

ORDINANCE NO. 1766

A COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF HELENA REPLACING AND REPEALING ALL EXISTING ZONING ORDINANCES.

WHEREAS, the City Commission of the City of Helena, at a regular meeting held on the 7th day of October, 1968, referred the question of enacting the following ordinance containing zoning regulations to the Zoning Commission for the purpose of holding a public hearing on such question and making recommendations as provided by law; and

WHEREAS, THE Zoning Commission caused a notice of public hearing on the question submitted to it to be published on the 22nd day of October, 1968, in the Independent Record, a newspaper published in and having a general circulation in the City, a Notice in the form required by law that said Commission would hold a public hearing or hearings on the question referred to it which public hearings would be held on November 6, 1968 and April 1st, 1969, and which notice designated the time and place of such hearing or hearings; and

WHEREAS, the said Zoning Commission did hold such public hearing or hearings and heard all persons desiring to be heard on the question of adopting the following zoning ordinances; and

WHEREAS, the said Zoning Commission thereafter considered the question of adopting the following ordinances and at a regular meeting of the said Zoning Commission held on the 6th day of May, 1969, the said Zoning Commission duly adopted and recommended the enactment of the following ordinance; and

WHEREAS, thereafter the City Commission of the City of Helena thereafter caused a notice of public hearing on the question of adopting the following zoning ordinance to be published on the 9th day of May, 1969, in the Independent Record, a newspaper published in and having a general circulation in the City of Helena, a notice in the form required by law, that the said City Commission would hold a public hearing on the adoption of the following zoning ordinance, which public hearing would be held on the 27th day of May, 1969, and which notice designated the time and place of such hearing; and completed June 16, 1969; and

WHEREAS, the said City Commission of the City of Helena, did hold such public hearing and continuances thereof and heard all persons desiring to be heard on the question of adopting the following ordinances; and

WHEREAS, the City Commission has considered the question of adopting the following zoning ordinance; and

WHEREAS, it is to the best interests of the City of Helena that the zoning regulations established in the following ordinances be adopted and enforced, Now Therefore:

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

SECTION 10 BUILDING COVERAGE - The percentage of the total lot area of a lot which is covered by the principal building.

SECTION 11 BUILDING HEIGHT - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs, and no pitched roof shall be higher from eaves to top than 40 feet.

SECTION 12 BUILDING LINE - The edge or side of a building nearest a lot line.

SECTION 1 TITLE

This ordinance shall be known and cited as the "Zoning Ordinance of the City of Helena."

SECTION 2 DEFINITIONS

For the purposes of this ordinance, certain terms and words are defined as follows; Words used in the present tense shall also include the future; words or phrases used in the singular number shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; and the word "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied". The word "person" shall include a corporation, partnership, or other legal entity.

- 2.1 ACCESSORY BUILDING OR USE** - The use of land or a subordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.
- 2.2 ALLEY** - A public right-of-way, not over 20 feet in width, which provides a secondary means of access to a property.
- 2.3 APARTMENT HOTEL** - A building or portion thereof designed for or providing both individual guest rooms or suites of rooms and dwelling units or apartments.
- 2.4 APARTMENT HOUSE** - See "Multiple Dwelling".
- 2.5 AUTOMOTIVE VEHICLE SALES AREA** - An open area, other than a street, used for the display, sale or rental of new or used automobiles, trailers, or trucks, where no repair work is done except minor incidental repair to vehicles for display. Vehicles must be capable of operation under their own power at all times.
- 2.6 AUTOMOBILE WRECKING** - The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, or partially dismantled, obsolete or wrecked vehicles or their parts.
- 2.7 BASEMENT** - That portion of a building where the adjacent grade of the land falls between the floor and ceiling and more than half of the vertical distance between floor and ceiling is above the average adjoining grade.
- 2.8 BOARDING (LODGING OR ROOMING) HOUSE** - A building, or portion thereof, other than a hotel, where lodging and/or meals for five or more persons, but not more than 20 persons, are provided for compensation.
- 2.9 BUILDING** - Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 2.10 BUILDING COVERAGE** - That percentage of the total lot area of a lot which is covered by the principal building.
- 2.11 BUILDING HEIGHT** - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs, and no pitched roof shall be higher from eaves to top than 40 feet.
- 2.12 BUILDING LINE** - The edge or side of a building nearest a lot line.

- 2.13 BUILDING LINE, FRONT** - The line of that part of the building nearest and parallel to the front lot line of the lot.
- 2.14 BUILDING OFFICIAL** - That official designated, from time to time by the City Commission as the official responsible for accepting, reviewing and approving or rejecting plans for building or occupancy, and applications for building and occupancy permits, and for interpretation and enforcement of ordinances related thereto.
- 2.15 BUILDING PRINCIPAL** - A structure in which is conducted the main use of the lot on which the structure is located.
- 2.16 CELLAR** - That portion of a building wherein more than half of the floor-to-ceiling height is below the average adjacent grade of land and having no natural light source.
- 2.17 CONDITIONAL USE (SPECIAL EXCEPTION)** - The relaxation of the strict terms of this ordinance to permit uses in districts where such uses require additional controls and safeguards not required of otherwise permitted uses.
- 2.18 CHURCH** - A building designed and used for public worship by any religious body.
- 2.19 DRIVE-IN EATING ESTABLISHMENT** - A building or structure from which persons are served prepared food and drink in their automobile or at curbside, but which may or may not have an area for customers to receive and/or eat food outside of an automobile.
- 2.20 DWELLING** - A building or portion thereof designed for occupancy by one or more families.
- 2.21 DWELLING, ONE-FAMILY** - A building designed for occupancy by one family and its resident domestic employees.
- 2.22 DWELLING, TWO-FAMILY** - A building designed for occupancy by two families, living separately, including duplex and semi-detached dwellings.
- 2.23 DWELLING, MULTIPLE-FAMILY** - A building or portion thereof designed for occupancy by three or more families.
- 2.24 DWELLING UNIT** - A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.
- 2.25 FAMILY** - An individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit.
- 2.26 FLASHING SIGN** - A sign, part or all of whose lights go on and off, or appear to go on and off, intermittently.
- 2.27 GARAGE, AUTOMOTIVE REPAIR** - Any building or premises used for major repairs of motor vehicles but not including auto wrecking or storage of wrecked cars. Repair activities shall be conducted in enclosed spaces or screened from public view.
- 2.28 GARAGE, PRIVATE** - An accessory building or an accessory portion of the main building designed and/or used for the shelter or storage of vehicles of the occupants of the main building. Such area to be considered the required offstreet parking.
- 2.29 GASOLINE SERVICE STATION** - A building or premises where gasoline, oil, batteries, tires and automotive accessories

may be sold and routine automotive servicing and parts replacement are performed. However, tire recapping, major repair or body work, painting, welding, auto wrecking and motor overhaul are specifically excluded.

2.30 GOVERNING BODY - The City Commission of the City of Helena.

2.31 GROSS FLOOR AREA - The total area of all floors of a building measured from exterior walls.

2.32 HOME OCCUPATION - A profession or service activity customarily and historically conducted within a dwelling unit by its inhabitants only, which activity is clearly incidental to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.

2.33 HOTEL - A building containing six or more rooms designed for and rented out for sleeping purposes for transients, and where only a general kitchen and dining room are provided within the building or in an accessory building.

2.34 JUNK YARD - Primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off or salvage material of any sort in any other than the original form in which it was manufactured and/or assembled, but, not including reconditioned second-hand furniture, fixtures, or antiques sold from within a walled building.

2.35 LOADING BERTH - An off-street space or berth on the same lot with a principal building for the parking of a commercial vehicle while loading or unloading merchandise and which has direct access from a public street or alley.

2.36 LOT - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

2.37 LOT CORNER - A lot situated at the intersection of two streets or, if on a curved street, where the angle of intersection of curve tangents is less than 135 degrees.

2.38 LOT DEPTH - The mean distance between the front and rear lot lines.

2.39 LOT FRONTAGE - The front of a lot shall be that side which faces a street. If a lot faces more than one street, it shall conform to an established frontage where side exits or a common frontage shall be established. If it is a common lot and there are frontages already established on both of the streets that it faces, it may front on either street so long as it maintains yards conforming to both frontages.

2.40 LOT INTERIOR - Any lot other than a corner lot.

2.41 LOT LINES - The lines bounding a lot as defined herein.

2.42 LOT WIDTH - The mean width of the lot measured at right angles to its depth.

2.43 MARQUEE - A permanent canopy, usually of metal or glass, projecting over an entrance.

2.44 MOTEL - See "Hotel".

2.45 NONCONFORMING USE - A structure or land lawfully used or occupied prior to the effective date of this ordinance which does not conform to the use regulations for the district in which it is located.

- 2.46 NURSERY SCHOOL** - A school, home or institution designed or used to provide daytime care and instruction for four or more young children not resident therein.
- 2.47 NURSING HOME** - A building or part of a building where five or more sick or infirm persons are cared for.
- 2.48 PARKING AREA, PUBLIC** - A structure or an open area, other than a public street or alley, designed or used for the temporary parking of automobiles and available for public use, whether free, for compensation, or as an accommodation to customers or clients.
- 2.49 PARKING SPACE, OFF STREET** - A space located off any public right-of-way which is at least 9' X 20' in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys.
- 2.50 PERSONAL SERVICE** - A business which is neither the practice of a profession nor dealing primarily with the sale of products as stock in trade on the premises.
- 2.51 PROCESSING** - The application of labor and/or machinery to change materials from one form to another.
- 2.52 PROFESSION** - An occupation or calling requiring the practice of an art or science through specialized knowledge based on a degree issued by an institution of higher learning.
- 2.53 RESTAURANT** - A public eating house which does not provide curbside or in automobile food service.
- 2.54 SCREENED** - Concealed or cut off from visual access.
- 2.55 SHOPPING CENTER, PLANNED** - A grouping of separate commercial retail, professional or personal service establishments developed as a unit on a site of at least two acres.
- 2.56 SIGN** - Any face of any lettered or pictorial device or structure designed to inform or attract attention.
- 2.57 STORY** - That portion of a building between a floor and the next floor above, except that if there is no floor above, between the floor and the roof.
- 2.58 STORY, HALF** - A story under a gable, hip, gambrel or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than three feet above the floor.
- 2.59 STREET** - A public thoroughfare or right-of-way, 20' in width or greater, which affords the principal means of access to abutting property.
- 2.60 STREET GRADE AND RIGHT-OF-WAY** - The officially established street grade or right-of-way lines upon which a lot fronts. If no official grade or right-of-way has been established, the existing grade or right-of-way shall be used.
- 2.61 STRUCTURAL ALTERATION** - Any change to the supporting members of a structure, such as bearing walls, columns or beams.
- 2.62 STRUCTURE** - Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.

2.63 **TOWER** - A portion of a building that is higher than the remainder of the building, or a tall structure of smaller diameter separate from the building it accompanies, such as the spire of a church.

2.64 **TRAILER** - A movable vehicle with wheels designed or used as living and sleeping quarters or for business purposes, and such vehicle that has had its wheels removed and has been placed on a foundation. (This definition includes trailer coaches, campers, trailer houses and mobile homes.)

2.65 **VARIANCE** - The relaxation of the strict application of the terms of this ordinance with respect to street set-back requirements, yard requirements, area requirements, sign setbacks, building heights, parking and loading space requirements and improvements thereto, where specific physical conditions unique to the site of the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible.

2.66 **YARD, FRONT** - An open space extending across the full width of the lot between the front building line and the front lot line. No fence or foliage shall obstruct vision across such yard from one street to another.

2.67 **YARD, REAR** - An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.

2.68 **YARD, SIDE** - An open space between the side building line and a side line of a lot, running from the front to the rear of the lot.

2.69 **ZONING COMMISSION** - As herein use shall mean the duly appointed City-County Planning Board for the City of Helena, County of Lewis and Clark, Montana, whose members are legal residents of the City of Helena, Montana.

2.70 **SIGN** - Any face of any lettered or pictorial device or structure designed to inform or attract attention.

2.71 **STORY** - That portion of a building between a floor and the next floor above, except that if there is no floor above, between the floor and the roof.

2.72 **STORY, HALF** - A story under a gable, hip, gambrel or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than three feet above the floor.

2.73 **STREET** - A public thoroughfare or right-of-way, 20' in width or greater, which affords the principal means of access to abutting property.

2.74 **STREET GRADE AND RIGHT-OF-WAY** - The officially established street grade or right-of-way lines upon which a lot fronts. If no official grade or right-of-way has been established, the existing grade or right-of-way shall be used.

2.75 **STRUCTURAL ALTERATION** - Any change to the supporting members of a structure, such as bearing walls, columns or beams.

2.76 **STRUCTURE** - Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.

SECTION 3: ESTABLISHMENT OF ZONE DISTRICTS**3.1 Official Zoning Map**

The city is hereby divided into districts as shown on the Official Zoning Map which, together with the matter thereon and the certificate attached thereto, is hereby adopted and declared to be a part of this ordinance as if described in detail herein. For the purposes of this ordinance, the City of Helena is hereby divided and classified into the following use districts:

- R-1 Single-Family Residential District - Estates
- R-2 Single-Family Residential District
- R-3 Medium Density Residential District
- R-0 Residential-Office District
- B-1 Neighborhood Business District
- B-2 Community-Highway Business District
- B-3 Central Business District
- CLM Commercial-Light Manufacturing District
- MI Manufacturing and Industrial District
- PLI Public Lands and Institutions District
- T Transitional District

3.2 Certificate

The Official Zoning Map shall be displayed at all times in the office of the Clerk to the City Commission and shall bear a certificate with the signature of the Mayor and the certification of the City Clerk and the date of the adoption of this ordinance. If any changes to the map are made by amendment of this ordinance, in accordance with Section 22 hereof, such changes shall be made to the Official Zoning Map and signed and certified upon the map or upon the material attached thereto.

3.3 Replacement

In the event that the Official Zoning Map becomes damaged, lost or difficult to read or interpret because of the number of nature of changes thereto, a new Official Zoning Map shall be prepared and shall be approved for certification by the City Commission and signed by the Mayor and certified as the Official Zoning Map by the City Clerk.

3.4 Copies

Any copy of the Official Zoning Map distributed to and/or purchased by the general public shall not be official for any purpose unless certified and if so certified shall be official only as of the date of said certification.

3.5 Interpretations

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown--where shown as approximately following platted lot lines, it shall be construed as following such lot lines, where shown as following approximately the city limits, railroad tracks, street centerlines, stream or water centerlines, or shorelines, it shall be construed as following such lines. Boundaries indicated as extensions of or parallel to such lines shall be so construed and where distances are not shown on the map, they shall be determined by the scale of the map. Where boundaries seem in conflict with physical or cultural features on the land, the City Commission shall interpret such boundaries.

3.6 Interpretation of Listed Uses and Uses Not Listed:

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this ordinance, or if a specific use is not listed, it shall be the duty of the Zoning Commission, on request of any citizen, to ascertain all pertinent facts and send recommendations to the City Commission. The City Commission by resolution, may or may not accept such recommendations, and by resolution shall make such findings as they see fit, thereafter such interpretations shall govern. All interpretations shall be on file in the Planning Department and Office of the City Clerk.

3.7 Criteria to be Used to Determine Appropriate Zone Classification:

1. That the investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the district wherein it is proposed to be located.
2. That the subject use is similar to one (1) or more uses permitted in the district which it is proposed to be located.
3. That the subject use will not cause substantial injury to values of property in the neighborhood or district within which it is proposed to be located.

4. That the subject use will be so designed, located, and operated that the public health, safety and welfare will be protected.

In the event that the Official Zoning Map becomes damaged, lost or difficult to read or interpret because of the number of changes thereto, a new Official Zoning Map shall be prepared and shall be approved for certification by the City Commission and signed by the Mayor and certified as the Official Zoning Map by the City Clerk.

***3.4 Copies**

Any copy of the Official Zoning Map distributed to and/or purchased by the general public shall not be official for any purpose unless certified and if so certified shall be official only as of the date of said certification.

3.5 Interpretations

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown--where shown as approximately following platted lot lines, it shall be construed as following such lot lines, where shown as following approximately the city limits, railroad tracks, street centerlines, stream or water centerlines, or shorelines, it shall be construed as following such lines. Boundaries indicated as extensions of or parallel to such lines shall be so construed and where distances are not shown on the map, they shall be determined by the scale of the map. Where boundaries seem in conflict with physical or cultural features on the land, the City Commission shall interpret such boundaries.

SECTION 4 APPLICATION OF DISTRICT REGULATIONS

Except as hereinafter provided in Sections 16, 17 and 22, with the respect to nonconforming uses and buildings, variances, and conditional uses, the regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind or structure or land, and particularly:

4.1 No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

4.2 No part of any yard, other open space or offstreet parking or loading space required in connection with any building or use shall be included as part of a yard, open space, loading or parking space of any other building or use.

4.3 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the requirements set forth herein and all yards or lots created after the effective date of this ordinance shall meet the minimum requirements of this ordinance.

4.4 All territory which may hereafter be annexed to the city shall be considered in the R-1 district and subject to all the provisions of this ordinance pertaining to such district. Such district shall be temporary and the Zoning Commission shall recommend to the City Commission within a period not to exceed six (6) months, a final district for the annexed territory, and shall be changed by amendment in the manner provided for by this ordinance; or,

a) The city commission may determine the zoning of an area to be annexed at the same time as the annexation procedure, based on the recommendation of the Zoning Commission and the General Plan.

b) Further, when such zoning of annexed area is to be effective at the time of such annexation, the Director of Planning shall have made a recommendation to the Zoning Commission, and the Zoning Commission shall have held its public hearing in order that the City Commission may determine the proper zoning by an ordinance to be effective upon the effective date of such annexation.

4.5 Notwithstanding other provisions of this ordinance, fences, walls, hedges or other planting may be permitted in any required yard, provided that no such fences, walls or plantings shall be constructed or allowed to grow so as to impede vision between a height of two and one-half feet and 10 feet above the grade of any intersection for a distance of 50 feet from the intersection.

4.6 No accessory building shall be erected in any required front yard and no separate accessory building shall be erected within 10 feet of any principal building.

4.7 An accessory building not to exceed one (1) story or fourteen (14) feet in height, including heating and cooling units, may occupy not more than twenty-five percent (25%) of the area of a required rear yard provided that any such accessory building wall shall be at least ten (10) feet from the nearest point of the main building wall excluding eave overhang and three (3) feet from the side and rear property lines.

4.8 Fallout shelters to protect human life during periods of danger, may be constructed in, or under, any required yard except that if constructed in a front yard, none of it may protrude above the average grade of the lot.

4.9 Height limitations contained in any district regulations do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators or elevator housing.

4.10 Outdoor lighting of trees, bushes, fountains, swimming pools or grounds or residences shall not illuminate or be reflected upon any adjacent property.

4.11 Sign regulations shall not apply to signs or lights established by a government body for public warning or direction, for safety or for traffic control.

4.12 No marquee or structure shall extend over a public right-of-way unless a conditional use permit therefore has been granted by the City Commission or a variance is granted by the Director of Planning or the City Commission as provided for in this ordinance.

4.4 All territory which may hereafter be annexed to the city shall be considered in the R-1 district and subject to all the provisions of this ordinance pertaining to such district. Such district shall be temporary and the Zoning Commission shall recommend to the City Commission within a period not to exceed six (6) months, a final district for the annexed territory, and shall be changed by amendment in the manner provided for by this ordinance; or,

a) The city commission may determine the zoning of an area to be annexed at the same time as the annexation procedure, based on the recommendation of the Zoning Commission and the General Plan.

b) Further, when such zoning of annexed area is to be effective at the time of such annexation, the Director of Planning shall have made a recommendation to the Zoning Commission, and the Zoning Commission shall have held its public hearing in order that the City Commission may determine the proper zoning by an ordinance to be effective upon the effective date of such annexation.

4.5 Notwithstanding other provisions of this ordinance, fences, walls, hedges or other planting may be permitted in any required yard, provided that no such fences, walls or plantings shall be constructed or allowed to grow so as to impede vision between a height of two and one-half feet and 10 feet above the grade of any intersection for a distance of 50 feet from the intersection.

4.6 No accessory building shall be erected in any required front yard and no separate accessory building shall be erected within 10 feet of any principal building.

4.7 An accessory building not to exceed one (1) story or fourteen (14) feet in height, including heating and cooling units, may occupy not more than twenty-five percent (25%) of the area of a required rear yard provided that any such accessory building wall shall be at least ten (10) feet from the nearest point of the main building wall excluding eave overhang and three (3) feet from the side and rear property lines.

SECTION 5 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT - ESTATES

5.1 Intent

The intent of this district is to provide for newly constructed, low-density, single-family residential development, to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

5.2 Permitted Uses

1. Newly constructed one-family dwellings.
2. Temporary buildings for and during construction.
3. Accessory uses.
4. Conditional uses provided for in Section 17 and subject to the conditions and requirements prescribed.

5.3 Lot Area and Width

The lot area for any use in this district shall be not less than 12,500 square feet, and no lot width shall be less than 100 feet.

5.4 Building Coverage and Minimum Floor Area

No more than 25% of the lot shall be occupied by the principal and accessory buildings. Each residence shall have a minimum of 1,250 square feet of floor area in its living quarters.

5.5 Front Yards

Every lot shall have a front yard of at least 20 feet.

5.6 Rear Yards

Every lot shall have a rear yard of at least 25 feet in depth.

5.7 Side Yards

Every lot shall have two side yards of at least 10 feet each.

5.8 Building Height

No building shall be higher than 24 feet.

5.9 Offstreet Loading

One offstreet loading berth, in accordance with the requirements for offstreet loading in Section 18, shall be required for each nonresidential building of over 10,000 square feet of floor area.

5.10 Offstreet Parking

1. Two offstreet parking spaces shall be provided for each dwelling unit, in accordance with the general requirements for offstreet parking in Section 19.
2. For any use other than residential, offstreet parking shall be provided in accordance with the requirements for offstreet parking in Section 19.

5.11 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

SECTION 6 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

6.1 Intent

The intent is to provide for newly constructed single-family residential development of a density normal to that previously developed in areas that present no development problems, and for neighborhood facilities to serve such development while preserving the residential quality and nature of the area.

6.2 Permitted Uses

The permitted uses in this district shall be only those permitted in an R-1 District.

6.3 Lot Area and Width

Except for existing lots of record which cannot be reassembled to conform to this requirement, each lot in this district shall contain not less than 7,000 square feet, and be not less than 70 feet wide.

6.4 Building Coverage and Minimum Floor Area

No more than 30% of the lot area shall be occupied by the principal and accessory buildings. Each residence shall have at least 1,000 square feet of floor area in its living quarters.

6.5 Front Yards

Each lot shall have a front yard of at least 20 feet in depth.

6.6 Rear Yards

Each lot shall have a rear yard of at least 25 feet in depth.

6.7 Side Yards

Each lot shall have two side yards of at least 10 feet each.

6.8 Building Height

No building shall be higher than 24 feet.

6.9 Offstreet Loading

The regulations for offstreet loading shall be the same as for the R-1 District.

6.10 Offstreet Parking

The requirements for offstreet parking shall be the same as for the R-1 District.

6.11 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

SECTION 7 R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT**7.1 Intent**

This District is intended to provide for the development of one to six-family residential structures and service facilities. It would provide for changing patterns of residential areas where facilities can be provided to serve them and for a variety of housing facilities to serve the varied needs of families of different sizes, including the young and the elderly, while reducing the adverse effects of nonresidential uses.

7.2 Permitted Uses

1. Uses permitted in R-1 and R-2 Districts.
2. Two-family dwellings.
3. Three-family dwellings.
4. Four-family dwellings.
5. Five-and six-family dwellings.
6. Churches of any denomination and accessory uses.
7. Clinics, hospitals and nursing homes.
8. Rooming and boarding houses.
9. Temporary buildings for and during construction.
10. Accessory uses.
11. Home Occupations.
12. Conditional uses provided for in Section 17.

7.3 Lot Area and Width

1. For each residential use, there shall be at least 3,000 square feet of lot area for each dwelling unit if two or more, and 5,000 square feet if only one, not less than 50 feet wide.
2. For each nonresidential use, each use shall have a minimum lot area of 7,000 square feet and not less than 70 feet wide.

7.4 Coverage and Minimum Floor Area

No more than 40% of the lot shall be occupied by principal and accessory buildings. Each single-family residence shall have a minimum of 750 square feet of floor area in its living quarters.

7.5 Front Yards

Every lot shall have a front yard of at least 20 feet in depth.

7.6 Rear Yards

Every lot shall have a rear yard of at least 20 feet in depth. Rear yards of nonresidential uses shall be screened from view of residential properties.

7.7 Side Yards

Every lot shall have two side yards with a total of at least 15 feet, with no side yard of less than six feet. Side yards of nonresidential uses shall be screened from view of adjacent properties.

7.8 Building Height

No building height shall be greater than 32 feet, except for church spires or towers.

7.9 Offstreet Loading

One offstreet loading berth, in accordance with the general requirements of Section 18, shall be provided for each nonresidential use of over 10,000 square feet of floor area.

7.10 Offstreet Parking

- (1) Offstreet parking shall be provided in accordance with the requirements for offstreet parking in Section 19.
- (2) For any use other than residential, offstreet parking shall be provided in accordance with the general requirements for offstreet parking in Section 19.

7.11 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

- 1. Uses permitted in R-1 and R-2 Districts.
- 2. Two-family dwellings.
- 3. Three-family dwellings.
- 4. Four-family dwellings.
- 5. Five- and six-family dwellings.
- 6. Churches of any denomination and accessory uses.
- 7. Clinics, hospitals and nursing homes.
- 8. Rooming and boarding houses.
- 9. Temporary buildings for and during construction.
- 10. Accessory uses.
- 11. Home Occupations.
- 12. Conditional uses provided for in Section 17.

7.3 Lot Area and Width

- 1. For each residential use, there shall be at least 3,000 square feet of lot area for each dwelling unit if two or more, and 5,000 square feet if only one, not less than 50 feet wide.
- 2. For each nonresidential use, each use shall have a minimum lot area of 7,000 square feet and not less than 70 feet wide.

7.4 Coverage and Minimum Floor Area

No more than 40% of the lot shall be occupied by principal and accessory buildings. Each single-family residence shall have a minimum of 750 square feet of floor area in its living quarters.

7.5 Front Yards

Every lot shall have a front yard of at least 20 feet in depth.

7.6 Rear Yards

Every lot shall have a rear yard of at least 20 feet in depth. Rear yards of nonresidential uses shall be screened from view of residential properties.

7.7 Side Yards

Every lot shall have two side yards with a total of at least 15 feet, with no side yard of less than six feet. Side yards of nonresidential uses shall be screened from view of adjacent properties.

7.8 Building Height

No building height shall be greater than 32 feet, except for church spires or towers.

SECTION 8 R-0 RESIDENTIAL-OFFICE DISTRICT

8.1 Intent

This district provides for a high-density residential apartment development and professional and business offices, with associated service functions. This will serve to provide types of housing and offices which are not incompatible, enhance land values, and provide a feasible way of joint use of parking facilities by night for the residents and by day for the offices.

8.2 Permitted Uses

- (1) Uses permitted in R-3 Districts.
- (2) Multiple-Family Dwellings.
- (3) Apartment Hotels.
- (4) Professional and Business Offices.
- (5) Buildings with dwellings and offices.
- (6) Private clubs and fraternal lodges, excluding bars, except as a conditional use.
- (7) Hospitals, convalescent homes, homes for the aged or infirm, rehabilitation centers, clinics, medical and dental laboratories, and research centers.
- (8) Establishments dealing in prosthetic appliances; eyeglasses; hearing aids; including production for on-premises sale; fitting, repair, and sale of such products or their parts.
- (9) Restaurants.
- (10) Florists.
- (11) News and tobacco stands or stores.
- (12) Temporary buildings for and during construction.
- (13) Accessory uses.
- (14) Barber shops and beauty shops.
- (15) Conditional uses provided for in Section 17.

8.3 Lot Area and Width

- (1) The lot area and lot width for residential uses permitted in R-3 Districts shall be the same as required in the R-3 District.
- (2) The lot area for buildings up to two stories shall be not less than 4,000 square feet, and the lot width not less than 40 feet.
- (3) The lot area and lot width for buildings of three or more stories shall be not less than 6,000 square feet and 60 feet in width, but shall contain at least one square foot of lot area for each three square feet of gross floor area in the building.

8.4 Building Coverage

- (1) Building coverage for uses permitted in R-3 Districts shall be the same as in that District.
- (2) The building coverage for other uses permitted in this district shall be not greater than 60% of the lot area, except that buildings of not more than two stories may occupy 70% of the lot area.

8.5 Front Yards

Every lot shall have a front yard of at least 20 feet.

8.6 Rear Yards

Every lot shall have a rear yard of at least 15 feet.

8.7 Side Yards

- (1) For uses permitted in the R-3 District, the side yard requirements of that district shall apply.
- (2) For other uses permitted in this district, side yards of 10 feet shall be required on that side of a building which faces a street, but no other side yards shall be required; except when a new non-residential use sides against any existing residential use, a side yard of six (6) feet is required.

8.8 Building Height

No building shall be greater than 70 feet in height, except that where a front yard greater than that required is provided, the height may be increased for a tower covering not over 50% of the lot area by 10 feet for each additional five feet of setback.

8.9 Offstreet Loading

Offstreet loading berths shall be provided in accordance with the requirements of Section 18.

8.10 Offstreet Parking

Offstreet parking shall be provided in accordance with the requirements for offstreet parking in Section 19.

8.11 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

8.3 Lot Area and Width

- (1) The lot area and lot width for residential uses permitted in R-3 District shall be the same as required in the R-3 District.
- (2) The lot area for buildings up to two stories shall be not less than 4,000 square feet, and the lot width not less than 40 feet.
- (3) The lot area and lot width for buildings of three or more stories shall be not less than 6,000 square feet and 60 feet in width, but shall contain at least one square foot of lot area for each three square feet of gross floor area in the building.

8.4 Building Coverage

- (1) Building coverage for uses permitted in R-3 District shall be the same as in that District.
- (2) The building coverage for other uses permitted in this district shall be not greater than 60% of the lot area, except that buildings of not more than two stories may occupy 70% of the lot area.

8.5 Front Yards

Every lot shall have a front yard of at least 20 feet.

8.6 Rear Yards

Every lot shall have a rear yard of at least 15 feet.

SECTION 9 B-1 NEIGHBORHOOD BUSINESS DISTRICT**9.1 Intent**

It is the intent of this district to provide for such retail and service activities as are frequently required by nearby residents on a day-to-day basis, while reducing the hazards of local traffic by limiting the kinds of retail activities to those which:

- (1) Deal directly with consumers and produce only goods which are sold on the premises.
- (2) Limits the floor area occupied by such establishments to 5,000 square feet, exclusive of parking.
- (3) Conduct business only in completely enclosed buildings.

9.2 Permitted Uses

- (1) Uses permitted in an R-3 District.
- (2) Retail and Professional uses listed in the R-0 District.
- (3) Dry cleaning and laundry receiving establishments, processing not to be done on the premises.
- (4) Food stores, such as grocery stores, meat markets, bakeries, and delicatessen stores.
- (5) Hardware stores.
- (6) Self-service, automatic laundries.
- (7) Shoe repair stores.
- (8) Variety stores.
- (9) Accessory uses for parking, storage, etc.
- (10) Restaurants
- (11) Temporary buildings for and during constructions.
- (12) Conditional uses provided for in Section 17.

9.3 Lot Area and Width

- (1) For uses permitted in an R-3 District, the requirements of that District shall apply.
- (2) For other permitted uses, the lot area shall be adequate to provide for required yards and offstreet parking, but in no case less than 5,000 square feet and 50 feet in width.

9.4 Building Coverage

- (1) Residential uses shall meet the coverage requirements of Section 18.
- (2) Nonresidential uses may occupy all of the lot except for required yards and parking areas.

9.5 Front Yards

- (1) Residential uses shall provide a front yard of at least 20 feet.
- (2) Nonresidential uses on the same block as residential uses shall provide a 20-foot front yard.
- (3) Other nonresidential uses shall provide a 15-foot front yard.

9.6 Rear Yards

Every lot shall have a rear yard of at least 20 feet in depth. Rear yards of nonresidential uses shall be screened from the view of nearby residences.

9.7 Side Yards

- (1) Every residential lot shall have two side yards totaling 15 feet in width, with no side yard being narrower than six feet.
- (2) Every nonresidential use or combined use shall have a side yard on any side adjacent to a residence of six feet and the yard shall be screened from view of residential property.

9.8 Building Height

No building in this district shall be higher than 24 feet except church spires or towers.

9.9 Offstreet Loading

Offstreet loading berths shall be provided as required in Section 18.

9.10 Offstreet Parking

*For residential and nonresidential uses, offstreet parking shall be provided in accordance with the requirements of Section 19.

9.11 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

9.4 Building Coverage

- (1) Residential uses shall meet the coverage requirements of Section 18.
- (2) Nonresidential uses may occupy all of the lot except for required yards and parking areas.

9.5 Front Yards

- (1) Residential uses shall provide a front yard of at least 20 feet.
- (2) Nonresidential uses on the same block as residential uses shall provide a 20-foot front yard.
- (3) Other nonresidential uses shall provide a 15-foot front yard.

9.6 Rear Yards

Every lot shall have a rear yard of at least 20 feet in depth. Rear yards of nonresidential uses shall be screened from the view of nearby residences.

SECTION 10 B-2 COMMUNITY-HIGHWAY BUSINESS DISTRICT

10.1 Intent

The intent of this District is to provide for retail and service functions for broad community areas of the city and for travelers coming through the city. Transient housing accommodations, shopping centers, drive-in shopping and services, and similar activities are provided for in this district.

10.2 Permitted Uses

- (1) Retail and service uses permitted in an R-3 District, but not residential uses except as mentioned in Section 17.
- (2) Retail and service uses permitted in the B-1 District.
- (3) Hotels and motels.
- (4) Automotive vehicle sales areas.
- (5) Gasoline service stations.
- (6) Auto and boat sales and showrooms.
- (7) Antique shops, if such business is conducted within a walled building, except that temporary displays outside will be permitted. (Temporary meaning during establishments business hours.)
- (8) Art supply stores and art galleries.
- (9) Auto accessory stores.
- (10) Bowling alleys.
- (11) Coin, philatelic and rock stores.
- (12) Frozen food storage and locker rental.
- (13) Liquor stores.
- (14) Drive-in cleaning establishments.
- (15) Drive-in eating establishments.
- (16) Drive-in banking establishments.
- (17) Theaters, except drive-in theaters.
- (18) Sporting goods stores.
- (19) Uses accessory to those above listed.
- (20) Post Offices.
- (21) Building Materials sales.
- (22) Taverns, Bars, and Cocktail lounges.
- (23) Temporary buildings for and during construction.
- (24) Veterinarian Clinic -- Small animal hospitals with completely enclosed runs.
- (25) Conditional uses listed in Section 17.

10.3 Lot Area and Width

Lots shall be a minimum of 2,500 square feet and 25 feet wide.

10.4 Building Coverage

Buildings may cover the entire lot, except for yards required in this section.

10.5 Front Yards

Front yards of at least 15 feet shall be provided.

10.6 Rear Yards

No rear yards are required except that if the rear of a business property abuts on a residential zone, a 20-foot rear yard shall be provided and shall be screened from view of adjacent residential area.

10.7 Side Yards

No side yards are required except that if the side of any property in this district abuts on a residential district, that side shall have a 10-foot side yard and shall be screened from view of the adjacent residential district property.

SECTION 10 B-2 COMMUNITY-HIGHWAY BUSINESS DISTRICT

10.8 Building Height

No building or sign shall be higher than 24 feet.

10.1 Intent

The intent of this District is to provide for retail and service functions for broad community areas of the city and for travelers coming through the city. Transient housing accommodations, shopping centers, drive-in shopping and services, and similar activities are provided for in this district.

10.2 Permitted Uses

- (1) Retail and service uses permitted in an R-3 District, but not residential uses except as mentioned in Section 17.
- (2) Retail and service uses permitted in the B-1 District.
- (3) Hotels and motels.
- (4) Automotive vehicle sales areas.
- (5) Gasoline service stations.
- (6) Auto and boat sales and showrooms.

10.9 Offstreet Loading

Offstreet loading berths shall be provided in accordance with Section 18.

10.10 Offstreet Parking

Offstreet parking spaces shall be provided in accordance with Section 19.

10.11 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

- (7) Temporary signs for the sale of real estate.
- (8) Art supply stores and art galleries.
- (9) Signs for the sale of real estate.
- (10) Bowling alleys.
- (11) Coin, philatelic and rock stores.
- (12) Frozen food storage and locker rental.
- (13) Liquor stores.
- (14) Signs for the sale of real estate.
- (15) Drive-in eating establishments.
- (16) Drive-in banking establishments.
- (17) Theaters, except drive-in theaters.
- (18) Sporting goods stores.
- (19) Uses accessory to those above listed.
- (20) Post Offices.
- (21) Building Materials sales.
- (22) Taverns, Bars, and Cocktail lounges.
- (23) Temporary buildings for and during construction.
- (24) Veterinarian Clinic -- Small hospital with completely enclosed runs.
- (25) Conditional uses listed in Section 17.

10.3 Lot Area and Width

Lots shall be a minimum of 2,500 square feet and 35 feet wide.

10.4 Building Coverage

Buildings may cover the entire lot, except for yards required in this section.

10.5 Front Yards

Front yards of at least 15 feet shall be provided.

10.6 Rear Yards

No rear yards are required except that if the rear of a business property abuts on a residential zone, a 20-foot rear yard shall be provided and shall be screened from view of adjacent residential area.

10.7 Side Yards

No side yards are required except that if the side of any property in this district abuts on a residential district, that side shall have a 10-foot side yard and shall be screened from view of the adjacent residential district property.

SECTION 11 B-3 CENTRAL BUSINESS DISTRICT

11.1 Intent

The Central Business District is intended to be the central focus of the city's business, government, service, and cultural activities. Room should be provided in appropriate areas for the logical and planned expansion of the present district. The land uses in this district should be those which are appropriate to such a center and inappropriate uses should be excluded. The area should be developed as an attractive and pleasant environment, cognizant of its importance to the community and its historic heritage.

11.2 Permitted Uses

- (1) Theaters, except drive-in theaters.
- (2) Museums, libraries, galleries, or similar cultural activity or facility.
- (3) Lodges, clubs or meeting rooms of community, business, professional or veterans' organization.
- (4) Business or professional offices.
- (5) Wholesale activities that use samples, but do not store stock on the premises.
- (6) Banks and financial institutions.
- (7) Brokers' offices, except those that store stock on the premises.
- (8) Ticket sales agencies.
- (9) Eating and drinking establishments.
- (10) Repair services for clothes, dolls, small appliances, watches and clocks, glasses and such items.
- (11) Private schools, including dance, business, secretarial and technical, but not public or private elementary or secondary schools.
- (12) Clothing and department stores.
- (13) Sewing and knitting establishments.
- (14) Candy and ice cream stores.
- (15) Newspaper, magazine and tobacco stores.
- (16) Furniture, appliance, carpet, rug and houseware stores.
- (17) Fraternal and religious institutions.
- (18) Auto accessory stores.
- (19) School and art supplies, and photography studios and photo supply stores.
- (20) Antique furniture and house furnishings.
- (21) Custom-made clothing and furrier shops.
- (22) Hotels and motels.
- (23) Jewelry stores and gift shops.
- (24) Leather goods and luggage stores.
- (25) Public office buildings and police and fire stations, but not public schools.
- (26) Restaurants, except drive-in.
- (27) Data processing services.
- (28) Accessory uses for parking, storage, waste disposal, etc.
- (29) Temporary buildings for and during construction.
- (30) Office Supply Business
- (31) Conditional uses in accordance with Section 17 of this ordinance.

11.3 Lot Area and Width

No minimum lot area or width prescribed.

11.4 Building Coverage

Buildings may cover the entire lot, if other requirements are met.

11.5 Front, Rear and Side Yards

Wherever a front or side yard of a lot faces a street, a 10 foot front or side yard shall be provided along the street frontage.

11.6 Building Height

No building or structure shall be greater than 70 feet in height, except that for each additional foot of front or side yard that is provided beyond that required, the building or structure height may be increased by four feet for a tower that covers not more than three-fourths of the lot.

11.7 Offstreet Loading

Offstreet loading berths shall be provided in accordance with Section 18.

11.8 Offstreet Parking

Offstreet parking shall be provided in accordance with Section 19.

11.9 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

11.3 Lot Area and Width

No minimum lot area or width prescribed.

SECTION 12 CLM COMMERCIAL-LIGHT MANUFACTURING DISTRICT**12.1 Intent**

This district is to provide for the community's needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light manufacturing, outdoor advertising businesses, and similar activities. Such uses should be related to the city's major transportation facilities and be so organized that they can be efficiently operated and yet create a minimum of traffic or other adverse effects to the residential neighborhoods of the city, so that they should be screened from any residential area and no residence should be permitted in the district.

12.2 Permitted Uses

- (1) Automotive vehicle sales areas.
- (2) Gasoline service stations.
- (3) Vehicle repair garages.
- (4) Automotive tire sales, service and repair.
- (5) Automotive and boat sales and service establishments.
- (6) Automotive parts sales establishments, but not wrecking yards.
- (7) Dry cleaning plant, and laundry.
- (8) Building materials sales.
- (9) Building contractors and plumbing contractors establishments.
- (10) Enclosed warehouses.
- (11) Open storage, if accessory to other permitted uses and where screened from view from the street and surrounding properties by a solid fence of at least six feet in height.
- (12) Truck and rail terminal facilities.
- (13) Industrial vocational training schools.
- (14) Beverage manufacture.
- (15) Dairies and dairy products processing plants.
- (16) Cabinet shops.
- (17) Machine or blacksmith shops.
- (18) Manufacture, service, or repair of light consumer goods such as appliances, batteries, furniture, garments or furniture coverings or draperies.
- (19) Paint shops.
- (20) Outdoor advertising businesses.
- (21) Sign shops.
- (22) Automotive parts repair, such as radiators, generators, tires, body work and similar activities.
- (23) Data processing service activities.
- (24) Animal hospitals.
- (25) Accessory uses.
- (26) Conditional uses as listed in Section 17.
- (27) Temporary buildings for and during construction.

12.3 Lot Area and Width

The lot area shall be a minimum of 6,000 square feet and the lot width at least 50 feet.

12.4 Building Coverage

Building coverage shall only be limited as yard requirements dictate.

12.5 Front Yards

Front yards of at least 15 feet shall be provided.

12.6 Side and Rear Yards

No side or rear yards shall be required, except that if a lot in this district abuts or faces upon any residential district, a side or rear yard of at least 10 feet shall be provided and shall be fenced or screened from view from the residential district, and no side or rear yard shall be less than five feet if otherwise provided.

12.7 Building Height

No building shall be higher than 40 feet.

12.8 Offstreet Loading

Offstreet loading berths shall be provided in accordance with Section 18.

12.9 Offstreet Parking

Offstreet parking spaces shall be provided in accordance with Section 19.

12.10 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

- (1) Automotive vehicle sales areas.
- (2) Gasoline service stations.
- (3) Wholesale trade, storage and warehousing, trucking and transit.
- (4) Automotive tire sales, service and repair.
- (5) Automotive and boat sales and service establishments.
- (6) Automotive parts sales establishments.
- (7) Dry cleaning plant, and laundry.
- (8) Building materials sales.
- (9) Building contractors and plumbing contractors for establishments.
- (10) Open storage, if accessory, if screened from view from the street and surrounding properties by a solid fence of at least six feet in height.
- (11) Truck and rail terminal facilities.
- (12) Industrial vocational training schools.
- (13) Beverage manufacture.
- (14) Dairies and dairy products processing plants.
- (15) Cabinet shops.
- (16) Machine or blacksmith shops.
- (17) Manufacture, service, or repair of light commercial goods such as appliances, batteries, furniture, garments or furniture coverings or draperies.
- (18) Paint shops.
- (19) Outdoor advertising businesses.
- (20) Sign shops.
- (21) Automotive parts repair, such as radiators, generators, tires, body work and similar activities.
- (22) Data processing service activities.
- (23) Animal hospitals.
- (24) Accessory uses.
- (25) Conditional uses as listed in Section IV.
- (26) Temporary buildings for and during construction.

12.3 Lot Area and Width

The lot area shall be a minimum of 6,000 square feet and the lot width at least 50 feet.

12.4 Building Coverage

Building coverage shall only be limited as yard requirements dictate.

SECTION 13 MI MANUFACTURING AND INDUSTRIAL DISTRICT**13.1 Intent**

This District is intended to provide for the heavy commercial, manufacturing, and other industrial needs of Helena in appropriate locations. However, activities which produce noise, smoke, dirt, vibration, glare or similarly objectionable nuisances, or use fissionable materials or their wastes, shall be regulated in this as well as other districts.

13.2 Permitted Uses

Any manufacturing use is permitted in this district if it complies with all other provisions of this ordinance, however, no residential uses, junk yards, auto wrecking yards, or garbage dumps will be permitted except when in accordance with Section 17 of this ordinance.

- (1) Conditional uses as provided in Section 17.
- (2) No use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond the boundary of this district. "Excessive" is defined for these purposes as a degree that could be observed by the building official of the city or a degree deemed by the State Health Department to be injurious to the public health, safety or welfare.
- (3) Accessory uses clearly subordinate to, but an integral part of the primary use of the property; such as a plant cafeteria, first aid station, recreational area, which services the plant employees.

13.3 Lot Area and Width

No lot shall contain less than 10,000 square feet, and no lot shall be less than 80 feet wide.

13.4 Building Coverage

Building coverage shall only be limited as yard requirements dictate.

13.5 Front Yards

Front yards of at least 15 feet shall be provided.

13.6 Side and Rear Yards

No side or rear yards shall be required, except that if a lot abuts or faces upon a residential district, a side yard or rear yard of at least 10 feet shall be provided and shall be fenced or screened from view from the residential district, and no side or rear yard shall be less than five feet if otherwise provided.

13.7 Building Height

No building shall be higher than 40 feet. (NOTE: a height variance may be granted. Due caution is advised when use is near City-County Airport, check map in Planning Department for glide paths.)

13.8 Offstreet Loading

Offstreet loading berths shall be provided in accordance with Section 18.

13.9 Offstreet Parking

Offstreet parking spaces shall be provided in accordance with Section 19.

13.10 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

- (1) Conditional uses as provided in Section 17.
- (2) No use shall be constructed or operated as to cause excessive noise, vibrations, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond the boundary of this district. "Excessive" is defined for these purposes as a glare that could be observed by the building official of the city or a designated officer of the State Health Department to be injurious to the public health, safety or welfare.
- (3) Accessory uses clearly subordinate to, but an integral part of the primary use of the property; such as a plant cafeteria, first aid station, recreational area, which serves the plant employees.

13.3 Lot Area and Width

No lot shall contain less than 10,000 square feet, and no lot shall be less than 80 feet wide.

13.4 Building Coverage

Building coverage shall only be limited as yard requirements dictate.

13.5 Front Yards

Front yards of at least 15 feet shall be provided.

13.6 Side and Rear Yards

No side or rear yards shall be required, except that if a lot abuts or faces upon a residential district, a side yard or rear yard of at least 10 feet shall be provided and shall be fenced or screened from view from the residential district, and no side or rear yard shall be less than five feet if otherwise provided.

13.7 Building Height

No building shall be higher than 40 feet. (NOTE: a height variance may be granted. Due caution is advised when use is near City-County Airport, check map in Planning Department for glide paths.)

SECTION 14 PLI PUBLIC LANDS AND INSTITUTIONS DISTRICT

14.1 Intent

This District is to provide for and to reserve land for major open lands, public and quasi-public institutional uses, and recreational and public service activities for the future benefit of the citizens of the City of Helena.

14.2 Permitted Uses

- (1) Open, timber and crop land uses, excluding the raising or feeding of animals.
(2) Publicly-owned land in use for parks, playgrounds, and other open spaces.
(3) Zoos, museums, historic and cultural exhibits, nature walks, gardens, arboreta, and similar activities.
(4) Water conservation, flood control, drainage area, nature conservation and preservation areas.
(5) Nonprofit, quasi-public institutions, including schools, colleges and universities, hospitals, children's homes, correctional institutions, rehabilitation centers, and similarly approved public interest-oriented activities.
(6) Public buildings, memorial stadia, statuary, fountains, etc.
(7) Temporary buildings for and during construction.
(8) Accessory uses.
(9) Conditional uses as provided in Section 17.
(10) Cemeteries

14.3 Lot Area and Width, Building Coverage and Yards

No restrictions.

14.4 Building Height

No building shall be higher than 40 feet.

14.5 Offstreet Loading

Offstreet loading berths shall be provided in accordance with Section 18.

14.6 Offstreet Parking

Offstreet parking shall be provided in accordance with Section 19.

14.7 Signs

All signs in this district shall be regulated as provided in Section 20 of this ordinance.

SECTION 15 T (Transitional District)

15.1 Description and Purpose:

It is the purpose of this district to create a buffer in specific areas in which the use operation and physical orientation of proposed structures and all other improvements to the land within the district can be required to adhere to adopted standards to insure an orderly, proper, and harmonious transition between the zone districts of different restrictions.

15.2 Application:

The provisions of the "T" District may be added to any other district when the symbol "T" is combined within any other district symbol. The provisions of the "T" Districts shall be added to the provisions of the district to which it is applied. (ie: B-1-T means all the provisions of the B-1 and T districts are applicable.)

15.3 Uses Permitted:

Any use permitted in the district to which the T District is combined is permitted in the T District itself subject to direct review and approval of provisions and requirements of this ordinance. In granting or denying a proposed use and in establishing conditions for said use, the Director shall be governed by the specific standards adopted in the ordinance creating the T District as well as the general standards provided for in this ordinance.

15.4 Standards:

The Zoning Commission recommendation of a particular T District to the City Commission shall include specific development standards and may include performance standards. The T Districts and the T Districts specific standards shall be adopted concurrently. Such standards may provide for:

- (1) Receiving a conditional use permit as provided in Section 17 of this ordinance for permitted and conditional uses.
- (2) Special setbacks, yards, open spaces, and buffers.
- (3) Fences and walls.
- (4) Lighting.
- (5) Regulations of points of vehicular ingress and egress.
- (6) Regulations of signs.
- (7) Regulations of time of certain activities.
- (8) Requiring landscaping and maintenance thereof.
- (9) Requiring maintenance of grounds.
- (10) Time period in which the proposed use shall be developed.
- (11) Regulation of odors, smoke, dust, flying ash, or airborne solids.
- (12) Regulation of vibration, glare, and heat.
- (13) Such other conditions as will make possible development of the city in an orderly and efficient manner and in conformity of intent and purpose of this ordinance. Any use permitted in the T District shall be established and conducted in conformity with the terms and conditions of applicable in the T District.

**SECTION 16 NONCONFORMING LOTS, NONCONFORMING USES OF LAND,
NONCONFORMING STRUCTURES, AND NONCONFORMING
USES OF STRUCTURES AND PREMISES**

16.1 Intent

Within the districts established by this ordinance or amendments thereto there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this ordinance or its amendments. It is the intent of this ordinance to permit these nonconforming uses to continue until they are removed but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, extended, or used as grounds for adding other prohibited uses. However, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated uses of a building on which actual lawful construction has been begun prior to the effective date of this ordinance or its amendments.

16.2 Nonconforming Lots of Record

In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single lot of record on the effective date of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

If two or more lots or combinations of lots with continuous frontage in single ownership are of record at the effective date of this ordinance, and if all or part of the lots do not meet the requirements for lot area and lot width, the land involved shall be considered to be an undivided parcel and no portion of said parcel shall be used or sold which does not meet lot area and width requirements of the district in which it is located, nor shall any division of the parcel be made which creates lots or portions of lots below such requirements.

16.3 Nonconforming Uses of Land

A lawful use of land on the effective date of this ordinance or its amendment which is made no longer permissible by the terms of this ordinance or its amendment may be continued if it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied by such use at the effective date of the adoption or amendment of this ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of the adoption or amendment of this ordinance.
- (3) If any such nonconforming use ceases for a period of more than 180 days, any subsequent use of the land shall conform to district regulations for the district in which it is located. The term "ceases", as used in this subsection, shall mean that the activity in question has not been in operation for a period of 180 days.

(4) The previous time limit may be extended for a period not to exceed one-hundred and eighty (180) days. An application in writing must be submitted to the Planning Director not less than thirty (30) days prior to the expiration date of the previous time limit. After investigation, the Planning Director will submit the application to the City Commission with a recommendation for either approval or disapproval. The City Commission may approve, disapprove, or refer the application back to the Planning Director for further study. In the event that such studies extend past the initial time limit, said limit is extended for the duration of the study period.

16.4 Nonconforming Structures

Where a lawful structure exists that could not be built under the terms of this ordinance, such structure may be continued so long as it remains otherwise lawful, providing that:

- (1) No such structure may be enlarged or altered in any way that increases its nonconformity.
- (2) Should such structure be destroyed by any means, an extent of more than 50% of its replacement cost, at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (3) Should such structure be moved, it shall thereafter conform to the regulations for the district to which it is relocated.

16.5 Nonconforming Uses of Structures

If a lawful use of a structure, or of structures and premises, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, providing that:

- (1) No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a permitted use.
- (2) Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- (3) If no structural alterations are made, any nonconforming use of buildings, structure, or premises may be changed to another nonconforming use, provided that after consideration of the facts by the Zoning Commission it will send its recommendations to the City Commission; the City Commission may or may not find, after consideration, that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the City Commission may require appropriate conditions or safeguards.
- (4) Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.
- (5) Whenever a nonconforming use of a structure or premise ceases for six consecutive months or for 18 months during any three year period, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used

in this subsection, shall mean that the activity in question has not been in operation for a period of six consecutive months or for an accumulated period of 18 months during any three year period.

(6) Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

16.6 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of non-bearing walls, to an extent not exceeding 10% of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe conditions of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

16.7 Conditional Uses

Conditional uses provided for under Section 17 of this ordinance shall not be deemed a nonconforming use in the district in which it is permitted.

16.8 Cessation of Automobile Wrecking Yards, Salvage Yards, or Junk Yards

Any unlicensed automobile wrecking yards, salvage yards, or junk yards are declared to be nuisances, and any such activities in existence in any Zone District at the date of the enactment of this ordinance shall be prohibited and unlawful use and shall immediately be discontinued, unless, or until, they can meet the requirements of this ordinance.

16.9 Signs

Notwithstanding other provisions of this ordinance, any nonconforming on or off premise sign or billboards existing at the time this ordinance becomes effective may be continued, although such use does not conform with the provisions hereof; provided, however, that all such nonconforming signs and billboards and their supporting members shall be completely removed by their owners not later than ten (10) years from the effective date of this ordinance.

The Zoning Commission will cause to be sent to the City Commission their recommendation on the hearing item with any and all pertinent facts pertaining to the application. The applicant will be given a true and exact copy of the Zoning Commission's recommendations to the City Commission at least five (5) days prior to the City Commission hearing on such application. The City Commission shall cause to be held public hearing on said applications at which the Zoning Commission's recommendations shall be read and additional testimony may be taken from interested parties. The City Commission shall, by resolution, approve, deny, or change the recommendation of the Zoning Commission. If the City Commission denies or changes a change shall be made part of the resolution.

SECTION 17. CONDITIONAL USES**17.1 Intent**

Conditional use permits, for specific uses other than those specifically permitted in each district, and/or where required by a "T" zone, are intended to provide for the needs of the community in areas where they may be appropriate, but where special safeguards may be needed to protect other permitted uses from their adverse effects.

17.2 Conditional Use Requirements

- (1) No structure or land may be used for any purpose or constructed, designed or altered for such purpose, in a district where such use is not listed as a permitted use, or where a "T" zone requires a conditional use permit, unless such use is provided for in this section and a conditional use permit is applied for at the City Planning Department, on appropriate forms and public hearings are held before the Zoning Commission and the City Commission.
- (2) A conditional use permit shall only be granted by the City Commission based upon (if warranted by the facts and circumstances) a statement of findings by the City Commission that:
 - a) the use conforms generally to the objectives of the comprehensive plan and the intent of the ordinance, and
 - b) such uses will not adversely affect nearby properties or their occupants, and
 - c) such uses meet the overall density, coverage, yard, height and all other regulations of the district in which they are located, and
 - d) public hearings have been held, after the required legal notices have been given, and the public has been given a chance to be heard upon the matter.

17.3 Conditional Use Permit Procedure

After the appropriate forms have been filed with the City Planning Department and the required filing fee of \$25 has been paid to the Planning Department, the City Zoning Commission shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this ordinance. The Zoning Commission shall hold public hearings on said application to gather needed facts from all interested parties. The Zoning Commission may continue such hearing, if need be, to take additional information. If such continuance is required a second legal notice will not be required if the time and date of the continued meeting is announced at the first meeting and placed in the official record of the Commission.

The Zoning Commission will cause to be sent to the City Commission their recommendation on the hearing item with any and all pertinent facts pertaining to the application. The applicant will be given a true and exact copy of the Zoning Commission's recommendations to the City Commission at least five (5) days prior to the City Commission hearing on such application.

The City Commission shall cause to be held public hearing on said applications at which the Zoning Commission's recommendations shall be read and additional testimony may be taken from interested parties. The City Commission shall, by resolution, approve, deny, or change the recommendation of the Zoning Commission. If the City Commission denies or changes the Zoning Commission's recommendations, the reasons for such a change shall be made part of the resolution.

17.4 Conditional Approval

The City Commission may make the granting of a conditional use permit subject to such additional reasonable limitations or conditions as it may impose, to enhance the appearance of the property, to reduce any of its adverse effects on nearby property or its occupants, to preserve the character of the area, to protect or enhance the view of the hills or the capitol from this or other properties, or to make it more acceptable in other ways.

17.5 Conditional Uses Which May Be Permitted by the City Commission

- (1) In an R-1 District:
- Churches of all faiths, church residences and schools.
 - Planned-unit housing development, in tracts of five (5) or more acres, which meets overall density requirements of the district, but in which the types of buildings, yards, and heights of buildings may vary, to create an interesting environment or a different pattern of living than is provided by rows of individual lots. Public libraries, nursery schools - non-boarding. Parks and playgrounds, owned and operated by an agency of the government. Schools, elementary and high and Jr. High - non-boarding, including playgrounds and playfields incidental thereto.
- (2) In an R-2 District:
- Conditional uses permitted in R-1 District. A parking lot, if landscaped and within 300 feet of a boundary of this district and a business district.
 - Planned-unit housing development, in tracts of five (5) or more acres, which meets overall density requirements of the district, but in which the types of buildings, yards, and heights of buildings may vary, to create an interesting environment or a different pattern of living than is provided by rows of individual lots.
- (3) In an R-3 District:
- A grocery or drug store of not more than 3,000 square feet of floor area. Coin operated laundry.
 - Telephone building or local exchange, providing that the design conforms to the residential character of the area.
 - Utility structures, provided that they are landscaped and screened.
 - Post office. Restaurants, except drive-in.
 - Parking lots, if landscaped and screened, within 300 feet of a business zone.
 - Real estate and insurance offices or professional offices uses.
 - Planned-unit housing development, in tracts of five (5) or more acres, which meets overall density requirements of the district, but in which the types of buildings, yards, and height of buildings may vary, to create an interesting environment or a different pattern of living than is provided by rows of individual lots. Any other residence previously constructed and moved to a site in this district, except a trailer.
 - Public libraries, nursery schools - non-boarding. Parks and playgrounds, owned and operated by an agency of the government. Schools, elementary, Jr. High and high - non-boarding, and including playgrounds and playfields incidental thereto.
- (4) In an R-0 District:
- Local telephone exchanges, as above.
 - Utility structures, if landscaped and screened.
 - Post office. Other types of medical facilities or personal or professional services not listed.
 - Motel. Gasoline service stations.
 - Parking lot, if landscaped and screened.
 - Planned-unit

housing development, in tracts of five (5) or more acres, which meet overall density requirements of the district, but in which the types of buildings, yards, and height of buildings may vary, to create an interesting environment or a different pattern of living than is provided by rows of individual lots. Clubs, lodges, bars or taverns that require liquor or beer licenses. Planned-unit professional developments which meet the overall height and use requirements, but which combines parking areas and provides separate pedestrian circulation facilities, common facilities for access, and truck service and may combine floor areas in a variety of ways.

(5) In a B-1 District:

Retail uses in addition to those permitted as a matter of right, but limited to those serving the consumer directly. Personal and professional services to individual consumers. Real Estate offices. Parking lot, if landscaped and screened. Planned-unit shopping center, in tracts of not more than five (5) acres, which meets the overall height and use requirements, but which combine parking areas and provide separate pedestrian circulation facilities, common signs and common facilities for access, and truck service and combines floor areas in a variety of ways. Gasoline service stations. Off premise signs.

(6) In a B-2 District:

Multi-family residential uses (meaning four or more dwelling units). Retail establishments, in addition to those permitted as a matter of right, including drive-in establishments that fit the character of the area. Amusements and recreation activities. Business and professional offices. Parking lot. Planned-unit shopping center in tracts of five (5) or more acres, which meets the overall height and use requirements, but which combines parking areas and provides separate pedestrian circulation facilities, common signs and common facilities for access, and truck service and may combine floor areas in a variety of ways.

(7) In a B-3 District:

Multi-family residential uses (meaning four or more dwelling units). Any other retail use catering directly to consumers. Any business service or office supplies and equipment. Any other amusement activity. Any other office activity. Any other consumer service. Any other type of meeting hall, or club, financial institution or drive-in bank. A multi-family residential building. A bus terminal. Outdoor advertising business signs. Parking lot. Planned-unit shopping center, in tracts of five (5) or more acres, which meets the overall height and use requirements, but which combines parking area and provides separate pedestrian circulation facilities, common facilities for access and truck service and combines floor area in a variety of ways. A marquee attached to a building.

(8) In a CLM District:

Other non-nuisance-manufacturing establishments. Other transportation equipment repair or service. Other transportation terminal facilities. Retail and services activities. Planned industrial districts, using common systems of access and service and combined parking areas, where the uses meet the overall land area requirements but make use of different combinations of building uses, or where standards are established for appearance of buildings and grounds, by common consent. Bus terminals. Dwellings limited to lots or parcels on which permitted factories, manufacturing plants, or industrial uses are located, such dwellings to be used exclusively

by the owner, caretaker, or other managerial personnel of such enterprise and his family.

(9) In an MI District:

Businesses that use fissionable materials or produce radio-active waste products. Junk yards or auto wrecking yards, if fenced, landscaped, and do not burn any waste products and if approved by a state health officer. Dwellings limited to lots or parcels on which permitted factories, manufacturing plants or industrial uses are located, such dwellings to be used exclusively by the owner, caretaker, or other managerial personnel of such enterprise and his family. Planned industrial districts, using common systems of access and service and combined parking areas, where the uses meet the overall land area requirements but make use of different combinations of building uses, or where standards are established for appearance of buildings and grounds by common consent.

(10) In a PLI District:

Storage of farm products in an agricultural area. Animal husbandry or dairy. Residence on a farm. Other public activities.

- (1) Each required loading berth shall be at least 10 feet by 25 feet in size, and 18 feet in height.
- (2) Each loading berth shall be improved with compacted macadam, or better, surface material.
- (3) Spaces for offstreet loading berths shall not be considered as satisfying requirements for repaired offstreet parking space, nor shall they be used for vehicle repairs or servicing.
- (4) All or part of the offstreet loading requirements may be met by loading facilities within buildings.

18.3 Offstreet Loading Berth Requirements

Offstreet loading berths shall be provided in accordance with the requirements that follow. If more than one use is combined in one building or unit development, the total berths that would be required for all such uses shall be provided, the final determination of the number of berths required to be made by the Building Official. Where uses are not specifically mentioned in this section, the requirements for offstreet loading berths shall be as required by the building official, using as a guide the most similar use listed below.

Number of Berths Required	Gross Floor Area (in square feet)	Use
1	Over 20,000	Multiple dwelling with over 16 dwelling units
1	50,000 to 150,000	School
1	150,000 to 300,000	Auditorium, convention hall, sports arena, meeting hall
1 additional	For each additional 300,000	
1	7,000 to 14,000	Department store, variety store, other retail
2	14,000 to 40,000	stores, restaurant, or funeral home
3	40,000 to 80,000	
1 additional	For each additional 50,000 or fraction thereof	
1	10,000 to 100,000	Hospital, clinic, sanitarium, jail or welfare institution
1 additional	For each additional 250,000	
1	25,000 to 40,000	Hotel or office building
2	40,000 to 100,000	
1 additional	For each additional 100,000 or fraction thereof	

SECTION 18 OFFSTREET LOADING REQUIREMENTS

18.1 Intent

To avoid the hazards to traffic and to pedestrians and the congestion of streets, it is required that spaces in the form of offstreet loading areas be provided on the same lot as the building to be served by deliveries of goods, and that such spaces be adequate in size and number to provide the service needed without affecting the other, adjacent properties.

18.2 Requirements for Design of Offstreet Loading Facilities

- (1) Offstreet loading berths shall be provided on the same lot as the use it serves and shall not occupy the front yard of the lot.
- (2) No loading berth shall be located closer to a residential zoned lot than 50 feet unless enclosed by a wall or solid fence, or combination thereof, not less than six feet in height.
- (3) Each loading berth shall be designed with access to a street or alley in a manner that does not permit interference with traffic movement.
- (4) Each required loading berth shall be at least 10 feet by 25 feet in size, and 18 feet in height.
- (5) Each loading berth shall be improved with a compacted macadam, or better, surface material.
- (6) Spaces for offstreet loading berths shall not be considered as satisfying requirements for required offstreet parking space, nor shall they be used for vehicle repairs or servicing.
- (7) All or part of the offstreet loading requirements may be met by loading facilities within buildings.

18.3 Offstreet Loading Berth Requirements

Offstreet loading berths shall be provided in accordance with the requirements that follow. If more than one use is combined in one building or unit development, the total berths that would be required for all such uses shall be provided, the final determination of the number of berths required to be made by the Building Official. Where uses are not specifically mentioned in this section, the requirements for offstreet loading berths shall be as required by the building official, using as a guide the most similar use listed below.

<u>Use</u>	<u>Gross Floor Area (in square feet)</u>	<u>Number of Berths Required</u>
Multiple dwelling with over 16 dwelling units		1
School	Over 20,000	1
Auditorium, convention hall, sports arena, meeting hall	50,000 to 150,000	1
	150,000 to 300,000	2
Department store, variety store, other retail stores, restaurant, or funeral home	For each additional 300,000	1 additional
	7,000 to 14,000	1
	14,000 to 40,000	2
	40,000 to 80,000	3
	For each additional 50,000 or fraction thereof	1 additional
Hospital, clinic, sanatorium, jail or welfare institution	10,000 to 100,000	1
	For each additional 250,000	1 additional
Hotel or office building	25,000 to 40,000	1
	40,000 to 100,000	2
	For each additional 100,000 or fraction thereof	1 additional

Use	Number of Berths Required
Freight terminal, rail- road yard, truck terminal, industrial plant, manufacturing or wholesale establishment or warehouse	10,000 to 40,000 : 1 40,000 to 65,000 : 2 65,000 to 100,000 : 3 Each additional 50,000 : (3) or fraction thereof : 1 additional

SECTION 19 OFFSTREET PARKING REQUIREMENTS

19.1 Intent

This section is intended to reduce the need for parking on streets and the traffic congestion and hazards caused thereby, and to provide for offstreet parking adequate to each type of development, in terms of both amount and location.

A. Offstreet Parking Design Standards

- (1) Accessory offstreet parking, required for the uses specified herein, shall be for use only by automobiles of employees, customers and residents of the activity served.
- (2) Offstreet parking requirements shall be met on the same lot as the building served or on a lot within 300 feet especially reserved for such uses, except that offstreet parking facilities for separate uses may be provided collectively on a separate lot, if the spaces are not less than the total requirements of the separate uses and provided that other requirements are met.
- (3) An offstreet parking space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives, yards or ramps. Such spaces shall have a vertical clearance of at least seven feet.
- (4) Offstreet parking spaces may be located in any required yards except front yards.
- (5) All offstreet parking spaces and access areas shall be improved with a minimum of two inches of A.C. paving on a suitable base, or comparable section of Portland cement concrete in accordance with specification established by the City Engineer.
- (6) All open parking areas with four or more parking spaces shall be effectively screened by wall, fence or landscaping from grounds of any institutional or public property or from any property in a residential district.
- (7) No lighting used to illuminate a parking area shall face, or have its source visible from any residential property in any district.
- (8) Any use having more than 3,500 square feet of required parking shall have 2% of the gross required parking area landscaped with proper parking lot trees and shrubs having a low profile. Such landscaping will be properly maintained at all times.

B. Number of Spaces Required

The following number of offstreet parking spaces are required in all districts:

- (1) **Dwellings:**
Two parking spaces for each single and two family dwelling unit.

(a) Multiple Dwellings: A ratio of one and one half parking spaces per dwelling unit shall be provided.

- (2) Hospitals: One parking space for each four beds, plus one parking space for each staff doctor.
- (3) Libraries, Art Galleries or Museums: Two parking spaces for each 1,000 square feet of floor area.
- (4) Public Utility and Public Service Uses: One parking space for each three employees, plus five spaces for public use.
- (5) Community Centers or Recreation Buildings: One space for each three employees, plus one space for each three seats.
- (7) Schools, Nursery, Elementary or Boarding (except High): One space for each three employees, plus five.
- (8) Schools, High: One space for each two employees plus one for each 30 students.
- (9) Private Clubs and Lodges: One space shall be provided for each room for rent, one space for each 100 square feet of floor area, plus one space for each four employees.
- (10) Churches: One parking space shall be provided for each four seats, or pews, in a church.
- (11) Gas Stations: One space for each two employees.
- (12) Banks, Business or Professional Offices, and Office Buildings: One space for each 400 square feet of floor area.
- (13) Bowling Alleys: Four spaces for each alley.
- (14) Restaurants, Bars, Cafeterias, or Other Eating and Drinking Places: One space for each 100 square feet of floor area, plus one space for each four employees.
- (15) Furniture and Appliance Stores, Motor Vehicle Sales, Wholesale Stores, Repair Shops for Household Equipment, and Radio and Television, and Machinery Sales and Repair Establishments: One space for each 400 square feet of floor area, plus one space for each five employees.
- (16) Hotels and Motels: One parking space for each room for rent, plus one space for each five employees.
- (17) Retail Sales Stores, Personal Service Establishments, Shoe Repair, Barber and Beauty Shops, etc.: One parking space for each 150 square feet of floor area.
- (18) Theatres and Auditoriums: One parking space for each four seats.
- (19) Production, Manufacture, Cleaning, Servicing, Testing or Repair of Materials or Commodities, or Warehousing or Storage Buildings: One parking space for each three employees.
- (20) Motor Freight Companies: One space for each four employees, plus one additional space for each of the vehicles used in the conduct of the business at any time.
- (21) Other Uses: For any other uses not specifically mentioned or provided for, the Director of Planning shall determine the standards to be applied for parking, using as a guide the listed use which most closely resembles the use proposed and the City Manager should be notified of the action taken.

Two parking spaces for each single and two family dwelling unit.

SECTION 20 GENERAL SIGN REGULATIONS

20.1 Intent

The intent of this section is to provide standards for the erection, design, and placement of all sign and sign structures not located within a building. Design standards will be established to achieve the proper relationship of signs to their environment, enhance the outward appearance of the community as a whole, to secure pedestrian and vehicular safety, and to preserve the historic aspects of the City of Helena.

20.2 Definitions

Animated Sign - A sign with action or motion, flashing or intermittent lights and/or color changes requiring electrical energy, electronic or manufactured sources of activation, but not including wind activated elements such as flags, banners, or specialty items; or revolving signs.

Building Facade - That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building Facade Facing - A resurfacing of an existing facade with approved material illuminated or non-illuminated.

Background Area of Sign - The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

Changeable Copy Panel - A panel which is characterized by changeable copy, regardless of method of attachment.

Copy Area of Sign - The actual area of the sign copy applied to any background. To compute copy area draw a straight line close to copy extremities encompassing individual letters or words.

Directional Signs - On premise incidental signs designed to guide or direct pedestrian or vehicular traffic.

Free-Standing Sign - A sign which is supported by one or more columns, uprights or braces in or upon the ground.

Illuminated Sign - A sign which a source of light is used in order to make readable the message. This definition shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.

Marquee Sign - Any sign attached to or constructed in a marquee.

Multiple Copy Sign - A sign which advertises other than the name of the business and the principle product or services.

Off Premise Sign - Any sign that does not advertise the use of the property on which it is located.

On Premise Sign - A sign which carries only advertisements strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm, or corporation occupying the premises.

Projection - The horizontal distance between the outer extremity of a sign and the wall or structure to which it is attached.

Projecting Sign - A sign, single or double faced, which is in any manner affixed to any exterior wall of a building or structure and which projects more than eighteen (18) inches from the building or structure wall.

Revolving Sign - A sign which revolves 360° but does not exceed 8 rpm.

Roof Sign - A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Sign Structure - Any structure which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole or may or may not be an integral part of the building.

Temporary Sign - A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

Under Marquee Sign - A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of-way.

Time and Temperature Display - A cabinet containing illuminated numerals flashing alternately to show the time and temperature.

Wall Sign - A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than 18 inches from the building or structure wall and which does not extend more than 6 inches above the parapet, eaves, or building facade of the building on which it is located.

20.3 General Provisions

a) Nothing in this section shall be interpreted as prohibiting or excluding such signs as are required by law. This includes legal notices and advertisements prescribed by law or posted by any lawful officer or agent.

b) Any sign attached to an exterior window of a building, whether on the external or internal side of the window, shall be regulated by the provisions of this section.

c) All signs as permitted by this section shall be maintained and kept in repair and shall be painted and repainted at reasonable intervals. The surface of the ground under, and about, any free-standing, on or off premise sign, shall be kept clear of weeds, rubbish, and flammable waste material.

d) The supporting members of a roof sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square, or shaped steel members may be erected if required bracing, visible to the public is minimized or covered.

e) Signs not in use by reason of change in occupancy or vacation of the building or use, shall be removed within thirty (30) days.

f) Illuminated signs, where permitted by this section, shall be illuminated in such a manner that the light rays shall shine only upon the sign or the property upon which it is located but shall not spill over onto any other property, in any direction, except by indirect reflection. No lighting arrangement shall be permitted which, by reason of brilliance or reflected light, is a detriment to surrounding properties or prevent the reasonable enjoyment of residential uses.

g) No projecting sign, marquee sign, or under marquee sign shall have a verticle clearance of less than eight (8) feet, nor less than fourteen (14) feet, where it extends over any vehicular driveway or parking area.

h) Projecting signs shall not extend more than ten (10) feet. Where projecting signs are permitted by this ordinance to extend over public property, the sign may not project beyond ten (10) feet or within two (2) feet of the curb line, whichever is less.

20.4 Special Provisions

a) In computing background area in square feet, standard mathematical formulas for known or common shapes will be used. In case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. On signs with more than one face, only that face or faces visible from any one direction at any one time will be counted.

b) In computing copy area, straight lines drawn closest to copy extremities encompassing individual letters or words shall be used.

c) Copy area of a building facade facing shall not exceed 40% of the background facing to which it is applied but in no case shall the copy area be greater than 200 square feet.

d) Background area of wall signs shall not exceed 30% of the building facade or 4 square feet per lenial foot of the elevation upon which they are placed, whichever is greater, but in no case shall the background area be greater than 400 square feet.

e) Copy area of a multiple copy sign shall not exceed 40% of background to which applied.

f) No sign may revolve more than 8 rpm.

g) Signs on Marquees, in districts where allowed, shall not be permitted to extend beyond the main structure of such a marquee, or to exceed in size on either side, or on the front of such marquee, a rectangle three (3) feet high by ninety (90) percent of the length of such side or front.

20.5 Exempt Signs

The specific types of signs described and as limited herein shall be exempt from the provisions of this section.

a) House numbers, street names, signs warning against trespass or danger, rural free delivery boxes.

b) Memorial signs or tablets, erected by recognized historical agencies, or names of buildings and date of erection when cut into a masonry surface or when constructed of bronze or other incombustible letters and affixed flat against the wall of such building.

c) Sign temporarily attached to or lettered on the exterior or interior of a window in an R-0, B-2, B-3, CLM, or M-1 zone district: provided that the aggregate area of such lettering and/or signs shall not exceed fifty (50) percent of the total window area of any business establishment, they are not illuminated, and they are not portable. If the aggregate area of such lettering and/or signs exceeds fifty (50) percent of the total window area of any business establishment, said lettering and/or signs shall be permitted for a period not to exceed 30 days at which time all such lettering and/or signs shall be removed.

d) Sign lettered on the exterior or interior of a window in a building in an R-0, B-1, B-2, B-3, CLM, or M-1 zone, which serves solely to designate the name or the name and professional occupation of the person or persons residing, or having an office in said building: provided such sign does not exceed twenty-five (25) percent of the window on which it is lettered but not to exceed a maximum of four (4) square feet.

e) Name plates, when affixed flat against the wall of a building, and serving solely to designate the name or the name and professional occupations of a person or persons residing, or having an office in said building, provided that the area of such a name plate does not exceed four (4) square feet in the R-0, B-1, B-2, B-3, CLM, or M-1 zone districts or one and one-half (1½) square feet in a residential zone.

20.4 Special Provisions

20.6 Restricted Signs

a) The City Commission may, upon written application, issue special permits upon such conditions as it may reasonably determine for the display on public property of temporary signs or banners of a civic, political, charitable, educational, or religious nature, or in connection with a festival or patriotic celebration. No such permit shall be issued, however, unless the City Commission finds that the town is effectively held harmless for any act or omission of the applicant.

b) No sign shall project or extend into a public right-of-way unless a variance is granted by the director of planning or the City Commission as provided for in this ordinance.

c) Marquee signs may be placed on, attached to, or constructed on a marquee which projects into public right-of-way if first a conditional use permit is obtained as regulated in Section 17 of this ordinance, and if the sign meets all other requirements of this ordinance.

20.7 Prohibited Signs and Sign Locations

a) No animated sign shall be erected or maintained in any R-1, R-2, R-3, R-0, or B-1 zone district.

b) No animated sign shall be erected or maintained closer than one-hundred (100) feet from any residential zone district, unless the sign is constructed in such a manner that the illumination cannot be seen from the residential district.

c) No sign shall be erected near the intersection of any street, alley or other traveled way, including driveway entrances, in such a manner that it obstructs or creates a hazard by prohibiting clear view of both vehicular and pedestrian traffic, or where it might obstruct the view of any traffic control device, or, by reason of color or lighting, confuse anyone looking at a traffic control device.

d) No person, firm or agency shall paste, print, nail, or otherwise affix a sign or notice of any kind upon any post, tree, or pole in any street or alley, or on any other public property.

e) Notwithstanding any other provisions contained in this section, no sign or sign structure shall be erected or maintained upon any tower, spire, chimney, machinery, penthouse, cupola, water tank, water tower, radio aerial, or television antenna.

f) No sign shall be erected on any property without the express permission of the occupant, owner, lessee, or an authorized agent thereof.

g) No "A" frame, sandwich type or other portable sign shall be permitted.

h) Signs which are flashed or projected onto walls or other structures by means of a slide projector, or other device are prohibited.

i) No sign shall be erected in such a manner that any portion of the sign or its support is attached to or will interfere with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.

j) Notwithstanding other provisions of this ordinance, any sign and/or sign structure which projects into public right-of-way beyond the curb line is hereby declared by this ordinance to be a traffic hazard and shall be moved and/or reconstructed to meet the requirements of this ordinance within eighteen (18) months from effective date of this ordinance.

20.8 Nonconforming Signs

a) Any nonconforming sign or billboard, excluding any sign and/or sign structure constructed within two feet of the curb line, existing at the time this ordinance becomes effective may be continued, although such use does not conform with the provisions hereof; provided, however, that all such nonconforming signs and billboards and their supporting members shall be completely removed by their owners not later than ten (10) years from the effective date of this ordinance.

b) Any existing sign, billboard, and/or sign structure which is constructed within two (2) feet of the curb line at the effective date of this ordinance, may be continued although such use does not conform with the provisions hereof; provided, however, that all such signs shall be moved and/or reconstructed to meet the requirements of this ordinance or shall be completely removed by their owners not later than seven (7) years from the effective date of this ordinance.

20.9 Sign Uses for Specified Zones

On Premise Signs: The following regulations shall apply to all "on premise" signs erected or maintained in zone districts as follows, and are subject to general and special provisions as listed in this section.

R-1 District

1) Each residential dwelling is permitted one temporary sign, unlighted, not exceeding four (4) square feet in area nor six (6) feet in overall height, and shall advertise only the following:

- a) Property for sale or lease and pertinent information regarding sale or lease.
- b) Construction information, providing the sign is removed prior to final building inspection.

2) One sign, unlighted, not over twelve (12) square feet in area nor exceeding six (6) feet in overall height, permitted to identify each non-residential use.

R-2 District

Same as R-1 District.

R-3 District

1) Each residential dwelling is permitted one temporary sign, unlighted, not exceeding four (4) square feet in area nor six (6) feet in overall height, and shall advertise only the following:

- a) Property for sale or lease and pertinent information regarding sale or lease.
- b) Construction information, providing the sign is removed prior to final building inspection.

2) One sign, unlighted, not over twelve square feet in area nor exceeding six feet in overall height, permitted to identify each nonresidential use.

3) Wall signs and/or marquee signs, lighted or unlighted, with the total aggregate square footage of sign background of all signs not to exceed forty square feet, are permitted for each apartment structure. Signs may advertise only the name and address of the building it identifies.

R-0 District

1) Each residential dwelling is permitted one temporary sign, unlighted, not exceeding four (4) square feet in area nor six (6) feet in overall height, and shall advertize only the following:

- a) Property for sale or lease and pertinent information regarding sale or lease.
- b) Construction information, providing the sign is removed prior to final building inspection.

2) Only free-standing, wall, or marquee signs, lighted or unlighted, are permitted in this district. Each principal buildings will be permitted signs with a total aggregate square footage of sign background of all signs not to exceed forty (40) square feet. Any free-standing sign shall not exceed twelve (12) feet in height measured from existing grade to top of background area. Signs may advertize only the name and address of the building it identifies and the name, address, and services offered by professions and services allowed in this district.

3) Planned-unit professional developments - all sign design, square footage, and placement shall be considered in the overall development approval as provided under condition approval procedures.

B-1 District:

1) One temporary sign is permitted for each frontage on a street. The sign shall not exceed thirty-two (32) square feet in background area, nor twelve (12) feet in overall height, and shall advertize only the following:

- a) Property for sale or lease and pertinent information regarding sale or lease.
- b) Construction information, providing the sign is removed prior to final building inspection.

2) One free-standing sign is permitted for each business located in this district. The sign shall not exceed one-hundred (100) square feet in background area, and shall not exceed twenty-four (24) feet in height measured from existing grade to the top of the sign background area.

3) One wall sign is permitted for each business located in this district. The background area of the wall sign shall not exceed thirty (30) percent of the building facade to which it is attached.

- a) Where a business has a major entrance on more than one elevation of the building, such secondary frontage may contain a wall sign of the same limitations as prescribed for the primary frontage.
- b) Where a business has a secondary frontage, but does not have a main entrance to the secondary frontage, such frontage may contain a wall sign not to exceed twenty (20) square feet of background area.

4) Building facade facing copy area shall not exceed forty (40) percent of the building facade facing to which it is applied.

5) One under marquee sign is permitted for each business entrance.

6) Directional signs are permitted as needed to guide or direct pedestrian or vehicular traffic.

7) Planned-unit shopping centers - all sign design, square footage, and placement shall be considered in the overall development approval as provided under condition approval procedures.

B-2 District:

1) One temporary sign is permitted for each frontage on a street. The sign not exceed thirty-two (32) square feet in background area nor twelve (12) feet in overall height, and shall advertise only the following:

- a) Property for sale or lease and pertinent information regarding sale or lease.
- b) Construction information, providing the sign is removed prior to final building inspection.

2) Each business will be allowed a single free-standing sign and a single roof sign if such signs are designed to be viewed from different directions. Total background area of each sign not to exceed one-hundred and fifty (150) square feet. Height of the free-standing sign not to exceed thirty-five (35) feet measured from existing grade to the top of the background area. Height of the roof sign not to exceed eight (8) feet measured from the top of the parapet wall or roof line to the top of the background area.

3) Each business is permitted wall and/or marquee signs. Total aggregate background area of such signs not to exceed two-hundred (200) square feet.

4) Animated signs are permitted if they comply with the area and height requirements of signs in this district and other provisions of this ordinance. Animated and/or flashing signs must be at least one-hundred (100) feet from any residential district, unless the sign is constructed in such a manner that the illumination cannot be seen from the residential district. Animated and/or flashing signs may not be erected in any location which would obstruct the vision of or be confused with a traffic signal or a stop sign.

5) Building facade facing - copy area shall not exceed forty (40) percent of the building facade facing to which it is applied, or one-hundred (100) square feet, whichever is less.

6) Directional signs, designed to guide or direct pedestrian or vehicular traffic, are permitted.

7) Planned-unit shopping centers - all sign design, square footage, and placement shall be considered in the overall development approval as provided under condition approval procedures.

B-3 District:

1) One temporary sign is permitted for each frontage on a street. The sign shall not exceed one-hundred (100) square feet in background area, nor over 15 feet in overall height, and shall advertise only the following:

- a) Property for sale or lease and pertinent information regarding sale or lease.
- b) Construction information, providing the sign is removed prior to final building inspection.

2) Free-standing signs are not permitted in this district unless and until a conditional use permit has been obtained in accordance with the provisions of Section 17 of this ordinance.

3) Each business in this district is permitted wall signs. Signs background area not to exceed thirty (30) percent of the building facade to which it is applied but not to exceed two-hundred (200) square feet.

4) Copy area of signs on building facade facing shall not exceed forty (40) percent of the building facade facing to which it is applied.

5) Marquee signs are permitted in this district. : : District B-2

6) Animated signs are permitted if they comply with the area and height requirements for signs in this district and other provisions of this ordinance. Animated and/or flashing signs may not be erected in any location which would obstruct the vision of or be confused with a traffic signal or stop sign.

7) One under marquee sign is permitted for each business entrance located on the property.

8) Directional signs, designed to guide or direct pedestrian or vehicular traffic are permitted.

9) Projecting signs must comply with those requirements listed under the general provisions portion of this section.

10) Planned-unit shopping centers - all sign design, square footage, and placement shall be considered in the overall development approval as provided under condition approval procedures.

11) "On Premise" roof sign.

CLM Zone: (3) Each business is permitted wall and/or marquee signs. Total background area of such signs not to exceed (200) square feet.

1) Temporary Signs:

Signs for each frontage on street or highway, not exceeding two hundred (200) square feet in background area, nor over twenty (20) feet in overall height, and shall advertize only the following:

- a) Property for sale or lease and pertinent information regarding sale or lease.
- b) Construction information, providing the sign is removed prior to final building inspection.

2) One free-standing sign is permitted for each business located on the property which shall not be larger than six-hundred (600) square feet in background area.

3) Wall Sign:

Sign background area for each business located on the property with area of signs not to exceed thirty (30) percent of the building facade to which it is applied.

4) Building Facade Facing: Copy area shall not exceed forty (40) percent of the building facade facing to which it is applied.

5) Roof Sign:

One roof sign for each business located on the property which shall not be larger than six-hundred (600) square feet in background area.

6) Projecting Double-Faced Building Signs:

One projecting double-faced building sign will be permitted for each business when it conforms to other sections of this ordinance. Such sign background area shall not be larger than two-hundred (200) square feet.

7) Animated Signs:

All permitted signs in this zone may be animated, however, such sign shall comply with all other provisions of this ordinance and must be at least one-hundred (100) feet from any residential district.

8) One under marquee sign is permitted for each business entrance.

9) Directional signs are permitted as needed to guide or direct pedestrian or vehicular traffic.

10) Planned-unit shopping centers - all sign design, square footage, and placement shall be considered in the overall development approval as provided under condition approval procedures.

21.1 Administration and Enforcement

M-1 Zone:

The Building Inspector, and such other staff assistance as is provided by the City Council or City Manager from the Building Inspector shall administer and enforce this ordinance.

Off Premise Signs

If the Building Inspector or other appointed officials shall find that the following regulations shall apply to all "off premise" signs erected or maintained in zone districts as follows, and are subject to general and special provisions as listed in this section.

Off premise signs shall not be permitted in any R-1, R-2, R-3, or R-0 Zone Districts.

B-1 District:

1) Off premise signs will be permitted in this district if a conditional use permit is obtained as provided for in this ordinance, and subject to the following provisions:

- a) Any such permit shall not permit a total background of more than four-hundred (400) square feet per sign.
- b) No off premise sign shall project over or on public right-of-way and/or property.

B-2, B-3, CLM, and M-1 Districts:

All applications for building permits shall be accompanied by the following information:

1) Notwithstanding other provisions of this ordinance, off premise signs shall be permitted in these districts, provided:

- a) Such signs shall not exceed six-hundred (600) square feet in total background area.
- b) No off premise sign shall project over or on public right-of-way and/or property.

by the Building Inspector, including, but not limited to, the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked shall be retained by the Building Inspector.

21.3 Certificates of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until an occupancy permit shall have been issued therefor by the Building Inspector, stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the Building Inspector. The certificate of occupancy shall state specifically whether the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses of structures shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

SECTION 21 ADMINISTRATION AND ENFORCEMENT - BUILDING AND OCCUPANCY PERMITS

21.1 Administration and Enforcement

The Building Official, and such other staff assistance as is provided by the City Council or City Manager from time to time, shall administer and enforce this ordinance.

If the Building Inspector or other appointed officials shall find that any provision of this ordinance is being violated, he shall notify in writing the person responsible for such violation and order corrective action. He shall order discontinuance of illegal use of land, structures, or buildings; removal of illegal buildings or structures or of additions or alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance therewith or to prevent its violation.

21.2 Building Permit Requirement and Application

No building or other structure shall be erected, moved, added to, or structurally altered without a valid building permit therefor, issued by the Building Inspector. No such building permit shall be issued except in conformity with all of the provisions of this ordinance, except upon written order from the City Commission.

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the legal description of the parcel, the exact sizes and locations on the lots of buildings already existing, if any; and the location and dimensions of the proposed buildings or alterations. The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked shall be retained by the Building Inspector.

21.3 Certificates of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until an occupancy permit shall have been issued therefore by the Building Inspector, stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the Building Inspector. The certificate of occupancy shall state specifically whether the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses of structures shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

No permit for erection, alteration, moving or repair of any buildings shall be issued until an application has been made for certificate of occupancy and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work. A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six months during alterations or partial occupancy of the building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Building Inspector shall maintain a record of all certificates of occupancy and copies shall be furnished, upon request, to any person. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable under Section 25 of this ordinance.

21.4 Expiration of Building permit

If the work described in any building permit has not begun within 60 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Inspector and written notice thereof shall be given to the persons affected. If, however, the applicant applies to the Building Official at least 10 days prior to the expiration date of said permit, an extension may be obtained from the Building Official for good cause. Such extension shall be valid for 30 days. A total of two extensions may be given by the Building Official. If the applicant desires additional extensions, he shall apply to the City Commission.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Building Official and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless and until a new building permit has been obtained.

21.5 Conformity of Construction and Use

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorized only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangements or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this ordinance and punishable as provided by Section 25 hereof.

21.6 Duties of Building Inspector

It is the intent of this ordinance that the Building Inspector shall check all building plans for compliance with this ordinance, both before and during construction. If during this procedure the inspector determines that the proposed plan or construction, does not comply with this ordinance, he shall inform the applicant of the infraction and shall not issue the requested permit and/or shall stop all construction on the project until such time as the applicant, builder or principal revises his plan or applies to the Department of Planning for a variance, conditional use permit or a zone change and the governing person or body has informed the inspector, in writing, that the application and/or project does now comply with the ordinance.

21.7 Schedule of Fees, Charges and Expenses

The City Commission shall establish a schedule of fees, charges and expenses and a collection procedure for building permits; certificates of occupancy; appeals, and other matters pertaining to this ordinance. The schedule of fees listed below shall be posted in the office of the Building Inspector and Department of Planning and may be altered or amended only by the City Commission.

No permit, certificate, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Zoning Commission or the City Commission unless, or until, preliminary charges and fees have been paid in full.

Variations	\$10.00
Conditional Uses	\$25.00
Zoning Changes	\$50.00

If the work described in any building permit has not begun within 60 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Inspector and written notice thereof shall be given to the persons affected. If, however, the applicant applies to the Building Official at least 10 days prior to the expiration date of said permit, an extension may be obtained from the Building Official for good cause. Such extension shall be valid for 30 days. A total of two extensions may be given by the Building Official. If the applicant desires additional extensions, he shall apply to the City Commission.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Building Official and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless and until a new building permit has been obtained.

21.5 Conformity of Construction and Use

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorized only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangements or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Section 22 hereof.

21.6 Duties of Building Inspector

It is the intent of this ordinance that the Building Inspector shall check all building plans for compliance with this ordinance, both before and during construction. If during this procedure the inspector determines that the proposed plan or construction does not comply with this ordinance, he shall inform the applicant of the infraction and shall not issue the requested permit and/or shall stop all construction on the project until such time as the applicant, builder or principal revises his plan or applies to the Department of Planning for a variance, conditional use permit or a zone change and the governing person or body has informed the inspector, in writing, that the application and/or project does now comply with the ordinance.

SECTION 22 MODIFICATIONS INVOLVING VARIANCES

1. Notwithstanding any other provisions of this section, when in the public interest, that the Director of planning may, without notice or public hearing, conditionally approve, deny, or refer to the City Zoning Commission or City Commission request to modify the following requirements of this ordinance:

- A. Street setback requirements
- B. Yard requirements
- C. Area requirements
- D. Height requirements
- E. Parking and loading space requirements and improvements as set forth in Sections 18 and 19 of this ordinance.

2. Procedure: Written applications for such modifications shall be filed in the public office of the City Planning Department on forms provided by the city for this purpose. Notwithstanding any other provisions of this ordinance, the uniform fee of \$10 shall be paid to the city upon the filing of each application modification for the purpose of defraying expenses incidental to the proceedings.

The City Director of Planning shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this ordinance. No application will be regarded as having been filed until the fee stated above shall be paid to the Planning Department.

3. In approving such modifications, the City Director of Planning shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare, and shall find as follows:

- A. Such modifications will not be inconsistent with intent and purpose of this ordinance and/or any adopted general plan.
- B. That strict compliance with the provisions of the ordinance would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property.
- C. That such modifications will have no adverse affect on abutting properties or the permitted uses thereof.
- D. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and the general welfare which provisions may include:

1. Bond to insure removal of a structure within a specified period of time.
2. A time period within which the proposed structure shall be erected.
3. Regulations of point of the vehicular ingress egress.
4. Requiring landscaping and maintenance thereof.
5. Requiring the surfacing and marking of offstreet parking and loading areas subject to specifications of the Planning Department.
6. Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in the section. Any approval under this section shall be subject to the terms of the condition designated in connection therewith.

7. The City Director of Planning may require that the applicant agree in writing to fulfill the required conditions as set forth herein, or post with the City of Helena a faithful performance bond in the amount equal to the estimated costs of improvements plus 10% to insure on installation of such improvements. This bond shall be furnished by a surety company authorized to write such bonds in the State of Montana, except in cases where a cash deposit is accepted by the City of Helena.

4. Right of Appeal:
- A. Any decision of the City Director of Planning involving an application for variance as set forth in the above section may be appealed therefrom to the City Commission by any person aggrieved. The taking of an appeal stays proceedings in the matter appealed from until the determination of the appeal.
 - B. The appeal shall be filed in writing and in duplicate in the office of the City Planning Department on forms there provided. Any such appeal must set forth specifically therein there was error or abuse of discretion. An appeal of the decision of the City Director of Planning approving or denying an application from variances must set forth to the particulars wherein the application for variances did meet or fail to meet, as the case may be, those required findings set forth in the above section, as being prerequisite to the approval of any variance.
 - C. Any appeal shall be filed within ten days after receipt of the rendition in writing of the decision or it shall be dismissed by the City Commission.
 - D. Upon receipt of the appeal application the City Commission shall set the date, time, and place wherein to consider the matter and shall give notice of same to the appellee and to any other party at interest who has requested in writing to be so notified.
 - E. Upon hearing the appeal the City Commission shall consider the record and such additional evidence as may be offered and may affirm, reverse, or modify in whole and substitute such other or an additional decision or determination as it may find warranted under the provisions of this ordinance. The City Commission shall forthwith transmit a copy of the decision to the appellee and city departments.

- 1. Bond to insure removal of a structure within a specified period of time.
- 2. A time period within which the proposed structure shall be erected.
- 3. Regulations of point of the vehicular ingress egress.
- 4. Requiring landscaping and maintenance thereof.
- 5. Requiring the surfacing and marking of off-street parking and loading areas subject to specifications of the Planning Department.
- 6. Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in the section. Any approval under this section shall be subject to the terms of the condition designated in connection therewith.

SECTION 23 AMENDMENT AND CHANGES OF ZONE DISTRICTS:

- A. Initiation of proceedings by City Commission and City Zoning Commission: The City Commission may, from time to time, amend, supplement, or change this ordinance and the regulation of maps appertaining thereto. An amendment, supplement, or change may be initiated by the City Commission, or the City Zoning Commission.
- B. Change of Classification by Property Owner: Whenever the property owner of any land or building desires a reclassification of his property or change in regulations applicable thereto, he may file with the City Planning Department on forms provided by the city for this purpose. A petition duly signed and verified by him requesting such an amendment, or change of regulations prescribed for such property.
- C. Filing fee for the proposed amendments to the zone district map: A fee of \$50 shall be charged to cover the cost of advertising and processing. The City Zoning Commission shall cause to be made, such an investigation of facts bearing on such petition as will provide necessary information to assure that the action on each such petition is consistent with the intent and purpose of this ordinance.
- D. Hearing on petition for zone change classification by City Zoning Commission: The City Zoning Commission shall hold public hearing on the matters referred to in such petition at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearings shall be published in an official paper, or a paper of general circulation, in the city. After said hearing and/or hearings, the Zoning Commission will make reports and recommendations on said petition to the City Commission.
- E. Hearing by City Commission on petition of change of classification: When the City Zoning Commission has recommended an amendment or supplement to this ordinance, including a change in the district boundaries, a public hearing shall be held by the City Commission for the purpose of acting upon the proposed amendment or supplement after public notice. Such public notice shall be published in an official paper, or a paper in general circulation in the city, telling the time and place of the meeting at least fifteen (15) days prior to the meeting date.
- F. Enforcement: This title shall be enforced by the City Manager and his authorized representatives. No building permit or business or occupational use license shall be issued except in compliance with the provisions of this Chapter.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 23: REPEALS. All ordinances of the City of Helena inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed. Ordinance Nos. 1375 and 1382 of the City of Helena are specifically repealed.

The repeal of any of the above mentioned ordinances does not revive any other ordinance or portion thereof repealed by said ordinance.

Such repeal shall not affect or prevent the prosecution or punishment of any person for the violation of any ordinance repealed hereby for an offense committed prior to the repeal.

SECTION 24 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

SECTION 25 COMPLAINTS REGARDING VIOLATIONS

Wherever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 26 PENALTIES FOR VIOLATION

Violation of any of the provisions of this ordinance or failure to comply with any of its requirements, or any of the requirements or conditions imposed by the Zoning Commission and/or City Commission, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500, or imprisoned for not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such.

The owner or tenant of any building, structure, premises, or part thereof, and an architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this act, or of any resolution made under authority conferred hereby, the proper authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation to prevent any illegal act, conduct, business, or use in or about such premises and to prevent the occupancy of such building, structure, or land.

SECTION 27 SEPARABILITY CLAUSE

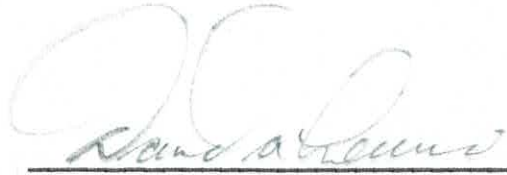
Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 28: REPEALS. All ordinances of the City of Helena inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed. Ordinance Nos. 1375 and 1392 of the City of Helena are specifically repealed.

The repeal of any of the above mentioned ordinances does not revive any other ordinance or portion thereof repealed by said ordinances.

Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any ordinance repealed hereby for an offense committed prior to the repeal.

FIRST PASSED by the Commission of the City of Helena, Montana
this 16th day of June, 1969.




MAYOR

Attest:

Margaret D. Garrity
CLERK OF THE COMMISSION

FINALLY PASSED by the Commission of the City of Helena, Montana
this 23rd day of June, 1969.



MAYOR

Attest:

Margaret D. Garrity
CLERK OF THE COMMISSION