



**CITY OF HAMILTON
ZONING COMMISSION, PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT JOINT MEETING
THURSDAY, OCTOBER 6, 2022, 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. Review and Discussion on Hamilton Zoning Assessment**
- V. Meeting Adjournment**



CITY OF HAMILTON, MONTANA ZONING REGULATIONS ASSESSMENT REPORT

TABLE OF CONTENTS

Table of Contents.....	1
Introduction.....	2
Project Overview and Purpose.....	2
Overall Process	2
How to Navigate the Assessment Report.....	2
Overall Summary of Suggested Changes.....	3
Community Engagement Overview	5
Who We Heard From	5
Outreach Goals	5
Overall Interview Summary	5
Assessment and Recommendations	6
Code Structure	6
General Organization	9
Process.....	13
Zoning	16
Uses	18
Attainable Housing.....	20
Parks and Trails.....	21
Development Standards	21
<i>Architectural Design Standards</i>	21
<i>Landscape and Tree Preservation</i>	22
<i>Low Impact Development and Green Infrastructure</i>	23
<i>Lighting</i>	24
Parking	24
Historic Preservation.....	25
Signs.....	25

INTRODUCTION

Project Overview and Purpose

The City of Hamilton, much like many desirable western communities, is seeing unprecedented growth which brings opportunities for economic development and innovation as well as the potential to address and mitigate undesirable development patterns. To encourage development that reflects the community vision of the *Envision Hamilton Comprehensive Plan*, the zoning regulations need to be updated to better address emerging trends and the needs of the community such as attainable housing, parking, environmental protection, development review processes, and desired development character.

The primary objective of the assessment is to ensure that zoning regulations align with the newly adopted *Envision Hamilton Comprehensive Plan*, its goals and policies, and future land use categories. This assessment will allow the City to outline how the *Comprehensive Plan* can be better implemented through potential updates to the [Hamilton, Montana, Code of Ordinances, Title 17 - Zoning](#). Title 17 is the primary regulatory document that the City uses to ensure quality development and includes regulations and design standards that address zoning, land use, building setback, building height, parking, landscaping, neighborhood character, and application procedures.

Overall Process

The assessment of Title 17, took place through a three-step process including:

- ✓ *Review of the current Title 17 - Zoning and core policy documents, including the recently adopted *Envision Hamilton Comprehensive Plan**
- ✓ *Listening to what community members feel is working and not working with the current Title 17 regulations*
- ✓ *Developing recommendations for potential changes to Title 17 to ensure regulations reflect Hamilton's vision for the future*

Listening to the community was the most crucial step in the process as it gave the review team an opportunity to hear about the strengths, weaknesses, and opportunities of Title 17 regarding desired development patterns in the City of Hamilton. Comments from the public were compiled and compared to narrow down specific topics for detailed review.

How to Navigate the Assessment Report

This assessment report considers all public feedback, as well as the professional opinion of the consultant team, and serves as a general roadmap for proposed Title 17 updates. Each of the recommendations discussed will take time to develop and many may require additional public outreach and continued discussion between City staff and elected officials.

The report outlines community feedback; details and analyzes existing regulations; and suggests changes and additional inclusions for Title 17.

OVERALL SUMMARY OF SUGGESTED CHANGES

Below is an executive summary of the suggested changes to Title 17 based on community feedback paired with a thorough technical review by staff and the consultant team. Detailed analysis for each section is included in the following pages that can be accessed by clicking on the hyperlinked title headings below.

[Suggested General Organizational Changes](#)

- Organize information into tables where appropriate, specifically, dimensional standards, minimum parking requirements, application review and decision-making bodies, and allowed use.
- Incorporate graphics to illustrate standards such as: building setback and building height; parking layout; landscape regulations; and commercial design standards. Examples included below.
- Simplify language throughout and ensure language such as “should” or “may” is replaced with “shall” or “must”.
- Move any detailed engineering standards to one location to eliminate duplication.
- Review and update definitions to modernize or delete antiquated terminology.
- Another option to consider is to combine subdivision regulations with zoning regulations at a future date to eliminate the need for duplicative information and combine all development application procedures in one place.

[Suggested Changes for Process](#)

- Spell out application procedures and review criteria to create a clear path for application review and consistency in interpretation of the procedures.
- Review and enhance the appeal process.
- Review and adjust the Conditional Use Permit process and assess the proper approval authority.
- Look at eliminating or simplifying the Special Use Permit process as it is not used.
- Develop an administrative review process and assess which applications would be eligible.
- Codify zoning text and map amendment procedures.

[Suggested Changes for Uses](#)

- Create a new chapter for Use Standards and including a Use Table.
- Review allowed uses in each zoning district and ensure use by right for desirable development in specific areas.
- Add shared-amenity housing such as boarding houses or dorms.
- Reduce the amount (and reliance) on Conditional Use.
- Refine mixed-use residential standards to allow for more options for the location of dwelling units in commercial buildings such as at the rear or side.
- Consider new uses such as food trucks, cottage businesses, maker spaces, data centers.
- Consider making storage units a secondary use in zone districts such as B-2 but prohibit them in the CBD district.

Suggested Changes for Attainable Housing

- Develop affordable housing incentives such as density bonus, height bonus, parking reduction, open space reduction, and potentially reduced setbacks based on the target AMI.
- Review and update dimensional standards of ADUs.

Suggested Changes for Parks and Trails

- Complete Parks Master Plan to provide guidance on Title 17 updates.
- Incorporate standards to require more active uses in parks such as pickleball.
- Develop a fee in lieu option for more centralized facilities.
- Incorporate trail connectivity requirements where applicable.
- Define park types and review dedication requirements in Title 16.

Suggested Changes for Development Standards

- Develop commercial, multi-family and townhome design standards and graphics.
- Add new landscape and tree preservation standards.
- Incorporate dark sky lighting standards.
- Incorporate current design guidelines.
- Revise fencing standards to ensure that front yard fencing does not obstruct views.
- Incorporate renewable energy as incentives.

Suggested Changes for Parking

- Look at a new approach to minimum parking requirements and institute a parking maximum.
- Add bike parking regulations.
- Provide incentives for electric vehicle parking.
- Remove minimum parking requirement Downtown and in the CBD zone district for all uses other than residential and lodging.
- Increase the required distance from the site to on-street parking.

Suggested Changes for Historic Preservation

- Develop new chapter to include basic Historic Preservation definitions and standards.
- Allow historic structure to “age in place”.
- Develop a demolition permit or certificate of alteration process to review applications and provide a mechanism for providing relief from certain code requirements for projects designated as historic.

Suggested Changes for Signs

- Remove content-based standards.
- Reformat signs permitted in the different zone districts into tables.
- Add graphics.
- Move definitions to the definitions chapter so all definitions are in one place.

Community Engagement Overview

Who We Heard From

In-person and virtual one-on-one interviews were held with fifteen members of the community representing the following groups:

- Attorneys, developers, builders, designers, and business owners—all residents
- City staff from Planning, Public Works, and Parks and Recreation
- Members of Zoning Commission, Planning Board, Board of Adjustment, and City Council

Outreach Goals

The goal of these interviews was to obtain more specific feedback on the following questions:

- What is **working well or not working well** with the current code?
- What revisions would make the code **easier to use**?
- What are the **three most pressing issues** any potential changes to the code should address?
- Are there particular **land use impacts** (noise, light, screening, etc.) that need to be addressed?
- Are there **types of development** that should be easier or harder to implement?
- What types of **zoning issues** (density, setbacks, land uses, lot sizes, etc.) are problematic from the community and/or developer perspective?
- What **design standards** are working or should be improved?
- How can the code **better respond to the needs** of the community, neighborhoods, and applicants?
- Are the **application processes** meeting the needs of staff and the development community? Are there any bottlenecks in the development process?
- Are there any standards or regulations **missing** in the code?

Overall Interview Summary

In general, interviewees stated that the current language and administration of the code are working well, are easy to use, and provide flexibility. However, many standards are outdated. The need for more attainable housing and mixed-use development were primary topics of discussion along with the need for more regional, active, park space and trail connectivity. A number of interviewees stated that recent code changes to reduce minimum lot and building size were a step in the right direction toward addressing the housing crisis. To further this effort, it was suggested that the City implement a tiered cost approach in which smaller lots would have lower impact fees, an effort that is currently underway.

Feedback also reflected a need for updates to application procedures, including reduced reliance on variances and conditional use permits, and increased use of administrative approvals. Several interviewees mentioned the juxtaposition between new development and preservation or respect for the legacy of the ranching community. There was a desire to encourage infill development in keeping with existing character and to see more specific enforcement of current regulations.

ASSESSMENT AND RECOMMENDATIONS

Code Structure

Existing Code Structure

The Code Structure refers to Hamilton's approach to regulating development. There are several different approaches to zoning commonly used by communities throughout the United States. Hamilton's current code uses components from several of these approaches.

The oldest and most basic approach is **conventional, use-based (also known as Euclidean) zoning**. This divides a community into districts in which different uses are allowed, and different setbacks, building height, lot coverage, and other metrics apply. Although some of Hamilton's commercial zoning districts allow for mixed-use development, the existing Title 17 is primarily classified by a conventional zoning structure with one "special purpose" district called "planned unit development" or PUD. This special purpose district uses the PUD concept to allow design flexibility in exchange for applied conditions as part of the rezoning process. This allows an applicant to negotiate a master planned development and gives Hamilton case-by-case review. However, approaches that codify the conditions that are typically negotiated through PUD approval, coupled with administrative approval, could streamline the process, and allow developers to devote more of their budget to improving design rather than permitting costs.

Alternative Code Structures

Communities that deviate from conventional zoning often refer to zoning regulations that blend conventional and form-based or design-based code as **hybrid codes**. Most communities update their codes with a hybrid approach that incorporates elements from all code types. The variety of code structures available are summarized in the table below.

Summary of Alternative Code Structures

Approach	What is it?	Advantages	Limitations	How does this apply to Hamilton?
Conventional Zoning	Divides a city into districts that establish uniform use and dimensional standards, such as setbacks, height, and density	Familiar to zoning administrators and applicants Controls scale	Does not comprehensively regulate design Segregating use and excessive building setback or height regulations can pose barriers to development preferences	Conventional zoning techniques will likely continue to form the cornerstone of the zoning regulations
Overlay Zoning	Zoning districts that overlap base residential, commercial, and/or industrial districts to establish additional standards or incentives	Familiar to code users Allows a city to supplement existing districts with additional design standards	Complicated due to the multiple layers of regulation	Could be used along Highway 93 frontage to require a higher level of design as opposed to changing the underlying zone districts to comply with the desired character

<i>Approach</i>	<i>What is it?</i>	<i>Advantages</i>	<i>Limitations</i>	<i>How does this apply to Hamilton?</i>
Planned Unit Development (PUD)	Allows modification of development standards for master planned developments to provide more creative approaches and design	Familiar to code users Flexible and allows standards to be negotiated on a case-by-case basis	Lack of standards can produce unpredictable and undesirable development outcomes Requires an unpredictable and potentially lengthy approval process	The City will likely want to continue using this approach in limited capacity but might want to assign a minimum lot size for PUDs so they do not get over-used
Composite Zoning	Rather than having zoning districts of just one component (a list of use districts), composite districts provide separate and independent zoning components such as use, site, and architectural characteristics Components can be combined to create a composite zoning district	Provides a flexible approach to zoning, while preserving basic standards that code users are familiar with	Has the effect of a series of overlay districts, so it is more complicated than conventional districts	This approach could apply well to districts that accommodate higher density housing and mixed-use development.
Use Patterns	Establishes a series of design templates that can be permitted by right or through discretionary procedures For example, a master planned development that would normally require PUD approval could be listed as a permitted use in the district, along with the applicable building, site design and street standards	Streamlines approval of development patterns that the community wants to encourage Provides predictable design standards	Effective in communities with large tracts of land suitable for master planned development	This could work for conservation subdivisions and small, mixed-use neighborhood designations
Design-Based Zoning (Form-Based or Transect-Based)	Divides a city into zones in which regulations vary by physical design characteristics, rather than by use	Directly addresses design Gives landowners flexibility as to permitted uses Applies well to urban situations, such as downtowns, urban districts and corridors	Tend to be complex and unfamiliar to existing code users Limited in scope as they generally do not address issues like congestion, suburban corridors, stream corridors, and related issues	Envision Hamilton provides policy support for design regulations

<i>Approach</i>	<i>What is it?</i>	<i>Advantages</i>	<i>Limitations</i>	<i>How does this apply to Hamilton?</i>
Design Guidelines	<p>Separate documents that contain flexibly written, and typically nonbinding, considerations for design</p> <p>Usually administered by a board, such as a planning commission or a separately created design review board</p>	<p>The city and applicants retain more discretion in negotiating design solutions and can better customize design objectives to specific projects than through specific standards</p> <p>Can be amended more readily than the zoning regulations</p>	<p>Scatters design considerations among separate documents, which can lead to confusion and complexity</p> <p>Sometimes unclear to applicants and administrators whether a guideline is binding</p> <p>Compliance negotiation can lead to delays in development approval or unpredictable results</p>	<p>They are most effective when used for historic districts or neighborhood preservation districts</p>
Performance-Based Zoning	<p>Like form-based zoning, divides districts by prescriptive ratio-based metrics to control development impacts</p> <p>For example, the regulations could prescribe minimum ratios for landscaping and open space, along with maximum impervious surface, building coverage, or floor area metrics by district</p>	<p>More flexible than conventional, one-dimensional zoning</p> <p>Standards, such as impervious surface, limits effectiveness in controlling development within natural features</p>	<p>Can be complicated with various metrics and calculations</p> <p>Development ratios tend to have a very weak relationship to design and are largely limited to restricting the scale and footprint of development</p>	<p>Effective where there are persistent environmental or topographical issues, such as floodplains, riparian corridors, or steep slopes</p> <p>However, performance zoning is not limited to these issues, but also include character-based regulations that blend building and site design with performance metrics</p>

General Organization

Currently, Title 17 is organized into twenty-six separate chapters detailing:

- Title, purpose, and definitions;
- Administration;
- Zoning districts designation, general regulations, and development standards;
- Off-street parking;
- Sign regulations; and
- Specific use regulations, including home occupations, non-conformances, temporary structures, special use permits, variances and conditional uses, fees, and wireless communication facilities.

There are very few tables or graphics throughout the existing document. Subdivision regulations are located in [Title 16](#) and floodplain regulations in [Title 18](#), neither of which are included in this assessment report.

To make Title 17 more user-friendly the following reorganization is recommended:

- The separate zoning district chapters should be combined into a single chapter to simplify the formatting and combine similar information.
- Dimensional standards should be placed into table format within the zone district chapter to make the information more accessible as tables are easier to cross reference.
- Allowed uses should be removed from each zoning district description and consolidated into an overall table in a use regulations chapter for ease of use by both the applicant and staff but creating a quick guide to understanding what uses are permitted in a specific zone district.
- Specific use regulations such as home occupations, temporary and portable structures, and wireless communication facilities should be combined into a new chapter with all other use-specific regulations to combine similar information for ease of navigating the code.
- Combine all application procedures, including special use permits, variances, and conditional use permits into the administration chapter.

Suggested General Organizational Changes

- Organize information into tables where appropriate, specifically, dimensional standards, minimum parking requirements, application review and decision-making bodies, and allowed use.
- Incorporate graphics to illustrate standards such as: building setback and building height; parking layout; landscape regulations; and commercial design standards. Examples included below.
- Simplify language throughout and ensure language such as “should” or “may” is replaced with “shall” or “must”.
- Move any detailed engineering standards to one location to eliminate duplication.
- Review and update definitions to modernize or delete antiquated terminology.
- Another option to consider is to combine subdivision regulations with zoning regulations at a future date to eliminate the need for duplicative information and combine all development application procedures in one place

Specific Reorganization Options for Consideration

Existing Title 17 Outline		
Chapter	Title	Notes
17.04	Title, Purpose, and Definitions	Move Definitions into separate Chapter
17.08	Administration	Should also define the review and decision-making authorities referenced throughout the Title
17.12	Zoning Districts Designated	Lists the zone districts. This chapter could be combined with the definitions and dimensional standards for each zone district in a combined chapter.
17.16	General Regulations and Development Standards for All Districts	Could add parking, landscaping, lighting, and site design standards to this chapter to combine all general development standards in one place. Suggest removing Accessory Dwelling Units and Short-term Rentals to be combined with other use related standards.
17.24	Single-Family Residential District	Combine into a single zone district chapter
17.30	Multiple-Family Residential District	Combine into a single zone district chapter
17.32	Residential High Density District	Combine into a single zone district chapter
17.44	Mobile Home Park Residential District	Combine into a single zone district chapter
17.48	Recreational Vehicle Park District	Combine into a single zone district chapter
17.60	Professional Service Business District	Combine into a single zone district chapter
17.64	Transitional Neighborhood Business District	Combine into a single zone district chapter
17.68	Local Business District	Combine into a single zone district chapter
17.74	Commercial or Manufacturing District	Combine into a single zone district chapter
17.76	Central Business District Zone	Combine into a single zone district chapter
17.80	Commercial or Manufacturing District	Combine into a single zone district chapter
17.84	Manufacturing or Industrial District	Combine into a single zone district chapter
17.88	Public and Institutional District	Combine into a single zone district chapter
17.100	Off-street Parking and Loading	Combine with other development standards in 17.16
17.104	Sign Regulations	Could keep as a stand alone chapter or combine with development standards in 17.16
17.108	Home Occupations	Combine with other use related standards
17.112	Nonconforming Sites, Structures and Uses	
17.120	Temporary and Portable Structures	Combine with other use related standards
17.122	Special Use Permits	Combine with other application procedures
17.124	Variances and Conditional Use Permits	Combine with other application procedures
17.136	Wireless Communication Facilities	Combine with other use related standards

Optional Reorganization Structure		
Chapter	Title	Subsections

17.01	General Provisions	Title and Effective Date, Purpose and Organization, Authority and Applicability, Relationship to Other Plans and Ordinances, Severability, Review and Decision-Making Bodies Defined
17.02	Zoning Districts	Establishment of Zone Districts, Boundaries and Zone District Map, Measurements (general language about how to measure building height and setbacks), Zone District Standards (including definition and dimensional standards for each zone district)
17.03	Use Regulations	Table of Allowed Uses, Definitions and Standards (for each use in the table). Can be organized alphabetically or grouped by residential, commercial, industrial, and public uses.
17.04	Development Standards	Commercial Site and Building Standards, Exterior Lighting, Fencing and Retaining Walls, Landscaping and Screening, and Parking. Optional new sections to consider include Alternative Energy and Green Infrastructure and Natural Resource Protections.
17.05	Sign Regulations	Sign Regulations carried over from existing code
17.06	Nonconforming Sites, Structures and Uses	Nonconformity standards carried over from existing code
17.07	Application Procedures	Procedure Table, General Application Procedures, Specific Application Procedures
17.08	Definitions	All defined terms other than uses. Optionally, uses can be defined in this chapter rather than Chapter 17.03. Most communities prefer to keep them with the other Use Regulations.

Example Graphics as Referenced Above
Figure 1. Example of a dimensional standards graphics

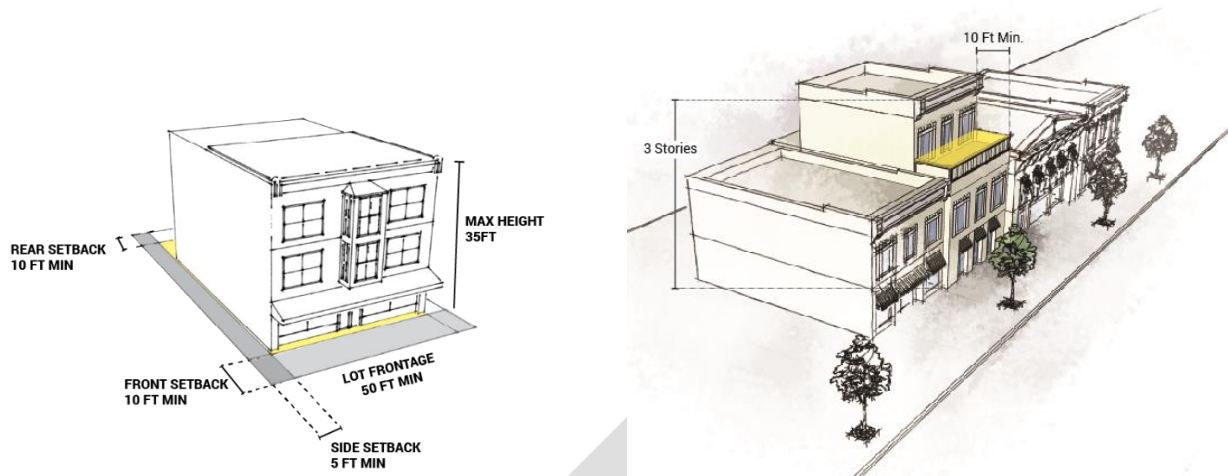
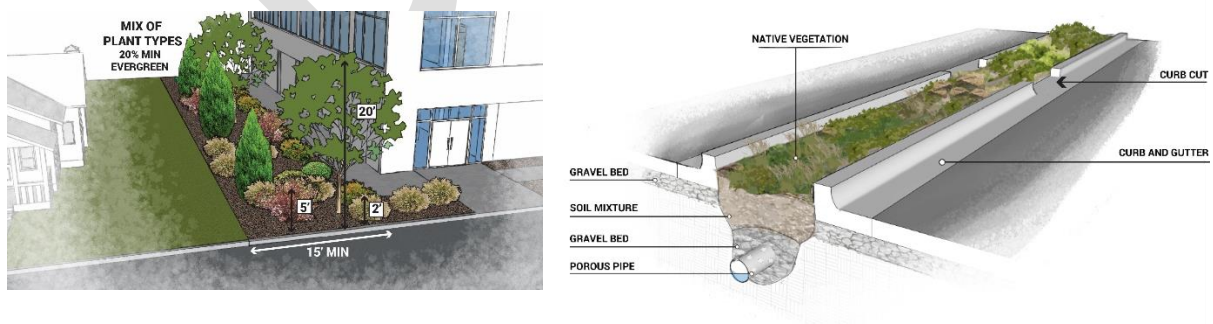


Figure 2. Example of a parking standards diagram



Figure 3. Example of a landscaping standards diagram



Process

Currently there are three application procedures spelled out in Title 17, including Special Use Permits, and Variances and Conditional Use Permits. Subdivision procedures are included in Title 16 and have not been reviewed as part of this assessment. Appeal procedures are detailed in Chapter 17.08, Administration. Application procedures should be streamlined and clarified by combining all application procedures into a single chapter. This consolidated Procedures Chapter should outline typical review procedures, notification requirements, and hearing and appeal procedures, followed by any application-specific procedures.

Sections 17.08.070 - Procedures for hearing and action on appeals from actions of the zoning administrator, and 17.08.080 - Appeals from decisions of the Zoning Board of Adjustment, should be moved from the Chapter 17.08 – Administration, to this new Procedures Chapter and expanded for clarity. A Table of Procedures (see below example) should be included and detail all application types, review authority, and noticing requirements.

Interviewees identified a need for an administrative review process for certain applications. Typically, the following application types are approved administratively: minor subdivisions, site plans, sign permits, temporary use permits, administrative variances, and occasionally, conditional use applications. Procedures to amend Title 17 and the Comprehensive Plan should be added to this Chapter.

Currently, the decision-making authority on conditional use applications is the Zoning Board of Adjustment. This was established at a time when there was no staff to review these applications, therefore the purview for a wide variety of uses was delegated to the appropriate review authority. For the same reason, many use types were assigned as conditional use that could be changed to permitted given that a new, more effective review structure is in place within City Administration today. Additionally, the current criteria for approval of conditional use permits are vague and create confusion for applicants, staff, and the board for how to administer. For example, criterion #1 states conditional use permits may be granted provided "it is consistent with the intent of this Title 17" yet there are 20 different purposes and intents outlined in Title 17. Staff have taken to reviewing each purpose and intent as individual criteria, which is cumbersome and does not provide clear relation to the intent of the conditional use permit review. It is recommended that the criteria be updated to include criteria similar to the following:

1. That the value and qualities of the neighborhood surrounding the conditional use are not substantially impacted, and the request is compatible in function and design with surrounding land uses;
2. Would not create a nuisance or overburden public facilities such as roadways and utility systems, or be a threat to the public health, safety, or welfare of the community;
3. Is not a violation of any provision of State law, or other rule or regulation;
4. Is consistent with the goals and policies of the adopted comprehensive plan.

Another process that should be revised is the special use permit process. It appears to be very similar to a conditional use and according to community members, is rarely used by applicants. It is recommended that the process either be removed completely or be revised to provide a process between administrative and conditional use. It could be altered as a secondary review of an application by Planning Board on review of applications on uses that have very minor impacts that can easily be mitigated yet that staff would like to elevate to Planning Board for final approval rather than being responsible for determination on their own. The criteria could be similar to that above for conditional use.

Community members and staff have expressed a desire to update the approval criteria for variance applications. Many communities have a couple of standard criteria that must be met such as not putting the development at risk of natural hazards and providing reasonable protections afforded to adjacent properties, in addition to a list of criteria such as below in which at least five criteria must be met:

- The applicant would suffer unnecessary hardship as a result of the application of the code, which hardship is not generally applicable to other lands or structures in the same zone district because of the unusual configuration of the applicant's property boundaries, unique circumstances related to the location of existing structures thereon, or the existence of exceptional topographic conditions thereon;
- There are no design alternatives or alternative locations for structures that would eliminate the need for the requested variance or would reduce the amount of the variance required. The variance is the minimum variance that will make possible the reasonable use of the land or structure;
- The enforcement of the provisions of the code deprives the applicant of rights enjoyed by a majority of the other properties in the same zone district;
- The need for the variance is not the result of from actions of previous property owners or is an otherwise self-imposed hardship;
- Reasonable protections are afforded adjacent properties;
- The existence of nonconforming structures shall not be considered grounds for the issuance of a variance.
- There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property.
- The variance request is required in order to preserve a contributing structure in a historic sub district

Suggested Changes for Process

- Spell out application procedures and review criteria to create a clear path for application review and consistency in interpretation of the procedures.
- Review and enhance the appeal process.
- Review and adjust the Conditional Use Permit process and assess the proper approval authority.
- Look at eliminating or simplifying the Special Use Permit process as it is not used.
- Develop an administrative review process and assess which applications would be eligible.
- Codify zoning text and map amendment procedures.
- Update variance criteria to be more comprehensive and less about just the applicant's hardship.
- Develop a table outlining all application procedures and their relevant review and decision making authorities.

Example of a Table of Procedures

Application Type	Pre-application Conference Required	Authority			
		Staff Review	Planning Commission	Town Board of Trustees	Board of Adjustment
	R= Recommendation D = Decision				
Y = Yes O = Optional					
Entitlements					
Amendment	O	R	R	D	--
Rezone	Y	R	R	D	--
PUD	Y	R	R	D	--
Conditional Use	Y	R	R	D	--
Annexation	Y	R	R	D	--
Variance	Y	R	--	--	D
Special Review	Y	D	--	--	
Plans					
Site Plan	Y	R	D	--	--
Plot Plan	O	D	--	--	--
Administrative					
Administrative Adjustment	Y	D	--	--	--
Lot Line Adjustment	Y	D	--	--	--
Easement Adjustment	Y	D	--	--	--
Minor Deviation	Y	D	--	--	--
Plats					
Major Subdivision					
Preliminary Plat	Y	R	R	D	--
Final Plat	O	R	R	D	--
Minor Subdivision	Y	R	R	D	--
Revised Final Plat	Y	D	--	--	--
Condominium/Townhome Plat	Y	D	--	--	--

Zoning

According to interviews, it appears the existing zoning districts and their boundaries are practical. The addition of the Transitional Neighborhood Business District (B) has been useful. Based on guidance from the Comprehensive Plan, and to reduce reliance on PUDs, one or more new zone districts should be added to encompass a greater diversity of housing options and mixed-use development. Additionally, the existing CBD zone district should be altered to focus on mixed-use development.

An innovative option to allow flexibility for infill development would include the removal of single-family and multi-family designations within the residential districts and label them as residential districts such as R-1, R-2 and R-3, targeting more traditional neighborhood development with R-1, missing middle with R-2 and higher density with R-3. These districts would include standards for density and allow flexibility in housing typologies with respect to the appropriate level of intensity for various areas. Alternately, All of the residential zone districts could be combined into one residential zone district to allow for a variety of housing types and densities in all residential areas, given that at the very least the existing RS and RM zoned parcels are rather similar in character and density.

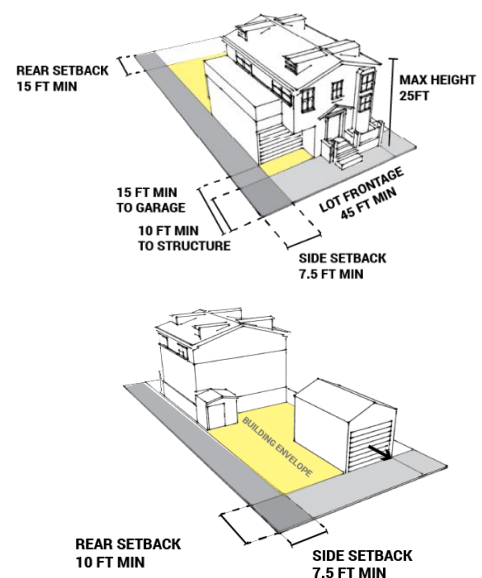
In addition to minor adjustments to the zoning districts themselves, dimensional standards should be adjusted to better accommodate alleys and rear-loaded development, and development on the historic twenty-five (25) foot and thirty (30) foot wide parcels.

A new section on how to measure setbacks and building height should be added to reduce repetitive language throughout the chapter.

As mentioned in the Suggested Organization Changes section above, combining zoning districts into a single chapter and reorganizing the dimensional standards into a table format would be beneficial.

Examples of Dimensional Standards Table and Supporting Graphics

Lot Dimensions	Standard Requirements
Minimum Lot Size	4,400 sf.
Minimum Lot Frontage	45 ft.
Building Setbacks	
Front Setback – Permanent Principal Structure	10 ft. to front facade of residence 15 ft. to garage ^[1]
Front Setback – Permanent and Temporary Accessory Structures	15 ft.
Maximum Front Setback	N/A
Side Setback – Permanent Principal Structure	7.5 ft. ^{[1][2]}
Side Setback – Permanent Accessory Structure	7.5 ft. ^[1]
Side Setback – Temporary Accessory Structure	5 ft.
Rear Setback – Permanent Principal Structure	15 ft. 10 ft. for alley rear-loaded garages 5' for alley side-loaded garages ^[1]
Rear Setback – Permanent Accessory Structure	15 ft. 10 ft. for alley rear-loaded garages 5' for alley side-loaded garages
Rear Setback – Temporary Accessory Structure	5 ft. separation to neighboring buildings/structures and property lines
Site Development Standards	
Maximum Lot Coverage	50%
Maximum Building Height	25 ft. ^[3]
Residential Density	10 du/ac

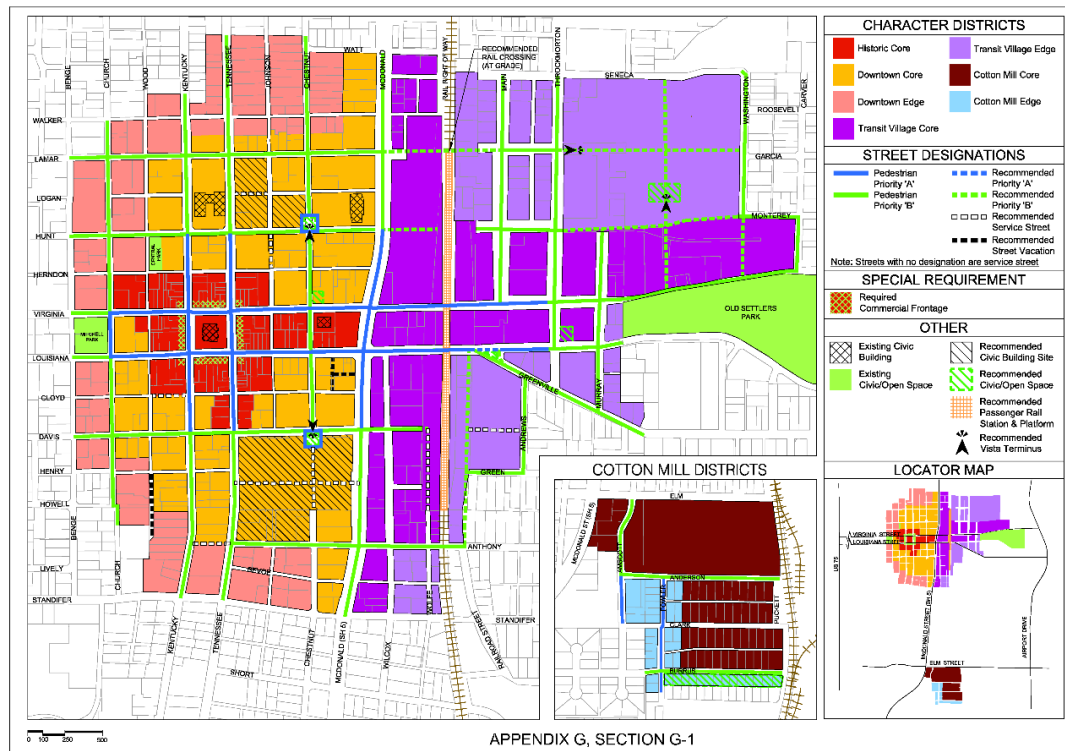


Suggested Changes for Zoning

- Add an additional residential district that allows a range of missing middle housing options on smaller lots.

- Consider adjusting bulk and dimensional standards that make it onerous to building missing middle housing on existing smaller lots.
- Consider allowing duplexes by right in the RS (or new R1) zoning district.
- Add a new, mixed-use zone district(s) in order to accommodate a variety of character districts or desired development typologies such as highway commercial, downtown commercial, and transitional districts. Consideration of design standards and designation of priority streets could be included, similar to the example from [McKinney, Texas](#) below.

Figure 4 Mixed-use character district map example from McKinney, Texas



- Consider establishing historic district overlay zone in areas of high concentration heritage buildings. This overlay zone could call for additional design standards, compatible bulk regulations, or other design criteria and review processes to ensure compatibility with historic structures.
- Reduce rear setbacks for alley loaded products to ten (10) feet.
- Reduce setbacks on older, smaller lots to better accommodate redevelopment and infill.
- Add language about appurtenances that can extend beyond a maximum building height.
- Reduce minimum street frontage for cul-de-sac lots as the current standard is hard to achieve with a pie-shaped lot. Alternatively measuring the street frontage at the setback line rather than the property line may allow for such lots to meet minimum frontage requirements.
- Include definitions and graphics to describe how setbacks should be measured (i.e. from the structure, not the unit).
- Rename residential districts to numbered "R" districts such as R-1, R-2 etc. to remove references to density and expand the allowed residential uses for a broader mix of uses.

Uses

Title 17 currently does not have a dedicated Use Standards Chapter to spell out all of the contemplated uses for the City. It is recommended to develop a new chapter to include a use table with permitted and conditional use designations for each zone district. The information included in the current zone district chapters can be used as a starting point to populate the table. Following development of the table, the inclusion of additional more modern uses should be contemplated such as craft industries, maker spaces, and community agriculture or other currently trending uses to modernize the code. An additional use that was removed many years ago that could provide attainable housing is shared amenity housing or boarding house. Other housing types that could be added as use types to provide missing middle housing options are cottage courts and multi-unit home conversions. Consider simplifying or condensing the uses to be more general. For example, a use titled “eating establishment” could encompass restaurants, coffee shops, bars, etc. that all incorporate a dining space for consuming products created on-site.

The CBD zone district allows for dwelling units above the ground floor. Given that this is rather restrictive with regards to placement of the residential unit, it is recommended that this use be updated to “mixed-use residential” in the new use table and allow for the residential unit to be included either above, beside, or behind the commercial use for flexibility.

In addition to creating the use table and updating the use types, a full review of each use and its allowance in each zone district should be completed to ensure that desirable uses and housing types are a use by right in appropriate zone districts. Additional care should be taken to review conditional uses. Reliance on conditional use permits should be reduced to streamline review processes. For example, in the B-2 district, dwellings are a conditional use provided they are located above the permitted commercial use. Every such CUP request has been granted over the last four years. In an effort to encourage additional housing and simplify processes, dwellings located above or behind permitted commercial uses in the B-2 district ought to be permitted by right. In many communities, the special use process is used as an avenue to allow for middle of the road review process by allowing administrative review of uses that would otherwise be a permitted use but may have specific requirements to mitigate impacts in certain zone districts. The current special use application process could be refined to serve this purpose.

As new uses are considered, allowing limited light agricultural activities in some districts to allow residents the ability to continue beekeeping, chicken coups, or horse paddocks as areas transition from agriculture districts. Other uses to be considered are large footprint, high resource structures such as data centers as not all commercial districts may be appropriate for such uses. Additionally low resource uses like storage units may be considered for secondary uses behind a primary use.

Suggested Changes for Uses

- Create a new chapter for Use Standards and including a Use Table.
- Review allowed uses in each zoning district and ensure use by right for desirable development in specific areas.
- Add shared-amenity housing such as boarding houses or dorms.
- Reduce the amount (and reliance) on Conditional Use.
- Refine mixed-use residential standards to allow for more options for the location of dwelling units in commercial buildings such as at the rear or side.

- Consider new uses such as food trucks, cottage businesses, maker spaces, data centers.
- Consider making storage units a secondary use in zone districts such as B2 but prohibit them in the CBD district.

Example of Use Table

Schedule of Uses														
P = Permitted														
C = Conditional														
Blank = Prohibited														
Use Category	Use Type	RA	RT	R6	R12	R22	MUR	MUC	MUTC	C	LI	OS	PS	Use Specific Standards
	Dwelling, Patio Home/Cottage Court				P	P	P							
	Mobile Home Park	C	C											
Group Living	Group Living Facility, large							C	C	C				
	Group Living Facility, small (Type A)	P	P	P	P	P	P	P	C	C				
	Group Living Facility, small (Type B)				C	C	P	P	C					
	Nursing Care Home				P	C	P	P	P				P	
	Nursing Care Facility				C	C	C	C	C	C			P	
PUBLIC, INSTITUTIONAL, AND CIVIC USES														
Community and Cultural Facilities	Government Admin. and Civic Buildings						C	P	P	P			P	
	Social, fraternal lodges						C	P	P	P			P	
	Public Assembly	C	C	C	C	C	P	P	P	P			P	
	Public Safety Facility	C	C	C	C	C	C	P	P	P	P	P	P	
Child Care Facilities	Child Care Center				C	C	C	P	P	P			C	
	Day Care Home	C	C	C	C	C	C							
Health Care Facilities	Hospital							P	C	P	P			
	Immediate Care Facility							C	C	P			P	
	Medical or Dental Office or Clinic						P	P	P	P				

Example of Use Definition and Standards

18.04.6.2 Apiculture

- Defined. The raising and care of bees for agricultural or commercial purposes.
- Use Standards.
 - Private beekeeping is allowed on any land in Manitou Springs, regardless of the zoning, if it follows the requirements found below:

Table 18.04.5.9.1 – Maximum Number of Colonies Allowed Per Tract

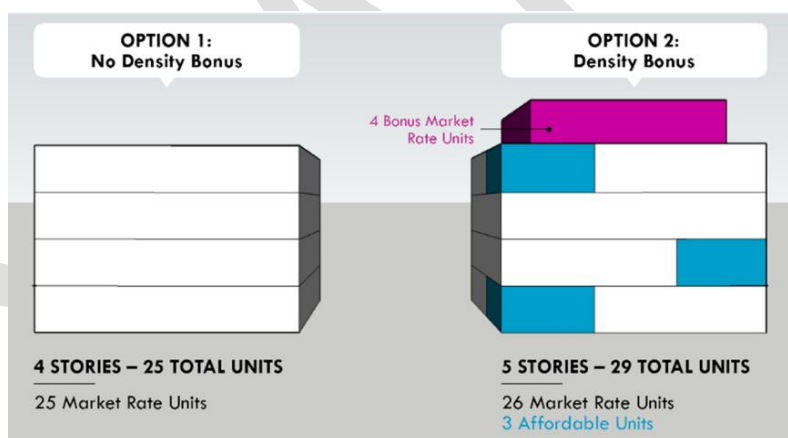
Size of Tract	Maximum Number of Colonies Allowed
One quarter acre and smaller	Two (2) colonies
More than one-quarter acre up to and including one-half acre	Four (4) colonies
More than one-half acre up to and including one acre	Six (6) colonies
More than one acre	Eight (8) colonies

- Hives shall be kept in the rear or side yard.

Attainable Housing

During the Comprehensive Plan update process the primary issue identified by residents was housing affordability. This sentiment was echoed through the code assessment outreach as well. Including a variety of housing options in the Use Standards Chapter will highlight the variety of options allowed and address this issue in part. Given that inclusionary housing is not an option in Montana, it is recommended to create a system of strong incentives to encourage more affordability in the housing market. Some of the most successful incentives include density bonuses, height bonuses, and relaxation of other regulations with the inclusion of housing that meets a certain defined AMI. Many communities have used the threshold of 80-100% of AMI in the recent past but are starting to increase those thresholds to upwards of 180-200% due to the current economic and housing crisis across the country. Another option is to look at incentivizing two tiers of AMI, one at up to 100% to address the lower income housing needs and one at a range of 100%-100% to address missing middle housing.

For density bonuses, a typical ratio is to allow an additional 25% density if at least 25% of the units meet the attainable or affordable threshold defined by the City. Additional incentives that seem to be desirable by the development community include height bonuses in which additional height can be granted or parking requirements reduced in return for achieving a certain percentage of affordable units. Below is a graphic that describes how the density bonus option works. In this case, the bonus allowed for additional building height but required the fifth floor to be stepped back for architectural variety.



Accessory dwelling units (ADUs) have been identified by many communities as a simple way to provide attainable housing stock for the local workforce. Stakeholders indicated that the current ADU standards are working well with a couple of minor adjustments. The tiered impact fee structure that staff is working on is one such suggestion. Another suggestion is to review the dimensional standards and assess the option of increasing the maximum size to 70-75% of the primary structure to help some of the older properties with smaller homes to take advantage of this use.

Suggested Changes for Attainable Housing

- Develop affordable housing incentives such as density bonus, height bonus, parking reduction, open space reduction, and potentially reduced setbacks based on the target AMI.
- Review and update dimensional standards of ADUs.

Parks and Trails

Stakeholders indicated a need for more active park space and trail connectivity. Specific park dedications are typically included in subdivision standards, however, Title 17 could be updated to include the specific design standards for parks and open space to include active uses. A fee in lieu approach or parks impact fee could help amass funding in order to acquire and develop larger regional parks with desired amenities as well as assist in acquiring land to connect the existing trail system for continuity.

Suggested Changes for Parks and Trails

- Complete Parks Master Plan to provide guidance on Title 17 updates.
- Incorporate standards to require more active uses in parks such as pickleball.
- Develop a fee in lieu option for more centralized facilities.
- Incorporate trail connectivity requirements where applicable.
- Define park types and review dedication requirements in Title 16.

Development Standards

This section has been broken down into four subsections to highlight more specific recommendations with a summary of suggested changes at the end of the section.

Architectural Design Standards

Architectural design standards can help to ensure that infill and new development alike fit into the existing character of the community and are specifically highlighted in Envision Hamilton. Therefore, it is recommended that general design standards be created for each commercial, multi-family, and townhome development to include information with regards to building articulation, building massing, required public gathering space, and building materials. Using terms like “compatibility” are subjective and design guidelines do not have enough teeth to be enforceable therefore including this information in Title 17 as regulation will ensure the development meets the desired characteristics. Graphics are key to interpreting these concepts and this section could even be written in a more form-based format for ease of use. These could be applied in character districts similar to the McKinney Texas example on Page 14 above. [Bozeman’s Unified Development Code](#) includes some good examples of architectural standards that could be applicable to Hamilton. Some basic standards that could be incorporated include the following:

- Require parking to be located to the side or rear of a building to encourage the primary façade to be closer to the street right-of-way.
- Require primary building entrances of commercial buildings to be located along street frontages.
- Require a certain percentage of the main floor of commercial buildings to include glass, typically termed “transparency”. A standard metric to use for this is a minimum of 60-80% transparent.
- Require buildings to be stepped back a distance of 6-10’ above the second or third floor to minimize the impact of multi-story buildings on the pedestrian experience.
- Require a certain percentage of all commercial or multi-family developments to include outdoor gathering space, either private or public, by way of plazas, outdoor seating, space to feature public art displays, etc.

Additionally, some minimal design standards to guide development of single family development such as townhomes and duplexes could be helpful. These can include similar architectural standards to those for

commercial development with regards to building façade variation with the addition of standards such as stepping back the height of multi-story structures on the side lot lines adjacent to smaller, single story structures to mitigate the impacts of the larger buildings.

Landscape and Tree Preservation

Title 17 currently does not include landscape standards other than minimal mention of landscaping in the parking regulations. Landscaping and buffering requirements help to mitigate environmental site conditions, minimize conflicts between incompatible uses, and soften the visual impacts of parking areas and intensive uses. Landscape standards can also provide an avenue for integration of green infrastructure to aid in stormwater mitigation which in turn reduces flood risk. It is recommended that all landscape standards be included in Title 17, including all streetscape standards, with reference to maintenance protocols in the Public Works standards.

Stakeholders mentioned the importance of tree preservation and streetscape enhancements. It is recommended to incorporate a tree preservation program similar to the City of Fort Collins which states that any “significant tree (defined as 6” and greater in diameter) that is removed shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of contribution and value of the removed significant tree(s)”. Additional standards could be added to provide a credit for preservation of existing “significant trees.”

Additional information that could be added to this section includes specifying a minimum tree spacing for street trees such as 30’ to 60’ on center and reference to Title 12 for maintenance responsibilities of street trees. Additionally, streetscape standards could be added to limit the amount of high-water use plant material such as bluegrass turf in streetscape plantings. It is recommended to vary on-site requirements and percentage of landscape area per zone district.

Specific requirements for buffering higher intensity uses against lower intensity uses should be added as well as specific parking lot landscape standards with accompanying graphics to illustrate concepts. Typical parking lot standards include requiring a landscape island planted with a shade tree every 10-15 parking spaces, and landscaping around the perimeter of the parking lot to provide additional shade and screening of headlights from adjacent properties or street rights-of-way.

As for applicability of landscape standards, downtown could be exempt from specific requirements given the lack of space, however it is recommended that parcels in downtown be incentivized to incorporate some form of pervious area to help with stormwater management. That can be in the form of a density or height bonus given to a development for providing a certain percentage or square footage of landscape or pervious elements.

It is recommended that properties along Highway 93 be required to upgrade their properties to the new landscape standards upon a change of use or if 30% or more of the existing building is modified. Once again, this area could be included in an overlay zone district to target specific areas. Standards could include street tree requirements and waterwise landscaping to reduce the use of high-water use turfgrass. Additionally, a point system could be developed to trigger landscape upgrades in the overlay. Items such as change of use, percentage of addition or remodel, etc, can be included in the matrix with one point assigned to each item and once you reach a certain number of points you trigger a landscape upgrade.

Low Impact Development and Green Infrastructure

Currently Title 17 is devoid of and references to green infrastructure development which was mentioned by several stakeholders. It is recommended to develop a green infrastructure section and include a menu system approach similar to the example from Manitou Springs, Colorado below who has been effective in integrating more sustainable building techniques within their community without putting undue financial burden on the developers. This system would be geared toward site elements rather than building features which are already primarily included within the building code and the point system can be used as an incentive to start with as a pilot program prior to incorporating similar standards as requirements.

Additionally, specific low impact development techniques could be spelled out and illustrated as optional approached to stormwater management for streetscapes and parking lots.

Excerpt from Manitou Springs Sustainable Site Improvements Menu

A. Menu Item	B. Points	C. Can apply to density bonus	D. Can apply to landscape or dimensional standard relief
General Sustainable Living			
Provide community garden plots, fruit trees, or other means of food production on site for at least 15% of multi-household dwellings.	1 point per each garden plot with a minimum size of 20 square feet	YES	YES
Carbon Footprint Reduction			
Provide connections to existing trails and pedestrian networks using foot bridges and passageways	3 points	YES	YES
Provide double the minimum of the required amount of bicycle parking on site.	1 point	NO	NO
Provide secure and enclosed bicycle parking (e.g. lockers, storage room)	2 points per 5 long term bicycle parking spaces	NO	NO
Natural Resource Protection			
Employ stormwater runoff reduction strategies to slow runoff and promote infiltration, designed in accordance with Section 18.03.7.5.	5 points per 20% of impervious area routed through bioswales, grass swales, or rain gardens by way of curb cuts	YES	YES
Replace a portion of the site pavement with permeable pavement options such as permeable pavers, permeable concrete, or permeable asphalt	2 points per 200 sf of permeable pavement	YES	YES
Exceed landscape area and vegetative requirement by at least 25%.	2 points	YES	YES

Plant at least 20% additional trees than otherwise required.	2 points	YES	YES
Incorporate native or xeric plant material for at least 50% of required landscape area.	2 points	YES	YES

Lighting

Many communities are developing dark sky compliant regulations. Stakeholder feedback indicated a desire to incorporate similar regulations for the City of Hamilton. These typically include standards such as requiring downward directed, full cutoff and shielded light fixtures, regulating light bulb temperature and light levels, and setting time limits on lighting that is not necessary for public safety.

Suggested Changes for Development Standards

- Develop commercial, multi-family and townhome design standards and graphics.
- Add new landscape and tree preservation standards.
- Incorporate dark sky lighting standards.
- Incorporate current design guidelines.
- Revise fencing standards to ensure that front yard fencing does not obstruct views.
- Incorporate renewable energy as incentives.

Parking

Most communities across the United States state that parking is their #1 issue or concern. This is in part due to antiquated minimum parking requirements. Given that, it is worth reviewing the metrics that define the minimum number of required parking spaces to assess if specifying this threshold based on individual use categories is the best approach for Hamilton. One way to simplify the table would be to specify parking ratios for uses or overall use categories that require a specific metric such as residential dwellings, lodging, and restaurants and have one standard for all of the other uses and incorporate a parking maximum to eliminate the future development of large unused parking lots. Another option is to remove the standards altogether and require a parking study to illustrate that the development is providing sufficient parking for the use. Either way, it is recommended to remove the minimum parking requirement in downtown for all uses other than residential and lodging.

Additions to this chapter could include reference LID options, incentives, or requirements to provide electric vehicle charging stations, and bicycle parking standards.

Suggested Changes for Parking

- Look at a new approach to minimum parking requirements and institute a parking maximum.
- Add bike parking regulations.
- Provide incentives for electric vehicle parking.
- Remove minimum parking requirement Downtown and in the CBD zone district for all uses other than residential and lodging.
- Increase the required distance from the site to on-street parking.

Historic Preservation

Title 17 does not currently include a section on Historic Preservation. At a minimum, a section should be added describing how properties can become designated as local historic landmarks along with development standards for historic properties. Many communities include demolition permits for historic properties along with criteria to determine whether a property should be demolished for new development or saved and restored. Additionally, a set of Historic Preservation Design Standards can be very useful in helping guide development within defined historic districts. [Pagosa Springs, Colorado](#) and [Jackson, Wyoming](#) have great examples of design guidelines as a reference.

Typically, in communities similar to Hamilton that have large residential areas that predate the current zoning regulations, there are provisions put into place to help a structure “age in place”. These can include the following:

- Allowing a structure to rebuild based on the original use if the structure is destroyed even if the new code no longer allows that use in that particular zone district
- Allowing a structure to rebuild based on current dimensions if no more than 50% of the gross floor area is disturbed
- Allowing an existing structure to be rebuilt or added onto based on existing (historic) structure setbacks even if they do not meet the Title 17 requirements at the time of construction
- Allowing for relief from parking regulations, setbacks, or building code (for standards that do not affect health, safety, and welfare) for structures listed on the local, state or national historic register to encourage preservation

Suggested Changes for Historic Preservation

- Develop new chapter to include basic Historic Preservation definitions and standards.
- Allow historic structure to “age in place”.
- Develop a demolition permit or certificate of alteration process to review applications and provide a mechanism for providing relief from certain code requirements for projects designated as historic.

Signs

Generally speaking, the current sign code needs to be updated to remove content-based regulations to comply with the supreme court case of Reed vs Gilbert. This includes reference to “for sale” and political signs that need to be referenced as “temporary signs.” The sections discussing signs in different zone districts could be combined into a table for ease of use and graphics should be added to illustrate the difference between the sign types and how measurements are taken.

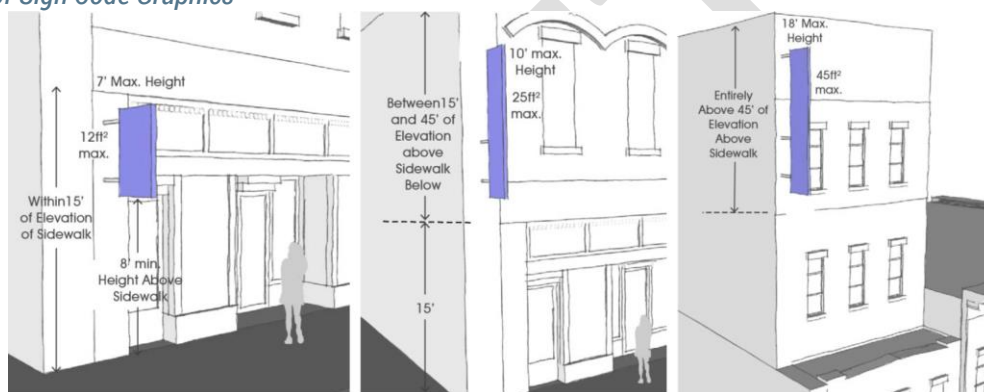
A temporary sign permit could be developed to regulate the amount of and time period in which banners and feather flags can be utilized for advertising sales and the like. Additionally, a comprehensive sign program could be put into place to assess the cumulative effects of signs on a property with a total maximum square footage of sign area per property, site, or use. Any time a business wants to add to their signage they would have to provide documentation that they are not exceeding the overall sign allowance for the property. This could also provide an opportunity for requiring non-compliant signs to come into compliance by triggering review of existing signage with any change of use or modification of a building up to a certain percentage (many communities use 30-50%).

With regards to bringing the size of signage in areas such as Highway 93 down to the desired size, prohibiting pole signs and reducing the maximum height of signs, paired with the compliance mentioned above, would be recommended. Many communities across the country are prohibiting pole signs as a way to reduce sign clutter. Osceola County, Florida is one such community that took a hard stance on signage along the W192 tourist corridor and it has made a huge impact on the visual quality of the corridor.

Suggested Changes for Signs

- Remove content-based standards.
- Reformat signs permitted in the different zone districts into tables.
- Add graphics.
- Move definitions to the definitions chapter so all definitions are in one place.

Examples of Sign Code Graphics



Example of Before (top two images) and After (bottom image) in Osceola County

