

## ORDINANCE NO. 2026-01

### AN ORDINANCE AMENDING THE HARDIN CITY CODE REFLECTING LEGISLATIVE CHANGES TO ACCESSORY DWELLING UNITS AND MOBILE HOMES

**WHEREAS**, the City Council (hereinafter "Council") of the City of Hardin (hereinafter "City") is generally authorized to adopt ordinances for zoning, per Mont. Code Ann. § 76-2-301 (2025);

**WHEREAS**, the City County Planning Board has made recommendations to change certain parts of the Hardin City Code to reflect changes made by the Montana Legislature.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA**, Title 11, Chapter 11 shall be amended by the insertion of certain language (underline) and deletion of other language (strikethrough), as follows:

#### 11-1-1-1 GENERAL TERMS DEFINED:

GROWTH MANAGEMENT PLAN (GMP): The officially adopted growth and change plan defining where the people of Hardin want their community to grow toward and become. The GMP consists of the community's long and short term goals and objects, local history, public facilities plans, information on local economics, population, housing, land uses, natural resources, and the maps and projections therefor. The GMP also describes how its plans are to be implemented, maintained, and coordinated with other government, and how Hardin deals with subdivision growth. The Growth Management Plan may also be known as a Growth Policy.

#### 11-1-2-1: TERMS PERTAINING TO "USE" DEFINED

ACCESSORY DWELLING UNIT (ADU): a single self-contained living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations adopted pursuant to state law.

- A. An ADU may be attached, detached, or internal to the single-family dwelling unit.
- B. If the ADU is detached from or attached to the single-family dwelling, it may not be more than 75% of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less

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DWELLING: A building used entirely for residential purposes. A "single-family dwelling" is a building that contains only one living unit; a "two-family dwelling" is a building that contains only two (2) living units, and a "multiple dwelling" is a building that contains more than two (2) living units. All dwelling units, with the exception of manufactured mobile homes, must meet the building code as adopted by the city.

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MANUFACTURED (MODULAR) HOME: a single-family dwelling, built offsite in a factory, that is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or travel trailer.

MANUFACTURED MOBILE HOME PARKS, TRAVEL TRAILER PARKS, AND INDIVIDUAL MANUFACTURED MOBILE HOMES: The following definitions shall be utilized in determining the appropriate classification of manufactured mobile homes , modular homes, and travel trailers:

~~A. Manufactured Home: A dwelling unit that: 1) is not constructed in accordance with the standards set forth in the building code, applicable to site built homes; and 2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the homesite on its own chassis; and 3) exceeds forty feet (40') in length and eight feet (8') in width.~~

BA. Manufactured Mobile Home, Class A: A manufactured mobile home constructed within the last two (2) years, that meets or exceeds the construction standards promulgated by the U.S. department of housing and urban development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1. The home has a length not exceeding two (2) times its width;
2. The pitch of the unit's roof has a minimum vertical rise of one foot (1') for each five feet (5') of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
3. The standard siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
4. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and

5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

~~CB. Manufactured Mobile Home, Class B: A manufactured mobile home constructed no more than ten (10) years ago, that meets or exceeds the construction standards promulgated by the U.S. department of housing and urban development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a class A manufactured mobile home.~~

~~DC. Manufactured Mobile Home, Class C: Any manufactured mobile home that does not meet the definitional criteria of a class A or class B manufactured mobile home.~~

~~ED. Manufactured Mobile Home Park: A residential use in which more than one manufactured mobile home is located on a single lot.~~

~~F. Modular Home: A dwelling unit constructed in accordance with the standards set forth in the building code, applicable to site built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the building code standards applicable to site built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.~~

~~MOBILE HOME: See definition of Manufactured Home Parks, Travel Trailer Parks, And Individual Manufactured Homes.~~

~~MODULAR OR MANUFACTURED HOUSING UNIT: See definition of Manufactured (Modular) Home Parks, Travel Trailer Parks, And Individual Manufactured Homes.~~

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~~TRAILER OR MOBILE HOME: See definition of Manufactured Mobile Home Parks, Travel Trailer Parks, And Individual Manufactured Mobile Homes.~~

~~TRAILER OR MOBILE HOME PARK: See definition of Manufactured Mobile Home Parks, Travel Trailer Parks, And Individual Manufactured Mobile Homes.~~

**11-1-2-2: DISTRICTS:**

E. R3 residential manufactured home provides a district for single-family manufactured mobile homes.

**11-1-2-3: DISTRICT USES PERMITTED:**

Premises shall be used for the following purposes:

A. In the AO agricultural open space district only for (see also subsection 11-1-0C of this chapter):

Accessory Dwelling Units (ADUs).

Airports and landing fields having prior approval of the federal aviation agency.

Animal clinics and hospitals, including service to large animals, outside runs, and keeping areas permitted.

Cemeteries, including mausoleums; provided, that mausoleums shall be distant at least two hundred feet (200') from every street line and adjoining lot lines, and provided further, that any new cemetery shall contain an area of ten (10) acres or more.

Churches and other places of worship, Sunday school buildings, and parish houses.

Class A and class B ~~manufactured~~mobile homes.

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B. In the SR suburban residential district only for:

Accessory Dwelling Units (ADUs).

Noncommercial livestock agricultural operations.

Single-family dwellings and class A and B ~~manufactured~~mobile homes with a maximum dwelling unit density of one per net acre.

The homes shall be placed on a continuous wall or footing composed of concrete block.

C. In the R1 single-family district only for (see also subsection 11-1-0C of this chapter):

Accessory Dwelling Units (ADUs).

Churches and other places of worship, Sunday school buildings and parish houses.

Golf courses, but not miniature courses or driving tees.

Home occupations as defined in section 11-1-8-1 of this chapter.

Hospitals and educational, religious, and philanthropic institutions; provided, however, that buildings be set back from all yard lines a distance of at least one foot (1') for each foot of building height.

Multi-family residential as a conditional use.

Private schools with a curriculum similar to public schools, plus nursery, prekindergarten, kindergarten, and other private or special schools.

Public parks, public libraries, public schools, and public community buildings.

Single-family dwellings.

Other uses similar in nature to those listed herein and reviewed as a conditional use.

D. In the R2 general residential district only for (see also subsection 11-1-0C of this chapter):

Class A ~~manufactured~~mobile homes.

Clubs, lodges, fraternities, and sororities where the chief activity is not business.

Hospitals.

Lodging houses.

Office buildings.

Religious, educational, and philanthropic institutions, but not for animal care.

Uses allowed in the R1 single-family district.

Other uses similar in nature to those listed herein and reviewed as a conditional use.

E. In the R3 residential manufactured home district only for (see also subsection 11-1-0C of this chapter):

~~Manufactured~~Mobile home parks; provided, that a master plan of the ~~manufactured~~mobile park layout be submitted for approval by the local government and the state and local health departments. The master plan shall conform to the plat requirements of the ~~city-county subdivision regulations~~zoning ordinance and be reviewed as a conditional use. The master plan plat will be reviewed considering the following:

1. The maximum allowable density for all manufacturedmobile home parks shall be nine (9) manufacturedmobile homes per net acre.
2. For singlewide manufacturedmobile homes, minimum site dimensions shall be forty feet (40') wide and one hundred feet (100') deep.
3. For doublewide manufacturedmobile homes, minimum site dimensions shall be fifty feet (50') wide and one hundred feet (100') deep.
4. The ground area occupied by a manufacturedmobile home, attached storm shed, patio, storage building and off street parking spaces shall not exceed fifty percent (50%) of the total area of the site. In computing the ground coverage, four hundred (400) square feet shall be added to the actual area of the manufacturedmobile home and the accessory buildings for the two (2) required off street parking spaces. This provision limits to one storm shed, not over ten feet by twelve feet (10' x 12') or one hundred twenty (120) square feet in area per site and said utility building shall be placed on a proper foundation.
5. No manufacturedmobile home, storm shed or other legal attachments to said manufactured mobile home shall be located less than seven feet six inches (7'6") from the side site line. Detached tool sheds shall be located not less than five feet (5') from the side or rear site lines. The ends of the manufacturedmobile homes shall be at least ten feet (10') apart when opposing rear walls are staggered, otherwise fifteen feet (15') apart. No portion of a manufacturedmobile home, or attachment thereto, or tool shed, or any other structure shall be located less than fifteen feet (15') away from any site or property line adjacent to a public right of way.
6. The street right of way shall conform to the widths shown on the ~~preliminary plat~~approved site plan of the manufacturedmobile home park at the time it was approved.
7. All entrances, exits, lanes, and driveways between rows of manufacturedmobile homes shall be lighted to provide an intensity of five (5) foot-candles. ManufacturedMobile home parks shall be provided with, at minimum, walkways at least two feet (2') wide between the manufacturedmobile home sites and each service building. Roadways and sidewalks within the parks shall be hard surfaced, either concrete or bituminized.
8. All provisions of water supply, laundry, sewage and fire protection to be provided in any manufacturedmobile home park shall have been approved by the appropriate city department.

9. Off street parking areas shall be provided in all ~~manufactured~~mobile home parks at a ratio of at least two (2) car spaces per ~~manufactured~~mobile home site. At least two (2) car spaces shall be provided on each ~~manufactured~~mobile home site. The area per one car space shall be at least ten feet (10') wide and twenty feet (20') deep, plus ingress and egress.

10. Recreation areas. There shall be provided, unless previously provided by a park dedication as required by the city subdivision regulations, within each ~~manufactured~~mobile home park, an adequate site or sites for recreation for the exclusive uses of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) square feet plus one hundred (100) square feet for each ~~manufactured~~mobile home site in said park. The recreation sites shall be of appropriate design, provided with adequate equipment, and may be used to meet the one- ninth (1/9) minimum area requirement of the ~~subdivision~~zoning regulations.

11. All ~~manufactured~~mobile home parks must provide a completely and permanently landscaped setback area of at least fifteen feet (15') in width around those portions of the park perimeter which border a public right of way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources, and the like. Setback areas not bordering a public right of way may be used to fulfill the recreation area requirements of the preceding subsection.

12. All ~~manufactured~~mobile home parks shall have near their main entrances, a marquee or sign on which there shall be an up to date list of the addresses and a diagram of the park layout.

13. All ~~manufactured~~mobile home parks shall provide one additional space for every five (5) sites as a main parking area to be used by visitors or in the storage of recreational vehicles.

14. Existing ~~manufactured~~mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this subsection E.

15. All ~~manufactured~~mobile homes shall be equipped with coordinating skirts, manufactured for such purpose, to enclose completely the underside of the manufactured mobile home.

16. All ~~manufactured~~mobile housing units moved into this zone must be no older than twenty (20) years. Existing units that predate 2016 are nonconforming uses as of this amendment and cannot be replaced unless by a unit no older than twenty (20) years.

A ~~manufactured~~mobile home replacement permit from the city building inspector must be obtained before a replacement ~~manufactured~~mobile home is put on any space or lot in the R3 zone.

Trailers older than twenty (20) years proposed to be located outside of a licensed trailer court that have obtained a ~~manufactured~~mobile home replacement permit from the city building inspector must apply for a conditional use permit.

Trailers older than twenty (20) years proposed to be located in a licensed trailer court that have obtained a ~~manufactured~~mobile home replacement permit from the city building inspector do not need to also apply for a conditional use permit but still need approval by the city council.

~~Manufactured~~Mobile homes and uses allowed in the R1 and R2 districts.

Other uses similar in nature to those listed herein and reviewed as a conditional use.

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**11-1-5-2: HEIGHT LIMITS ESTABLISHED:**

Height limits shall be as allowed in Section 11-1-6-2.C. except as required in this section and in Section 11-1-5-3. Two (2) stories or thirty feet (30') in all districts except the C1 and I districts shall be allowed. Buildings in agricultural and residential districts shall not exceed 30 feet in height. Buildings in the C1 district shall not exceed in height the width (curb face to curb face) of the street on which they front. Building height in industrial districts the I2 district shall not exceed forty-five feet (45') without approval of the zoning commission. (Ord., 9-3-1974)

**11-1-6-2: YARD AND FAMILY SPACE REQUIREMENTS:**

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C. In The C1, C2, C3, I1 And I2 Districts: Yard setbacks, height restrictions, and lot coverages for the C and I districts other than residential are as follows:

District	Front Setback	Side Setback	Side Adjacent To Street Setback	Rear Setback	Maximum Lot Coverage	Maximum Building Height <sup>1</sup>
C1	0 feet	0 feet	0 feet	0 feet	n/a	n/a <sup>1</sup>

C2	20 feet	0 feet	10 feet	0 feet	75 percent	45 feet <sup>1</sup>
C3	20 feet	0 feet	10 feet	0 feet	50 percent	2530 feet <sup>1</sup>
I1	20 feet	0 feet	10 feet	0 feet	75 percent	75 feet <sup>1</sup>
I2	20 feet	0 feet	10 feet	0 feet	76 percent	n/a <sup>1</sup>

1. n/a: Not applicable; see Section 11-1-5-2.

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**11-1-8-2: ACCESSORY USES PERMITTED:**

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- I. Accessory buildings, other than accessory dwelling units (ADUs), may not be used for dwelling purposes.

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**DATE OF EFFECT.**

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

**FIRST READING AND PASSAGE** By a majority vote of the members present this 17<sup>th</sup> day of April, 2026.

YEAS 6

NAYS 0

Riley C. [Signature]  
Mayor

ATTEST:

Andra Lehu  
City Clerk



POSTED AND MADE AVAILABLE TO THE PUBLIC this 8<sup>th</sup> day of April, 2025.

Andrew Leh  
City Clerk

**SECOND READING AND PASSAGE** By a majority vote of the members present this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk