

Chapter 3: Land Use

What is a Land Use Study?

A Land Use Study is essential to effective land use planning and to the use of the Growth Policy implementation tools of zoning and subdivision regulations. The purpose of the study is to identify the way in which Hamilton lands are being used, and to aid the Planning Board, Zoning Board and City Council in the identification of logical, future development patterns. State law stipulates that a Growth Policy must contain current land use maps that show both the jurisdictional and planning boundaries of the community.

The Land Use Element of the City's Growth Policy (formerly called the Comprehensive Master Plan) has the broadest scope of any of the components of the Policy. The location of a particular land use may be expressed in comprehensive master plan terms; however, a property owner must be able to identify the Growth Policy designation for his or her parcel from the Land Use Maps contained in the Land Use Element.

The City of Hamilton Land Use Element serves as the framework for the goals and policies contained in the other elements. The City uses the regulations contained within the Zoning Ordinance to implement its Growth Policy.

Key Elements Identified by 1998 Land Use Study

City Build-out

The City is 80% built out in the city limits with less than 15% of vacant land.

Distribution of Land Uses Within the City

| | |
|-----------------------------|-----|
| Residential | 65% |
| Commercial | 15% |
| Industrial | 10% |
| Public Facilities & Schools | 5% |
| Parks & Open Space | 5% |



Take a
closer
look. . .

at the Maps section of
this Growth Policy:

Map ③

ZONING DISTRICTS

Map ④

LAND USE AS OF
DECEMBER 2002

Map ⑤

PLANNING AREA

Housing Development

The City has made an effort to provide a wide range of housing units appropriate to a diversity of residents' socio-economic requirements. Residents of the City believe there is a good balance of residential, commercial and industrial land uses.

Hamilton's Planning Area

The City has a Planning Area that extends several miles beyond the city limits in all directions. The City is greatly affected by developments within this Sphere of Influence area for which there are no land use controls.

Commercial Revitalization

There are a number of commercial sites that are under-utilized or in need of revitalization or rehabilitation, ranging in size from small neighborhood convenience centers to larger centers.

Community Demographic Changes

There are concerns about the changing demographics of the community as well. These concerns are more of a social nature, such as the "graying" of the City's population, as reported in the 2000 Census.

City's Supply of Open Space & Recreation Amenities

As discussed in greater detail in the Growth Policy chapter on Parks, Recreation, Pathways and Open Space, the community is fortunate to have the open space and recreational amenities that it has.

Planning Opportunities

The Comprehensive Master Plan implemented in 1998 provided the Planning Board with the opportunity to prevent spot zoning and re-examine the zoning codes and the uses allowed under the City's existing zoning. The result of that effort is a revised City Zoning Ordinance that is incorporated into this Growth Policy as an implementation tool.



Land Use Constraints

The constraints on potential land uses within the City are divided between those that are a part of the City's natural endowment, and those that result from man-made structures and activities.

Constraints Resulting From Nature

Twenty-five percent (25%) of the City is within the flood hazard area. Flooding may be expected in extreme conditions in the event of a 100-year flood.

Constraints Resulting From Human Activities

Highway 93 divides the City on its north/south axis, presenting both opportunities and constraints for the City. As a constraint, the highway literally divides the City in two.

However, the City has both visual and direct access from the highway as well as visual highway frontage for commercial and/or industrial users. Highway 93 provides the primary source for regional access to and from the City.

There are some industrial and commercial businesses located throughout the City that are involved in the processing, storage, and/or manufacture of a wide variety of goods and materials that benefit from the highway access.

Zoning Designations

The Growth Policy Land Use Map displays land use designations that correspond closely to the zoning categories contained in the City's Zoning Ordinance. The land use designations indicate the nature, intensity and density of development permitted for each land use category.

Map ④

LAND USE AS OF
DECEMBER 2002

Residential Land Uses

The City's 2003 Revised Zoning Ordinance, available from the Hamilton Office of Community Development, provides a detailed description of the requirements of each district:

Single Family Residential provides for the use of single family dwellings of a permanent character and in permanent locations with a minimum lot size of 7,000 square feet. Duplex dwellings may be allowed as a Conditional Use obtained through the Zoning Board of Adjustment. Minimum lot size for a duplex dwelling is 8,400 square feet.

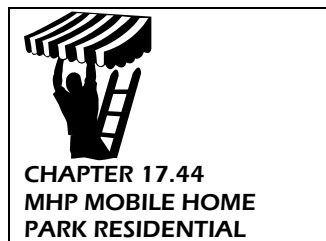
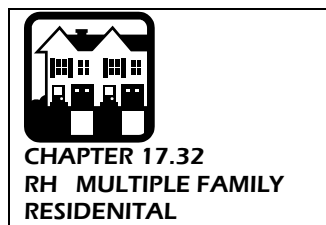
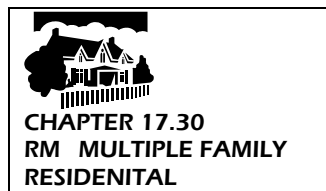
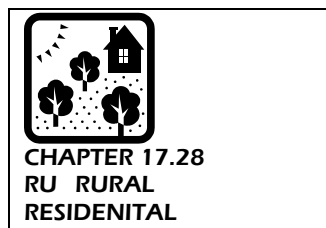
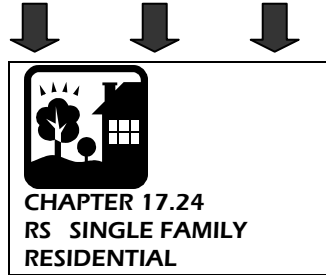
Rural Residential provides for the use of a single family dwelling on a minimum one-acre lot. The district may allow the maintenance of horses and other livestock.

RM Multiple Family Residential establishes zoning for duplex dwelling units. Multiple-family dwelling units (more than two families) on an urban lot may be allowed as a Conditional Use obtained through the Zoning Board of Adjustment. The minimum lot size is 10,000 square feet for a duplex.

RH Multiple Family Residential establishes zoning for two-family and multiple family dwellings. Permitted uses include town homes, condominiums, and apartments, up to the maximum density limit of 28 dwelling units per net acre. The minimum lot size is 20,000 square feet.

Mobile Home Park Residential provides for permanent or semi-permanent placement of mobile housing in subdivisions created for rent or lease. The minimum park area shall be 5 acres. It is permitted in multi-family districts subject to density limitations.

Where is it in the Zoning Ordinance?



Recreational Vehicle Park Residential establishes zoning for travel trailers, camping trailers, truck campers, motor homes and park trailers for temporary parking and set-up (90 days or less in any 12 month period). The minimum park area shall be 3 acres.

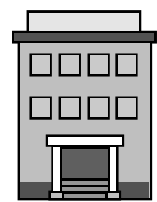


**CHAPTER 17.48
RVP RECREATIONAL
VEHICLE PARK
RESIDENTIAL**

Commercial Land Uses

There are five commercial land use designations proposed in the Hamilton Growth Policy:

Professional Services accommodates professional office uses including financial services, real estate offices, and educational, medical and health-related services. Businesses where goods, wares or merchandise are not manufactured or sold are appropriate uses in this category. The minimum lot area shall be 10,000 square feet, with a maximum height restriction of three stories or 45 feet, whichever is less.



**CHAPTER 17.60
PS PROFESSIONAL
SERVICES BUSINESS**

Transitional Neighborhood Business District establishes zoning that provides neighborhood and service businesses that are designed to service the immediate neighborhood. Appropriate uses include convenience stores that do not sell gasoline or propane; personal service facilities such as barber and beauty shops; eating establishments; professional and business offices; and professional and business offices. The minimum lot size is 3,500 square feet.



**CHAPTER 17.64
B
TRANSITIONAL
NEIGHBORHOOD
BUSINESS**

Local Business establishes zoning for local business and retail trade activities not directly dependent upon passing motor traffic. Appropriate uses include but are not limited to retail stores; banks; restaurants and bakeries; printing shops; theaters; and taverns and cocktail lounges that are not also casinos. The minimum lot area shall be 3,500 square feet, with a maximum height restriction of three stories or 45 feet, whichever is less.



**CHAPTER 17.68
B-1
LOCAL BUSINESS**

Highway Related Business establishes zoning that allows a wide range of retail and service commercial uses whose primary business activities are derived from vehicular traffic along highways and arterials. Permitted uses include but are not limited to hotels and motels; drive-in eating establishments; casinos; motor vehicle sales; service stations; and other retail businesses. The minimum lot area shall be 7,000 square feet, with a maximum height restriction of three stories or 45 feet, whichever is less.

The **Central Business District** establishes zoning in the downtown business core area. Appropriate uses include but are not limited to restaurants and bakeries; arcades; media, printing and photography shops; schools, nursery ad daycare centers; parking lots; restaurants which provide for on-site sale and consumption of alcoholic beverages; and businesses where patronage is limited to persons older than 18 years. The minimum lot area shall be 3,250 square feet, with a maximum height restriction of three stories or 45 feet, whichever is less.

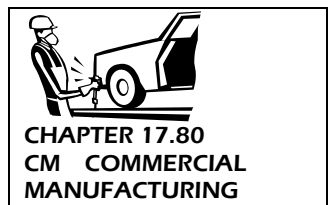
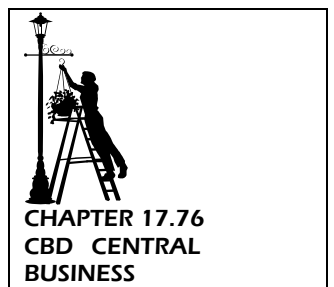
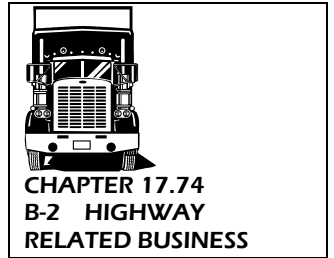
Industrial

Commercial Manufacturing established zoning to allow certain commercial and industrial uses which:

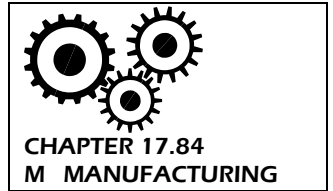
- require 70% or less lot coverage;
- generate low volumes of vehicular traffic;
- create negligible noise, glare, dust or odor.

Permitted uses include but are not limited to car rental outlets; motor vehicle repair garages; business/industrial research centers; product assembly; warehouses; wholesale businesses; mini-storage units; and freight terminals and distribution centers.

The minimum lot area shall be 10,000 square feet, with a maximum height restriction of three stories or 45 feet, whichever is less.

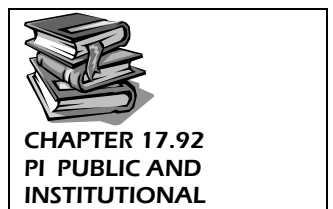


Manufacturing is established to accommodate a mix of industrial manufacturing uses that by their nature require separation from residential zoned properties and are located along major arterial streets. Permitted uses include any production activity that converts raw materials into a finished product. The minimum lot area shall be 20,000 square feet, with a maximum height restriction of three stories or 45 feet, whichever is less.



Public and Institutional Facilities

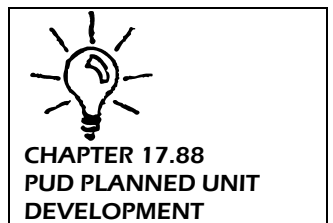
The **Public and Institutional Facilities** district establishes zoning to accommodate those public and institutional uses that are related to the health, safety, educational, cultural and welfare needs of the City. Permitted uses include colleges and schools; convention and cultural centers; churches; government-owned facilities, including fire stations; parks and playgrounds; fairgrounds; and non-profit organization facilities.



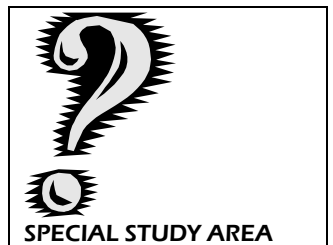
Because of the unique nature of this zoning classification, all of the permitted uses must first obtain a Conditional Use Permit through the Zoning Board of Adjustment.

Planned Unit Development

The **Planned Unit Development** is an overlay district to encourage a more efficient use of land and public services. The PUD classification may provide flexibility of architectural design and mixing of land uses while preserving and enhancing the area. The underlying zoning designation establishes the uses and densities allowable in the PUD.



Special Study Areas are those areas that, because of their nature, require special design and planning consideration in the development of the property. The designation of “Special Study Area” serves as an overlay in addition to the zoning designation. A large tract of land under consideration for annexation may merit the designation of “Special Study Area.”



Goals and Policies for Land Use

In planning, a “goal” is the target, the desired outcome that the City wants to achieve. A “policy” is the specific course of action that the City adopts in order to achieve that goal.

Goal 1: Maintain and enhance high quality development throughout the City.

Policies

Maintain and continue to enhance high quality mixed-use development throughout the City.

Encourage variety, quality, consistency and innovation in land use practice.

Promote quality commercial and industrial development.

Goal 2: Assess opportunities for annexation in the City planning area.

Policy

Annexations should provide a direct benefit to the City.

Goal 3: Maximize benefits of future development of Special Study Areas.

Policies

Ensure that development within Special Study Areas is compatible with adjacent development.

Ensure that development within Special Study Areas does not adversely impact City facilities and services.

Ensure that Special Study Areas reach their maximum development potential.

The City may also want to participate in inter-agency agreements to mitigate regional growth impacts such as air quality, traffic congestion and maintain quality of life.

Goals and policies that relate to the City's flood hazard potential, seismic safety, and hazardous waste are found in **Chapter 6: Environmental Quality and Critical Lands.**

Goals and policies that relate to the City's open space and recreational amenities are found in **Chapter 7: Parks, Recreation, Pathways & Open Space.**

Other Goals and Policies that relate to the Land Use Element can be found throughout other Chapters of the Growth Policy document.