



**CITY OF HAMILTON
ZONING UPDATE WORKING GROUP**

**JOINT MEETING OF THE ZONING COMMISSION,
PLANNING BOARD, & ZONING BOARD OF ADJUSTMENT
MONDAY, DECEMBER 9, 2024, 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 mrud@cityofhamilton.net. Meeting will be held at City Hall, 223 South 2nd Street, Hamilton, MT.

- I. Call Meeting to Order**
- II. Public Comment on Non-Agenda Items**
- III. Old Business:**
- IV. New Business:**
 - A. Phase II Zoning Update Discussion**
 - Second Draft Residential Zoning Amendments
 - Draft updated use table
 - Draft Transitional Neighborhood Business District (B) & Local business district (B-1) Zoning Amendments
 - Draft zoning map
 - Next Steps for Phase II of Hamilton's Zoning Update
- V. Approval of Minutes:** September 30, 2024
- VI. Meeting Adjournment**

A quorum of the Hamilton City Council may be present

City of Hamilton, MT

Phase II Zoning Update Proposed Amendments

Residential Amendments: 2nd draft

Commercial Amendments: 1st draft

Use Table Amendments: 1st draft

Zone Map Amendments: 1st draft

December 2024



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Phase II Zoning Update Overview

This document outlines draft proposed phase II zoning amendments for the City of Hamilton. These amendments look to balance the need for increased housing while ensuring new development fits the character of Hamilton’s varied neighborhoods. To that end, the proposed residential amendments would allow for increased densities and also place added requirements on building to address the form and scale of development. One way this would be achieved is through restructuring existing residential zoning districts as outlined below and on page 2. Additionally, proposed commercial amendments seek to simplify and condense land use categories and provide greater flexibility with where different land uses are allowed, while also working to mitigate impacts to residential neighborhoods.

Existing Zoning District		Proposed Zoning District
Single-Family Residential (RS)	➡	Traditional Neighborhood (R1)
Multi-Family Residential (RM)	➡	Medium Density Residential (R2)
Residential High Density (RH)	➡	High Density Residential (R3)

Phase II of Hamilton’s zoning update began in the fall of 2023 guided by the following four focus areas:

- 1. Attainable Housing
- 2. Differentiating Between Mature and Developing Areas
- 3. Reevaluating Permitted and Conditional Uses
- 4. Recent State Law Changes

Through a series of neighborhood meetings and zoning update working group meetings these focus areas have been narrowed down to the proposed zoning amendments outlined here.

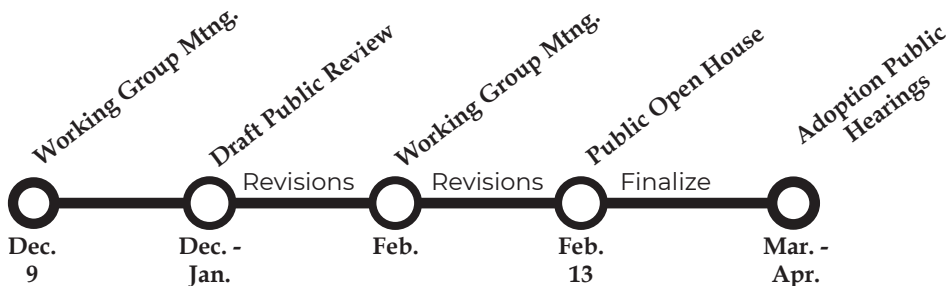
An Iterative Process

The proposed zoning amendments outlined in this document are a draft intended to be reviewed and scrutinized by the Hamilton community. City planning staff continue to wrestle with questions that require the community to weigh in on. What is an appropriate height limit for accessory dwelling units? Should four story apartment buildings be allowed anywhere? How do we allow for incremental increases in housing while preserving community character? The City’s expectation is that through community conversations and feedback the proposed zoning amendments will be refined and improved to better reflect Hamilton’s values and priorities.









Why is this needed?

Hamilton’s zoning code has not been substantially updated in 20 years. In that time the Bitterroot Valley has grown, community needs have changed, and state laws have been amended. Additionally, Hamilton’s, and Montana’s, acute housing shortage has become an ever-present concern coupled with residents’ desire to preserve what we love about Hamilton. In response to these factors, and with direction from the City’s Comprehensive Plan, the whole of Hamilton’s zoning code and zoning map are being reviewed for updates. The approach has and will continue to be incremental, with updates occurring in phases.









Phase II Zoning Update Schedule (subject to change based on public feedback)



CURRENT ZONING CODE allows for...

	Single fam. Home 	Duplex 	Fourplex 	Sixplex 	Eightplex 	Cottage Court 	Community Residential < 8 people 	Day-Care Homes 
RS	Allowed	Allowed as a Conditional Use	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Allowed as a Conditional Use	Allowed as a Conditional Use
RM	Allowed	Allowed	Allowed	Allowed as a Conditional Use	Allowed as a Conditional Use	Not Allowed	Not Allowed	Not Allowed
RH	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Not Allowed	Not Allowed

PROPOSED 1ST DRAFT ZONING CODE WOULD allow for...

	Single fam. Home 	Duplex 	Fourplex 	Sixplex 	Eightplex 	Cottage Court 	Community Residential < 8 people 	Day-Care Homes 
R1	Allowed	Allowed	Allowed	Not Allowed	Not Allowed	4 Units or Fewer	Allowed	Allowed
R2	Allowed	Allowed	Allowed	Allowed	Not Allowed	6 Units or Fewer	Allowed	Allowed
R3	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed

R-1: Traditional Neighborhood District

Proposed New District, 2nd Draft - December 2024

Intent

The R-1 district 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 homes, 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.

Uses

Permitted Uses

Single-family dwellings	Short-term rentals
Multi-family dwellings, 2-4 units	Accessory buildings
Cottage courts (4 units or fewer)*	Manufactured homes*
Accessory dwelling units*	Day-care homes*
Community residential facilities ≤ 8 residents*	Home occupations

Conditional Uses

Community residential facilities ≥ 9 residents* Mobile homes*
Bed & breakfast* Community Centers*

*See pages 38-40 for definition

Lot Standards

Minimum Lot Area **A**

1-2 dwellings	4,200 SF
3-4 dwellings	2,000 SF/unit
All other uses	4,200 SF

Min. Lot Width **B**

1-2 dwellings	30'
3-4 dwellings	50'
All other uses	30'

Max. Lot Coverage

40%



Building Standards

Minimum Building Setbacks

Front Yard

C

3 & 4 unit bldgs.	10'
Front facing garages	10' behind front of main bldg.
All other bldgs.	20'

Side yard

D

1 - 1.5 story bldgs.	5'
2 - 2.5 story bldgs.	
Duplexes	5'
All other bldgs.	10'
Corner lots	10' along non-frontage street

Rear yard

E

Main bldg.	20'
Accessory bldgs.	5'

Encroachments

F

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'

Maximum Building Height

G

Main Building

2.5 stories / 30'

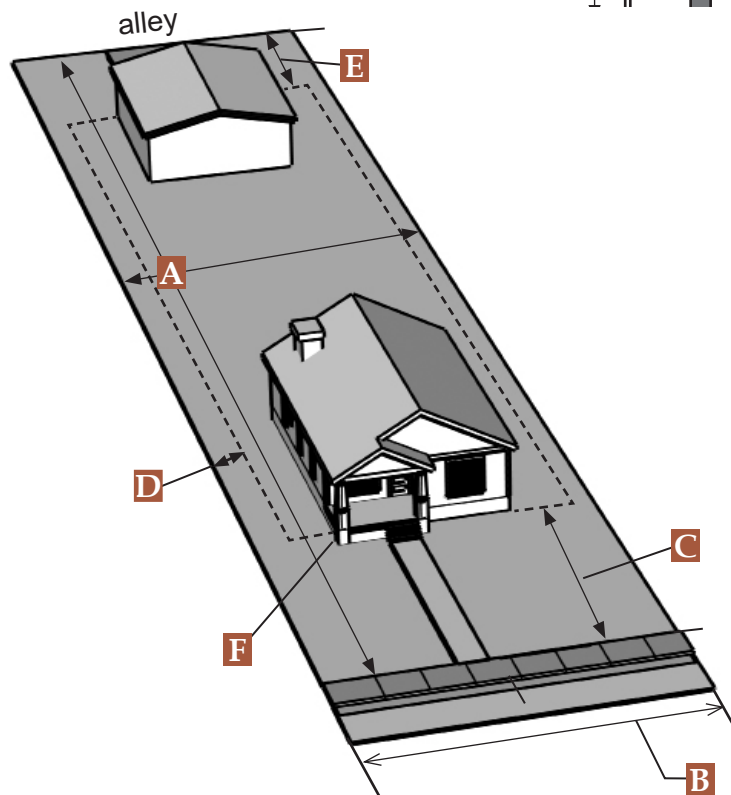
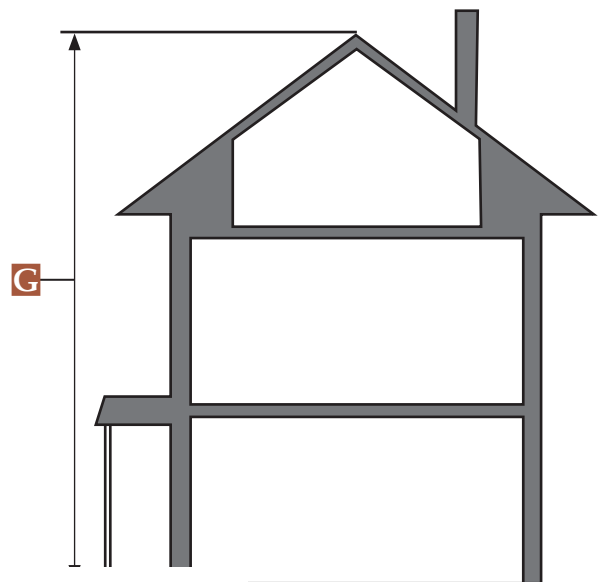
Accessory Building

Accessory dwelling unit 2.5 stories / 30'

All other accessory bldgs. 2 stories / 20'

Chimney's & antennas

5' above highest roofline



R-1: Traditional Neighborhood District

Proposed New District, 2nd Draft - December 2024



RS: Single-Family Residential District

Current Zoning District

Intent

The RS district establishes zoning for primarily single-family dwellings on urban lots.

Uses

Permitted Uses

Single-family dwellings	Short-term rentals
Accessory dwelling units	Home occupations
Accessory buildings	Incidental uses

Conditional Uses

Multi-family dwellings, 2 units	Group day care homes
Foster care	Libraries
Community residential facilities ≤ 12 residents	Parks & open space
Day care centers & preschools	Playgrounds & recreation
Day care homes	Schools

Lot Standards

Minimum Lot Area

All uses	4,200 SF
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Minimum Lot Width

All uses	30'
----------	-----

Max. Lot Coverage

N/A

Building Standards

Minimum Building Setbacks

Front Yard	15'
Side yard	
All bldgs. & uses	5'
Corner lots	10' along non-frontage street

Rear yard

Main bldg.	20'
Accessory bldg.	5'
Garages opening to alley	10'

Maximum Building Height

Main Building	2.5 stories / 35'
Accessory Building	2 stories / 25'
Churches (CUP)	45'

R-2: Medium Density Residential District

Proposed New District, 2nd Draft - December 2024

Intent

The R-2 district is intended to be a walkable residential neighborhood accommodating a variety of low to moderate-intensity housing options including detached single-family homes, 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.

Uses

Permitted Uses

Single-family dwellings	Short-term rentals
Multi-family dwellings, 2-6 units	Accessory buildings
Cottage courts (6 units or fewer)*	Manufactured homes
Townhouses	Day-care homes*
Accessory dwelling units*	Home occupations

Community residential facilities*

Conditional Uses

Bed and breakfast*

Community centers*

*See pages 38-40 for definition

Lot Standards

Minimum Lot Area **A**

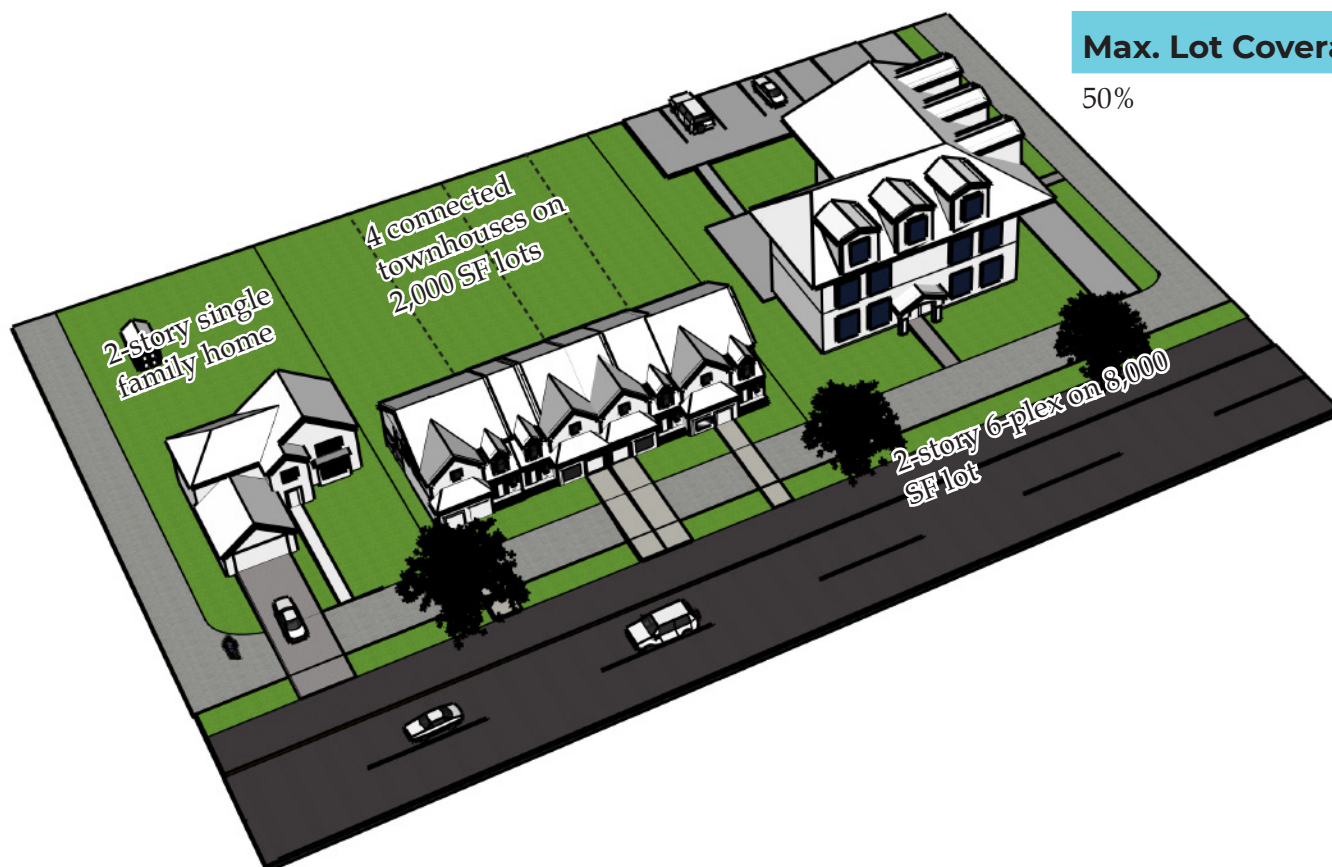
1-2 dwellings	4,000 SF
3-4 dwellings	6,000 SF
5-6 dwellings	8,000 SF
Townhouses	2,000 SF
All other uses	4,000 SF

Min. Lot Width **B**

1-2 dwellings	30'
3-4 dwellings	50'
5-6 dwellings	60'
Townhouses	20'
All other uses	30'

Max. Lot Coverage

50%



Building Standards

Minimum Building Setbacks

Front Yard

C

3 & 4 unit bldgs.	10'
Townhouses	10'
All other bldgs.	15'

Side yard

D

Townhouse interior walls	0'
All other bldgs.	5'
Corner lots	10' along non-frontage street

Rear yard

E

Main bldg.	20'
Accessory bldg.	5'

Encroachments

F

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'

Maximum Building Height

G

Main Building

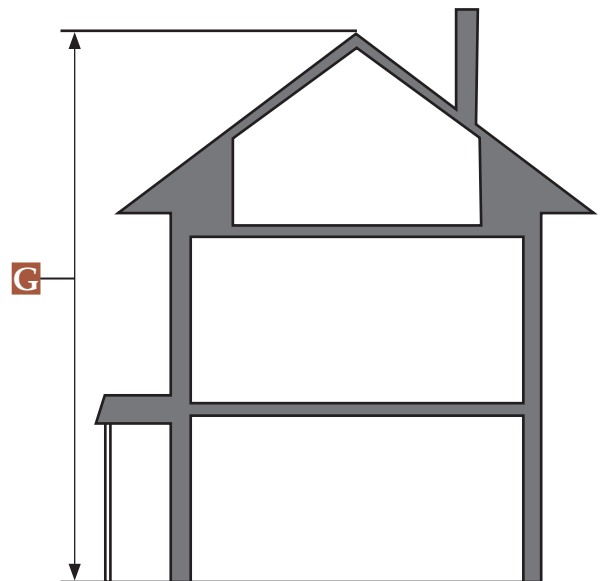
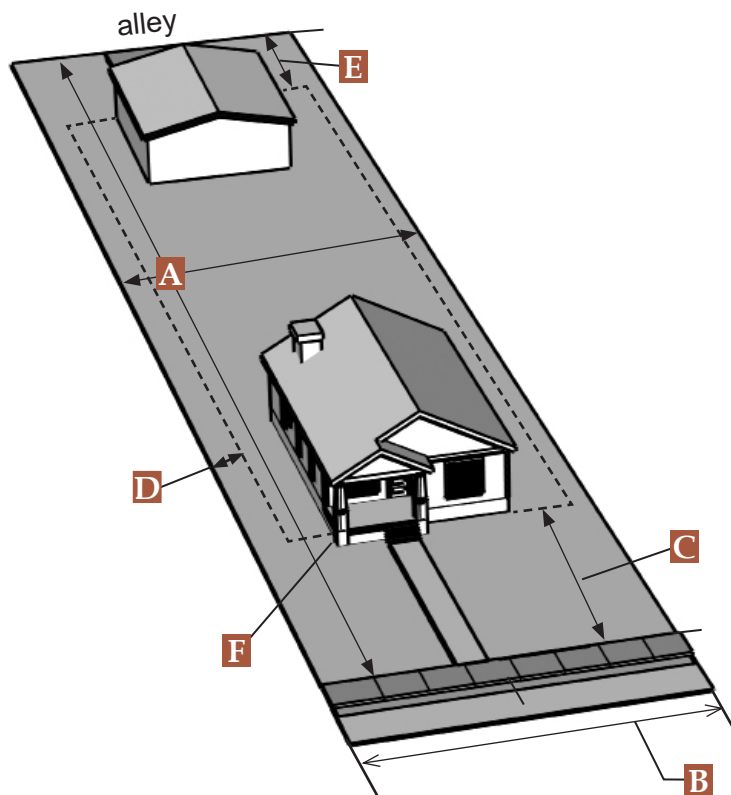
Townhouse	2 stories / 25'
All other bldgs.	2.5 stories / 30'

Accessory Building

Accessory dwelling unit	2.5 stories / 30'
All other accessory bldgs.	2 stories / 25'

Chimney's & antennas

5' above highest roofline



R-2: Medium Density Residential District

Proposed New District, 2nd Draft - December 2024



RM: Multiple-Family Residential District

Current Zoning District

Intent

The RM district establishes zoning for one to four family dwelling units.

Uses

Permitted Uses

Single-family dwellings	Short-term rentals
Townhouses	Home occupations
Multi-family dwellings, 2-4 units	Incidental uses
Accessory dwelling units	Accessory buildings

Conditional Uses

Multi-family dwellings, 5-8 units	Parks & open space
Boarding and lodging houses	Playgrounds & recreation
Personal & food services in multi-family	Schools
Community centers	Churches > 45'
Libraries	Churches

Lot Standards

Minimum Lot Area

Single home	4,200 SF
Townhouses	4,200 SF
2+ dwellings	2,500 SF/unit
All other uses	8,000 SF

Min. Lot Width

Single home	30'
Townhouses	30'
2 dwellings	50'
3+ dwellings	60'
All other uses	60'

Max. Lot Coverage

N/A

Building Standards

Minimum Building Setbacks

Front Yard	15'
Side yard	
Townhouse interior walls	0'
All other bldgs.	5'
Corner lots	10' along non-frontage street

Rear yard

Main bldg.	20'
Accessory bldg.	5'
Garages opening to alley	10'

Maximum Building Height

Main Building	3 stories / 45'
Accessory Building	2 stories / 25'

R-3: High Density Residential District

Proposed New District, 2nd Draft - December 2024

Intent

The R-3 district is intended to provide for higher density housing through a variety of building types including apartments, cottage courts, townhouses, and condominiums.

Minimum Density

The minimum density in the R-3 district shall be 10 dwelling units per gross acre.

Uses

Permitted Uses

- | | |
|--------------------------------|-----------------------------------|
| Single-family dwellings | Short-term rentals |
| Multi-family dwellings, 2-6 | Accessory buildings |
| Apartments & apartment bldgs.* | Manufactured homes* |
| Cottage courts* | Day-care homes* |
| Townhouses | Home occupations |
| Accessory dwelling units* | Community residential facilities* |

Conditional Uses

- | | |
|---------------------------|-------------------|
| Skilled nursing facility* | Boarding house* |
| Boarding house* | Day care centers* |
| Community Centers* | Bed & breakfast* |

*See pages 38-40 for definition

Lot Standards

Minimum Lot Area A

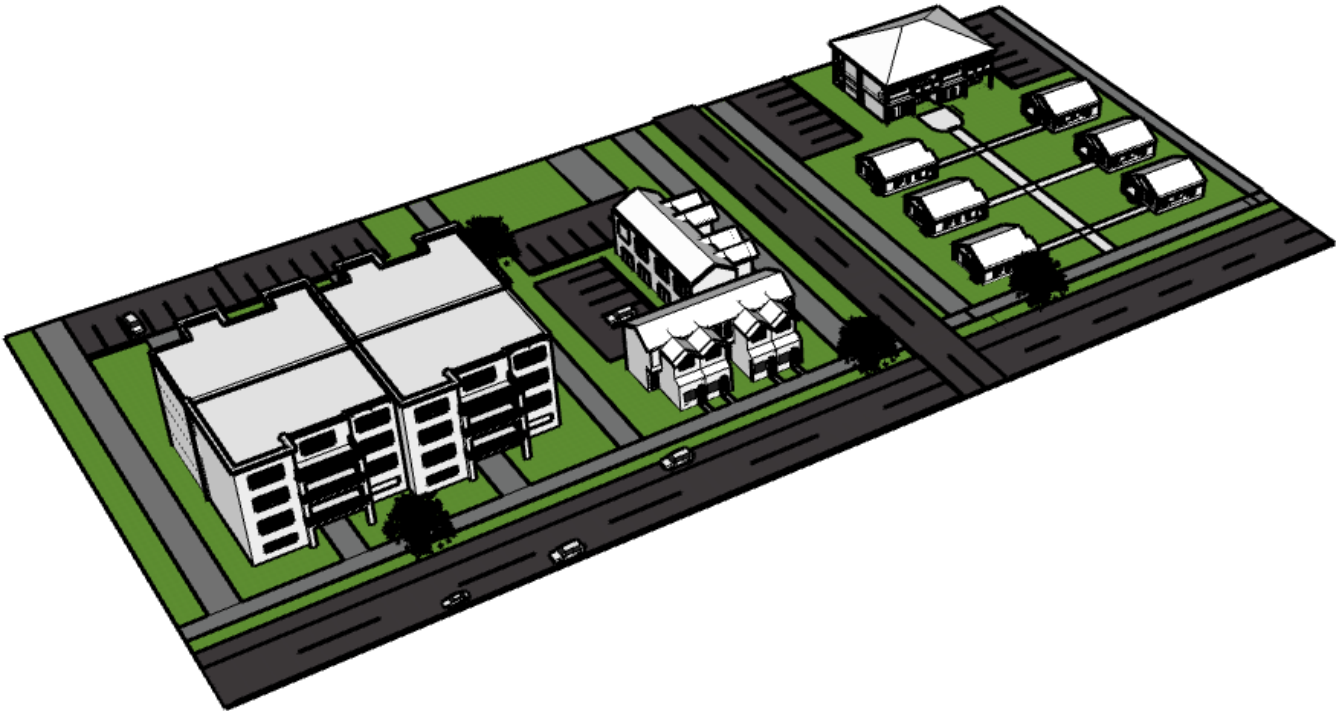
None

Min. Lot Width B

- | | |
|----------------|-----|
| 1-2 dwellings | 30' |
| 3-6 dwellings | 50' |
| Townhouses | 16' |
| All other uses | 60' |

Max. Lot Coverage

70%



Building Standards ¹

Minimum Building Setbacks

Front Yard

C

Townhouses	5'
All other bldgs.	15'

Side yard

D

Townhouse interior walls	0'
All other bldgs.	5'
Corner lots	10' along non-frontage street

Rear yard

E

Main bldg.	15'
Accessory bldg.	5'

Encroachments

F

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 Residential buildings with 7 or more units facing public areas are subject to the building and site development standards.

Maximum Building Height

G

Main Building

Townhouse	3 stories / 36'
Single-family homes	2.5 stories / 30'
All other bldgs.	4 stories / 60'

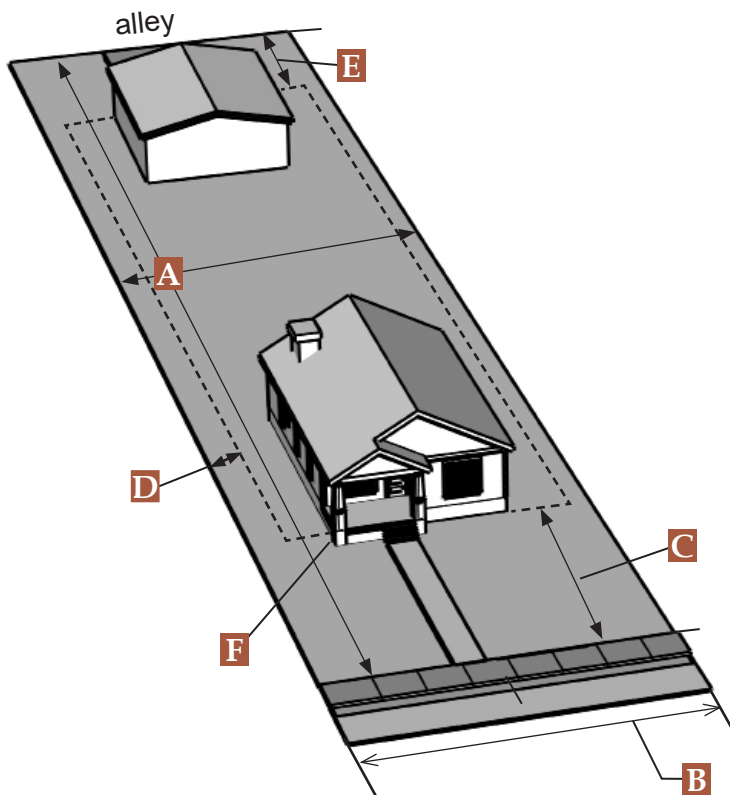
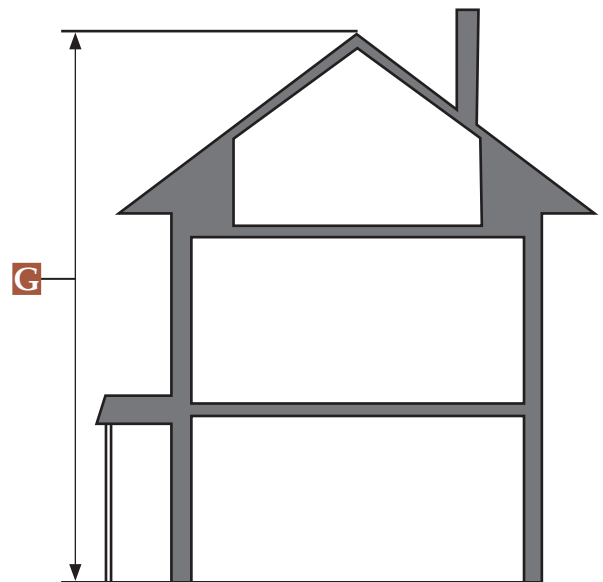
Accessory Building

Accessory dwelling unit	2.5 stories / 30'
Other accessory bldgs.	2 stories / 25'

Chimney's & antennas 5' above highest roofline

Maximum Building Footprint

Main building(s)	12,000 SF per bldg.
Accessory building(s)	2,000 SF per bldg.



R-3: High Density Residential District

Proposed New District, 2nd Draft - December 2024



RH: Residential High Density District

Current Zoning District

Intent

The RH district establishes zoning for multiple-family dwelling units.

Uses

Permitted Uses

Single-family dwellings	Short-term rentals
Multi-family dwellings	Accessory buildings
Townhouses	Home occupations*
Accessory dwelling units	Incidental uses

Conditional Uses

Boarding & lodging houses
Personal & food services in multi-family

Lot Standards

Minimum Lot Area

1-2 dwellings	4,200 SF
3-4 dwellings	2,000 SF/unit
5-8 dwellings	1,200 SF/unit
8+ dwellings	10,000 SF + 1,400 SF/each unit over 8
Townhouses	1,600 SF

Min. Lot Width

1-2 dwellings	30'
Townhouses	20'
All other uses	50'

Max. Lot Coverage

N/A

Building Standards

Minimum Building Setbacks

Front Yard	15'
Side yard	
Townhouse interior walls	0'
All other bldgs.	5'
Corner lots	10' along non-frontage street

Rear yard

Main bldg.	20'
Accessory bldg.	5'
Garages opening to alley	10'

Maximum Building Height

Main Building	3 stories / 45'
Accessory Building	2 stories / 25'

B: Neighborhood Business District

Proposed Amended District, 1st Draft - December 2024

Intent

The B district 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.

Uses

Permitted Uses

Single-family dwellings	Community Center*
Multi-family dwellings, 2-6	Park
Apartments & apartment bldgs.*	Bed and Breakfast*
Cottage courts*	Day care centers*
Townhouses	Food Trucks
Accessory dwelling units*	Funeral services, mortuary
Community residential facilities*	Personal Service*
Short-term rentals	Professional Office*
Accessory buildings	Restaurants
Manufactured homes*	Retail, 0 - 10,000 SF
Day-care homes*	Manufacturing, artisan*
Home occupations	

Conditional Uses

Microbreweries, wineries, & micro-distilleries	Boarding House*
Recreation, commercial (indoor)	Entertainment Venue, small*
Nursing home/skilled nursing facility*	Laundry and dry cleaning
Vehicle repair	

*See page 38-40 for definition

Lot Standards

Minimum Lot Area **A**

Commercial	3,500 SF
Residential	Same as R-3

Min. Lot Width **B**

Commercial	25'
Residential	Same as R-3

Max. Lot Coverage

70%

Building Standards ¹

Minimum Building Setbacks

Front Yard

C

Townhouses	5'
All other bldgs.	10'

Side yard

D

Townhouse interior walls	0'
All other bldgs.	5'
Corner lots	10' along non-frontage street

Rear yard

E

Main bldg.	10'
Accessory bldg.	5'

Encroachments

F

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 Commercial and residential buildings with 7 or more units facing public areas are subject to the building and site development standards.

Maximum Building Height

G

Main Building

Townhouse	2 stories / 25'
Single-family homes	2.5 stories / 30'
All other bldgs.	3 stories / 40'

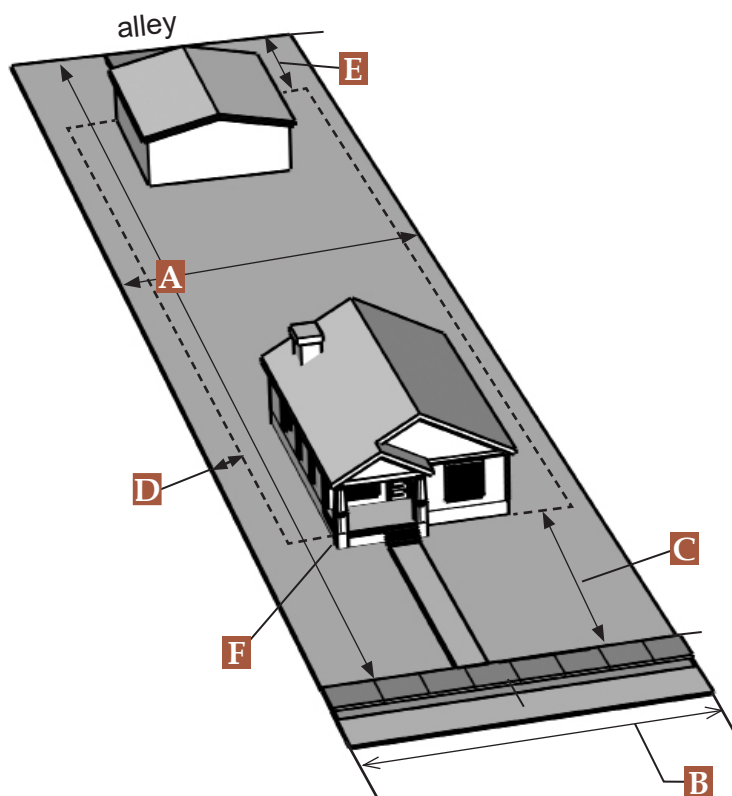
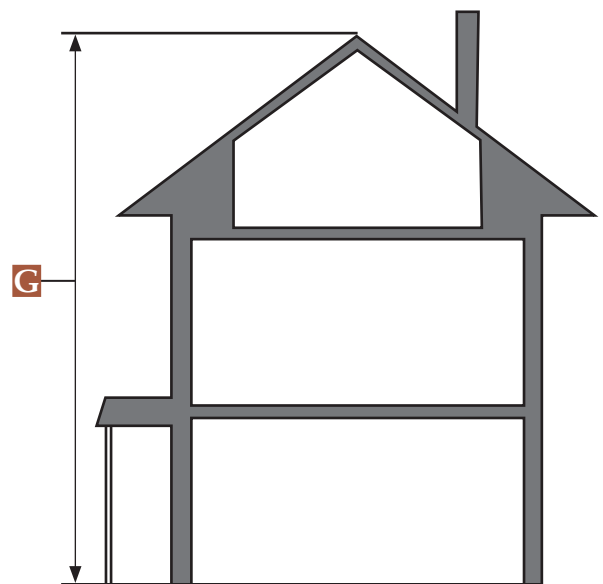
Accessory Building

Accessory dwelling unit	2.5 stories / 30'
Other accessory bldgs.	2 stories / 25'

Chimney's & antennas 5' above highest roofline

Maximum Building Footprint

Main building(s)	12,000 SF per bldg.
Accessory building(s)	2,000 SF per bldg.



B: Neighborhood Business District

Proposed Amended District, 1st Draft - December 2024



B: Transitional Neighborhood Business District

Current Zoning District

Intent

The B establishes zoning for neighborhood and service businesses designed to service the immediate neighborhood.

Uses

Permitted Uses

Single-family dwellings	Short-term rentals
Multi-family dwellings	Accessory buildings
Townhouses	Home occupations*
Accessory dwelling units	Incidental uses
Arts & craft studios	Restaurants
Convenience stores	Hardware stores
Personal services	Professional offices
Repair services	Retail

Conditional Uses

Boarding & lodging houses
Personal & food services in multi-family

Lot Standards

Minimum Lot Area

Commercial	3,500 SF
Residential	Same as RH

Min. Lot Width

Commercial	25'
Residential	Same as RH

Max. Lot Coverage

Commercial	50%
Residential	100%

Building Standards

Minimum Building Setbacks

Front Yard

Commercial	15'
Residential	Same as RH

Side yard

Commercial	0'
Residential	Same as RH

Rear yard

Commercial	0'
Residential	Same as RH

Maximum Building Height

Main Building	3 stories / 45'
Accessory Building	2 stories / 25'

Maximum Building Size

12,000 SF. Buildings in excess of 12,000 square feet may be allowed upon approval by of a special use permit.

Additional Regulations

All commercial operations and storage of materials in the B district shall be contained within an enclosed building.

Utility service lines shall be installed below ground.

B-1: Local Business District

Proposed Amended District, 1st Draft - December 2024

Intent

The 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.

Uses

Permitted Uses

Apartments & apartment bldgs.*	Bed and Breakfast*
Park	Day care centers*
Community center*	Food Trucks
Bar*	Funeral services, mortuary
Community residential facilities*	Personal Service*
Short-term rentals	Professional Office*
Accessory buildings	Restaurants
Recreation, commercial (indoor)	Retail, 0 - 40,000 SF
Day-care homes*	Manufacturing, artisan*
Home occupations	Laundry and dry cleaning
Microbreweries, wineries, & micro-distilleries	Financial services*
Entertainment Venue, small*	Hotels & motels

Conditional Uses

Warehousing, Wholesale, & Freight*	Boarding House*
Recreation, commercial (outdoor)*	Bed & Breakfast*
Entertainment Venue, medium*	Vehicle repair
Manufacturing, light*	Auction house
Gas stations	

*See pages 38-40 for definition

Lot Standards

Minimum Lot Area **A**

3,500 SF

Min. Lot Width **B**

25'

Max. Lot Coverage

70%

Building Standards ¹

Minimum Building Setbacks

Front Yard			C
All bldgs. & uses	10'		

Side yard			D
All bldgs & uses	5'		
Corner lots	10' along non-frontage street		

Rear yard			E
Main bldg.	10'		
Accessory bldg.	5'		

Encroachments **F**

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'		

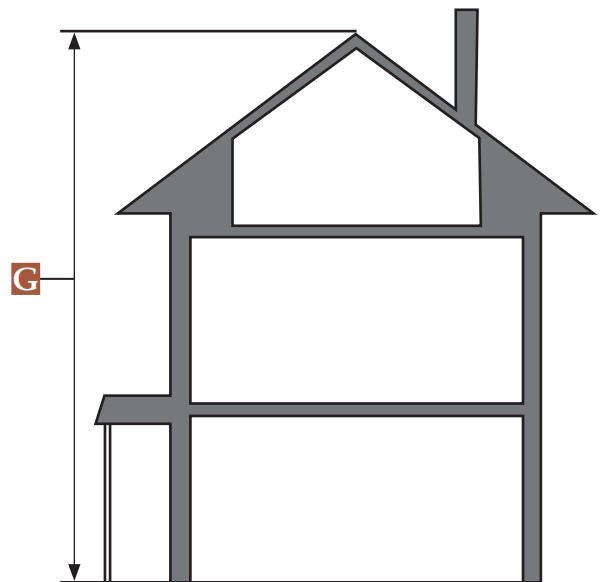
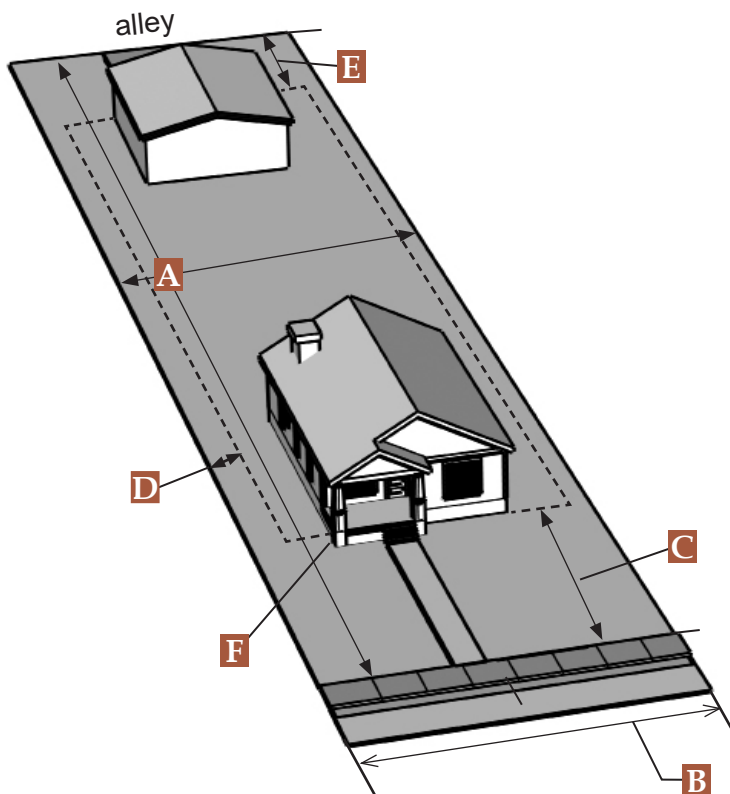
¹ Commercial and residential buildings with 7 or more units facing public areas are subject to the building and site development standards.

Maximum Building Height **G**

Main Building	4 stories / 60'
Accessory Building	2 stories / 25'
Chimney's & antennas	5' above highest roofline

Maximum Building Footprint

Main building(s)	12,000 SF per bldg.
Accessory building(s)	2,000 SF per bldg.



B-1: Local Business District

Proposed Amended District, 1st Draft - December 2024



B-1: Local Business District

Current Zoning District

Intent

The B establishes zoning for for local business and retail trade activities not directly dependent upon passing motor traffic.

Uses

Permitted Uses

Apartments & apartment bldgs.*	Short-term rentals
Multi-family dwellings, 6+ units	Accessory buildings
Arcades	Home occupations*
Bakeries & catering	Incidental uses
Arts & craft studios	Restaurants
Banks & financial institutions	Theaters
Convenience stores	Social clubs
Personal services	Hardware stores
Repair services	Professional offices
Recreation & fitness facilities	Media offices
Taverns & cocktail lounges	Printing shops
Medical & dental clinics	Libraries
Parks & open space	Museums

Conditional Uses

Single-family dwellings	Daycare
Multi-family dwellings, 2-5 units	Casinos
Age 18+ businesses	Parking lots
Mortuaries & crematoriums	Storage
Manufacturing < 5,000 SF	Wholesale
Community centers	Playgrounds
Communication towers	Schools

Lot Standards

Minimum Lot Area

3,500 SF

Min. Lot Width

25'

Max. Lot Coverage

50%

Building Standards

Minimum Building Setbacks

No setbacks

Maximum Building Height

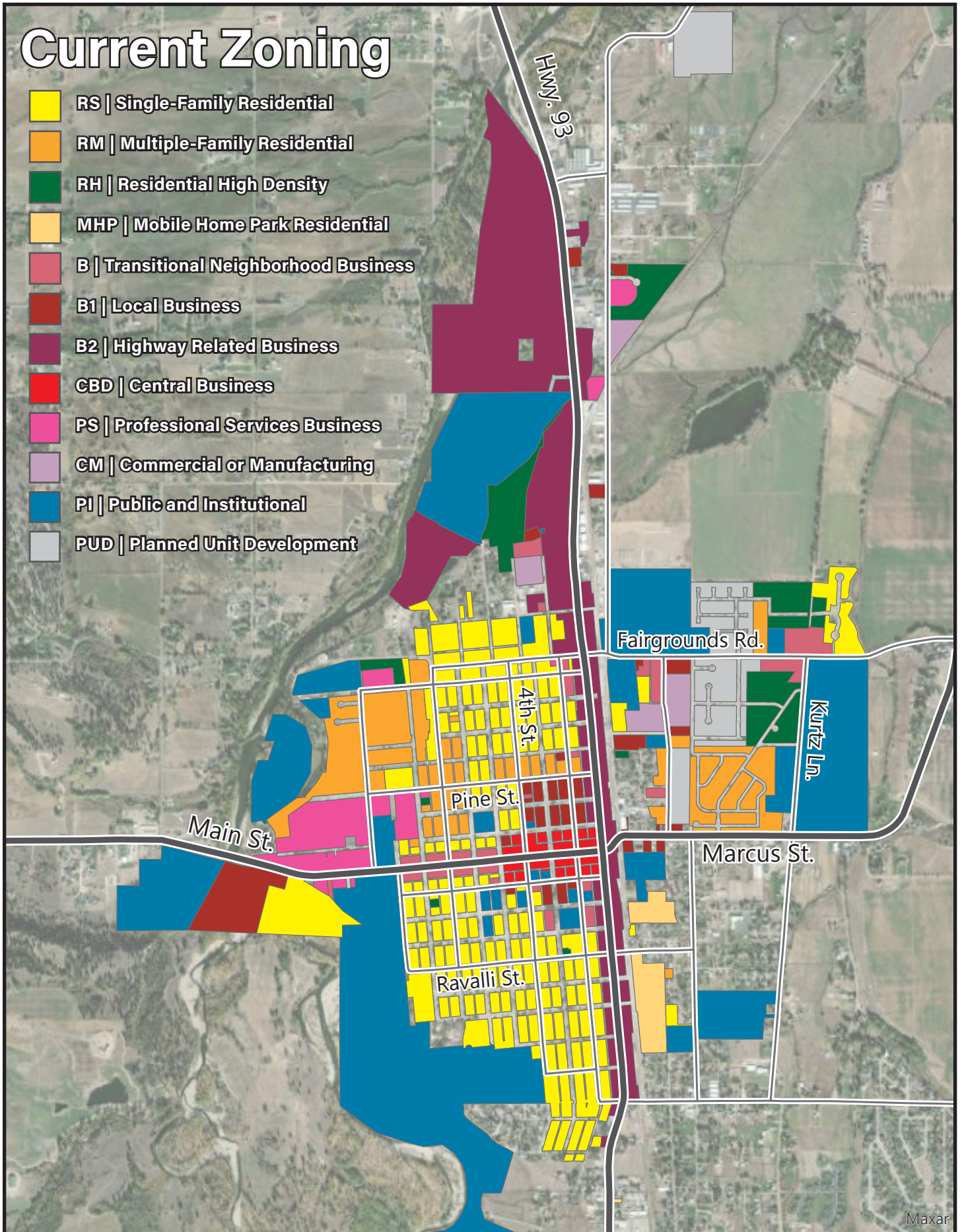
Main Building 3 stories / 45'

Maximum Building Size

24,000 SF. Buildings in excess of 24,000 square feet may be allowed upon approval by of a special use permit.

Current 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



Draft Zoning Map Update

1st DRAFT - December 2024

- 
- 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**

Proposed Residential Use Table

1st Draft - December 2024

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Uses	Zones												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Single-family dwelling	P	P	P	P	-	-	-	-	-	-	-	-	-
Manufactured homes*	P	P	P	P	-	-	-	-	-	-	-	-	-
Townhouses	-	P	P	P	-	-	-	-	-	-	-	-	-
Multiple-family dwelling – 2-4 units	P	P	P	P	-	-	-	-	-	-	-	-	-
Multiple-family dwelling – 5-6 units	-	P	P	P	-	-	-	-	-	-	-	-	-
Apartments*	-	-	-	P	P1	P1	P1	-	-	-	-	-	-
Apartment building*^	-	-	P	P	P	P1	P1	-	-	-	-	-	-
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	-	-	-	-	-	-	-	-	-
Mobile home*^	C	-	-	-	-	-	-	-	-	-	-	P	-
Mobile home park*^	-	-	-	-	-	-	-	-	-	-	-	P	-
Accessory dwelling unit*^	P	P	P	P	-	-	-	-	-	-	-	-	-
Boarding House*	-	-	C	C	C	-	-	-	-	-	-	-	-
Day care home*	P	P	P	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	P	P	P	P	P	-	P	-	-	P	-	-
Home occupations	P	P	P	P	P	P	P	-	-	-	-	P	P
Accessory uses & buildings	P	P	P	P	P	-	-	-	-	-	-	P	P

1. Apartments in the B-1, B-2, and CBD districts shall be located above the ground floor, except that in the B-1 district ground floor dwellings are permitted in apartment buildings.

Existing Residential Use Table

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Uses	Zones												
	RS	RM	RH	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Single-family dwellings*	P	P	P	P	C1	C1	P1	-	-	-	-	-	-
Townhouses*	-	P	P	P	-	-	-	-	-	-	-	-	-
Multiple-family dwelling* – 2 units	C	P	P	P	C1	C1	P1	-	-	-	-	-	-
Multiple-family dwelling* – 3-4 units	-	P	P	P	C1	C1	P1	-	-	-	-	-	-
Multiple-family dwelling* – 5 units	-	C	P	P	C1	C1	P1	-	-	-	-	-	-
Multiple-family dwelling* – 6-8 units	-	C	P	P	P	C1	P1	-	-	-	-	-	-
Multiple-family dwelling* – 9+ units	-	-	P	P	P	C1	P1	-	-	-	-	-	-
Mobile homes	-	-	-	-	-	-	-	-	-	-	-	P	-
Accessory dwelling units	P	P	P	P	-	-	-	-	-	-	-	-	-
Boarding and lodging houses*	-	C	C	-	-	-	-	-	-	-	-	-	-
Foster care and licensed family day care homes with six or less full time children	C	-	-	-	-	-	-	-	-	-	-	-	-
Community residential facilities and licensed group day care homes with twelve (12) or less full time children*	C	-	-	-	-	-	-	-	-	-	-	-	-
Uses deemed compatible with the uses allowed in the district after a public hearing	-	-	-	-	-	-	-	C	-	-	-	-	-

1. Dwellings in the B-1, B-2 and CBD districts shall be located above the ground floor, except that in the B-1 district ground floor dwellings are permitted in apartment buildings.

Proposed Commercial Use Table

1st Draft - December 2024

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Uses	Zones												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Accessory uses and buildings	-	-	-	P	P	P	P	P	P	P	P	-	-
Animal Shelter or Boarding	-	-	-	-	-	P	-	-	P	-	-	-	-
Auction House	-	-	-	-	C	C	-	-	P	P	-	-	-
Bar*	-	-	-	-	P	P	P	-	-	-	-	-	-
Bed and Breakfast*	C	C	C	P	C	C	-	-	-	-	-	-	-
Car wash	-	-	-	-	-	P	-	-	-	-	-	-	-
Casinos	-	-	-	-	-	P	-	-	-	-	-	-	-
Daycare centers*	-	-	C	P	P	P	P	P	-	-	-	-	-
Entertainment Venue, small*	-	-	-	C	P	P	P	-	-	-	-	-	-
Entertainment Venue, medium*	-	-	-	-	C	P	P	-	-	-	C	-	-
Entertainment Venue, large*	-	-	-	-	-	P	-	-	C	-	C	-	-
Entertainment Venue, outdoor*	-	-	-	-	-	C	-	-	C	-	-	-	-
Equipment and Motor Vehicle Rentals	-	-	-	-	-	P	-	-	-	-	-	-	-
Financial Services*	-	-	-	-	P	P	P1	P	-	-	-	-	-
Food Truck	-	-	-	P	P	P	P	P	-	-	-	-	-
Funeral services, mortuary	-	-	-	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	-	-	-	-	-	-

1. No Drive Thrus

Proposed Commercial Use Table Continued

1st Draft - December 2024

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Uses	Zones												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Microbreweries, wineries, & micro-distilleries	-	-	-	C	P	P	P	-	P	-	-	-	-
Parking structure	-	-	-	-	-	-	-	-	-	-	C	-	-
Personal service*	-	-	-	P	P	P	P	-	-	-	-	-	-
Professional office*	-	-	-	P	P	P	P	P	P	-	-	-	-
Recreation, commercial (indoor)*	-	-	-	C	P	P	P	-	-	-	-	-	-
Recreation, commercial (outdoor)*	-	-	-	-	C	P	-	-	C	-	-	-	-
Recreational vehicle park	-	-	-	-	-	C	-	-	-	-	-	-	P
Restaurants	-	-	-	P	P	P	P1	-	-	-	-	-	-
Retail, 0 - 10,000 SF	-	-	-	P	P	P	P	P2	P2	P2	-	-	-
Retail 10,001 - 25,000 SF	-	-	-	-	P	P	P	-	-	-	-	-	-
Retail 25,001 - 40,000 SF	-	-	-	-	P	P	C	-	-	-	-	-	-
Retail over 40,000 SF	-	-	-	-	-	P	-	-	-	-	-	-	-
Short-term rentals	P	P	P	P	P	P	P	-	-	-	-	-	-
Storage, commercial*	-	-	-	-	-	C	-	-	C	-	-	-	-
Vehicle Repair	-	-	-	C	C	P	-	-	P	P	-	-	-
Vehicle Sales	-	-	-	-	-	P	-	-	P	P	-	-	-

1. No Drive Thrus

2. Retail in the PS, CM, & MI districts must be an accessory use to a primary, permitted or conditional use

Existing Commercial Use Table

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Existing Use Category	New Use Category	Zones													
		RS	RM	RH	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP	
Adult day care facilities	Community residential facility	-	-	-	-	-	-	-	P	-	-	-	-	-	
Arcades	Entertainment venue	-	-	-	-	P	P	P	-	-	-	-	-	-	
Arts and crafts studios	Manufacturing, artisan	-	-	-	P	P	P	-	P	-	-	-	-	-	
Auction sales and service	Auction house	-	-	-	-	-	C	-	-	P	P	-	-	-	
Bakeries and catering	Restaurant Mfg., artisan	-	-	-	-	P	P	P	-	-	-	-	-	-	
Banks, and financial	Financial services	-	-	-	-	P	P	P	P	-	-	-	-	-	
Barber and beauty shops	Personal services	-	-	-	-	-	-	P	-	-	-	-	-	-	
Businesses, age 18+	Bar Casinos	-	-	-	-	C	C	C	-	-	-	-	-	-	
Casinos*	Casinos	-	-	-	-	C	P	-	-	-	-	-	-	-	
Convenience stores, no gas	Retail	-	-	-	P	P	P	-	-	-	-	-	-	-	
Convenience stores, w/gas	Gas station	-	-	-	-	-	P	-	-	-	-	-	-	-	
Day care centers & preschool	Day care center School	C	-	-	-	C	C	C	P	-	-	-	-	-	
Restaurants, no drive-thru's	Restaurants	-	-	-	P	P	P	P	-	-	-	-	-	-	
Restaurants, drive-thru's	Restaurants	-	-	-	-	-	P	-	-	-	-	-	-	-	
Educational services	Schools Professional services	-	-	-	-	-	-	-	P	-	-	-	-	-	
Equipment/vehicle rental	Equipment/vehicle rental	-	-	-	-	-	P	-	-	P	P	-	-	-	
Hardware stores	Retail	-	-	-	P	P	P	-	-	-	-	-	-	-	
Health related service	Retail Professional office	-	-	-	-	-	-	-	P	-	-	-	-	-	
Home occupations	Home occupations	P	P	P	P	P	P	P	P	-	-	P	P	P	
Hotels and motels*	Hotels and motels	-	-	-	-	-	P	-	-	-	-	-	-	-	
Laundry and dry cleaning	Laundry and dry cleaning	-	-	-	-	-	-	C	-	-	-	-	-	-	
Marijuana dispensaries	Marijuana dispensaries	-	-	-	-	-	P	P	-	-	-	-	-	-	
Marijuana manufacturing	Manufacturing, moderate	-	-	-	-	-	-	-	-	C	C	-	-	-	
Marijuana testing	Manufacturing, moderate	-	-	-	-	-	-	-	P	-	-	-	-	-	
Marijuana transporters	Manufacturing, moderate	-	-	-	-	-	-	-	-	C	C	-	-	-	
Media office & production	Professional office Mfg., light	-	-	-	-	P	P	P	-	-	-	-	-	-	

Existing Commercial Use Table Continued

Existing Uses	New Use Category	Zones												
		RS	RM	RH	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Mini storage units	Storage, commercial	-	-	-	-	-	C	-	-	P	P	-	-	-
Mortuaries & crematoriums	Mortuary crematorium	-	-	-	-	C	P	-	C	-	-	-	-	-
Motor vehicle repair	Vehicle repair	-	-	-	-	-	C	-	-	P	P	-	-	-
Motor vehicle sales	Vehicle sales	-	-	-	-	-	P	-	-	-	-	-	-	-
Office support services	Professional office	-	-	-	-	-	-	-	P	-	-	-	-	-
Compatible businesses	-	-	-	-	-	-	C	-	-	-	-	-	-	-
Open-air storage	Storage, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-
Optical services and eyewear	Professional office	-	-	-	-	-	-	-	P	-	-	-	-	-
Parking lot(s) and garages	Parking structure	-	-	-	-	C	P	C	-	P	P	C	-	-
RV parking or storage	Storage, commercial	-	-	-	-	-	-	-	-	P	P	-	-	-
Personal service facilities	Personal services	-	-	-	P	P	P	P	-	-	-	-	-	-
Print & photography shops	Retail Professionl office	-	-	-	-	P	P	P	-	-	-	-	-	-
Professional offices	Professional office	-	-	-	P	P	P	P	P	-	-	-	-	-
Real estate services	Professional office	-	-	-	-	-	-	-	P	-	-	-	-	-
Recreational & fitness	Recreation, commercial	-	-	-	-	P	P	P	-	-	-	-	-	-
Recreational vehicle units	RV park	-	-	-	-	-	-	-	-	-	-	-	-	P
Repair services, no auto	Mfg. light Mfg., artisan	-	-	-	P	P	P	-	-	-	-	-	-	-
Retail	Retail	-	-	-	P	P	P	P	-	-	-	-	-	-
Sale of propane	Gas station Retail	-	-	-	-	-	C	-	-	-	-	-	-	-
Service stations	Gas station vehicle repair	-	-	-	-	-	P	-	-	-	-	-	-	-
Short-term rentals	Short-term rentals	P	P	P	P	P	P	P	-	-	-	-	-	-
Social and fraternal clubs	Bars Community center	-	-	-	-	P	P	C	-	-	-	-	-	-
Enclosed storage	Storage, commercial	-	-	-	-	C	C	-	-	-	-	-	-	-
Taverns and cocktail lounges	Bars	-	-	-	-	P	P	P	-	-	-	-	-	-
Theaters	Entertainment venue	-	-	-	-	P	P	P	-	-	-	-	-	-
Compatible uses	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Vehicle brokers	Vehicle sales	-	-	-	-	-	P	-	-	-	-	-	-	-

Proposed Manufacturing & Industrial Use Table

1st Draft - December 2024

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Uses	Zones												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Data Centers*	-	-	-	-	-	-	-	-	-	P	-	-	-
Digital asset mining*	-	-	-	-	-	-	-	-	-	P	-	-	-
Funeral services, crematorium	-	-	-	-	-	C	-	-	C	P	-	-	-
Manufacturing, artisan*	-	-	-	P	P	P	P	-	P	-	-	-	-
Manufacturing, light*	-	-	-	-	C	P	-	-	P	P	-	-	-
Manufacturing, moderate*	-	-	-	-	-	C	-	-	P	P	-	-	-
Manufacturing, intentsive*	-	-	-	-	-	-	-	-	C	P	-	-	-
Recycling center	-	-	-	-	-	-	-	-	C	P	C	-	-
Salvage yard	-	-	-	-	-	-	-	-	-	P	-	-	-
Warehousing, Wholesale, & Freight Movement*					C	C	-	-	P	P			

Existing Manufacturing & Industrial Use Table

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Existing Uses	New Use Category						
		B-1	B-2	CBD	PS	CM	MI
Assembly or fabrication of products from pre-manufactured components	Manufacturing (4 categories)	-	-	-	-	P	P
Auto wrecking or salvage	Salvage yard	-	-	-	-	-	-
Business, manufacturing or scientific research centers, and product development testing laboratories	Manufacturing, moderate	-	-	-	-	P	P
Central elec. power stations	Public utilities	-	-	-	-	C	P
Recycling collection	Recycling center	-	-	-	-	C	P
Freight terminals	Warehousing, Wholesale, & Freight Movement	-	C	-	-	P	P
Industries generating or manufacture hazardous or toxic materials	Manufacturing, intensive	-	-	-	-	-	C
Industries which receive, process or store hazardous or toxic materials	Manufacturing, intensive	-	-	-	-	-	C
Manufacturing and production (less than five thousand (5,000) square feet or with light industrial)	Manufacturing (4 categories)	C	-	-	-	-	-
Manufacturing and production (less than five thousand (5,000) square feet or with light retail)	Manufacturing (4 categories)	-	C	-	-	-	-
Manufacturing and production (less than five thousand (5,000) square feet or with retail outlet)	Manufacturing (4 categories)	-	-	C	-	-	-
Production converting raw or recycled materials into components or finished products	Manufacturing (4 categories)	-	-	-	-	-	P
Storage of bulk fuel and petroleum products	Manufacturing, intensive	-	-	-	-	C	P
Warehousing or storage of products, materials or equipment not to include bulk fuel or petroleum products	Warehousing, Wholesale, & Freight Movement	-	-	-	-	P	P
Wholesale	Warehousing, Wholesale, & Freight Movement	C	C	C	-	P	P

Proposed Civic Use Table

1st Draft - December 2024

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Uses	Zones												
	R-1	R-2	R-3	B	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Cemetery	-	-	-	-	-	-	-	-	-	-	P	-	-
Community Center*	C	C	C	P	P	P	P	-	-	-	-	-	-
Convention Center	-	-	-	-	-	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	-	-	-	P	-	-	-	-	-
Park	P	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	-	-

Existing Civic Use Table

P = Permitted

C = Conditional

* Use Defined on Pages 38-40

^ Use Specific Regulations Apply

Existing Uses	New Use Category	Zones										
		RS	RM	B-1	B-2	CBD	PS	CM	MI	PI	MHP	RVP
Cemetery	Cemetary			-	-	-	-	-	-	C		
Nonprofit organization	Professional office	-	-	-	-	-	-	-	-	C	-	-
Church steeples > 45'	-	-	C	-	-	-	-	-	-	-	-	-
Churches	Community center	C	C	-	C	C	-	-	-	C	-	-
Community centers*	Community center	C	C	C	C	C	-	-	-	-	-	-
Convention centers	Convention center	-	-	-	-	-	-	-	-	C	-	-
Correctional facilities	Correctional facilities	-	-	-	C	-	-	-	-	-	-	-
Cultural centers	Museums	-	-	-	-	-	-	-	-	C	-	-
Fairgrounds	Government facilities			-	-	-	-	-	-	C		
Group care facilities	Community residential facility	-	-	-	-	-	C	-	-	-	-	-
Historical landmarks	-	-	-	-	-	-	-	-	-	C		
Hospitals	Hospital	-	-	-	-	-	C	-	-	-	-	-
Libraries	Library	C	C	P	P	C	P	-	-	C	-	-
Medical and dental clinics*	Professional office	-	-	P	P	P	P	-	-	-	-	-
Museums	Museum	-	-	P	C	P	-	-	-	C	-	-
Nursing homes	Nursing home/skilled nursing facility	-	-	-	-	-	C	-	-	-	-	-
Parks and open space	Park	C	C	P	P	P	P	-	-	C	P	P
Playgrounds & Rec. facilities	Park	C	C	C	C	-	-	-	-	-	P	P
Government facilities, point of service	Government facilities	-	-	-	-	C	-	-	-	C	-	-
Government (no point of service)	Government facilities	-	-	-	-	-	-	-	-	C	-	-
Public & quasi-public utility facilities	Public utilities	-	-	-	-	-	-	P	P	-	-	-
Schools (public and private)	School	C	C	C	C	C	-	-	-	C	-	-
Tourist information centers	Professional office	-	-	-	P	-	-	-	-	-	-	-
Utilities, public and private	Public utilities	-	-	-	-	-	-	-	-	P	-	-
Wireless communication towers	Wireless communication towers	-	-	-	C	-	-	-	-	C	-	-

Building & Site Development Standards

Proposed New Standards, 1st Draft - December 2024

Purpose

The purpose 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.

Applicability

Building and site development standards apply to building facades of residential buildings with seven or more units and mixed-used residential-commercial buildings that are adjacent to:

1. Public or private streets, OR
2. Public parks or non-motorized paths.

Standards

Minimum Facade Transparency

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

1. First story: 30%
2. Upper stories: 20%

Primary Entrance

Where a building is adjacent to a public street, its primary entrance must be located along and directly face the street. Additional building entrances are permitted.

Buildings Adjacent to the R-1 & R-2 Districts

Buildings over two stories tall shall meet the following requirement for each façade adjacent to property zoned R-1 or R-2.

1. Each story over two shall be setback an additional 10-feet per story.

Townhouse Development Standards

Proposed New Standards, 1st Draft - December 2024

Intent

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.

Applicability

Townhouse developments are a permitted use in the 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.

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.
 - c. Garages and carports that abut a street must be set back at least 25 feet from all townhouse parcel lines on public road frontages, or from the back of curb or sidewalk on private roads.
 - 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.
5. Each townhouse lot shall have legal and physical access.
6. 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.
 - c. Block length shall not exceed 600 feet.
4. 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.
5. Orientation
 - a. Townhouse facades must be oriented to public streets, private roads within a public access easement, or courtyards.
 - b. Within individual townhouse developments fronts of townhouses may not face backs of other townhouses.

Nonconformities

Proposed Updated Regulations, 1st Draft - December 2024

What Are Nonconformities?

In zoning, nonconforming, (aka grandfathered) means a use or building which was allowed when it was built but no longer meets current zoning requirements. They are allowed to legally continue but cannot expand, be moved, or replaced. A local example is Hamilton's west side, where many homes and businesses pre-date current zoning and are considered nonconforming with respect to setbacks, use, off-street parking, or the presence of a particular building type (e.g. mobile homes).

How Are Nonconformities Currently Treated in Zoning?

Hamilton's current zoning takes the stance that all non-conformities are created equal, and they should and will eventually go away. In reality this does not happen, and in many cases it can prevent desired incremental redevelopment and property improvements. Further the uniqueness of Hamilton's downtown and west side neighborhoods is a community asset that many residents wish to preserve rather than require conformity with new development standards. Yet if any of these properties were to expand, redevelop, or be destroyed, they would have to come into compliance with Hamilton zoning, which would result in a development pattern more akin to areas developed in the last 30-years.

What is Being Proposed for Nonconformities?

The proposed zoning amendments would update Hamilton's nonconforming use regulations (chapter 17.32 of the Hamilton Municipal Code) to distinguish between "benign nonconformities" which do not pose a risk to public health, safety, or general welfare and nonconformities which do pose a risk to public health, safety, or general welfare and should eventually go away. Under the proposed amendments the City's zoning administrator would be able to administratively designate "benign nonconformities" and, subject to compliance with City building codes, permit them to:

1. Expand up to 10% of the floor area of the original structure,
2. Be altered, and
3. Be replaced if they are destroyed or removed.

This would remove the requirement for "benign nonconformities" to apply for a variance and go before the City's Zoning Board of Adjustment at a public hearing. However, the zoning administrator's decision in designating benign nonconformities could still be appealed to the Zoning Board of Adjustment.

Example Application

A half-acre lot currently zoned single-family residential with eight mobile homes pre-dating zoning would be considered nonconforming with respect to use. The eight mobile homes can continue to be used but if one were destroyed by a falling tree it could not be replaced.

Recognizing mobile homes as an important piece of Hamilton's supply of naturally occurring affordable housing, the proposed amendments to the City's nonconforming regulations would allow the zoning administrator to determine whether replacement of the mobile home would pose any risk to public health, safety, or general welfare. If it does not, then that mobile home could be replaced so long as the total number of mobile homes on the lot does not exceed eight.

Definitions

Accessory dwelling unit	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.
Apartment	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	A building other than a hotel, motel, townhouse, or rowhouse containing seven or more dwelling units.
Bar	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	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.
Boarding house	Buildings 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.
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	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 MCA 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 MCA 50-5-227.
Cottage court	A development containing a cluster (or clusters) of dwellings on the same lot located around common open space.
Data center	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 home	A private residence or other structure in which day care is provided to 3 to 15 children on a regular basis.
Daycare center	An out-of-home place in which day care is provided to 16 or more persons on a regular or irregular basis.
Digital asset mining	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

Entertainment venue	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	Establishments having a capacity of no more than 149 people, such as a small theater, concert venue, or banquet hall.
Entertainment venue, medium	Establishments having event capacity between 150 and 500 people, including single or dual screen cinemas and large meeting or banquet halls.
Entertainment venue, large	Establishments with a capacity to serve more than 500 people, such as stadiums and arenas, large theaters, multi-screen cinemas, and auditoriums.
Financial services	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
Manufactured home	A dwelling for a single household, 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 15-1-101 .Montana Code Annotated.
Manufacturing	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 offsite impacts:
Manufacturing, Artisan	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	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	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	These uses 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 manufacturer	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 testing laboratory	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	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. It does not include warehouses.
Mobile home	A form of housing known as "trailer", "house-trailer", or "trailer coach" exceeding 8 feet 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, house-trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence. It does not include manufactured homes.
Mobile home park	The commercial use of land upon which two or more mobile homes or manufactured homes are located for rental of those homes.
Nursing home/skilled nursing facility	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.
Personal service	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.
Professional office	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.
Recreation, commercial	A commercial business offering amusement, fitness, recreational or entertainment activities.
Story	The 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	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.



Questions? Contact City of Hamilton Planning Department

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MINUTES OF THE CITY OF HAMILTON ZONING CODE UPDATE WORKING GROUP September 30, 2024

Zoning Commission members present: Alyssa English, Karen Hughes, Jessica Randazzo, Nancy Valk, Jenny West, Vivian Yang

Zoning Commission members absent:

Planning Board members present: Jeff Burrows, Roger Gantz, Dan Harmon, Karen Hughes, Dan Mitchell, Marisa Neyenhuis, Chip Pigman

Planning Board members absent: Jeff Burrows, Roger Gantz, Dan Harmon

Zoning Board of Adjustment members present: Vivian Yang

Zoning Board of Adjustment members absent: Drew Blankenbaker, Darwin Ernst, Roger Gantz, Richard Franklin, Sue Smith

Also present: Matthew Rohrbach, City Planner; Mark Rud, Assistant Planner

I. Zoning Commission Vice Chair Jessica Randazzo called the joint meeting to order at 5:32 pm.

II. Public Comments on Non-Agenda Items: None

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. Phase II Zoning Update

• Discuss Proposed Draft Residential Zoning Amendments

Mr. Rohrbach reviewed draft Phase II residential zoning proposals.

Vivian Yang joined the meeting at 5:34pm

Mr. Rohrbach explained standards that would apply in proposed R1, R2 and R3 zoning districts discussed at the last meeting. Additional changes for the R3 district would allow up to 4 stories and 60-foot heights, whereas the current RH district only allows up to 3 stories or 45 feet. Residential design standards for larger buildings, townhome development standards, and non-conforming use and structure standards are also proposed. The latter would allow for benign non-conformities and those that pose risk to public health and safety, in part to help preserve

39 historic housing stock and naturally occurring affordable housing such as existing non-
40 conforming mobile home courts on Hamilton's northside.

41
42 Mr. Rohrbach summarized recent public outreach during 2 interview style meetings at City
43 Hall, and 4 neighborhood walks on Hamilton's westside. Attendees appeared to respond more
44 positively to the walks. Staff solicited feedback on support for proposals. General support for
45 incremental increases in allowed dwelling unit densities across all zoning districts, and
46 implementation of form and scale standards for the westside.

47
48 Some changes proposed by staff based on attendees' responses. The proposal initially explored
49 applying lot coverage maximums to all impervious surfaces; updated recommendation would
50 only apply it to buildings. The proposal explored a maximum height for accessory dwelling
51 units capped to the height of the main dwelling on the lot; updated recommendation would
52 apply the same single-family dwelling zoning allowance to an ADU to liberally conform with
53 preempting state law. The proposal explored a max height of 25-feet in the R2 and R3 districts;
54 updated recommendation would allow up to 30-feet.

55
56 Ms. English asked whether basements would still be considered a story. Under drafts
57 proposals, it no longer would. Working group members discussed townhome height and story
58 limitations. Mr. Pigman suggested the R3 district could potentially accommodate 3-story
59 townhomes. Mr. Rohrbach said staff would explore appropriate heights. Members discussed
60 the minimum density proposed for the R3 and recommended lowering from 14 units per acre
61 to 10 units per acre; staff need to draft a rational means of enforcement. Members had general
62 discussion on housing goals, density and growth.

63
64 **• Next Steps for Phase II of Hamilton's Zoning Update**

65 Mr. Rohrbach noted staff would continue to revise residential standards based on this evening's
66 input, draft cottage court standards, draft amendments to B and B-1 districts, draft amendments
67 to CM and MI districts, draft future land use map amendments, and finalize amendments to
68 the zoning map. He laid out a potential timeline, with the above completed by November.
69 December would iterate a 3rd draft if needed. January would host a public open house, with
70 formal review for adoption February and March with effective date of April.

71
72 Mr. Pigman discussed the proposed R1 side yard setbacks for two-story single-family homes
73 expanding from 5-feet to 10-feet.

74
75 Working group members had general discussion about housing size outcomes of proposed R1
76 setbacks and lot coverage requirements. Members also discussed the front garage setback
77 proposal.

78
79 Mr. Rohrbach stated staff could provide a copy of the walking tour to Working Group
80 members.

81
82 Jack Hayes provided public comment on potential impacts of the R1 proposals on his future
83 building entitlements and preliminary construction.

Bob Nicholls provided public comment on the impacts of the proposals on the northside in the context of R2 and R3 proposals that would primarily apply elsewhere.

V. Approval of Minutes: April 1, 2024 and July 15, 2024

Vivan and Mark Rud noted amendments to July 15 minutes.

MOTION by Jenny West to approved the minutes as amended

SECOND by Vivian Yang

No further discussion

VOICE VOTE called by Ms. Yang unanimous in favor, Motion CARRIES.

VI. MOTION to adjourn the meeting: by Ms. West.

SECOND: Nancy Valk.

No further discussion.

VOICE VOTE called by Ms. Yang was unanimous in favor. Motion CARRIES.

Meeting adjourned at 7:11pm

Matthew Rohrbach
City Planner

Vivian Yang
Zoning Commission Chair

Dan Mitchell
Planning Board President

Vivian Yang
Zoning Board of Adjustment Acting Vice Chair