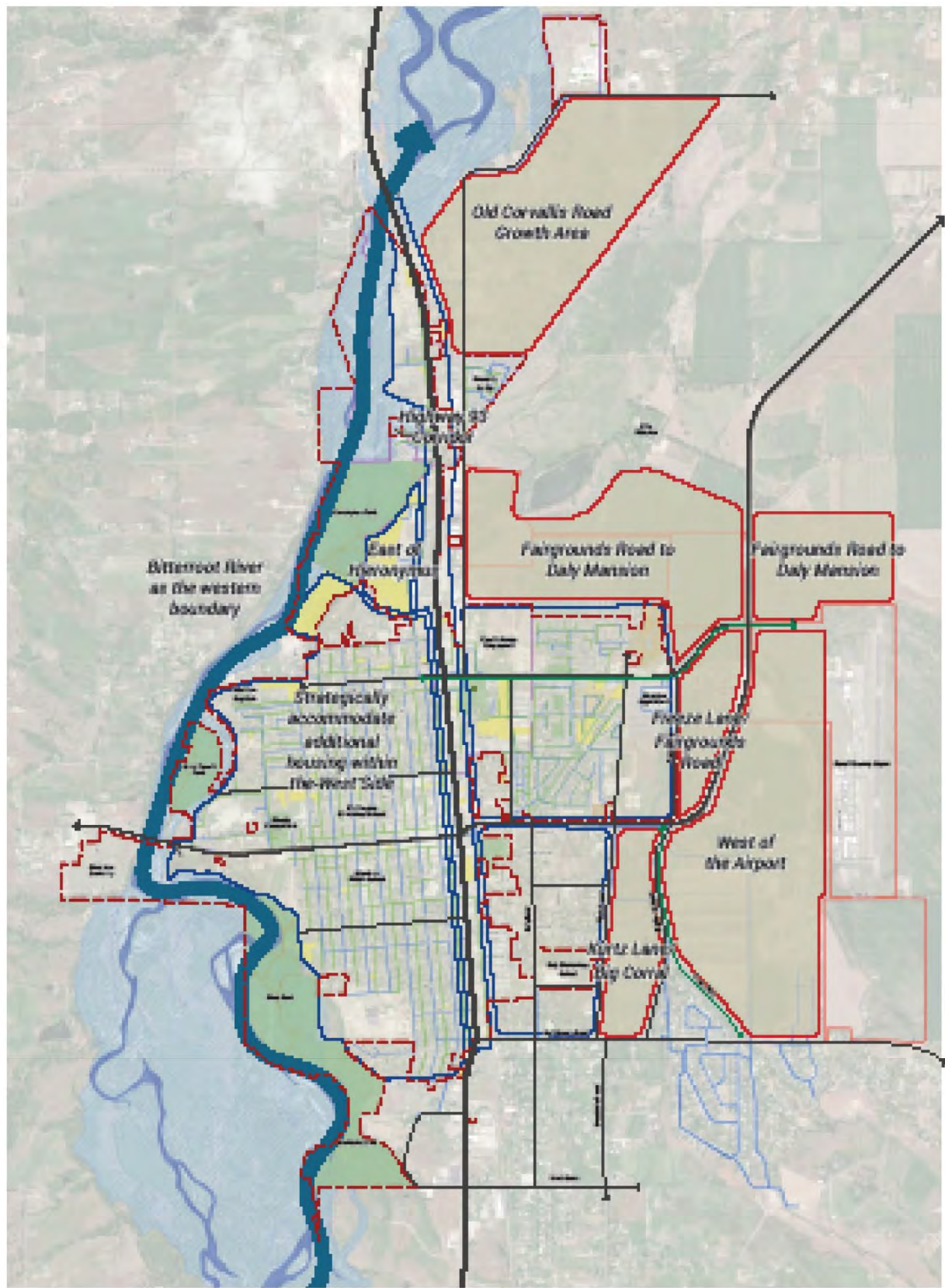
Bitterroot River as the western boundary. Throughout the plan's development the Hamilton community expressed broad support in using the Bitterroot River and its associated floodplain area as the western boundary for the city. Aside from the existing Riverview Cemetery, future development within this planning horizon is not anticipated to cross the river corridor, due to environmental and infrastructure constraints and costs.

Strategically accommodate additional housing within the West Side. Through the public engagement process community members identified a common strategy in prioritizing redevelopment of areas within the existing city. As these areas redevelop, they are anticipated to include a wider range of housing types, including single-family homes, ADUs, townhomes, and apartments with higher densities near downtown and Highway 93 and along primary transportation corridors. This type of redevelopment and infill should prioritize scale and form of development to ensure that it aligns with surrounding neighborhoods.

- **East of Hieronymus.** This area has the potential to accommodate higher density infill development and benefits from being close to open space, is centrally located and close to services. In order for development to occur, infrastructure needs to be extended including water, sewer, and streets.

Anticipated growth east of Highway 93. Most new residential and commercial development is anticipated east of Highway 93. Small scale infill opportunities exist along and south of Marcus Street but will require additional connectivity and extension of city services. Larger-scale areas for neighborhood expansion are outlined below. Any potential extension of city boundaries in this area are anticipated to be driven by requests for annexation from landowners.

- **Kurtz Lane/Big Corral.** The area along Kurtz Lane, between Marcus Street and Golf Course Road consists of larger parcels that could be developed into housing near Daly Elementary, with extension of city water and sewer.
- **Freeze Lane/Fairgrounds Road.** This area could allow for additional neighborhoods in close proximity to Hamilton High School and capitalize on an improved Fairgrounds Road realignment to the East Side Highway.
- **Fairgrounds Road to Daly Mansion.** Development within this area could capitalize on expected road and sewer extensions from Old Corvallis Road east to the Ravalli County Airport and could accommodate additional neighborhoods and commercial areas in support of planned and future employment uses within the Ravalli County Targeted Economic Development District (TEDD). These areas could also capitalize on the agricultural history of the city and provide views of and connections to the Daly Mansion.
- **Old Corvallis Road.** With improved roadway connections, this area could capitalize on direct access to Highway 93 and commercial uses along Highway 93 and Old Corvallis Road, as well as non-motorized connections to GlaxoSmithKline and other large employers in Hamilton. Coordination with the railroad, Ravalli County, and landowners will be critical for improving transportation access and connectivity and extending city water and sewer. Key to this area will be the preservation and potential expansion of existing agricultural operations in the area.
- **West of the Airport.** Sandwiched between the Ravalli County Airport and Eastside Highway lies land that could include light industrial/manufacturing and opportunities for workforce housing compatible with surrounding commercial and airport-related uses, building off expansion of the airport and anticipated sewer extensions.



Map 11. Anticipated Growth Areas

Future Land Use Map

What Is It?

The future land use map (Map 12) visually illustrates the goals and policies of the Comprehensive Plan and serves as a guide for growth and development within and adjacent to the city. The map assists in planning for future improvements for parks and recreation, economic development, utility extensions, and transportation connectivity. It is intended to be used by the city to help analyze development submittals, annexations, initial zoning and rezoning applications, and identify capital improvements needed as part of continued growth and development.

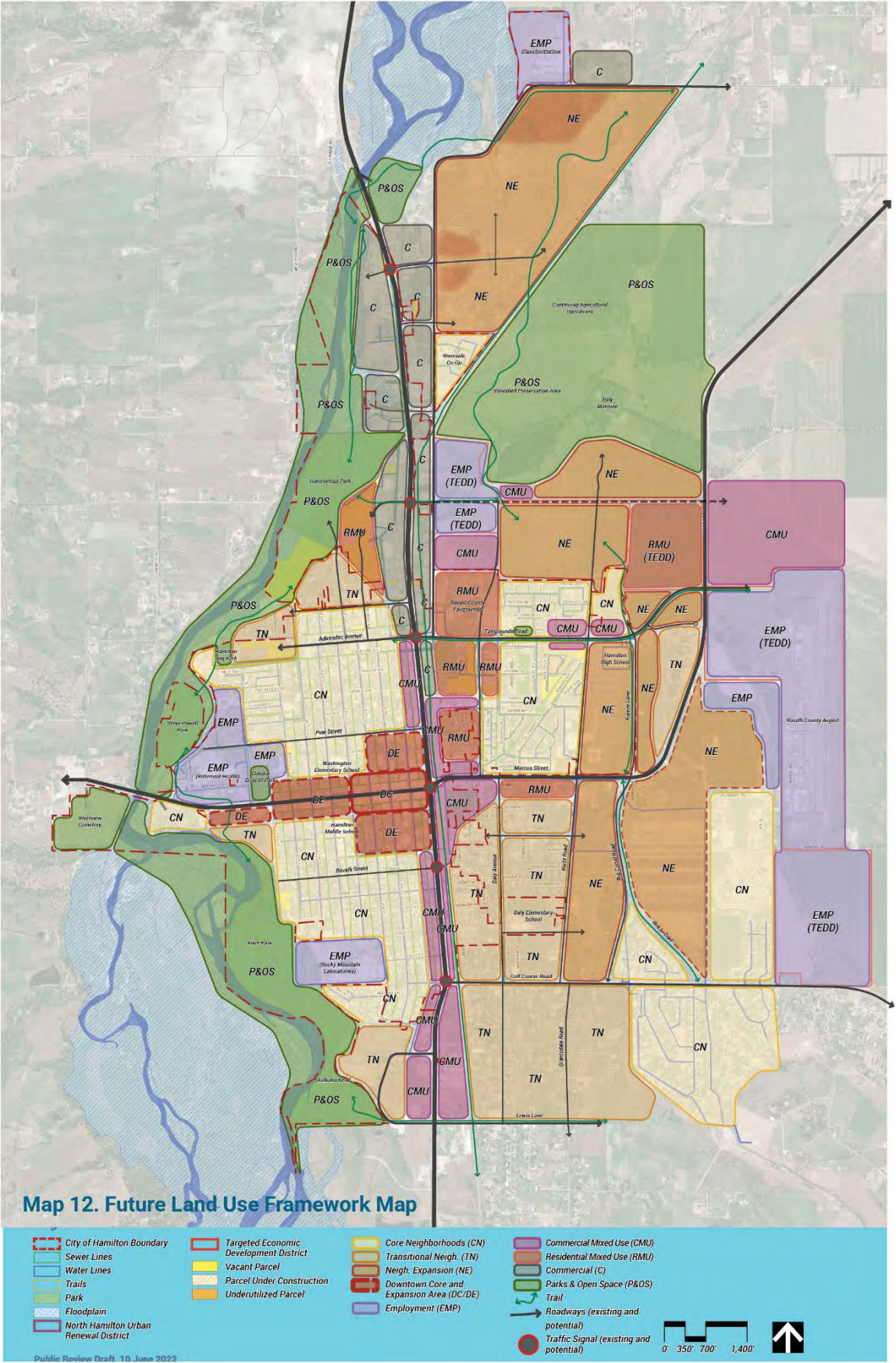
Relationship with Development Review

While the future land use map is not regulatory, it does provide guidance for updates to both the zoning text and map as well as in reviewing proposed annexations and subdivisions. Any proposed zoning amendments are a legislative action and will require separate public review and public hearing. Any proposed subdivisions, annexations, or zoning amendments should comply with the adopted future land use map and the goals and policies within this Plan.

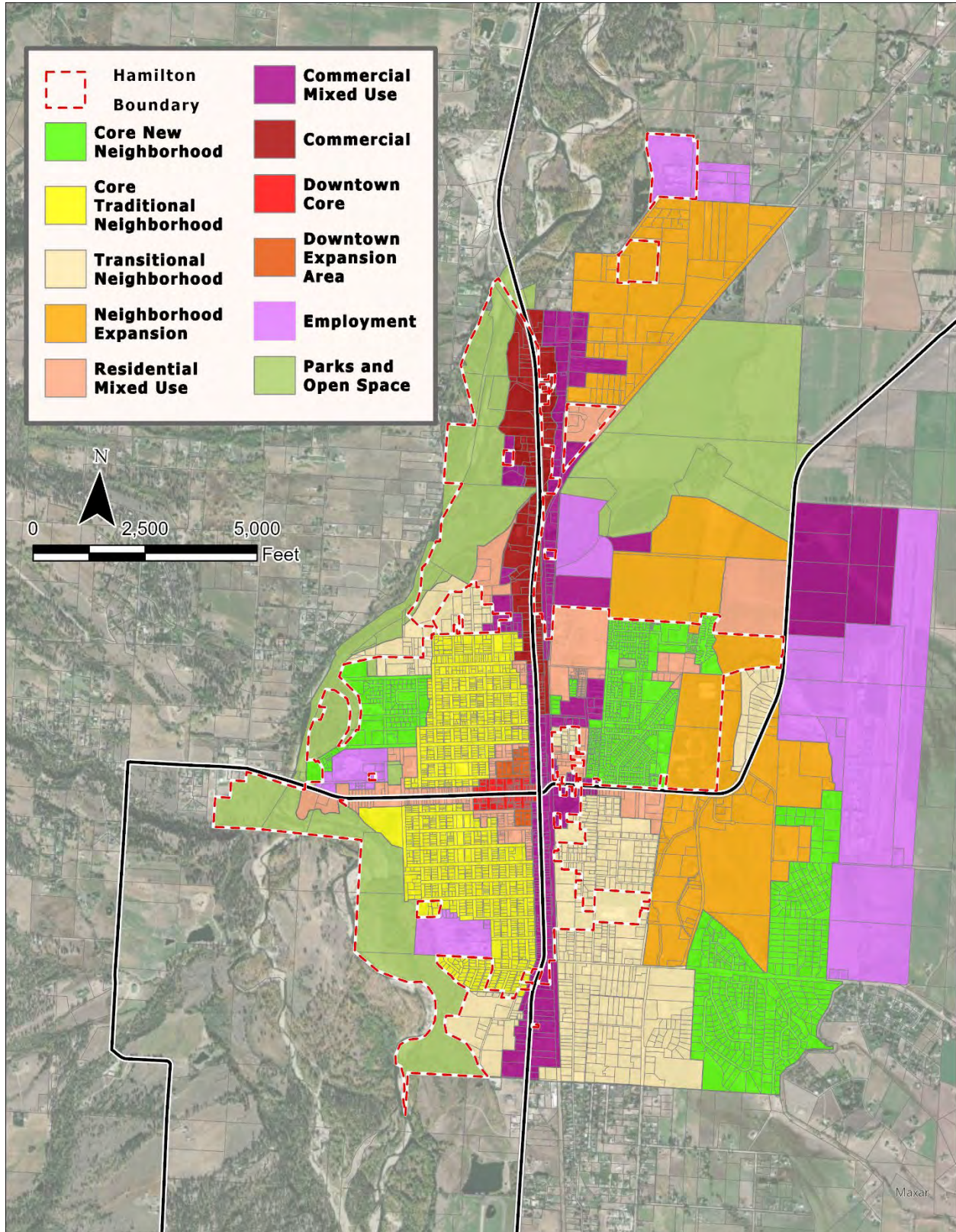
Key goals of the future land use map and associated land use categories are:

1. Move toward inclusion of a greater mix of housing options, including townhomes, apartments, duplexes, etc.
2. Strategically infill and redevelop neighborhoods, within and immediately adjacent to the city limits, to provide a compatible range of housing types and attainable price points.
3. Provide higher density housing near existing community amenities and transportation corridors, including downtown, Hamilton High School, parks, and commercial areas.
4. Locate new neighborhoods adjacent to or within close proximity to existing city infrastructure, including streets, parks and trails, schools, and utilities (water and sewer).
5. Investigate areas adjacent to the existing city boundary that are not currently served by city utilities and define a strategy for utility connection.
6. Allow for continued development of Accessory Dwelling Units (ADUs) throughout new and existing neighborhoods to help mitigate housing supply issues.
7. Integrate differing housing types more seamlessly and avoid segregating multi-family developments from single-family neighborhoods.

Current Future Land Use Map



Proposed Future Land Use Map Update



Land Use Designations

Overview

Future land use designations work in tandem with the future land use map. These designations are not regulatory but can be implemented by one or more zoning designations. Each category identified on the future land use map is detailed on the following pages, each providing an overview of appropriate development and redevelopment

opportunities for housing, commercial, employment, recreation, civic, and other uses. The future land use designations have been developed with community input as part of this process, specifically through the character of imagery provided, and with the goal to implement the overall vision and themes of Hamilton's Comprehensive Plan.

Each future land use designation includes a list of the zoning districts which implement that future land use designation. It is anticipated that when Hamilton's zoning regulations are updated this section of the plan will be updated to reflect and new and/or altered zoning districts.

Core Traditional Neighborhoods (CTN)

- **General Description.** Existing, older, neighborhoods west of Highway 93, with traditional neighborhood development patterns characterized by a well-connected street network, blocks with alleys, walkable streets, and a diversity of housing types. Core traditional neighborhoods will remain intact with compatible infill to support housing needs.
 - o Overall density of these neighborhoods will stay relatively constant, with an increase as infill and redevelopment occur.
- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, townhouses, duplex to fourplex, cottage courts, and ADUs.
- **Secondary Uses.** Civic spaces, parks & playgrounds, and public spaces.
- **Streets/Connections.** Continued enhancements to streetscape, including repair & maintenance of existing streets, filling in gaps in sidewalk network, and multi-modal improvements to key transportation corridors.
- **Implementing Zoning Districts.** Traditional Neighborhood District (R-1) and Public and Institutional (PI).

Core New Neighborhoods (CNN)

- **General Description.** Existing, newer, neighborhoods primarily east of Highway 93 with distinct pockets on Hamilton's west side. These neighborhoods generally developed post-1960 to present, are largely built out, and are characterized by a mix of large and small lot single-family home development with intermittent multi-family, condominium, and townhouse development.
 - o Overall density of core new neighborhoods will stay relatively constant, with an increase as

infill and redevelopment occur.

- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, townhouses, duplex to sixplex, cottage courts, apartments/condominiums, and ADUs.
- **Secondary Uses.** Civic spaces, parks & playgrounds, and public spaces.
- **Streets/Connections.** Continued enhancements to streetscape, including sidewalk extensions, connections between the off-street paths and on-street non-motorized network, street extensions to , multi-modal improvements to key transportation corridors.

Implementing Zoning Districts. Traditional Neighborhood District (R-1), Medium Density Residential District (R-2), High Density Residential District (R-3), Planned Unit Development (PUD), and Public and Institutional District (PI).

Transitional Neighborhoods (TN)

- **General Description.** Existing neighborhoods, characterized by large lot single-family home development , that are expected to grow as annexations occur, infrastructure improvements are planned and made, and existing larger lots are developed.
 - o Continued compatible infill of vacant lots, and redevelopment of larger parcels.
 - o Overall density of these neighborhoods will likely increase as infill and redevelopment occurs.
- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, townhouses, duplex to sixplex, apartments/condominiums, cottage courts, and ADUs.
- **Secondary Uses.** Civic space, parks & playgrounds, and public spaces.
- **Streets/Connections.** Additional roadway connections should be accommodated as new development/ redevelopment is approved, overall improving inter-connectivity. Large-scale improvements to streets (including Daly and Kurtz) will be needed as growth occurs.
- **Implementing Zoning Districts.** Traditional Neighborhood District (R-1), Medium Density Residential District (R-2), High Density Residential District (R-3), Mobile Home Park Residential District (MHP), Planned Unit Development (PUD), and Public and Institutional District (PI).

Neighborhood Expansion (NE)

- **General Description.** Areas characterized by large lots (~3 – 100+ acres) intended for new neighborhoods, accommodating an integrated mix of housing types with residential supportive commercial uses.
 - o Varying residential densities with a mix of single-family and multi-family housing options. Higher residential densities are encouraged but not required. Large areas of any single housing type are discouraged.
 - o Park and trail connections and small-scale commercial areas should be integrated into

neighborhood design.

- o Ongoing agricultural transition and the right-to-farm should be considered for new neighborhoods.
- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, townhouses, duplex to sixplex, apartments/condominiums, cottage courts, and ADUs.
- **Secondary Uses.** Civic space, parks & playgrounds, public spaces, and small-scale commercial.
- **Streets/Connections.** Roadway connections should be identified through the area and right-of-way preserved prior to/as development occurs to ensure connectivity; intersection densities should be similar to Core Traditional Neighborhoods; incorporate off-street trails and greenways throughout.
- **Implementing Zoning Districts.** Traditional Neighborhood District (R-1), Medium Density Residential District (R-2), High Density Residential District (R-3), Neighborhood Business District (B), Planned Unit Development (PUD), and Public and Institutional District (PI).

Downtown Core (DC) and Downtown Expansion (DE)

- **General Description.** The Downtown Core includes Hamilton's Historic Downtown along Main Street between Highway 93 and 5th Street. The Downtown Expansion area includes areas north and south of the Downtown Core with development patterns similar to downtown. These land use categories are intended to preserve the historic development pattern of the downtown core, while allowing for incremental expansion downtown complimentary land uses, including higher density housing and commercial uses adjacent to the downtown core.
- **Uses.** Ground-level retail, restaurant, and entertainment uses, with space for office and residential in upper stories.
 - o Focused infill and redevelopment to incorporate additional housing.
 - o Apartments and condominiums, limited to upper stories along Main Street between Highway 93 and 5th Street.
 - o Potential for standalone residential buildings within the expansion areas.
 - o Transition along West Main Street from residential uses to commercial/office spaces.
- **Streets/Connections.** Multimodal streetscape improvements and landscaping along Main Street, with enhancements along perpendicular streets (including flexible space for gathering spaces, markets, etc.).
 - o Highway 93/Main Street/Marcus Street roadway improvements, and continued bike/pedestrian improvements along Marcus Street.
 - o Parking accommodated through a range of on-street and alley-loaded parking facilities, small surface lots, and improved wayfinding to parking areas. Street-facing, off-street parking lots are discouraged.

- **Implementing Zoning Districts.**
 - o Downtown Core: Central Business District (CBD) and Public and Institutional District (PI).
 - o Downtown Expansion: Central Business District (CBD), Local Business District (B-1), and Public and Institutional District (PI).

Employment (EMP)

- **General Description.** Areas for continued employment expansion, which builds upon the existing biotech industry; employment sites are generally 5 acres and larger. Coordination with Ravalli County will be needed to ensure alignment with the County's Targeted Economic Development District (TEDD).
- **Uses.** Biotech technology, research and development, industrial and manufacturing, and associated buildings, site amenities, etc. (e.g., RML, GSK)
 - o A mix of higher-density housing and supporting commercial are encouraged adjacent to these employment areas
- **Streets/Connections.** Sites should be located with convenient access to Highway 93, Old Corvallis Road, and/ or East Side Highway; additional sites should accommodate road improvements and connections to the facilities.
 - o Pedestrian connections and green space are provided, which offer connections to non-motorized networks and visual relief and natural protection from adjacent uses.
 - o Off-street connections are provided between these facilities and the city-wide trail network.
- **Implementing Zoning Districts.** Commercial & Manufacturing District (CM), Manufacturing & Industrial District (MI), Professional Services Business District (PS), and Public and Institutional District (PI).

Residential Mixed Use (RMU) and Commercial Mixed Use (CMU)

- **General Description.** Strategic infill and development of areas which can accommodate additional housing and a mix of commercial uses. Residential mixed use areas are intended to have a higher proportion of residential with the option for 100% residential in higher density developments. Commercial mixed use areas are intended to allow for a greater variety of commercial uses (including employment generators) while still allowing for a significant residential component in higher density developments.
- **Uses.** A mix of retail, office, and residential uses; with a preference for vertical mixed use.
- **Streets/Connections.** Additional street connectivity to be accommodated at a smaller scale, by providing bike/ pedestrian access to residential areas located between commercial areas and the Bitterroot River.

- o East side areas will need street connectivity with intersection densities similar to west side neighborhoods. Non-motorized connectivity will be provided through pedestrian and bicycle facilities within public street rights-of-way as well as through a connected network of separated paths. West side areas will need to connect to the existing local street network.
- o Implementation of Hamilton's Access Control Plan will take place as development occurs to improve safety and mobility on Highway 93. Opportunities for access management should be addressed concurrent with development.
- o Additional roadway connections should be provided between Highway 93 and Old Corvallis Road.
- **Implementing Zoning Districts.**
 - o Residential Mixed Use: Neighborhood Business District (B), High Density Residential District (R-3), Planned Unit Development (PUD), and Public and Institutional District (PI).
 - o Commercial Mixed Use: Local Business District (B-1), Commercial & Manufacturing District (CM), and Public and Institutional District (PI);
 - Only along Highway 93: Highway Business District (B-2).

Commercial (C)

- **General Description.** Areas along north Highway 93 to remain primarily highway commercial with options for residential on upper floors or behind principal buildings.
- **Uses.** Buildings for commercial use, similar to the existing condition along north Highway 93 that includes retail, commercial, restaurants, drive-through restaurants, offices, and flex spaces.
- **Streets/Connections.**
 - o In coordination with MDT, implement Hamilton's Access Control Plan and consider additional access management improvements along Highway 93.
 - o The East side area could benefit from a trail system along or adjacent to the railway or improved north-south connections.
 - o Additional roadway connections should be provided between Highway 93 and Old Corvallis Road.
- **Implementing Zoning Districts.** Highway Business District (B-2) and Public and Institutional District (PI).

Parks and Open Space (P&OS)

- **General Description.** A range of parks, open space, and agricultural areas.
 - o Focus on providing access throughout the community and enhancing access on the east side of Hamilton.
 - o Focus on connections and providing better access to and between the series of River parks

(e.g., Hieronymus Park, Steve Powell Park, River Park, and Skalkaho Bend).

- o Work with property owners along the Bitterroot River to identify connection opportunities.
 - o Expand the Robert Anthony Leonardi (R.A.L.) Trail across Marcus Street, past Hamilton High School, and into the new Neighborhood Expansion areas.
 - o Provide a mix of open space and active recreational areas on the East side of Hamilton.
- **Uses.** Outdoor recreation, natural open space, agriculture, trails, pocket parks, playgrounds, sports fields, picnicking areas, community gardens, and water access.
 - o Parks should offer year-round recreational options for all ages and abilities.
 - o Include linear pathways and connections between neighborhoods and open space areas.
 - o Areas of open space provide passive recreation opportunities on areas primarily along the Bitterroot River but could be expanded on the east side of the city to include non-irrigated lands that support the preservation of sensitive areas and large- and small-scale agricultural operations.
 - o These areas are intended to support the community with non-motorized transportation connections.
- **Implementing Zoning Districts.** Planned Unit Development (PUD) and Public and Institutional District (PI)



5 / Land Use Framework

City of Hamilton Comprehensive Plan Proposed Amendments – September 2025 (Track Changes Copy)

Current Land Use Pattern

Hamilton's current land use pattern (Map 10) can be generally defined by four geographical areas:

- **West Side.** The West Side generally consists of downtown and the residential neighborhoods between Highway 93 and the Bitterroot River. This area has a well-connected transportation network on a 380' by 380' street grid. Residential neighborhoods, while seeing some redevelopment and infill, specifically on the north side, are relatively stable. Civic uses, including Hamilton Middle School, Bitterroot College, parks, city and county facilities, and the Bitterroot Public Library. Large employers include Bitterroot Health and Rocky Mountain Laboratory. Four parks (Hieronymus, Steve Powell, River, and Skalkaho Bend) serve as a transition between developed areas and the Bitterroot River. The entire West Side is served by city water and sewer infrastructure, aside from small, scattered parcels at the southern edge of the city boundary, and at northwest areas along the river.

- **East of Highway 93 and South of Marcus Street.** This area consists of a range of residential neighborhoods, varying in both age, housing type, and acreage. This area is characterized by older subdivisions (pre-1976), including mobile home parks, ½- to 1-acre residential lots, with interspersed larger undeveloped lots. North-south connectivity is provided through Daly Avenue, Kurtz Lane, and Big Corral Road. East-west connectivity is limited to Golf Course Road with few east-west streets, creating a disconnected transportation network. Much of the area is not within the existing city boundary and is not served by city sewer, while a few residential areas are served by city water. Institutional uses include Daly Elementary School and the Vester Wilson Athletic Complex, a city park.
- **East of Highway 93 and North of Marcus Street.** This area is home to Hamilton's newer developments including a mix of single-family neighborhoods and multi-family complexes. The Hamilton High School is also located in this area along with Ravalli County Fairgrounds and the Ravalli County Road Department. This area has a well-connected transportation network with most developed areas served by city water and sewer. This area includes Old Corvallis Road.
- **Highway 93.** The Highway 93 corridor bisects on a north-south axis and accommodates the majority of the city's retail and offices uses outside of downtown. Nearly all the west side street network connects into Highway 93, with signalized intersections at Fairgrounds Road, Pine Street, Main Street/Marcus Street, Ravalli Street and Golf Course Road. The railroad runs north-south along the east side of the highway, limiting connectivity to neighborhoods and commercial areas east of Highway 93.

Anticipated Growth

Through initial community outreach efforts, anticipated growth areas (Map 11) and the city's approach to growth were preliminarily identified and then refined through public land use workshops. The growth areas, and the city's general approach to growth, defined below align with the plan's three guiding themes.

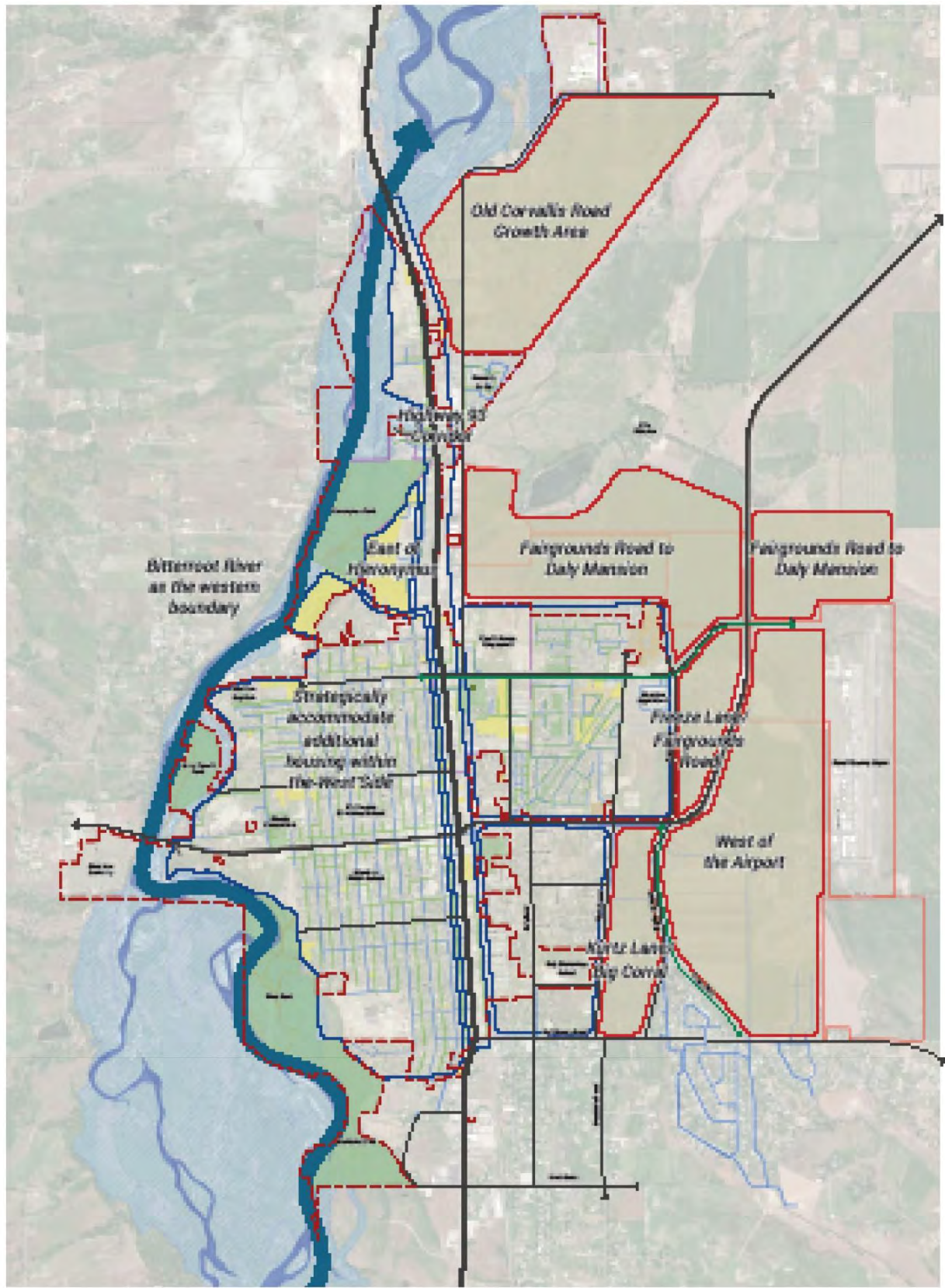
Bitterroot River as the western boundary. Throughout the plan's development the Hamilton community expressed broad support in using the Bitterroot River and its associated floodplain area as the western boundary for the city. Aside from the existing Riverview Cemetery, future development within this planning horizon is not anticipated to cross the river corridor, due to environmental and infrastructure constraints and costs.

Strategically accommodate additional housing within the West Side. Through the public engagement process community members identified a common strategy in prioritizing redevelopment of areas within the existing city. As these areas redevelop, they are anticipated to include a wider range of housing types, including single-family homes, ADUs, townhomes, and apartments with higher densities near downtown and Highway 93 and along primary transportation corridors. This type of redevelopment and infill should prioritize scale and form of development to ensure that it aligns with surrounding neighborhoods.

- **East of Hieronymus.** This area has the potential to accommodate higher density infill development and benefits from being close to open space, is centrally located and close to services. In order for development to occur, infrastructure needs to be extended including water, sewer, and streets.

Anticipated growth east of Highway 93. Most new residential and commercial development is anticipated east of Highway 93. Small scale infill opportunities exist along and south of Marcus Street but will require additional connectivity and extension of city services. Larger-scale areas for neighborhood expansion are outlined below. Any potential extension of city boundaries in this area are anticipated to be driven by requests for annexation from landowners.

- **Kurtz Lane/Big Corral.** The area along Kurtz Lane, between Marcus Street and Golf Course Road consists of larger parcels that could be developed into housing near Daly Elementary, with extension of city water and sewer.
- **Freeze Lane/Fairgrounds Road.** This area could allow for additional neighborhoods in close proximity to Hamilton High School and capitalize on an improved Fairgrounds Road realignment to the East Side Highway.
- **Fairgrounds Road to Daly Mansion.** Development within this area could capitalize on expected road and sewer extensions from Old Corvallis Road east to the Ravalli County Airport and could accommodate additional neighborhoods and commercial areas in support of planned and future employment uses within the Ravalli County Targeted Economic Development District (TEDD). These areas could also capitalize on the agricultural history of the city and provide views of and connections to the Daly Mansion.
- **Old Corvallis Road.** With improved roadway connections, this area could capitalize on direct access to Highway 93 and commercial uses along Highway 93 and Old Corvallis Road, as well as non-motorized connections to GlaxoSmithKline and other large employers in Hamilton. Coordination with the railroad, Ravalli County, and landowners will be critical for improving transportation access and connectivity and extending city water and sewer. Key to this area will be the preservation and potential expansion of existing agricultural operations in the area.
- **West of the Airport.** Sandwiched between the Ravalli County Airport and Eastside Highway lies land that could include light industrial/manufacturing and opportunities for workforce housing compatible with surrounding commercial and airport-related uses, building off expansion of the airport and anticipated sewer extensions.



Map 11. Anticipated Growth Areas

Future Land Use Map

What Is It?

The future land use map (Map 12) visually illustrates the goals and policies of the Comprehensive Plan and serves as a guide for growth and development within and adjacent to the city. The map assists in planning for future improvements for parks and recreation, economic development, utility extensions, and transportation connectivity. It is intended to be used by the city to help analyze development submittals, annexations, initial zoning and rezoning applications, and identify capital improvements needed as part of continued growth and development.

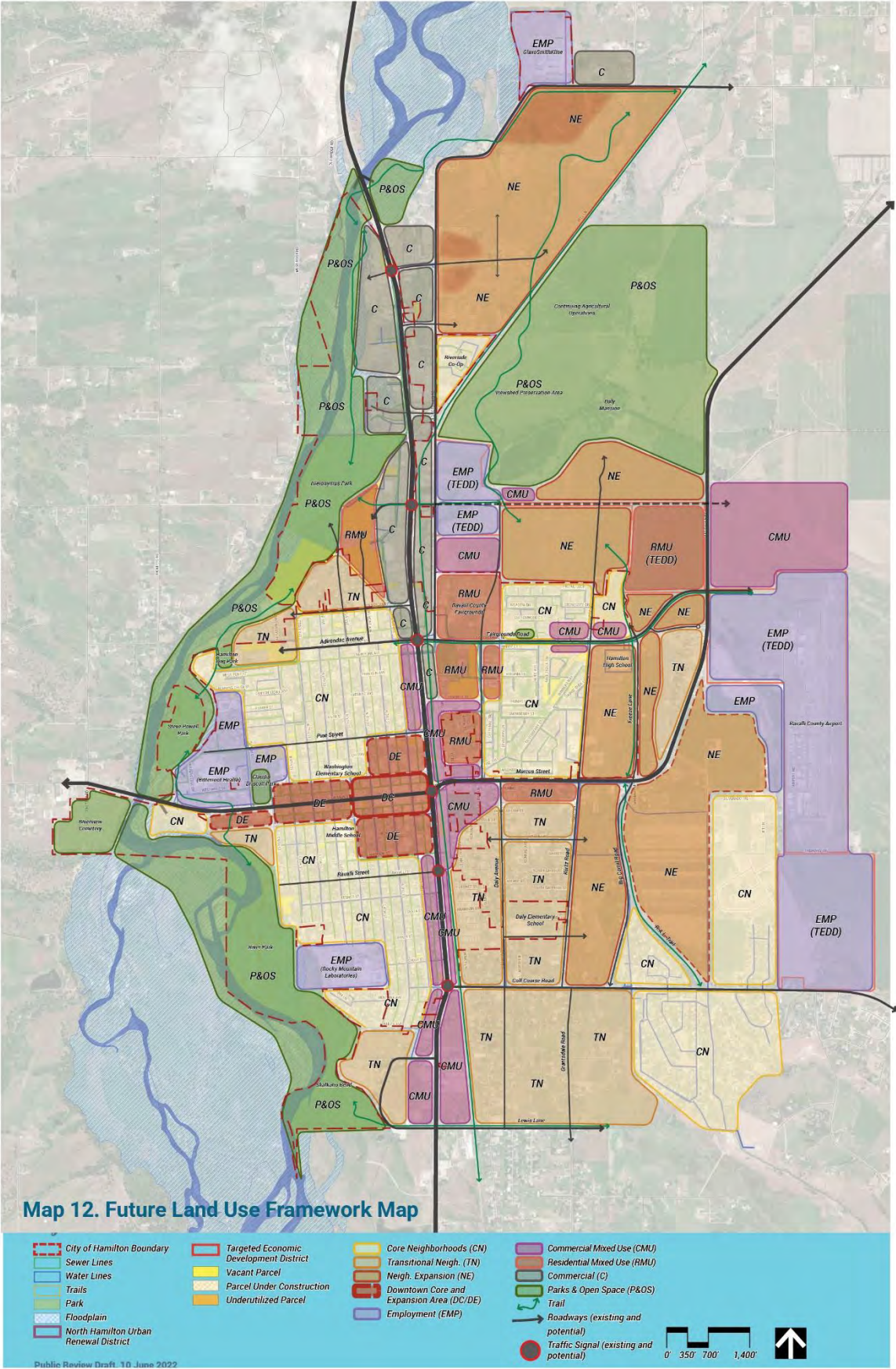
Relationship with Development Review

While the future land use map is not regulatory, it does provide guidance for updates to both the zoning text and map as well as in reviewing proposed annexations and subdivisions. Any proposed zoning amendments are a legislative action and will require separate public review and public hearing. Any proposed subdivisions, annexations, or zoning amendments should comply with the adopted future land use map and the goals and policies within this Plan.

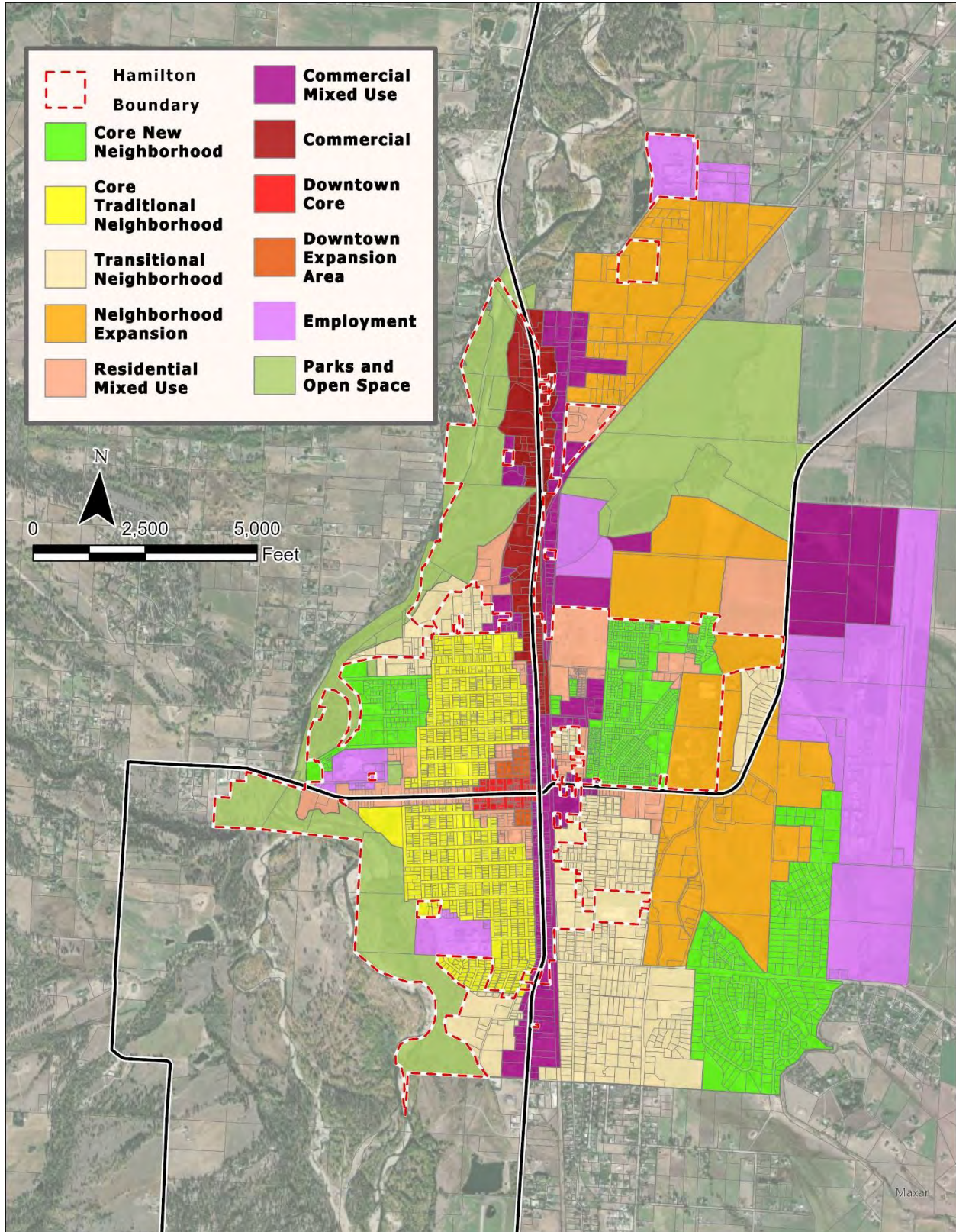
Key goals of the future land use map and associated land use categories are:

1. Move toward inclusion of a greater mix of housing options, including townhomes, apartments, duplexes, etc.
2. Strategically infill and redevelop neighborhoods, within and immediately adjacent to the city limits, to provide a compatible range of housing types and attainable price points.
3. Provide higher density housing near existing community amenities and transportation corridors, including downtown, Hamilton High School, parks, and commercial areas.
4. Locate new neighborhoods adjacent to or within close proximity to existing city infrastructure, including streets, parks and trails, schools, and utilities (water and sewer).
5. Investigate areas adjacent to the existing city boundary that are not currently served by city utilities and define a strategy for utility connection.
6. Allow for continued development of Accessory Dwelling Units (ADUs) throughout new and existing neighborhoods to help mitigate housing supply issues.
7. Integrate differing housing types more seamlessly and avoid segregating multi-family developments from single-family neighborhoods.

Current Future Land Use Map



Proposed Future Land Use Map Update



Land Use Designations

Overview

Future land use designations work in tandem with the future land use map. These designations are not regulatory but can be implemented by one or more zoning designations. Each category identified on the future land use map is detailed on the following pages, each providing an overview of appropriate development and redevelopment

opportunities for housing, commercial, employment, recreation, civic, and other uses. The future land use designations have been developed with community input as part of this process, specifically through the character of imagery provided, and with the goal to implement the overall vision and themes of Hamilton's Comprehensive Plan.

Each future land use designation includes a list of the zoning districts which implement that future land use designation. It is anticipated that when Hamilton's zoning regulations are updated this section of the plan will be updated to reflect and new and/or altered zoning districts.

Core Traditional Neighborhoods ~~-(C)NCTN~~

- **General Description.** Existing, ~~older,~~ neighborhoods west of Highway 93, with traditional neighborhood development patterns characterized by a well-connected street network, blocks with alleys, walkable streets, and a diversity of housing types. ~~that~~ Core traditional neighborhoods will remain intact with compatible infill ~~of existing vacant and underutilized lots, and development of ADUs~~ to support housing needs.
 - Overall density of these neighborhoods will stay relatively constant, with an increase as infill and redevelopment occur.
- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, townhouses, duplex to fourplex, cottage courts, ~~apartments/condominiums~~, and ADUs.
- **Secondary Uses.** Civic spaces, ~~and gathering areas, small-scale parks & /playgrounds, and public spaces. small neighborhood commercial areas (i.e., corner stores).~~
- **Streets/Connections.** Continued enhancements to streetscape, including repair & maintenance of existing streets, filling in gaps in sidewalk network, and multi-modal improvements to key transportation corridor~~sidewalk extensions; connections between the off-street paths and on-street non-motorized network.~~
- **Implementing Zoning Districts.** ~~Single-Family Residential~~ Traditional Neighborhood District (R-1) S, ~~Multiple-Family Residential (RM), Residential High Density (RH), and~~ Public and Institutional (PI).

Core New Neighborhoods (CNN)

- **General Description.** Existing, newer, neighborhoods primarily east of Highway 93 with distinct pockets on Hamilton's west side. These neighborhoods generally developed post-1960 to present,

are largely built out, and are characterized by a mix of large and small lot single-family home development with intermittent multi-family, condominium, and townhouse development.

- Overall density of core new neighborhoods will stay relatively constant, with an increase as infill and redevelopment occur.
- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, townhouses, duplex to sixplex, cottage courts, apartments/condominiums, and ADUs.
- **Secondary Uses.** Civic spaces, parks & playgrounds, and public spaces.
- **Streets/Connections.** Continued enhancements to streetscape, including sidewalk extensions, connections between the off-street paths and on-street non-motorized network, street extensions to , multi-modal improvements to key transportation corridors.

Implementing Zoning Districts. Traditional Neighborhood District (R-1), Medium Density Residential District (R-2), High Density Residential District (R-3), Planned Unit Development (PUD), and Public and Institutional District (PI).

Transitional Neighborhoods (TN)

- **General Description.** Existing neighborhoods, characterized by large lot single-family home development, -that are expected to grow as annexations occur, infrastructure improvements are planned and made, and existing larger lots are developed.
 - Continued compatible infill of vacant lots, and redevelopment of larger parcels.
 - Overall density of these neighborhoods will likely increase as infill and redevelopment occurs.
- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, townhouses, duplex to ~~four~~sixplex, apartments/condominiums, cottage courts, and ADUs.
- **Secondary Uses.** Civic space, parks & -and gathering areas; parks, courts, fields, and playgrounds, and public spaces; small neighborhood commercial areas (i.e., corner stores).
- **Streets/Connections.** Additional roadway connections should be accommodated as new development/ redevelopment is approved, overall improving inter-connectivity. Large-scale improvements to streets (including Daly and Kurtz) will be needed as growth occurs.
- **Implementing Zoning Districts.** Traditional Neighborhood District (R-1), Medium Density Residential District (R-2), High Density Residential District (R-3), Mobile Home Park Residential District (MHP), Planned Unit Development (PUD)Single-Family Residential (RS), Multiple-Family Residential (RM), Residential High-Density (RH), and Public and Institutional District (PI).

Neighborhood Expansion (NE)

- **General Description.** Areas characterized by large lots (~3 – 100+ acres) intended for Nnew neighborhoodss areas, accommodating an integrated mix of housing types with residential supportive

~~commercial uses, including single-family detached, single-family attached, apartments and condominiums, cottage courts, and ADUs.~~

- Varying residential densities with a mix of single-family and multi-family housing options. Higher residential densities are encouraged but not required. Large areas of any single housing type are discouraged.
- Park and trail connections and small-scale commercial areas should be integrated into neighborhood design.
- Ongoing agricultural transition and the right-to-farm should be considered for new neighborhoods.
- **Primary Uses.** A mix of housing types, including single-family detached, single-family attached, ~~townhouses~~, duplex to ~~four~~sixplex, apartments/condominiums, ~~cottage courts~~, and ADUs.
- **Secondary Uses.** ~~Civic space, parks & playgrounds, public spaces, Park space~~ and small-scale commercial.
- **Streets/Connections.** Roadway connections should be identified through the area and right-of-way preserved prior to/as development occurs to ensure connectivity; intersection densities should be similar to ~~the West Side~~ Core ~~Traditional~~ Neighborhoods; incorporate off-street trails and greenways throughout.
- **Implementing Zoning Districts.** ~~Traditional Neighborhood District (R-1), Medium Density Residential District (R-2), High Density Residential District (R-3)~~Single-Family Residential (RS), Multiple-Family Residential (RM), Residential High-Density (RH), ~~Transitional~~Neighborhood Business ~~District~~ (B), Planned Unit Development ~~Overlay~~ (PUDOD), and Public and Institutional ~~District~~ (PI).

~~*Downtown Core (DC) and Downtown Expansion (DE) Area (Main Street, West Main Street, and north/south to State Street) (DC and DE)*~~

- **General Description.** ~~The Downtown Core includes Hamilton's Historic Downtown along Main Street between Highway 93 and 5th Street. The Downtown Expansion area includes areas north and south of the Downtown Core with development patterns similar to downtown. These land use categories are intended to Ppreserve the historic development pattern of ation of the ddowntown core, while allowing for incremental expansion downtown complimentary land uses, including its existing buildings, and level of connectivity. . Expansion of higher density housing and commercial uses in and adjacent to the downtown core.~~
- **Uses.** Ground-level retail, restaurant, and entertainment uses, with space for office and residential in upper stories.
 - Focused infill and redevelopment to incorporate additional housing.
 - Apartments and condominiums, limited to upper stories along Main Street between Highway 93 and 5th Street.

- Potential for standalone residential buildings within the expansion areas.
- Transition along West Main Street from residential uses to commercial/office spaces.
- **Streets/Connections.** Multimodal streetscape improvements and landscaping along Main Street, with enhancements along perpendicular streets (including flexible space for gathering spaces, markets, etc.).
 - Highway 93/Main Street/Marcus Street roadway improvements, and continued bike/pedestrian improvements along Marcus Street.
 - Parking accommodated through a range of on-street and alley-loaded parking facilities, small surface lots, and improved wayfinding to parking areas. Street-facing, off-street parking lots are discouraged.
- **Implementing Zoning Districts.**
 - Downtown Core: Central Business District (CBD) ~~and~~ Public and Institutional District (PI).
 - Downtown Expansion: Central Business District (CBD), ~~Transitional Neighborhood Business (B)~~, Local Business District (B-1), ~~and~~ Public and Institutional District (PI).

Employment (EMP)

- **General Description.** Areas for continued employment expansion, which builds upon the existing biotech industry; employment sites are generally 20-5 acres and larger, ~~with large-format buildings for research and development surrounded by open space for employees; these are generally secured, gated facilities, with no public access on-site.~~ Coordination with Ravalli County will be needed to ensure alignment with the County's Targeted Economic Development District (TEDD) development.
- **Uses.** Biotech technology, research and development, industrial and manufacturing, and associated buildings, site amenities, etc. (e.g., RML, GSK)
 - A mix of higher-density housing and supporting commercial are encouraged adjacent to these employment areas
- **Streets/Connections.** Sites should be located with convenient access to Highway 93, Old Corvallis Road, and/ or East Side Highway; additional sites should accommodate road improvements and connections to the facilities.
 - Pedestrian connections and green space are provided, which offer connections to non-motorized networks and visual relief and natural protection from adjacent uses.
 - Off-street connections are provided between these facilities and the city-wide trail network.
- **Implementing Zoning Districts.** Commercial ~~or &~~ Manufacturing District (CM), Manufacturing ~~or &~~ Industrial District (MI), ~~Local Business (B-1)~~, Professional Services Business District (PS), ~~and~~ Public and Institutional District (PI).

~~Mixed Use (Residential Mixed Use (RMU) and Commercial) Mixed Use (CMU)~~ ~~(RMU and CMU)~~

- **General Description.** Strategic infill and development of areas which can accommodate additional housing and a mix of commercial uses. Residential mixed use areas are intended to have a higher proportion of residential with the option for 100% residential in higher density developments. Commercial mixed use areas are intended to allow for a greater variety of commercial uses (including employment generators) while still allowing for a significant residential component in higher density developments.
- **Uses.** A mix of retail, office, and residential uses; with a preference for vertical mixed use.
 - ~~Areas along Highway 93 will generally have more commercially oriented uses with residential and/or offices on upper stories or behind main buildings, coupled with access management enhancements.~~
 - ~~West side areas not fronting Highway 93 will likely have a more residential focus. East side areas not fronting Highway 93 will likely be predominantly residential with options for neighborhood commercial and employment generators that are compatible with surrounding land uses.~~
- **Streets/Connections.** Additional street connectivity to be accommodated at a smaller scale, by providing bike/ pedestrian access to residential areas located between commercial areas and the Bitterroot River.
 - East side areas will need street connectivity with intersection densities similar to west side neighborhoods. Non-motorized connectivity will be provided through pedestrian and bicycle facilities within public street rights-of-way as well as through a connected network of separated paths. West side areas will need to connect to the existing local street network.
 - Implementation of Hamilton's Access Control Plan will take place as development occurs to improve safety and mobility on Highway 93. Opportunities for access management should be addressed concurrent with development.
 - Additional roadway connections should be provided between Highway 93 and Old Corvallis Road.
- **Implementing Zoning Districts.**
 - Residential Mixed Use: ~~Transitional~~ Neighborhood Business District (B), ~~Local Business (B-1), High Density Residential District (R-3),~~ Planned Unit Development ~~Overlay~~ (PUDOD), and Public and Institutional District (PI);
 - Commercial Mixed Use: Local Business District (B-1), ~~Planned Unit Development Overlay (PUDOD), Commercial & Manufacturing District (CM), and~~ Public and Institutional District (PI);

- Only along Highway 93: Highway ~~Related~~ Business District (B-2).

Commercial (C)

- **General Description.** Areas along north ~~of Fairgrounds Road primarily along the east frontage of~~ Highway 93 to remain primarily highway commercial with options for residential on upper floors or behind main-principal buildings.
- **Uses.** Buildings for commercial use, similar to the existing condition along north Highway 93 ~~north of Fairgrounds Road~~ that includes retail, commercial, restaurants, drive-through restaurants, offices, and flex spaces.
- **Streets/Connections.**
 - In coordination with MDT, implement Hamilton's Access Control Plan and consider additional access management improvements along Highway 93.
 - The East side area could benefit from a trail system along or adjacent to the railway or improved north-south connections.
 - Additional roadway connections should be provided between Highway 93 and Old Corvallis Road.
- **Implementing Zoning Districts.** Highway ~~Related~~ Business District (B-2) and, Public and Institutional District (PI).

Parks and Open Space (P&OS)

- **General Description.** A ~~wide~~ range of parks, ~~and~~ open space, and agricultural areas. ~~through enhancement of existing parks and open space areas, and incorporation of additional space to expand recreational experience and programming options.~~
 - Focus on providing access throughout the community and enhancing access on the east side of Hamilton.
 - Focus on connections and providing better access to and between the series of River parks (e.g., Hieronymus Park, Steve Powell Park, River Park, and Skalkaho Bend).
 - Work with property owners along the Bitterroot River to identify connection opportunities.
 - Expand the Robert Anthony Leonardi (R.A.L.) Trail across Marcus Street, past Hamilton High School, and into the new Neighborhood Expansion areas.
 - Provide a mix of open space and active recreational areas on the East side of Hamilton.
- **Uses.** Outdoor recreation, natural open space, agriculture, trails, pocket parks, playgrounds, sports fields, picnicking areas, community gardens, and water access.
 - Parks should offer year-round recreational options for all ages and abilities.
 - Include linear pathways and connections between neighborhoods and open space areas.

- Areas of open space provide passive recreation opportunities on areas primarily along the Bitterroot River but could be expanded on the east side of the city to include non-irrigated lands that support the preservation of sensitive areas and large- and small-scale agricultural operations.
 - These areas are intended to support the community with non-motorized transportation connections.
- **Implementing Zoning Districts.** Planned Unit Development ~~Overlay~~ (PUD~~OD~~), and Public and Institutional District (PI)

Land Use Designation	Existing Implementing Districts	Proposed Implementing Districts
Core Neighborhood	RS, RM, RH	N/A
Core New Neighborhood	N/A	R-1, R-2, R-3, MHP, PUD
Core Traditional Neighborhood	N/A	R-1
Transitional Neighborhood	RS, RM, RH	R-1, R-2, R-3, MHP, PUD
Neighborhood Expansion	RS, RM, RH, B, PUD	R-1, R-2, R-3, B, PUD
Residential Mixed Use	B, B-1, PUD	B, R-3, PUD
Commercial Mixed Use	B-1, PUD, B-2	B-1, CM, B-2
Commercial	B-2	B-2
Downtown Core	CBD	CBD
Downtown Expansion	CBD, B, B-1	CBD, B-1
Employment	CM, MI, B-1, PS	CM, MI, PS
Parks and Open Space	PUD	PUD



City of Hamilton Planning Dept

223 South 2nd Street, Hamilton, MT 59840

(406) 363-2101

MINUTES OF THE CITY OF HAMILTON ZONING CODE UPDATE WORKING GROUP August 4, 2025

I. Call Meeting to Order: Vivan Yang called the meeting to order at 5:30

II. Roll Call of the Zoning Update Working Group

Zoning Commission members present: Karen Hughes, Nancy Valk, TJ Hansen, Jenny West, Vivian Yang

Zoning Commission members absent: Johannah Richards, Jessica Randazzo

Planning Board members present: Karen Hughes, Dan Mitchell, Marisa Neyenhuis, Chip Pigman, Dan Harmon

Planning Board members absent: Roger Gantz, Jeff Burrows,

Zoning Board of Adjustment members present: Vivian Yang, Paul Travitz,

Zoning Board of Adjustment members absent: Darwin Ernst, Roger Gantz, Sue Smith, Rick Franklin

City Staff present: Matthew Rohrbach, City Planner; Alyssa English, Planning Technician

III. Public Comment on Non-Agenda Items: None

IV. Old Business: None

V. New Business:

A. Phase II Zoning Update Discussion

- Future Land Use Map and Zoning Map Amendments
- Comprehensive Draft of Proposed Zoning Amendments
- Edits from June 9, 2025 Meeting
- Phase II Zoning Update Timeline

Mr. Rohrbach gave an overview of the current future land use map and how it is used as a guide for future development and growth in the City of Hamilton.

After showing our current zoning designation in the future land use map, Mr. Rohrbach showed the proposed future land use map which includes all the proposed changes to zoning designations.

Mr. Rohrbach showed a table that illustrated the proposed title changes to zoning designations and gave examples of what will or will not change within these proposed zoning designations.

Mr. Pigman asked why we show a land use designation of parks and open spaces as PUD designation. Mr. Rohrbach explained that the intent is that they would stay open spaces

because they are in a flood plain zone, already publicly owned or private with agricultural operations.

Mr. Rohrbach showed a side by side of the current future land use map next to the proposed future land use map.

Mr. Rohrbach gave an overview of each additional zoning amendment and gave examples of why we are proposing each change.

Mr. Rohrbach went over questions that had come up at the previous meeting. Lot coverage in the R-1 is proposed to be 40%. Staff were asked to look at newer built homes, specifically the Habitat for Humanity homes, to see if the lot coverage exceeded 40%. All lots came in under 40%.

Mr. Rohrbach showed diagrams to illustrate how the proposed update for townhomes would look on smaller lots.

Mr. Rohrbach outlined the next steps in the Zoning Update process.

The Zoning Update Working Group discussed the presentation. Mr. Harmon asked why the future land use map stopped at Lewis Lane instead of Blood Lane. Mr. Rohrbach explained that city infrastructure does not reach to Blood Lane. Mr. Harmon asked if we should be looking further south. Mr. Rohrbach suggested we wait until we do a review of the Comprehensive Plan which we will be doing in 2 years.

Mr. Harmon asked why the lot frontage is so small for townhomes in the R-3. Mr. Rohrbach explained that it allows for higher density and Mr. Pigman shared that he had brought in visual examples to Mr. Rohrbach to show how this will look.

Ms. West asked for clarification on why the downtown expansion looks smaller on the proposed future land use map. Mr. Rohrbach explained that west of the core of downtown was changed to mixed use so that there could be smaller local businesses and higher density housing outside of the core downtown area.

Public comments:

Evert Palmer of 516 3rd St asked for clarification on how the cottage courts would be different from townhomes. Mr. Rohrbach explained that cottage courts are arranged around a green space and put parking in the back with the intention of keeping a neighborhood feel. Mr. Palmer shared his concern that these will be allowed in the R-1 and that it will allow for people to build larger mass on small lots.

Jim Olson (address indecipherable) Stated that increased density does not increase affordable housing. The R-S neighborhood will change dramatically if there is continued growth and we have to consider if we really want that. He has seen this happen to many towns and gave examples. Additionally, Mr. Olson objects to the 40% lot coverage requirement. Mr. Rohrbach explained that the 40% is a maximum requirement and that houses can have less lot coverage than 40%. Mr. Rohrbach explained that the justification

for the lot coverage maximum allows for spacing between houses and yards. Mr. Palmer objects to 4-plexes being allowed in the RS.

Mr. Palmer also objects to Airbnb's in town because that is one less house that is available for the working people who live here. He would like to see some kind of stipulation that a homeowner could have an Airbnb if they actually live in the main residence.

Mr. Palmer is concerned that if our town grows to 20,000 that we don't have the infrastructure and police force to support that growth.

Dennis Mendry of 115 N 5th St. stated that the natural boundaries of the city would limit the growth that would happen. Mr. Rohrbach explained that annexation could grow those boundaries.

Mr. Rohrbach explained that ways that we are trying to preserve the character of the old neighborhood is by limiting the density with zoning. We currently have about 4.5 units per acre, Mt. View meadows is about 7 units per acre and the proposed D Lazy S is 10 units/acre.

Matt Janes of 319 Rickets road asked to for clarification on zoning designations of RV Parks and mobile homes.

Jeff Jones of 409 (address indecipherable) asked for clarification of the impacts on housing with the expansion of downtown North. He also voiced his concerns regarding the minimum lot size allowed for townhomes, parking issues, lack of housing caused by Airbnb's and the potential of people living in sheds.

Mr. Rohrbach asked the Group if they would like to make any amendments to the zoning update proposal based on any of the public comments that were heard.

Ms. West feels concerned that 40% lot coverage would be too tight on a lot. Mr. Rohrbach explained that on a small lot it would be hard to reach 40% when meeting all the setbacks. Ms. Valk responded to Mr. Palmer's concern about cottage courts being allowed on such small lots and the potential for the proposed changes allowing too much mass.

Mr. Pigman commented that the new zoning would not allow for the cottage court on S 8th St. and Mr. Rohrbach confirmed this.

Ms. Yang asked if the board is okay with moving forward for a mid-September meeting to sign off on the updates.

VI. Approval of Minutes: June 9, 2025

Line 75 – change Ms. Neyenhuis name from Mrs. Neyenhuis to Ms. Neyenhuis.

Motion by Nancy Valk to approve minutes as amended. Seconded by Ms. Yang. All in favor. Minutes approved.

VII. Meeting Adjournment

Mr. Pigman motioned to adjourn. Ms. West seconded. Meeting adjourned at 7:24.

133
134
135
136
137
138
139
140
141
142
143

Alyssa English
Planning Technician

Dan Mitchell
Planning Board President

Karen Hughes
Zoning Commission

Darwin Ernst
Zoning Board of Adjustment Chair

DRAFT