

ORDINANCE NO. 409

AN ORDINANCE OF THE HAMILTON CITY COUNCIL AMENDING MULTIPLE SECTIONS OF TITLE 17 OF THE HAMILTON MUNICIPAL CODE. MORE SPECIFICALLY ADDING SECTION 17.16.060 PERTAINING TO STANDARDS FOR ACCESSORY DWELLING UNITS AND REVISING THE FOLLOWING SECTIONS TO CLARIFY AND ALLOW FOR THE DEVELOPMENT OF ACCESSORY DWELLING UNITS – 17.04.040, 17.16.30, 17.24.020, 17.30.020, 17.32.020, 17.64.020, 17.100.010, AND 17.100.070.

WHEREAS, the City of Hamilton, Montana has adopted zoning regulations in Title 17 of the Hamilton Municipal Code to implement the Growth Policy and provide for the orderly development of the City; and

WHEREAS, the City has amended Title 17 from time to time to respond to changes in state law, legal decisions, and community needs; and

WHEREAS, the Hamilton City Zoning Commission held a public hearing on March 2, 2020 to consider the proposed Title 17 amendments. The Hamilton Zoning Commission voted 5-0 to recommend adoption of the proposed amendments included in this Ordinance; and

WHEREAS, the City of Hamilton published notice of the required Zoning Commission and City Council public hearings on the Title 17 amendments as required by Montana Code Annotated 76-2-303 and Hamilton Municipal Code 17.08.020; and

WHEREAS, the Hamilton City Council conducted the required public hearings on the Title 17 amendments on July 7, 2020 and July 21, 2020; and

WHEREAS, the Hamilton City Council held a first reading of this Ordinance No. 409 on July 7, 2020 and the second reading of this Ordinance No. 409 on July 21, 2020; and

WHEREAS, the Hamilton City Council finds that the proposed Title 17 amendments are consistent with the City of Hamilton's Growth Policy and in compliance with the zoning amendment criteria established in Montana Code Annotated 76-2-304.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hamilton, Montana:

Section 1

That Section 17.04.040, Definitions, of the Hamilton Municipal Code be amended as follows:

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

~~“Dwelling” means a building, or portion of a building used exclusively as a single family, two family or multiple family residence.~~

“Dwelling” means a building, or portion thereof, used for residential purposes providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, that meets the requirements of the City’s adopted International Building Code. Dwellings do not include hotels or motels.

Section 2

That Section 17.16.30, General Regulations in Residential Districts (RS, RM, RH, HD, MHP), of the Hamilton Municipal Code be amended as follows:

~~F. Minimum interior dwelling area~~

- ~~1. Minimum interior dwelling area for a residential unit in buildings up to a four-plex shall be eight hundred (800) square feet.~~
- ~~2. Average interior dwelling area for individual units in multiple family residences in a four-plex structure or larger shall be a minimum of six hundred (600) square feet, but no unit shall be smaller than four hundred (400) square feet.~~
- ~~3. Interior dwelling area shall not include garages.~~

Section 3

That Section 17.16.060, Accessory Dwelling Units, be added to the Hamilton Municipal Code as follows:

A. Standards for All Accessory Dwelling Units

1. Intent.

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

2. Definition.

“Accessory Dwelling Unit” or ADU means a separate dwelling unit within or attached to a single-family dwelling, a separate dwelling unit that occupies an accessory building located on the same lot as a single-family dwelling, or a detached dwelling unit located on the same

lot as a single-family dwelling. ADUs shall be located in a structure that is permanently located on the ground.

3. Where Allowed.

- a. ADUs are allowed in the following zoning districts: Single-Family Residential District (RS), Multiple-Family Residential District (RM), Residential High-Density District (RH), and Transitional Neighborhood Business District (B).
- b. ADUs are only permitted on lots occupied by a single-family dwelling.
- c. Only one ADU is permitted per zoned lot.
- d. ADUs are not permitted in front yards.

4. Minimum Lot Area.

- a. Lots shall meet the minimum lot area and minimum lot frontage requirements of the underlying zoning district.

5. Parking.

- a. At least one off-street parking space shall be provided for an ADU, in addition to the required off-street parking for the principal dwelling unit.
- b. If the lot abuts an alley and a new parking space will be added, access to the new parking space shall come from the alley.

6. Size.

- a. The maximum size of an ADU shall be no more than 50% of the living area of the principal dwelling on the lot or 700 square feet, whichever is less; except that all qualifying lots may have an ADU up to 300 square feet. Living area is calculated by excluding the following areas from the overall gross building area:
 - (1) The thickness of the exterior walls;
 - (2) Garage areas;
 - (3) Any other building areas where the floor to ceiling height is either less than 6 feet or areas not accessible by a stairway.

7. Addressing.

- a. ADUs shall obtain a new address from the Ravalli County GIS Department that is unique from the principal dwelling unit.
- b. Address identification characters for ADUs shall contrast with their background, be alphanumeric, be a minimum 4-inches high, and be visible from the public street or alley fronting the structure. If required by the City Fire Chief, address identification shall be provided in additional approved locations to facilitate emergency response.

8. Permits Required

- a. A residential building permit is required for all ADUs.

B. Additional Standards for Detached Accessory Dwelling Units

1. Entrances

- a. Building entrances to detached ADUs shall not face the nearest side or rear property line unless there is an alley abutting that property line.
- 2. Height
 - a. Detached ADUs shall meet the minimum height requirements of the underlying zoning district for accessory buildings.
- 3. Setbacks
 - a. A detached ADU shall be located at least ten feet behind the principal dwelling unit on the lot, except in instances of conversions of existing accessory buildings or garages where the existing accessory building or garage is already located closer than ten feet from the principal dwelling unit.
 - b. Front yard: Same as underlying zoning district (ADUs are not permitted in front yards).
 - c. Side yard: Same as the underlying zoning district.
 - d. Rear yard: Same as the underlying zoning district for accessory buildings.
- 4. Garage Conversions
 - a. Garages may not be converted for use as ADUs unless all required parking for all proposed uses on the lot is otherwise provided prior to conversion. However, ADUs may be placed above garages provided that all other standards in the Hamilton Municipal Code are met.
- C. Existing Non-Conforming Accessory Dwelling Units
 - 1. Existing ADUs established prior to adoption of these standards remain non-conforming structures in accordance with Chapter 17.112 of the Hamilton Municipal Code.

Section 4

That Section 17.24.020, Uses Allowed in the Single-Family Residential District (RS), of the Hamilton Municipal Code be amended as follows:

17.24.020 – Uses Allowed

- A. Single-family dwellings, ~~accessory buildings and uses incidental to allowed uses.~~
- B. Accessory buildings and uses incidental to the uses allowed in this district.
- C. Home occupations. See Chapter 17.108.
- D. Accessory dwelling units.

Section 5

That Section 17.30.020, Uses Allowed in the Multiple-Family Residential District (RM), of the Hamilton Municipal Code be amended as follows:

17.30.020 – Uses Allowed

- A. All uses allowed in the RS district.
- B. Two-family dwelling units and town homes.

- C. Accessory buildings and uses incidental to the uses allowed in this district.
- D. Home occupations. See Chapter 17.108 of this title.
- E. Accessory dwelling units.

Section 6

That Section 17.32.020, Uses Allowed in the Residential High Density District (RH), of the Hamilton Municipal Code be amended as follows:

17.32.020 – Uses Allowed

- A. All uses allowed in the RS district.
- B. All uses allowed in the RM district.
- C. Multiple-family dwellings, town homes, condominiums and apartments up to a maximum of twenty-eight (28) dwelling units per net acre.
- D. Accessory buildings and uses incidental to allowed uses.
- E. Accessory dwelling units.

Section 7

That Section 17.64.020, Uses Allowed in the Transitional Neighborhood Business District (B), of the Hamilton Municipal Code be amended as follows:

17.64.020 – Uses Allowed

- A. Retail stores and shops which meet the intent of the district.
- B. Convenience stores, not to include sale of propane or motor vehicle fuels.
- C. Personal service facilities.
- D. Hardware stores.
- E. Repair services, except automotive and small engine repair.
- F. Eating establishments, except drive-thru's.
- G. Professional and business offices.
- H. Arts and crafts studios.
- I. Any uses in RS, RM and RH districts provided that the off-street parking requirements for residential uses can be met.
- J. Accessory dwelling units.

Section 8

That Chapter 17.100, Off- Street Parking and Loading, of the Hamilton Municipal Code be amended as follows:

17.100.010 – Intent

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

~~impacts that can result from excessive parking), and reduce the need for on-street parking and thus congestion on streets,~~ alleviate hazards with access to traffic generating business and industrial uses.

The intent is to control parking, internal circulation and access onto a public street and to provide adequate and safe parking for residents and business customers, to ~~protect residential uses from the undesirable effects of~~ avoid and mitigate traffic congestion, ~~to maintain the traffic carrying capacity of the road system serving the community,~~ and to provide aesthetically pleasing parking facilities, all in the interest of public safety and general welfare. The parking requirements specific to the CBD zoning district can be found in Chapter 17.76 of this title.

17.100.070 – Off-street parking space requirements

The following number of off-street parking spaces are required:


- A. The following minimum number of off-street parking spaces shall be provided for the respective uses, subject to the adjustments allowed in subsection 1. When calculation of the required parking results in a fraction of a parking space being required, the fractional space is not required to be provided.
 - 1. Residential Uses:
 - a. One parking space may be deducted from the total off-street parking spaces required for a residential development for every 24 uninterrupted linear feet of available street frontage usable for parallel on-street parking directly adjacent to a lot.
 - b. One parking space may be deducted from the total off-street parking spaces required for a residential development for every two diagonal or perpendicular parking spaces directly adjacent to a lot, which are usable for on-street parking and have been striped by the City of Hamilton.
 - c. The width of drive accesses, designated non-parking areas, and clear sight triangles may not be considered to be available for the purpose of an on-street parking space.
 - d. The number of on-street spaces calculated may not exceed the number of dwellings on the lot.

	Use Classification	Number of Parking Spaces Required
A.	Single-family and mobile homes	2 spaces per dwelling unit (may be a stacked drive-way)
B.	Multi-family dwellings	1½ spaces per dwelling unit
C.	<u>Accessory dwellings</u>	<u>1 space per dwelling unit</u>

BE IT FURTHER ORDAINED, by the City Council of the City of Hamilton, Montana, that this Ordinance No. 409 is passed, approved and adopted effective thirty (30) days following the second reading on July 21, 2020.



By: 
Dominic Farrenkopf, Mayor

Attest: 
Rose M. Allen, City Clerk

