ORDINANCE NO. 418

AN ORDINANCE OF THE HAMILTON CITY COUNCIL AMENDING MULTIPLE SECTIONS OF TITLE 17 OF THE HAMILTON MUNICIPAL CODE PERTAINING TO RESIDENTIAL DEVELOPMENT STANDARDS. MORE SPECIFICALLY REVISING SECTIONS 17.24.040, 17.24.050, 17.24.060, 17.30.010, 17.30.020, 17.30.040, 17.30.050, 17.30.060, 17.32.010, 17.32.020, 17.32.050, 17.32.060, 17.64.050, 17.64.060, 17.68.020, 17.68.030, AND 17.74.020.

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 January 4, 2021 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 February 2, 2021 and February 16, 2021; and

WHEREAS, the Hamilton City Council held a first reading of this Ordinance No. 418 on February 2, 2021 and the second reading of this Ordinance No. 418 on February 16, 2021; 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 the following Sections of Chapter 17.24 (Single-Family Residential District (RS)), of the Hamilton Municipal Code be amended as follows:

17.24.040 - Conditional uses and conditional use structures.

The following conditional uses and conditional use structures must comply with the maximum height regulations of Section 17.24.060 and the regulations set forth in Chapter 17.124. Approval of these conditional uses and conditional use permits must be obtained from the zoning board of adjustment prior to the building permit being issued.

A. Two-family dwellings

~~A. Within the original town site of Hamilton and later additions that were platted before 1957 as small urban lots of thirty by one hundred forty (30×140) feet and had densities of ten dwelling units per net acre the following uses may be allowed subject to the following conditions:~~

~~1. Single-family dwellings, accessory buildings and uses incidental thereto on existing lots with the area dimensions of:~~

~~a. Minimum lot area: Four thousand two hundred (4,200) square feet.~~

~~b. Minimum lot frontage: Thirty (30) feet as measured at the front property line.~~

~~c. Minimum yard setbacks:~~

~~1) Front yard: Twenty (20) feet measured from the front property line, exclusive of unenclosed front porches used as such.~~

~~2) Rear yard: Twenty (20) feet measured from the rear property line for a main building; five feet measured from the rear property line for an accessory buildings; ten feet measured from the rear property line for detached garages with opening to alley.~~

~~3) Side yard: Three feet measured from property line on each side.~~

~~d. Corner lots. Corner lots to be used for single family dwellings on a lot with a minimum area of four thousand two hundred (4,200) square feet and with a minimum thirty (30) foot frontage or duplex dwellings on a lot with a minimum area of eight thousand four hundred (8,400) square feet and with a minimum sixty (60) foot frontage are required to satisfy the fifty (50) foot by twenty (20) foot clear view triangle requirements of First Street for both the primary and secondary street directions.~~

~~2. Duplex dwellings, accessory buildings and uses incidental thereto on those existing lots with the area of and dimensions as follows:~~

~~a. Minimum lot area: Eight thousand four hundred (8,400) square feet.~~

~~b. Minimum lot frontage: Sixty (60) feet as measured at the front property line.~~

~~c. Minimum yard setbacks:~~

~~1) Front yard: Twenty (20) feet measured from the front property line, exclusive of unenclosed front porches used as such.~~

~~2) Rear yard: Five feet measured from the rear property line for a main building; five feet measured from the rear property line for an accessory buildings; ten feet measured from the rear property line for detached garages with opening to alley.~~

~~3) Side yard: Five feet measured from property line on each side.~~

B. Churches;

C. Community centers;

D. Day care centers, preschool and nursery schools;

E. Foster care and licensed family day care homes with six or less full time children;

F. Community residential facilities and licensed group day care homes with twelve (12) or less full time children;

G. Libraries, schools (public and private; and

H. Parks, playgrounds and recreational facilities not for profit but ancillary to residential uses.

17.24.050 – Minimum area regulations.

A. Minimum lot area: ~~Seven thousand (7,000) square feet~~. Four thousand two hundred (4,200) square feet

B. Minimum lot frontage: Thirty (30) ~~Fifty (50)~~ feet as measured at the front property line.

C. Minimum yard setbacks:

1. Front yard: Fifteen (15) ~~Twenty (20)~~ feet measured from the front property line.

2. Rear yard: ~~Twenty (20) feet measured from the rear property line for a main building; five feet measured from the rear property line for an accessory building; ten feet measured from the rear property line for detached garages opening to alley.~~

   a. Main building: Twenty (20) feet measured from the rear property line

   b. Accessory building: Five (5) feet measured from the rear property line

   c. Garages opening to alley: Ten (10) feet

3. Side yards:

   a. Five feet measured from the property line on each side.

   b. Corner lots side yard: Ten feet measured from the property line adjacent to the non-primary street.

17.24.060 - Maximum height regulations.

A. Main building: Two and one-half stories or thirty-five (35) feet, whichever is less, excluding chimneys, which may extend five feet above the roofline.

B. Accessory buildings: Two stories or twenty-five (25) feet ~~One and one-half stories or eighteen (18) feet,~~ whichever is less.

C. Churches, when allowed by a conditional use permit: Forty-five (45) feet.

Section 2

That the following Sections of Chapter 17.30 (Multiple-Family Residential District (RM)), of the Hamilton Municipal Code be amended as follows:

17.30.010 - Intent.

The multiple-family residential district (RM) establishes zoning for one to four family dwelling units. ~~duplexes. Multiple-family dwelling units of three or more dwelling units are allowed with an approved conditional use permit.~~

17.30.020 - Uses allowed.

A. All uses allowed in the RS district.

B. Two to four family dwelling units ~~and townhomes~~.

C. Townhouses

D. Accessory buildings and uses incidental to the uses allowed in this district.

E. Home occupations. See Chapter 17.108 of this title.

F. Accessory dwelling units

17.30.040 - Conditional uses and conditional use structures.

The following conditional uses and conditional use structures must comply with the height regulations of Section 17.30.060 and the regulations set forth in Chapter 17.124. Approval of these conditional uses and conditional use structures must be obtained from the zoning board of adjustment prior to the building permit being issued:

~~A. Within the original town site of Hamilton and later additions that were platted before 1957 as small urban lots.~~

~~1. Single-family dwelling units, accessory buildings and uses incidental thereto on existing lots within the original town site of Hamilton and later additions platted before 1957 as small urban lots of thirty by one hundred forty (30 × 140) feet which had densities of ten dwelling units or less per net acre. The area and dimensions shall be as follows:~~

~~a. Minimum lot area: Four thousand two hundred (4,200) square feet.~~

~~b. Minimum lot frontage: Thirty (30) feet, as measured at the front property line.~~

~~c. Minimum yard setbacks:~~

~~1) Front yard: Twenty (20) feet measured from the front property line, exclusive of unenclosed front porches used as such.~~

~~2) Rear yard: Twenty (20) feet measured from the rear property line for the dwelling unit; five feet measured from the property line for an accessory buildings; ten feet measured from the rear property line for detached garages with opening to alley.~~

~~3) Side yard: Three feet from property line on each side.~~

~~2. Duplex dwelling units, accessory buildings and uses incidental thereto on two or more of those existing lots with the area of and dimensions as follows:~~

~~a. Minimum lot area: Eight thousand four hundred (8,400) square feet.~~

~~b. Minimum lot frontage: Sixty (60) feet as measured at the front property line.~~

~~c. Minimum yard setbacks:~~

~~1) Front yard: Twenty (20) feet measured from the front property line, exclusive of un-enclosed front porches used as such.~~

~~2) Rear yard: Five feet measured from the rear property line for the dwelling unit; five feet measured from the rear yard property line for an accessory building; ten feet measured from the rear property line for detached garages with opening to alley.~~

3) ~~Side yard: Five feet measured from property line on each side.~~

B. Personal service facilities and food services, if located in the main building (club house) for

approved multiple-family dwellings;

C. Church steeples, ornamental towers, spires or monuments, if higher than forty-five (45) feet;

D. Five to eight ~~Multiple-~~family dwellings ~~and apartment houses~~, when access is provided onto a collector or local street;

E. Boarding and lodging houses;

F. Churches;

G. Community centers; and

H. Libraries, museums, schools (public or private), parks, playgrounds or recreational facilities (not for profit).

17.30.050 - Minimum area regulations.

A. Minimum lot area:

1. Single- family dwellings: ~~5,000~~ Four thousand two hundred (4,200) square feet

2. Dwellings in excess of one-unit ~~Two-family dwellings~~: ~~8,400~~ Two thousand five hundred (2,500) square feet per dwelling unit

3. Townhouses: ~~5,000~~ Four thousand two hundred (4,200) square feet

4. All other uses: Eight thousand (8,000) square feet.

~~5. For conditionally permitted uses and structures: Ten thousand (10,000) square feet with a minimum of one thousand four hundred fifty (1,450) square feet of land area for a multiple-family residence.~~

B. Minimum lot frontage:

1. Single family dwellings: ~~40~~ Thirty (30) feet

2. Two-family dwellings: ~~60~~ Fifty (50) feet

3. Dwellings in excess of two units: Sixty (60) feet

4. Townhouses: Thirty (30) feet

5. All other uses: Sixty (60) feet.

~~6. For conditionally permitted uses and structures: sixty (60) feet for three or more family residences, boarding or lodging houses as measured at the front property line.~~

C. Minimum yard setbacks:

1. Front yard: Fifteen (15) ~~Twenty (20)~~ feet measured from the front property line ~~exclusive of unenclosed front porches used as such~~.

2. Rear yard: ~~Twenty (20) feet for a main building measured from the rear property line; five feet measured from the rear property line for an accessory building; ten feet measured from the rear property line for detached garages opening to alley.~~

a. Main building: Twenty (20) feet measured from the rear property line

b. Accessory building: Five (5) feet measured from the rear property line

c. Garages opening to alley: Ten (10) feet

3. Side yard:
    a. Five feet from property lines on each side.
    b. 0 feet for interior walls of townhouses
    c. Corner lots: Ten (10) feet measured from the property line adjacent to the non-primary street ~~for the side yard facing the secondary street~~.

17.30.060 - Maximum height regulations.

A. Main building ~~Dwelling units~~: Three stories or forty-five (45) feet, whichever is less.

B. Accessory buildings: Two stories or twenty-five (25) feet ~~One and one-half stories or eighteen (18) feet,~~ whichever is less.

Section 3

That the following Sections of Chapter 17.32 (Residential High Density District (RH)), of the Hamilton Municipal Code be amended as follows:

17.32.010 - Intent.

The residential high density district (RH) establishes zoning for multiple-family dwellings units ~~of three or more living units~~.

17.32.020 - Uses allowed.

F. All uses allowed in the RS district.

G. All uses allowed in the RM district.

H. Multiple-family dwellings, town homes, condominiums and apartments ~~up to a maximum of twenty-eight (28) dwelling units per net acre.~~

I. Accessory buildings and uses incidental to allowed uses.

J. Accessory dwelling units

17.32.050 - Minimum area regulations.

A. Minimum lot area:
    1. One to two ~~Single-~~family dwellings: Four thousand two hundred (4,200) ~~4,000~~ square feet
    2. ~~Two~~ Three to Four family dwellings: Two thousand (2,000) ~~2,500~~ square feet per dwelling unit
    3. Five to eight family dwelling units: One thousand two hundred (1,200) square feet per dwelling unit.
    4. Multi-family dwellings in excess of ~~four~~ eight units: Ten thousand (10,000) square feet plus 1,400 square feet for each additional unit over ~~four~~ eight.
    5. Townhouses: One thousand six hundred (1,600) square feet

B. Minimum frontage:
    1. One to two family ~~Single-family~~ dwellings: 30 feet
    2. Townhouses: Twenty (20) feet
    3. All other uses: Fifty (50) ~~60~~ feet

C. Minimum yards:

1. Front yards: Fifteen (15) ~~Twenty (20)~~ feet measured from the front property line.
2. Rear yards: ~~Twenty (20) feet measured from the rear property line for the main building; ten feet measured from the rear property line for an accessory building for a building over two stories, ten feet per additional story, measured from the rear property line for a main building.~~
    a. Main building: Twenty (20) feet measured from the rear property line
    b. Accessory building: Five (5) feet measured from the rear property line
    c. Garages opening to alley: Ten (10) feet
3. Side yard:
    a. Five ~~Ten~~ feet measured from property line on each side~~, subject to the clear view triangle regulations~~.
    b. 0 feet for interior walls of townhouses
    c. Corner lots: Ten (10) ~~Fifteen (15)~~ feet for the side yard facing the secondary street.

17.32.060 - Maximum height regulations.

A. Main building: ~~Maximum height for a main building:~~ Three stories or forty-five (45) feet, whichever is less.

B. ~~Maximum height for an accessory building~~ Accessory buildings: Two stories or twenty-five (25) feet ~~One and one half stories or eighteen (18) feet,~~ whichever is less.

Section 4

That the following Sections of Chapter 17.64 (Transitional Neighborhood Business District (B)), of the Hamilton Municipal Code be amended as follows:

17.64.050 - Minimum area regulations.

A. Minimum lot area:
    1. Commercial uses: Three thousand five hundred (3,500) square feet.
    2. Residential uses: Same as Residential High Density District
B. Minimum frontage:
    1. Commercial uses: Twenty-five (25) feet.
    2. Residential uses: Same as Residential High Density District
C. Minimum yards:
    1. Commercial uses:
        a. Front yard: Fifteen (15) ~~Twenty-five (25)~~ feet measured from the front property line.
        b. Rear yard: None established.
        c. Side yards: None established.
        d. Corner lots: Ten (10) ~~Twenty (20)~~ feet for the side yard facing the secondary street.
    2. Residential uses: Same as Residential High Density District
D. Maximum lot coverage:
    1. Commercial uses: Fifty (50) percent.

2. Residential uses: none

17.64.060 - Maximum height regulations.

A. Main building: ~~Maximum height shall be~~ Three stories or forty-five (45) feet, whichever is less.

B. Accessory buildings: Two stories or twenty-five (25) feet, whichever is less.

Section 5

That the following Sections of Chapter 17.68 (Local Business District (B-1)), of the Hamilton Municipal Code be amended as follows:

17.68.020 - Uses allowed.

A. Non-residential Uses allowed in the B district~~, with the exception of RS, RM and RH~~.

B. Retail stores and shops.

C. Banks, credit unions and other financial institutions.

D. Eating establishments, bakeries and catering establishments, except drive-thru's.

E. Arcades.

F. Media offices and production facilities.

G. Printing shops and photography shops.

H. Taverns and cocktail lounges.

I. Theaters, museums and libraries.

J. Social, service and fraternal clubs.

K. Medical and dental clinics.

L. Indoor recreational and fitness facilities.

M. Parks and open space.

N. Professional and personal services.

O. Dwellings in excess of five units.

17.68.030 - Uses not allowed.

A. One to five family Dwellings ~~other than listed~~ except as provided in Section 17.68.040.

B. Manufactured or mobile homes for any use.

C. Use, overnight parking or storage of recreational vehicles or camper trailers.

D. Industrial or manufacturing.

E. Warehouse.

F. Vehicle sales and related services.

G. Vehicle Brokers

H. All other uses not specifically set forth in Sections 17.68.020 and 17.68.040 of this chapter.

17.68.040 - Conditional uses and conditional use structures.

The following conditional uses and conditional use structures must comply with the height regulations of Section 17.68.060 and with the regulations set forth in Chapter 17.124 (variances and conditional use

permits), prior to the building permit being issued:

A. Dwellings, provided they are located above the ground floor of the same building of the use allowed;

B. Schools, nursery schools and day care centers;

C. Mortuaries and crematoriums;

D. Independent parking lot(s);

E. Storage, provided that it is totally enclosed in the building;

F. Casinos;

G. Businesses wherein patronage and/or employment is limited to persons eighteen (18) years of age or older;

H. Community centers;

I. Libraries;

J. Museums;

K. Schools (public and private);

L. Playgrounds and recreational facilities.

M. Wholesale;

N. Manufacturing and production (less than five thousand (5,000) square feet or with light industrial); and

O. Accessory buildings and uses incidental to the uses allowed.

Section 6

That the following Sections of Chapter 17.74 (Highway Related Business District (B-2)), of the Hamilton Municipal Code be amended as follows:

17.74.020 - Uses allowed.

A. Uses allowed in the B-1 district, with the exception of ground floor dwellings.
B. Tourist information centers.
C. Hotels and motels.
D. Eating establishments, including drive-thru's.
E. Casinos.
F. Motor vehicle sales and related services.
G. Service stations.
H. Parking lots and public garages.
I. Equipment and motor vehicle rental outlets.
J. Recreational and fitness facilities.
K. Mortuaries and crematoriums.
L. Convenience stores, that include sale of motor vehicle fuels.

BE IT FURTHER ORDAINED, by the City Council of the City of Hamilton, Montana, that this Ordinance No. 418 is passed, approved and adopted effective thirty (30) days following the second reading on February 16, 2021.

(SEAL)

By: _____
Dominic Farrenkopf, Mayor

Attest: _____
Rose M. Allen, City Clerk


STATE OF MONTANA
CORPORATE
SEAL