



**CITY OF HAMILTON
ZONING UPDATE WORKING GROUP**

**JOINT MEETING OF THE ZONING COMMISSION,
PLANNING BOARD, & ZONING BOARD OF ADJUSTMENT
MONDAY, OCTOBER 16, 2023, 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 Kickoff Discussion***
 - B. Discussion: Board Consolidation**
- V. Meeting Adjournment**

***Materials Attached**

- Phase II zoning update staff memo
- Phase II zoning update draft scope of work
- Phase II zoning update draft community engagement plan
- Comment from zoning commission member Nancy Valk

A quorum of the Hamilton City Council may be present.



City of Hamilton Planning Department

To: Hamilton Zoning Update Working Group
From: Matthew Rohrbach and Mark Rud, Hamilton Planning Department
Date: October 10, 2023
Subject: Hamilton Zoning Update Phase II

Purpose

The purpose of this memo is to outline next steps for phase II of Hamilton's zoning update.

Background

With phase I of Hamilton's zoning update complete the process is moving into phase II. Based on guidance from the Hamilton comprehensive plan and zoning assessment, feedback from the public and zoning update working group, and recent state law changes, staff are proposing the following four focus areas for Hamilton's phase II zoning amendments.

Proposed Phase II Focus Areas:

1. Attainable Housing

During fall 2022 the zoning update working group prioritized zoning amendments that address concerns around the availability and affordability of housing. Hamilton's Comprehensive Plan calls for expanding housing options in Hamilton and the zoning assessment report includes several recommendations to further this aim. Discussions on housing will include an analysis of what barriers currently exist to increasing housing options as well as potential incentives for furthering the City's housing goals. Specific zoning amendments will likely touch on several areas of Hamilton's zoning code and will have cross-over with other phase II focus areas. Key to the housing discussion will be making sure that proposed zoning amendments address compatibility between new housing options and the areas where they are permitted. This will likely include a focus on requirements around building scale and form.

2. Differentiating Between Mature and Developing Areas

Hamilton's current zoning largely treats all areas of the city the same whether they were developed in 1910 or 2010. This assumes we want the whole city to look like new development, that is in conformance with city zoning. In actuality many people appreciate the uniqueness of Hamilton's downtown and westside neighborhoods, much of which does not conform with multiple requirements in Hamilton's zoning (permitted uses, lot size, setbacks, parking, landscaping, etc.)

because it was developed before Hamilton had zoning. Yet if any of these lots were to redevelop or expand, they would have to come into compliance with Hamilton zoning, which could result in an entirely different development pattern. Requiring development (or redevelopment) on older lots and buildings to comply with current zoning standards can result in development that is incompatible with surrounding areas and/or disincentive incremental infill. Concerns associated with Hamilton's zoning not differentiating between mature and developing areas have surfaced during several recent public hearings dealing with zone map amendment and variance requests on Hamilton's west side. As part of the zoning update process staff propose engaging the public and zoning update working group on where there are opportunities to propose development standards and processes that allow Hamilton's older areas to redevelop in ways that are compatible with existing development patterns, while still upholding public health and safety.

3. Reevaluating Permitted and Conditional Uses

This focus area is proposed to have two elements. The first will look at simplifying the use table in Hamilton's zoning code. The use table currently lists over 110 uses across 13 zoning districts. The table lists very specific uses that, while different, generate similar impacts (e.g. bakeries & barbers). In addition, with the current level of specificity the use table inadvertently omits new, unanticipated uses requiring more frequent small amendments (e.g. short-term rentals, food trucks, vehicle brokers, etc.). Staff propose combining the use table into broader categories (e.g. personal services and business services) as a means of focusing less on narrowly defined uses and more on real impacts and scale of development – e.g. incorporating regulations based on building size or traffic generation. In this sense Hamilton's zoning can be more flexible and adaptable to changing needs of business and property owners, while also providing predictability in terms of neighborhood and community impact. This approach will still leave the availability to continue to separate out specific uses identified by the community or required by state law, e.g. marijuana businesses.

The second element will work with the community in looking at the permitted and conditional uses in each zoning district to see if any uses need to be added or omitted.

4. Recent State Law Changes: During the 2023 legislative session several bills were passed and signed by the governor which changed laws governing local zoning for 1st class cities (pop. $\geq 10,000$), 2nd class cities (pop. 5,000 - 10,000) and 3rd class cities (pop. $\leq 5,000$). Hamilton is a 3rd class city. Three recently passed bills apply to all cities.

SB 407, addresses design review standards and had an effective date of October 1, 2023. SB 407 requires that design review standards be clear, objective, and necessary to protect public health or

safety or to comply with federal law. SB 407 also requires that staff do all review for compliance with design review standards; no external board review is allowed. Hamilton currently has building and site design guidelines which commercial development are required to comply with. Compatibility with the building and site design guidelines is also a criteria for special use permits, the review of which is done by the Hamilton Planning Board and City Council. Hamilton's building and site design guidelines and special use permit process will need to be reviewed and possibly updated to comply with SB 407 requirements.

SB 528, addresses accessory dwelling units and has an effective date of January 1, 2024. SB 528 requires that cities allow ADUs on parcels containing a single-family home. The bill sets an allowed maximum size of 75% of the gross floor area of the primary dwelling or 1,000 square feet, whichever is less. Additionally, cities can no longer require parking for an ADU; charge impact fees; or set maximum heights or minimum setbacks that are more restrictive than those for the single-family dwelling on the lot. SB 528 has an effective date of January 1, 2024. Hamilton currently allows ADUs though SB 528 requires updating several ADU provisions in the City's zoning code, include maximum size, parking requirements, and maximum.

Process

The proposed process for phase II of Hamilton's zoning update is laid out in draft scope of work (SOW) and community engagement plan (CEP) attached to this memo. A core principle of the process will be to engage the public early and often. As outlined in the SOW and CEP staff propose beginning engagement with neighborhood meetings that focus on listening to community interests and concerns while also providing information on the zoning update process and its relationship to the comprehensive plan. This will form a foundation for the zoning update process, with further refinement of the focus areas and detail on proposed amendments coming through an iterative process that involves both direct public feedback and direction from the zoning update working group. City staff intend to utilize a variety mediums and venues for public engagement, which are outlined in the attached SOW and CEP

Next Steps

City planning staff are asking for the public and zoning update working group to weigh in on the proposed phase II focus areas as well as the draft scope of work and community engagement plan. Once there is general agreement on the direction for phase II city staff will begin the first round of public engagement.

SCOPE OF WORK

PHASE II: HAMILTON ZONING UPDATE

TASK 1. PROJECT INITIATION: October 2023

The zoning update working group will meet in October 2023 to kick-off phase II of Hamilton's zoning code update. The purpose of the meeting is for the working group to provide staff direction regarding phase II zoning text amendments. The meeting will cover proposed focus areas for the phase II update and the community engagement plan. If additional meetings are required to iron out the phase II focus areas, community engagement plan, or scope of work they will be scheduled in November, December, or January.

Draft Focus Areas:

1. Attainable Housing – focus will be on implementing goals and policies in the comprehensive plan related to expanding housing options. Discussions on housing related zoning amendments will consider compatibility between new and existing development.
2. Differentiating Between Mature and Developing Areas – focus will be on identifying where differing develop standards are needed between older and newer areas of the city in an effort to allow for redevelopment and incremental infill that is compatible with surrounding land uses and continues to uphold public health and safety.
3. Recent State Law Changes – focus will be on codifying recent changes in state law, namely land use laws passed in the 2023 legislative session.
4. Re-evaluating permitted and conditional uses – focus will be on simplifying the list of permitted and conditional uses as well as a review of uses in existing zoning districts to see whether any changes are needed to better reflect desired development patterns.

Engagement:

- Minimum of one Zoning Update Working Group Meeting. More meetings as needed to finalize focus areas, community engagement plan, and/or scope of work.

Deliverables:

- Memo outlining phase II draft focus areas.
- Draft scope of work
- Draft community engagement plan
- Presentation to Zoning Update Working Group

TASK 2. COMMUNITY CHECK IN: October 2023 – January 2024

During phase I of Hamilton's zoning update, staff heard a need to better explain, in plain terms, the comprehensive plan and the zoning update as well as the relationship between the two.

Neighborhood Meetings:

Staff will organize a series of neighborhood meetings to provide information on phase II of the zoning update and comprehensive plan while also listening to community interests and concerns, particularly as they relate to land use and development in Hamilton. These meetings will also serve to inform community members about the zoning update process and where they can go to learn more and keep updated.

Neighborhood meetings will be at venues close to where people live or work, not at city hall. To get the word out on meetings the city will mail a postcard to every address in Hamilton with the date, time and location of each meeting along with a link to the zoning update project website – www.hamiltonzoningupdate.com.

Neighborhoods identified for meetings include:

- Northside (area NW of Hwy 93-Main St. intersection)
- Southside (area SW of Hwy 93-Main St. intersection)
- East of Highway 93
- Downtown
- Highway 93

Stakeholder Meetings

Task two will also include meetings with community/civic groups. These meetings will be scheduled based on the interest and availability of each group, as a result meetings may happen outside of Task 2. Groups identified for engagement include, Hamilton High School, Chamber of Commerce, Hamilton Downtown Association, Bitterroot Affordable Housing Coalition, Downtown Hamilton Business Improvement District, Kiwanis, Rotary, Lions, Soroptomist, Bitterroot Board of Realtors, builders/developers and other groups identified throughout the zoning update process.

Engagement:

- Postcard to all City of Hamilton addresses with information on zoning update, neighborhood meetings, and link to project website
- Minimum of five neighborhood meetings. Additional meetings may be scheduled based on community interest.
- Meetings with community/civic groups. The number of meetings will depend on interest and availability of each group.

Deliverables:

- Report outlining what was heard at neighborhood meetings and other community engagement efforts.
- Presentation(s) to neighborhood and community groups

TASK 3. REFINE FOCUS AREAS: January – March 2024

Staff will present to the zoning update working group a report outlining what was heard from community engagement efforts under task 2. Based on this report staff will propose refining the focus areas into more distinct, high-level action items that will facilitate drafting proposed code amendments under task 4. For example, an action item could be adding a zoning district and the work under task 4 would be to draft the specific development standards and permitted uses for that district. Each focus area may have more than one action item.

At the meeting working group members and members of the public will be asked to provide input on whether public feedback was accurately captured and if any edits are needed to the proposed action items. If additional working group meetings are required to refine action items, they will be scheduled based on availability of staff and working group members.

Once the working group is comfortable with the action items, staff will organize another round of neighborhood meetings to present and take feedback on the proposed path forward. Based on feedback

at neighborhood meetings, the action items may be amended, which, depending on the degree of change, may trigger the need for additional zoning update working group meetings.

Engagement:

- Minimum of one zoning update working group meeting. Additional meetings as needed.
- Minimum of five neighborhood meetings. Additional meetings may be scheduled based on community interest.
- Meetings with community / civic groups. The number of meetings will depend on interest and availability from each group.

Deliverables:

- Report outlining proposed high-level action items for zoning update.
- Presentation to zoning update working group.
- Presentation(s) to neighborhood and community groups.

TASK 4. DRAFT ZONING AMENDMENTS: March – July 2024

Once the zoning update action items have been identified, work will move to drafting specific zoning text for each action item. Critical to obtaining informed public input as part of this task will be thoughtful public engagement that clearly communicates information specific to drafting zoning regulations.

Neighborhood Walks

To begin the process of drafting specific zoning text, city staff will organize neighborhood walks. Neighborhood walks will be used to provide an on the ground view and discussion about how different elements of zoning effect development patterns in Hamilton – e.g. setbacks, housing types, building form & scale, etc. The idea is to put a local visualization behind concepts that may be discussed as part of the zoning update. Neighborhood walks will be scheduled as needed based on community interest expressed at neighborhood meetings.

Community Workshops

Community workshops will engage community members in interactive exercises that dive into the details of drafting zoning text amendments. The exact structure of community workshops is yet to be determined as it will be based on the scope of action items identified in task 3. The number and location of workshops will also be determined by the scope of action items. At a minimum staff anticipate two workshops at Hamilton city hall.

Survey

The surveys is an opportunity to get community feedback on specific zoning topics from people who aren't able to attend workshops or who are more comfortable providing anonymous input. Staff anticipate using a visual preference survey that asks community members to respond to images that exemplify specific development standards and/or patterns.

Drafting Zoning Text Amendments

Based on the full scope of public input, staff will begin drafting zoning text amendments for review and consideration by the public and zoning update working group. Depending on the scope and complexity of proposed amendments they may be brought forward for review in individual modules or all at once. This will likely be an iterative process of drafting, reviewing, and amending proposed zoning language based on feedback from the working group and public.

Draft Zoning Map and Future Land Use Map Updates (if needed)

There is a possibility that the proposed zoning text amendments will also trigger an update to Hamilton's zoning map and/or the comprehensive plan's future land use map. Scenarios that may trigger an update to the zoning map or future land use map, include but are not limited to:

- Names of existing zoning districts changing.
- Amendments to development standards or permitted uses in existing zoning districts that warrant amending zoning map boundaries or changing implementing zoning districts under the future land use map categories.
- Zoning districts are added or removed, necessitating amending zoning map boundaries or changing implementing zoning districts under the future land use map categories.

It will likely become evident early in the process if proposed zoning text amendments are anticipated to trigger respective map updates. In that case, discussions of zoning and future land use map updates will be folded into the public engagement process outlined above.

Community Open House

Prior to forwarding to the zoning commission and City Council for review, proposed zoning amendments will be highlighted at open houses. The purpose of the open houses will be to provide an overview of the zoning update process and explain the substance of the updates being proposed.

Zoning Update Working Group Meetings

During task 4 the zoning update working group is anticipated to meet at least twice with more meetings on an as needed basis. Working group meetings will be utilized to review and respond to public input and proposed draft zoning amendments. The last phase II working group meeting(s) will take place following the open houses. When the zoning update working group feels that draft zoning text amendments (and map amendments if necessary) have sufficient support and are ready for formal review, proposed amendments will be forwarded to the Hamilton zoning commission.

Engagement:

- Minimum of two neighborhood walks. Additional walks dependent on interest and availability.
- Minimum of two community workshops. Additional workshops as needed.
- Community survey
- Community open houses
- Meetings with community / civic groups. The number of meetings will depend on interest and availability from each group.
- Minimum of two zoning update working group meetings. More meetings as needed.

Deliverables:

- Draft zoning text amendments
- Draft zone map amendments (if necessary).
- Draft future land use map amendments (if necessary).

TASK 5. ADOPTION: August – October 2024

The zoning commission will consider updates through a public hearing, and will then forward its recommendations to the Hamilton City Council for consideration and decision at another two public hearings. Any proposed updates to the future land use map will go through a public hearings process with the planning board and City Council.

Engagement:

- Zoning commission public hearing.
- Two City Council public hearings.
- Planning Board public hearing (if future land use map amendments are proposed)

Deliverables:

- Adopted zoning text amendments.
- Adopted zone map amendments (if necessary).
- Adopted future land use map amendments (if necessary).

COMMUNITY ENGAGEMENT PLAN

PHASE II: CITY OF HAMILTON ZONING UPDATE

This community engagement plan (CEP) provides guidance and direction for public involvement activities that will inform phase II of the City of Hamilton's zoning update. Listening to and responding to the community is key to the success of this process; hence, this CEP was developed to promote meaningful and inclusive community engagement early, often, and effectively.

This CEP is an accompaniment to the phase II zoning update scope of work. The intent is to outline a suite of engagement tools to be used as part of the update process and provide greater detail on how they will be used.

Project Website + Email List

The project website (www.hamiltonzoningupdate.com) serves as a clearinghouse for information on Hamilton's zoning code update. Information on upcoming meetings, process updates, meeting agendas and minutes, and draft code amendments will be posted on the site. The site also allows community members to register for updates. Anyone who has registered for updates will receive email updates on upcoming meetings and when draft zoning amendments are available for review.

Zoning Update Working Group Meetings

Hamilton's zoning update is being guided by a working group made up of the city's zoning commission, planning board, and zoning board of adjustment. The working group will engage the public and city staff in the process of drafting and seeking feedback on proposed updates to Hamilton's zoning. Zoning update working group meetings will occur throughout the zoning update process. All zoning update working group meetings will be open to the public and will be held at Hamilton City Hall – 223 South 2nd Street. Exact dates and times will be posted on the project and city websites.

Zoning Commission and City Council Public Hearings

When the zoning update working group feels that draft zoning code updates have sufficient support and are ready for formal review, proposed updates will be forwarded to the zoning commission. The zoning commission will consider updates through a public hearing and will then forward its recommendations to the Hamilton City Council for consideration and decision at another two public hearings.

Neighborhood Meetings

Neighborhood meetings will occur in settings close to where people live and work. City staff will make every effort to schedule neighborhood meetings at various times of the day to meet people's differing schedules. The intent is to make it easy for people to attend and to create an environment where people feel comfortable to voice their opinions and feel heard. Neighborhoods have been broken down as follows:

- Northside (area NW of Hwy 93-Main St. intersection)
- Southside (area SW of Hwy 93-Main St. intersection)
- East of Highway 93
- Downtown
- Highway 93

Zoning update working group members who reside or work in these respective areas are encouraged to attend to discuss proposals and take note of community feedback.

Neighborhood meetings will occur early in the process to inform people about the zoning update and to gain an understanding of community interests and concerns. Subsequent rounds of neighborhood meetings will take place to present and get feedback on proposed zoning amendments as they become available. Additional neighborhood meetings may be necessary depending on the complexity, interest, and/or level support of proposed amendments. Neighborhood meetings will be open to the public. Dates, times, and locations will be posted on the project website.

Community / Civic Group Meetings

Similarly to neighborhood meetings, meetings with community and civic groups will be used to inform and listen. The number and schedule of community / civic group meetings will depend on interest and availability. At a minimum City staff will reach out to the following groups to schedule meetings: Hamilton High School, Chamber of Commerce, Hamilton Downtown Association, Bitterroot Affordable Housing Coalition, Downtown Hamilton Business Improvement District, Kiwanis, Rotary, Lions, Soroptomist, Bitterroot Board of Realtors, builders/developers. Meeting dates, times, and locations may or may not be posted for the public. For example, if presentations occur during closed membership meetings (such as the Chamber of Commerce), the public will not be invited. If they occur before a public body (such as the Downtown Hamilton Business Improvement District), the meeting will be posted on the project website.

Neighborhood Walks

Neighborhood walks will be used to provide an on the ground view and discussion about how different elements of zoning effect development patterns in Hamilton – e.g. setbacks, housing types, building form & scale, etc. The idea is to put a local visualization behind concepts that may be discussed as part of the zoning update. Neighborhood walks will be scheduled as needed based on community interest expressed at neighborhood meetings. Neighborhood walks will be open to the public and be noticed on the project website.

Survey

The surveys is an opportunity to get community feedback on specific zoning topics from people who aren't able to attend workshops or who are more comfortable providing anonymous input. Staff anticipate using a visual preference survey that asks community members to respond to images that exemplify specific development standards and/or patterns. The survey will be both web based and hard copy and be disseminated through the project website, email list, and city offices.

Community Workshops

Community workshops will engage community members in interactive exercises that dive into the details of drafting zoning amendments. The exact structure of community workshops is yet to be determined as it will be based on the scope of zoning updates being considered. The number and location of workshops will also be determined by the scope of updates under consideration. At a minimum staff anticipate two workshops at Hamilton city hall. Workshops will be noticed on the project website and other media identified in the CEP.

Community Open Houses

Prior to forwarding to the zoning commission and City Council for review, proposed zoning amendments will be highlighted at open houses. The purpose of the open houses will be to provide an overview of the zoning update process and explain the substance of the updates being proposed. A minimum of two open

houses are anticipated with more possible based on the scope of amendments and community interest. Open houses will be noticed on the project website and other media identified in the CEP.

Media Tools

Social media

The City of Hamilton's official Facebook page will be used to disseminate information on the zoning update.

Print media

Staff will issue traditional press releases periodically to inform the public of engagement opportunities and/or when draft zoning amendments are available for review. Staff will also attempt to gain "earned media" by soliciting interviews and making themselves available for interviews in local news outlets, particularly print and online editions of the *Ravalli Republic* and *Bitterroot Star*. Public hearing dates will also be legally advertised in a local newspaper as required by state law and local regulations.

Direct mailing

Staff will produce a postcard containing information on the purpose and rough timeline of the code update process, notes about future neighborhood meetings, a link, possibly a QR code for fast scanning, and Planning Department contact information. This will be mailed to all addresses – including commercial – within City limits prior to substantive use changes being discussed by the Working Group.

Staff will also include periodic updates as needed and available on the rear-side of newly updated utility bills, which allow public information to be disseminated to City water and sewer ratepayers.

Measuring Engagement

Throughout the zoning update process staff will measure each form of public engagement. This will include noting the tool used, how many people were engaged, and a brief description of the outcomes of that engagement.

Zoning Update Working Group~
Fall Meeting, October 16th 2023

Dear Members & Staff,

I want to provide you with input for the October 16th working group meeting, as I will be unable to attend. I appreciate all efforts that have been put into revising and updating the City of Hamilton's zoning ordinances. That being said, I would like to voice my support for a new residential zoning code, one that would address the "Missing Middle" housing needs of our community, while at the same time assuring neighborhoods of appropriate height restrictions. Your combined experience far outweighs mine in regard to specific code designations, however I feel confident that I am not out of place in requesting a code that would establish a housing option for multi-family dwellings that restrict the height of buildings to 35' or two stories within the core residential neighborhoods. With all the controversy over the past concerning zoning changes, I believe the new zoning code would provide both developers and neighbors with a comfortable compromise when considering multi-family housing developments within our traditionally single-family neighborhoods. I trust that your conversation at the fall meeting will result in positive recommendations for this important zoning change. I look forward to the next Zoning Commission meeting.

Sincerely,

Nancy Joy Valk