

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3097

AN ORDINANCE AMENDING TITLE 11 OF THE HELENA CITY CODE (THE ZONING ORDINANCE)

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

MONTANA:

That Title 11 of the Helena City Code is hereby amended as follows by repealing Chapters 1 through 15, 17 through 21, 27 through 34, and 42 through 50, adopting new Chapters 1 through 8 set forth below, reserving Chapter designations 9 through 15, 17 through 21, 27 through 34, and amending Chapters 24, 25, 26, and 40:

TITLE 11

ZONING

Subject	Chapter
Title And Definitions	1
General Provisions	2
OSR Open Space/Residential District	3
R-1 Single-Family Residential District - Large Lot	4
R-2 Single-Family Residential District	5
R-3 Medium Density Residential District	6
R-4 High Density Residential District	7
R-O Residential/Office District	8
NC Neighborhood Concept District	9
B-1 Neighborhood Business District	10
B-2 General Commercial District	11
B-3 Central Business District	12
CLM Commercial-Light Manufacturing District	13
M-I Manufacturing & Industrial District	14
PLI Public Lands And Institutions District	15
<u>Administration And Enforcement</u>	<u>1</u>
<u>Land Uses</u>	<u>2</u>
<u>Conditional Uses</u>	<u>3</u>
<u>District Dimensional Standards</u>	<u>4</u>

ORDINANCES OF THE CITY OF HELENA, MONTANA

<u>Board of Adjustment</u>	<u>5</u>
<u>Nonconforming Uses and Buildings</u>	<u>6</u>
<u>Mobile Home Parks</u>	<u>7</u>
<u>Recreational Vehicle Parks and Campgrounds</u>	<u>8</u>
<u>Chapters 9 Through 15</u>	<u>Reserved</u>
T Transitional District	16
AP - Airport District	17
UR Urban Renewal District	18
Nonconforming Uses and Structures	19
Townhouses	20
Conditional Uses	21
<u>Chapters 17 through 21</u>	<u>Reserved</u>
Off Street Loading And Parking	22
General Sign Regulations	23
Landscaping	24
PUD Planned Unit Developments	25
Home Occupations	26
Adult Bookstores And Adult Motion Picture Theaters	27
Community Residential Facilities	28
Administration And Enforcement Permits	29
Board Of Adjustment	30
Amendments	31
Land Use Variances	32
Interpretation And Violations	33
<u>Chapters 27 Through 33</u>	<u>Reserved</u>
Mobile Home And Recreational Vehicle Parks	34
<u>Chapter 34 [this became new Chapters 7 and 8, above]</u>	<u>Reserved</u>
Airport Zoning Regulations	35
Airport Noise Influence District	36
Floodplain Regulations [to be recodified as new	
Chapter 14 in Title 3]	37
<u>Chapter 37</u>	<u>Reserved</u>
Daycare Facility	38
Review Process For Demolition Of Historic Buildings	39
[to be recodified as new Chapter 15 in Title 3	
<u>Chapter 39</u>	<u>Reserved</u>
Establishment Of Areas That Allow The Sale of Alcoholic Beverages And Casinos Within City Limits	40
<u>Wildland-Urban Interface District</u>	<u>41</u>
Reserved	41 - 49
Appendix	50

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 1

ADMINISTRATION AND ENFORCEMENT

- 11-1-1: Title
- 11-1-2: Definitions
- 11-1-3: Official Zoning Map
- 11-1-4: Prezoning
- 11-1-5: Administration
- 11-1-6: Zoning Commission
- 11-1-7: Determination of Zoning District Boundaries
- 11-1-8: Determination of Use Classification
- 11-1-9: Zoning Appeals
- 11-1-10: Amendments
- 11-1-11: Severability
- 11-1-12: Fees
- 11-1-13: Violations

11-1-1: **TITLE:** This title may be cited as the Helena Zoning Regulations.

11-1-2: **DEFINITIONS:** For purposes of this title, unless otherwise defined in a particular chapter:

- A. Words used in the present tense include the future.
- B. Words or phrases used in the singular number include the plural and words used in the plural include the singular.
- C. The words "shall" and "must" are mandatory and not permissive.
- D. The word "may" is permissive.
- E. Where terms are not defined, they have their ordinary accepted meanings within the context in which they are used.

11-1-3: OFFICIAL ZONING MAP

- A. The city is hereby divided into districts as shown on the official zoning map which, together with the certificate attached thereto, and together with all amendments, changes and certifications thereof, is hereby adopted and declared to be a part of this title as if described in detail.

ORDINANCES OF THE CITY OF HELENA, MONTANA

B. The official zoning map must be displayed at all times in the office of the clerk of the city commission and bear a certificate with the signature of the mayor, the certification of the city clerk, and the date of the adoption of this title. If any changes to the map are made by amendment in accordance with this title, such changes must be made to the map and signed and certified upon the map or upon the material attached thereto.

11-1-4: PREZONING:

A. All territory to be annexed into the city must first be prezoned, and the zoning must be consistent with the designated land uses for such territory as set forth in the growth policy.

B. Prezoning applications are filed with the community development department and any required fees must be paid upon submission of an application.

C. The zoning commission shall hold a public hearing and make a recommendation to the city commission.

D. The city commission shall determine the appropriate zoning and pass an ordinance establishing the zoning, which zoning is effective upon the date of annexation.

11-1-5: **ADMINISTRATION:** The city manager, the director of community development, and their authorized representatives shall administer and enforce this title.

11-1-6: **ZONING COMMISSION:** The Zoning Commission will hold public hearings and provide recommendations to the city commission, for prezoning, zone changes, conditional use permits and amendments to this title.

11-1-7: DETERMINATION OF ZONING DISTRICT BOUNDARIES:

A. Streets and alleys that are dedicated to the public and exist as travel ways are not considered zoned.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- B. If ambiguity arises concerning the location of the boundary of any zoning district shown on the Official Zoning Map, any person may request an interpretation from the director of the community development department.
- C. The department shall follow the rules of interpretation listed in this section in determining the location of a boundary of a zoning district. This preliminary interpretation is advisory in nature and does not constitute an order, requirement, decision, or determination under §76-2-323, MCA. A written copy of each such interpretation shall be kept on file with the community development department.
- D. The location of the boundary of any zoning district shall be interpreted as following the nearest logical lines to that shown. This includes platted lot lines, city limit lines, edge of dedicated public rights-of-way, or stream or water center lines.

11-1-8: DETERMINATION OF USE CLASSIFICATION:

- A. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or if a specific use is not listed, any person proposing to conduct such use may request an interpretation from the director of the community development department.
- B. The department shall follow the rules of interpretation listed in this section in determining the classification of a particular use. This preliminary interpretation is advisory in nature and does not constitute an order, requirement, decision, or determination under §76-2-323, MCA. A written copy of each such interpretation shall be kept on file with the community development department.
- C. The determination of which zoning districts a previously unclassified use will be classified as permitted must be based upon whether the unclassified use is similar to and compatible with other uses permitted in the zoning district.

11-1-9: ZONING APPEALS:

- A. The preliminary interpretation of the director of the community development department may be appealed, in writing, to the city manager for a final decision.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- B. Written notice of appeal of the city manager's decision may be made to the board of adjustment within 20 calendar days.
- C. The board of adjustment shall hold a public hearing in order to obtain facts and information from all interested parties, the community development department, and any other pertinent city agency. The director of the community development department shall submit the preliminary interpretation, together with any pertinent information, to the board of adjustment in the form of a recommendation.
- D. The board of adjustment shall fix a reasonable time for the hearing, give public notice, and due notice to the parties in interest. Public notice must be published in an official newspaper, or a newspaper of general circulation, in the city.
- E. The board of adjustment may continue any hearing if necessary to obtain additional facts and information; in such case, a second legal notice is not required if the time, date, and location of the continued hearing are announced at the hearing and placed in the official record.

11-1-10: AMENDMENTS:

- A. Whenever the owner of any land or building desires a zone change or change in the boundaries of any district, the owner may request a zone change. Such request is filed with the community development department on an application form provided by the city for this purpose. The application must be duly signed and verified by the applicant, who shall pay any required fee.
- B. For amendments to the Helena Zoning Regulations or zone changes, the zoning commission shall hold a public hearing to obtain facts and information from all interested parties. At least fifteen (15) days' notice of the time and place of such hearing must be published in an official newspaper, or a newspaper of general circulation, in the city.
- C. The zoning commission may continue the hearing if necessary to obtain additional facts and information. If the hearing is continued, a second legal notice is not required if the time, date, and location of the continued hearing are announced at the hearing and placed in the official record of the zoning commission.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- D. The zoning commission recommendation must be based upon information presented at a public hearing and information contained in the application.
- E. The zoning commission shall send the city commission its recommendation on the application, together with any and all pertinent facts in regard to the application and its recommendation. The applicant shall be given a true and exact copy of the zoning commission's recommendation at least three (3) days prior to the city commission hearing on the application.
- F. The city commission shall hold a public hearing on the application, at which time the zoning commission's recommendation is considered and public testimony received. The city commission may by ordinance approve, deny or change the recommendation of the zoning commission.
- G. The recommendations of the zoning commission, and the decisions of the city commission, are based upon the considerations and factors set forth in §§76-2-301 through 76-2-305, MCA. The city commission shall set forth its reasons in written findings and conclusions giving due consideration to each of the matters set forth in §76-2-304, MCA.

11-1-11: **SEVERABILITY:** If any portion of this Title is declared invalid or unlawful by a court of competent jurisdiction, such unlawfulness or invalidity does not affect the validity of this Title in its entirety or any of the remaining portions.

11-1-12: **FEES:** The community development department shall collect fees before commencing required review procedures. The schedule of fees is posted in the office of the community development department. The fees may be altered or amended only by the city commission by resolution after a public hearing.

11-1-13: **VIOLATIONS:**

- A. Whenever a violation of this Title occurs or is alleged to have occurred, any person may file a written complaint that states fully the causes and basis of the complaint, which is filed with the community development department, who will investigate and take appropriate enforcement action.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- B. If the director of community development or other staff finds that any provision of this title is being violated, the person responsible for such violation is to be notified and ordered to take corrective action.
- C. Violating any of the provisions of this Title, or failing to comply with any of its requirements constitutes a misdemeanor. Any person who violates this Title or fails to comply with any of its requirements may, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), and in addition may be ordered to pay all costs and expenses involved in the case. Each day such violation continues is considered a separate offense and punishable as such.
- D. The owner or tenant of any building, structure, premises, and an architect, builder, contractor, agent, or other person, who purposely or knowingly commits, participates in, assists in, or maintains any such violation, are accountable for violations under this title and may suffer the penalties herein provided.
- E. If a violation of this title occurs, the city, in addition to other remedies, may institute other appropriate actions or proceedings:
1. To prevent such unlawful erection construction, reconstruction, alteration, repair, conversion, maintenance or use;
 2. To restrain, correct, or abate such violation;
 3. To prevent any illegal act, conduct, business, or use in or about such premises; and
 4. To prevent the occupancy of any such building, structure, or land.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 2

LAND USES

SECTION:

- 11-2-1: General Provisions
- 11-2-2: Intent of Zoning Districts
- 11-2-3: Land Use Table for Zoning Districts
- 11-2-4: Land Use Definitions for Zoning Districts
- 11-2-5: Supplemental Requirements

11-2-1: GENERAL PROVISIONS:

- A. A structure or parcel of land may not be used for any purpose unless that use is shown on Table 1 as permitted in the district in which the structure or land is located. An accessory use that is incidental and secondary to the principal use is permitted in any district in which the principal use is permitted.
- B. These regulations are minimum regulations and apply uniformly to each class or kind of structure or land, except as otherwise provided in this Title.
- C. A building, structure, or parcel of land may not be used or occupied unless it conforms to all of the regulations specified in this chapter for the district in which the use is located.
- D. All planned unit development districts and the approved development plans that were in existence prior to enactment of this Title remain in existence and their development plans remain in effect, but they are subject to amendment or adjustment in accordance this Title.
- E. Any of the following zoning districts may be overlaid by, or subjected to the regulations of, certain other districts established by this Title in accordance with the provisions thereof.
- F. The off-street loading and parking, landscaping, screening, and dimensional requirements of this Title are required unless specifically exempted in those respective chapters.

ORDINANCES OF THE CITY OF HELENA, MONTANA

11-2-2: INTENT OF ZONING DISTRICTS: The city is hereby divided and classified into the following zoning districts that are intended to provide for development in conformance with the system of services available, the slope of the land, or other limiting factors to serve such development while preserving the quality of the area. These zoning districts are described as follows:

- A. The OSR (Open Space/Residential) District primarily provides for residential development consistent with physical constraints, the natural capacity of the land, and available public and private services. The regulations seek to minimize danger from wild land fires, storm water flooding, soil erosion, and other environmental hazards. The regulations also seek to mitigate traffic hazards, protect the natural scenic character of hillside areas, promote the safety and well-being of property owners, and ensure the efficient expenditure of public funds.
- B. The R-1/R-2 (Residential) District provides for residential dwellings and limited nonresidential development that protects and enhances the residential nature of the area.
- C. The R-3 (Residential) District provides for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.
- D. The R-4/R-O (Residential-Office) District provides for a compatible mix of higher density residential development with professional and business offices and associated service uses.
- E. The B-1 (Neighborhood Business) District provides for a compatible mixture of residential, public, and small-scale commercial uses that serve as transitions between zoning districts.
- F. The B-2 (General Commercial) District provides for compatible residential uses and a broad range of commercial and service uses that serve large areas of the City and that are normally required to sustain a community.
- G. The B-3 (Central Business) District is the central focus of the City's business, government, service, and cultural activities, and allows compatible residential development.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- H. The CLM (Commercial-Light Manufacturing) District provides for the community's commercial and light manufacturing needs. These uses generally need access to the city's transportation amenities and should be located to reduce adverse impacts upon residential neighborhoods in the city.
- I. The M-I (Manufacturing and Industrial) District provides for manufacturing and other industrial uses.
- J. The PLI (Public Lands and Institutions) District provides for and applies only to public and quasi-public institutional uses and lands, and recreational, educational, and public service activities for the general benefit of the citizens of the city.
- K. The T (Transitional) District provides for an orderly and harmonious transition between zoning districts where appropriate. Each Transitional District has unique standards and is intended to be temporary and phased out over time.
- L. The Airport District provides for airport uses and facilities necessary for the operation, maintenance, and protection of airports. Associated retail and service uses, public institutional uses, aeronautical-related manufacturing, public service, and limited recreational activities are also permitted.

11-2-3: **LAND USE TABLE FOR ZONING DISTRICTS:** Permitted, conditionally permitted, and not permitted uses for the zoning districts are shown on Table 1. The key for this table is as follows:

- P** The use is permitted in the district by right, consistent with applicable development standards.
- CUP** The use is allowed in the district through the conditional use process.
- NP** The use is not permitted in the district.

ORDINANCES OF THE CITY OF HELENA, MONTANA

TABLE 1
Principle Land Uses by District

Use	OSR	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	CLM	M-I	PLI	Airport	Supplemental Requirements
RESIDENTIAL USES												
Boarding/Rooming house 1-3 residents	P	P	P	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM and M-I Districts, See 11-2-5(C)
Boarding/Rooming house 4-20 residents	NP	NP	NP	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM and M-I Districts, See 11-2-5(C)
Community residential facility, Type I, 1-12 residents	P	P	P	P	P	P	P	CUP	NP	NP	NP	
Community residential facility, Type II, 13 or more residents	NP	CUP	CUP	CUP	P	P	P	CUP	NP	P	NP	
Mobile home park	NP	CUP	CUP	P	CUP	CUP	NP	NP	NP	NP	NP	Title 11, Chapter 7
Residence, single dwelling unit	P	P	P	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM and M-I Districts, See 11-2-5(C)
Residence, two dwelling units	CUP	P	P	P	P	P	P	P	NP	NP	NP	B-2, B-3 and, CLM Districts, See 11- 2-5(C)
Residence, multiple dwelling units (3 or more units)	NP	CUP	P	P	P	P	P	CUP	NP	NP	NP	
NON-RESIDENTIAL USES												
Agricultural Uses												
Horticulture	P	P	P	P	P	P	P	P	P	P	P	
Community Services/ Uses												
Administrative Government Agency	NP	NP	NP	P	P	P	P	P	NP	P	P	
Animal Shelter	NP	NP	NP	NP	NP	CUP	NP	CUP	CUP	P	NP	
Community center	NP	NP	NP	NP	P	P	P	P	NP	P	NP	
Community cultural facility	NP	CUP	CUP	CUP	P	P	P	NP	NP	P	P	
Correctional facility	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	CUP	NP	
Pre-release center	NP	NP	NP	NP	CUP	CUP	CUP	CUP	NP	CUP	NP	
Public safety facility	CUP	CUP	CUP	CUP	P	P	P	P	P	P	P	
Worship facility	NP	CUP	CUP	P	P	P	P	P	NP	P	NP	

ORDINANCES OF THE CITY OF HELENA, MONTANA

Use	OSR	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	CLM	M-I	PLI	Airport	Supplemental Requirements
Education												
Instructional facility	NP	NP	NP	P	P	P	P	P	P	P	P	
Educational facility - K-12	NP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	NP	P	NP	
Educational facility – Higher education	NP	CUP	CUP	CUP	CUP	CUP	CUP	P	NP	P	NP	
Food and Beverage Sales												
Casino	NP	NP	NP	NP	NP	CUP	CUP	CUP	NP	NP	NP	
Restaurant	NP	NP	NP	P	P	P	P	CUP	NP	NP	P/CUP	Airport District See 11-2-5(E)(2)
Restaurant, drive-in	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP	
Specialized food production	NP	NP	NP	NP	P	P	P	P	P	NP	NP	
Tavern	NP	NP	NP	NP	NP	P	P	CUP	NP	NP	P/CUP	Airport District See 11-2-5(E)(2); PLI District, See 11-2-5(D)
Health Care												
Health care center	NP	NP	NP	P	P	P	P	NP	NP	NP	NP	
Health care facility	NP	NP	NP	CUP	CUP	P	P	NP	NP	P	NP	
Industrial/Manufacturing												
Contractor yard	NP	NP	NP	NP	NP	CUP	NP	P	P	NP	NP	
Industrial, heavy	NP	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP	
Industrial, light	NP	NP	NP	NP	CUP	CUP	CUP	P	P	NP	P	
Industrial park	NP	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP	
Junkyard	NP	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP	
Motor vehicle wrecking facility	NP	NP	NP	NP	NP	NP	NP	NP	CUP	NP	NP	
Overnight Accommodations												
Bed and Breakfast	CUP	CUP	CUP	CUP	P	P	P	NP	NP	NP	NP	
Campground/RV Park	NP	NP	NP	NP	NP	CUP	NP	CUP	NP	NP	NP	
Country Inn	NP	NP	CUP	CUP	P	P	P	NP	NP	NP	NP	
Emergency shelter	NP	NP	NP	CUP	CUP	CUP	CUP	CUP	NP	CUP	NP	
Hotel/motel	NP	NP	NP	NP	CUP	P	P	NP	NP	NP	CUP	

ORDINANCES OF THE CITY OF HELENA, MONTANA

Use	OSR	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	CLM	M-I	PLI	Airport	Supplemental Requirements
Recreation, Indoor												
Indoor entertainment, sports and recreation	NP	NP	NP	CUP	P	P	P	P	NP	NP	CUP	
Recreation, Outdoor												
Open space	P	P	P	P	P	P	P	P	P	P	P	
Outdoor entertainment, sports and recreation	NP	NP	NP	NP	NP	CUP	CUP	CUP	CUP	P	CUP	
Parks/playgrounds	P	P	P	P	P	P	P	P	NP	P	CUP	
Rental and Repair												
General Repair	NP	NP	CUP	CUP	P	P	P	P	P	NP	NP	R-3, R-O and B-1 Districts, See 11- 2-5(F)
Large equipment rental	NP	NP	NP	NP	NP	P	NP	P	P	NP	NP	
Small equipment rental	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Sales												
Agriculture supply sales	NP	NP	NP	NP	NP	P	NP	P	P	NP	NP	
General/Specialty sales	NP	NP	NP	NP	P	P	P	CUP	NP	NP	NP	B-1 District See 11-2-5(B)
Manufactured housing sales	NP	NP	NP	NP	NP	P	NP	P	P	NP	NP	
Second-hand sales/ Auction sales	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	B-1 District See 11-2-5(B)
Sexually-oriented business	NP	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	
Shopping center	NP	NP	NP	NP	NP	CUP	CUP	CUP	NP	NP	NP	

ORDINANCES OF THE CITY OF HELENA, MONTANA

Use	OSR	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	CLM	M-I	PLI	Airport	Supplemental Requirements
Services												
Administrative services	NP	NP	NP	P	P	P	P	P	NP	NP	P	
Artisan shop	NP	NP	CUP	CUP	P	P	P	P	P	NP	NP	
Commercial kennel	NP	NP	NP	NP	CUP	CUP	CUP	P	P	NP	NP	
Day Care, Adult (up to 12)	P	P	P	P	P	P	P	CUP	NP	P	NP	
Day Care Center (13 or more children)	NP	CUP	CUP	CUP	P	P	P	CUP	NP	P	CUP	See Chapter 38
Day Care, Family	P	P	P	P	P	P	P	CUP	NP	NP	NP	
Day Care, Group	P	P	P	P	P	P	P	CUP	NP	NP	NP	
Financial services	NP	NP	NP	CUP	P	P	P	NP	NP	NP	NP	
Funeral home with crematorium	NP	NP	NP	NP	NP	NP	NP	P	CUP	NP	NP	
Funeral home without crematorium	NP	NP	NP	NP	P	P	P	P	CUP	NP	NP	
General/Professional services	NP	NP	CUP	P	P	P	P	P	NP	NP	NP	
Veterinary clinic, large Animals	NP	NP	NP	NP	NP	CUP	NP	P	P	NP	NP	
Veterinary clinic, small animals	NP	NP	NP	NP	P	P	P	P	P	NP	NP	
Storage												
Agricultural commodity storage facility	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Fuel tank farm	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	P	
Mini-storage facility	NP	NP	NP	NP	NP	CUP	CUP	P	P	NP	NP	
Warehouse	NP	NP	NP	NP	NP	CUP	NP	P	P	NP	NP	

ORDINANCES OF THE CITY OF HELENA, MONTANA

Use	OSR	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	CLM	M-I	PLI	Airport	Supplemental Requirements
Temporary uses by district												
Itinerant outdoor sales with business license	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	
On-site construction office	P	P	P	P	P	P	P	P	P	P	P	
Carnivals and Circuses	NP	NP	NP	NP	NP	P	P	P	P	P	NP	
Outdoor concerts and theatrical performances	P	NP	NP	NP	P	P	P	P	P	P	P	
Transportation												
Airport	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	Airport District See 11-2-5(E)
Bus terminal	NP	NP	NP	NP	CUP	CUP	CUP	P	P	NP	NP	
Freight terminal	NP	NP	NP	NP	NP	NP	NP	P	P	NP	P	
Parking lot	NP	CUP	CUP	CUP	P	P	P	P	P	P	P	See Chapter 22
Parking structure	NP	NP	NP	NP	CUP	CUP	CUP	P	P	P	P	
Railroad yard	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Utilities												
Composting	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Recycling	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Utility, Distributed Power	P	P	P	P	P	P	P	P	P	P	P	
Utility, Major	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	See 11-2-5(G)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	See 11-2-5(G)
Vehicle Trade and Service												
Vehicle fuel sales	NP	NP	NP	NP	NP	P	NP	P	NP	NP	NP	Airport District See 11-2-5(E)
Vehicle repair	NP	NP	NP	NP	NP	CUP	NP	P	P	NP	NP	
Vehicle sales and rental	NP	NP	NP	NP	NP	P	NP	P	NP	NP	P	Airport District See 11-2-5(E)
Vehicle services	NP	NP	NP	NP	NP	P	NP	P	P	NP	NP	

ORDINANCES OF THE CITY OF HELENA, MONTANA

11-2-4: LAND USE DEFINITIONS FOR ZONING DISTRICTS: For the purpose of this Title, certain land uses are defined below. These definitions have been separated by type of land use for ease of reference.

RESIDENTIAL USES

BOARDING HOUSE or ROOMING HOUSE:

A building other than a hotel or motel that has individual sleeping rooms for up to twenty (20) persons and where utility facilities for meals and laundry are shared.

COMMUNITY RESIDENTIAL FACILITY:

Includes the following:

A. A facility licensed by a governmental agency and providing care on a twenty-four (24) hour a day basis and as defined by state law:

1. A community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care.

2. A youth care facility in which substitute care is provided to youth, include youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities, child-care agencies, and transitional living programs, but excluding youth assessment centers.

3. An adult foster family care home.

4. A halfway house operated in accordance with regulations of the Montana Department of Public Health and Human Services for the rehabilitation of alcoholics or drug dependent persons.

5. An assisted living facility.

B. A maternity home, including administrative offices, services for childcare, counseling, classroom training, independent living training, and support groups.

ORDINANCES OF THE CITY OF HELENA, MONTANA

<u>COMMUNITY FACILITY, TYPE I</u>	<u>A community residential facility serving 12 or or fewer individuals.</u>
<u>COMMUNITY FACILITY, TYPE II</u>	<u>A community residential facility serving 13 or or more individuals.</u>
<u>HOME OCCUPATION:</u>	<u>An occupation, business, or activity that is carried on entirely within a residence and is incidental and secondary to the use of the premises as a residence. Home occupations are subject to the provisions of Chapter 26.</u>
<u>MOBILE HOME PARK:</u>	<u>A parcel of land that has been planned and improved for the placement of mobile homes for residential use in accordance with the provisions of this Title.</u>
<u>MULTI-UNIT:</u>	<u>A building containing three (3) or more dwelling units for occupancy by three (3) or more groups living separately from each other, including condominiums.</u>
<u>SINGLE-UNIT:</u>	<u>A single building situated on one lot that contains one dwelling unit. This includes manufactured homes, factory-built homes, homes built on-site, and townhouses, but excludes mobile homes.</u>
<u>TWO DWELLING UNIT:</u>	<u>Two dwelling units that are situated on one lot.</u>

NON-RESIDENTIAL

AGRICULTURAL USES

<u>HORTICULTURE:</u>	<u>The production, keeping, maintenance, or cultivation of a garden or orchard to grow fruits, vegetables, flowers, or ornamental plants.</u>
----------------------	---

ORDINANCES OF THE CITY OF HELENA, MONTANA

COMMUNITY USES

<u>ADMINISTRATIVE GOVERNMENT AGENCY:</u>	<u>Any department, commission, independent agency, or instrumentality of the United States or of a state, county, city, or other governmental unit primarily engaged in overall management and supervisory functions, such as executive, personnel, finance, and legal activities, performed in a single location or building for other branches or divisions of the same agency.</u>
<u>ANIMAL SHELTER:</u>	<u>A place that temporarily houses stray animals and may include a crematorium.</u>
<u>COMMUNITY CENTER:</u>	<u>A building, or portion thereof used for short-term and intermittent meetings or gatherings of individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, socializing, or similar activities, and includes fraternal, social or civic clubs, lodges, and union halls.</u>
<u>COMMUNITY CULTURAL FACILITY:</u>	<u>A place used for studying, reading, personal education, or for viewing the visual arts such as libraries, museums, art galleries, and observatories, but not the performing arts.</u>
<u>CORRECTIONAL FACILITY:</u>	<u>Includes prisons and jails for the detention or persons awaiting trial or sentenced as punishment for criminal offenses, including youth detention facilities.</u>
<u>PRE-RELEASE CENTER:</u>	<u>A community corrections facility or program as defined by state law.</u>
<u>PUBLIC SAFETY FACILITY:</u>	<u>A place used or intended to be used to house public safety services, including ambulance services, fire stations, police stations, emergency management, and courts.</u>
<u>WORSHIP FACILITY:</u>	<u>A building designed and used for public worship by a religious body, group, sect, or organization, but not including church residences and private schools.</u>

ORDINANCES OF THE CITY OF HELENA, MONTANA

EDUCATION

INSTRUCTIONAL FACILITY:

A place that prepares students for jobs in trades or professions, including vocational schools, or offers training, instruction, or tutelage in areas such as performing arts and sciences.

EDUCATIONAL FACILITY:

A place for preschools, elementary, junior high, or high schools, colleges, and vocational schools.

FOOD AND BEVERAGE

CASINO:

Defined in Chapter 40 of this Title.

DRIVE-IN RESTAURANT:

Any retail establishment preparing and serving food or drink that is not consumed solely within the confines of the building in which the food is prepared.

RESTAURANT:

A place for the preparation and sale of food and beverages for consumption on the premises, and where consumption of beer, wine, or other alcohol, if any, is complimentary and subordinate to the sale of food and that does not have a gambling license.

SPECIALIZED FOOD PRODUCTION:

The production of food products for direct sale to consumers for on-site and off-site consumption including, but not limited to, roasting of coffee beans and the manufacture of coffee beverages, micro-breweries manufacturing malt or liquor not exceeding the production of 10,000 barrels annually, and bakeries.

TAVERN:

Any establishment licensed by the State of Montana with a quota-restricted license for the retail sale of any alcoholic beverage for on-premises consumption. A restaurant that has a quota-restricted license and gambling license is a tavern. This does not include: premises upon which any alcoholic beverage is catered and sold for on-premises consumption to persons attending a special event; premises upon which alcoholic beverages are served pursuant to a special alcohol beverage

ORDINANCES OF THE CITY OF HELENA, MONTANA

license; or premises upon which the alcohol beverage license is restricted to premises with a special use or ownership. Sale of alcoholic beverages on property for which only special licenses have been issued is considered an accessory use to the property's primary use.

HEALTH CARE

HEALTH CARE CENTER:

A place providing medical services for prevention, diagnosis, treatment, or rehabilitation, including dental clinics, doctor's offices, and out-patient medical facilities.

HEALTH CARE FACILITY:

A place used or intended to provide health services, medical treatment, nursing care, or rehabilitative or preventive care to any person or individual. This term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities such as hospitals and nursing homes, medical assistance facilities, mental health centers, public health centers, residential treatment facilities, and rehabilitation facilities.

INDUSTRIAL/MANUFACTURING

CONTRACTOR YARD:

A place used for the storage of construction material, machinery, or repair, including trucks and heavy equipment, shops, and office space.

INDUSTRIAL, HEAVY:

The processing or manufacturing of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage of or manufacturing processes that potentially involve hazardous or offensive conditions. This term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, and primary metal processing.

ORDINANCES OF THE CITY OF HELENA, MONTANA

INDUSTRIAL, LIGHT: The manufacture of finished products or parts, predominantly from previously prepared materials, including assembly, processing, fabrication, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Typical uses include assembly of computers and electronics, testing and production laboratories, packaging of pre-made goods, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

INDUSTRIAL PARK: A planned and coordinated development designed to accommodate a variety of and more than two industrial uses with 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.

JUNK YARD: A place for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

MOTOR VEHICLE WRECKING FACILITY: A place used for the collection of wrecked or disabled motor vehicles prior to their disposal for buying, selling, wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle.

OVERNIGHT ACCOMMODATIONS

BED AND BREAKFAST: A private residence other than a hotel, motel, or multiple-unit dwelling, with no more than eight (8) guest rooms used for temporary accommodation of guests for compensation, and that may serve meals to its guests.

CAMPGROUND/RV PARK: A place for camping using tents, cabins, or recreational vehicles. This includes accessory uses such as a laundromat and retail sales for the convenience of campground guests.

ORDINANCES OF THE CITY OF HELENA, MONTANA

COUNTRY INN: A private residence other than a hotel, motel, or multiple-unit dwelling, having nine (9) to fifteen (15) guest rooms, that may serve meals to its guests, and may provide space for group functions and events.

EMERGENCY SHELTER: Temporary housing and ancillary services for primarily indigent, needy, homeless, or transient individuals, including crisis intervention centers.

HOTEL or MOTEL: A building or group of attached or detached buildings containing individual sleeping or living units, designed or used for temporary accommodation of guests for compensation.

RECREATION, INDOOR

ENTERTAINMENT, SPORTS, AND RECREATION: A place for indoor activities such as movie theaters, dance halls, theaters for performing arts, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, courts and training centers, and gyms.

RECREATION, OUTDOOR

OPEN SPACE: A place used for recreation or long-term preservation and conservation of wildlife habitat, cultural, historic, or natural resources, agricultural interests, or aesthetic values of its natural state.

ENTERTAINMENT, SPORTS, AND RECREATION: Leisure activities, usually organized and enjoyed with a gathering of others that may use equipment and take place at prescribed places, sites, or fields for outdoor, spectator-type uses or events, including race tracks, motocross courses, sports arenas, concerts, and zoos.

PARK: A place used for recreational activities or leisure time, such as playgrounds, baseball fields, tennis and basketball courts, swimming pools, and ice rinks.

ORDINANCES OF THE CITY OF HELENA, MONTANA

REPAIR AND RENTAL

<u>GENERAL REPAIR:</u>	<u>Fixing or mending of consumer goods, including apparel and individual personal property, but excluding repair of vehicles or industrial equipment.</u>
<u>LARGE EQUIPMENT RENTAL:</u>	<u>Rental of large equipment and supplies, including trucks, vertical lifts, fork lifts, back hoes, heavy equipment, and modular buildings.</u>
<u>SMALL EQUIPMENT RENTAL:</u>	<u>Rental of small equipment and supplies, including hand tools, party equipment, lawn care, and yard equipment.</u>

SALES

<u>AGRICULTURE SUPPLY SALES</u>	<u>The retail sale of goods and products unique to and directly related to farming and ranching operations, including agricultural supplies and equipment and machinery sales and repair.</u>
<u>CONSTRUCTION MATERIAL SALES:</u>	<u>The wholesale or retail sale of bulk construction materials such as roofing, lumber, bricks, and component building parts. The term does not include on-site manufacturing of construction material.</u>
<u>GENERAL and SPECIALTY SALES:</u>	<u>The retail sale of a diverse product line of consumer goods and products found in convenience stores, grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and hardware stores. "Specialty sales" are also included in this category for retail sale of a limited product line.</u>
<u>MANUFACTURED HOUSING SALES:</u>	<u>The on-site display and sale of mobile homes, modular homes, and manufactured housing.</u>
<u>SECONDHAND SALES and AUCTION SALES:</u>	<u>The retail sale of goods and merchandise not being sold for the first time, including sales through secondhand stores, consignment shops, thrift stores, and auction sales used for auctioning consumer products, but excluding vehicle and livestock auctions.</u>

ORDINANCES OF THE CITY OF HELENA, MONTANA

<u>SEXUALLY-ORIENTED BUSINESS:</u>	<u>A business that primarily offers goods, services, and entertainment for compensation that appeal to the prurient interest of adults, including escort agencies, nude modeling studios, sexual encounter centers, and related services.</u>
<u>SHOPPING CENTER:</u>	<u>Two or more retail or wholesale uses or services conducted on a single parcel of at least 5 acres that is planned, developed, owned, and managed as a coordinated business enterprise, and utilizes common parking and pedestrian access between the establishments, has common areas, common signs, common facilities, and common access and delivery routes.</u>
<u>SERVICES</u>	
<u>ADMINISTRATIVE SERVICES:</u>	<u>Services provided to businesses such as data processing centers, public relations, advertising, and customer service centers via telecommunications.</u>
<u>ARTISAN SHOP:</u>	<u>A place used or intended for creating works of art or small-scale production of handmade craft items, including paintings, sculptures, pottery, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.</u>
<u>COMMERCIAL KENNEL:</u>	<u>A place housing any combination of three (3) or more dogs, cats, or other domesticated animals over 6 months of age for the purpose of boarding, breeding, training, or sale, including dog training centers, but excluding animal hospitals, animal grooming parlors, and pet shops.</u>
<u>CREMATORIUM:</u>	<u>A place other than part of a funeral home used for the cremation of human dead.</u>
<u>DAYCARE, ADULT:</u>	<u>A place that provides supplemental care for up to 12 adults on a regular basis, operated by a public or private entity.</u>
<u>DAYCARE FACILITY:</u>	<u>Defined in Chapter 38 of this Title.</u>
<u>DAYCARE, FAMILY:</u>	<u>Defined in Chapter 38 of this Title.</u>

ORDINANCES OF THE CITY OF HELENA, MONTANA

<u>DAYCARE, GROUP:</u>	<u>Defined in Chapter 38 of this Title.</u>
<u>FINANCIAL SERVICES:</u>	<u>Banking and financial services such as banks, savings and loan institutions, lending institutions, and check cashing facilities, but not including automated teller machines that are an accessory use to other commercial enterprises.</u>
<u>FUNERAL HOME:</u>	<u>A place for the care and preparation of human dead for burial, including mortuaries.</u>
<u>GENERAL and PROFESSIONAL SERVICES:</u>	<u>Professional and personal care services where customers come to the property for the service, including engineering, accounting, legal, architectural, real estate, insurance, photography, fitness, weight loss, postal, hairstyling, pet grooming, copying and printing, and laundry and dry cleaning services.</u>
<u>VETERINARY CLINIC:</u>	<u>Provides medical care of animals, including office space, medical labs, appurtenant facilities, and enclosures or kennels for animals under the immediate medical care of a veterinarian, including pet clinics, dog and cat hospitals, and animal hospitals. A large-animal veterinary clinic specializes in the care and treatment of livestock such as cattle, hogs, sheep, goats, horses, llamas, ostriches and emus. A small-animal veterinary clinic specializes in the care and treatment of small creatures such as poultry, fish, fur-bearing animals, rabbits, dogs, cats, snakes, lizards, birds, and other household pets.</u>

STORAGE

<u>AGRICULTURAL COMMODITY STORAGE FACILITY:</u>	<u>The storage of bulk food items before shipment or processing, such as grain elevators and similar facilities.</u>
<u>FUEL TANK FARM:</u>	<u>The commercial bulk storage of petroleum products or any other fuel.</u>

ORDINANCES OF THE CITY OF HELENA, MONTANA

MINI-STORAGE FACILITY: Multiple storage units or a parcel of land rented, leased, or owned for storage of personal property.

WAREHOUSE: A building or portion thereof used to store goods and materials for wholesale, temporary storage, and distribution, including moving and storage facilities, or a truck terminal that stores freight for reshipment or routing.

TEMPORARY USES

ITINERANT OUTDOOR SALES: Retail sales of limited duration, including seasonal sales, flea markets, tools, rugs, and lawn ornaments, but not including private yard or garage sales or the sale of agricultural products produced on the premises.

ON-SITE CONSTRUCTION OFFICE: A temporary building used by a contractor as a field office for and during construction, with no overnight occupancy, that is removed when construction is complete.

TRANSPORTATION

AIRPORT: A place used for landing, parking, loading, unloading, departure, and storage and maintenance of airplanes, helicopters, and aircraft. This term also includes accessory uses.

BUS TERMINAL: A place used for loading and unloading of bus passengers and freight, including facilities for ticket sales and food service primarily intended for bus passengers.

FREIGHT TERMINAL: A place for the temporary storage of items that will be loaded and unloaded onto ground transportation for shipment.

PARKING LOT: An open area, other than a public right-of-way, used for off-street parking of motor vehicles.

PARKING STRUCTURE: A multi-level structure used for off-street parking of motor vehicles.

ORDINANCES OF THE CITY OF HELENA, MONTANA

RAILROAD YARD: A place used for switching, loading, unloading, service, maintenance, and storage of railroad cars and engines.

UTILITIES

COMPOSTING FACILITY: A place used for collecting, processing, and mixing, leaves, straw, grasses, and other like vegetable matter with other materials to produce fertilizer and soil conditioner, including storage and manipulation of materials prior to, during, and following composting.

RECYCLING CENTER: A place for collecting or processing recoverable materials such as glass, newspaper, metal, and plastic for shipment to others for re-use of those materials, but not including a junk yard.

UTILITY: Facilities, distribution lines, and public services, whether publicly or privately owned or operated, used to produce or provide the conveyance, distribution, transmission, or control, through a community system, of any of the following: water, wastewater, storm water control, electricity, natural gas, telephone, television, electronic data, and telecommunications.

UTILITY, DISTRIBUTED POWER: Facilities for the production of energy such as electricity or heat for use by properties other than the property wherein the energy is produced that uses distribution lines and not transmission lines to serve other properties and includes neighborhood or district heating facility and electricity generated by micro-turbines or photovoltaics.

UTILITY, MAJOR: Facilities for water and wastewater treatment and solid waste transfer stations.

UTILITY, MINOR: Facilities other than a Major or Distributed Power Utility, including water system wells, wastewater lift stations, water pumping stations, water tanks and towers, storm water control facilities, and water, wastewater, and storm water drainage lines.

ORDINANCES OF THE CITY OF HELENA, MONTANA

VEHICLE TRADE AND SERVICE

- FUEL SALES: Retail sale of gasoline, kerosene, diesel, or other motor fuels, including accessory sale of convenience foods and goods, light maintenance activities, and minor repairs.
- REPAIR: A place for maintenance, service, and repair of vehicles, including tires, transmissions and brakes, body work and painting, upholstery, engine repair, and overhauls.
- SALES AND RENTAL: Buying, selling, exchanging, selling on consignment, renting, or leasing of new or used vehicles, including snowmobiles, motorcycles, all-terrain vehicles, recreational vehicles, trailers, and water craft.
- SERVICES: Servicing of vehicles such oil changes and lubrication, tire repair and replacement, detailing, washing, polishing, or similar activities for vehicles.

11-2-5: SUPPLEMENTAL REQUIREMENTS:

A. OSR (Open Space Residential) District Requirements:

1. Density:

a. Clustered development: Detached, single-dwelling unit, residential uses may be clustered on a tract of land or contiguous tracts of land of one or more acres in size and developed as a single development. The overall density of such a cluster development may not exceed one unit per acre.

b. Density may be further restricted by constraints related to accessibility, depth to bedrock, and slope as required by the City-County Health Department for sanitation requirements or as specified in this section.

2. General development requirements of this district:

a. Any and all construction on any parcel requires a development permit prior to construction.

ORDINANCES OF THE CITY OF HELENA, MONTANA

b. All necessary improvements must be installed or financially guaranteed.

c. Storm water drainage: Natural drainage ways may not be altered and construction is not permitted in drainage ways unless approved by the city engineer.

d. Access: All roads and individual driveways must conform to the South Hills Plan (SHP) road construction standards, and road easements must be provided to the community development department.

3. Development permit requirements: The applicant must provide the following prior to issuance of a development permit:

a. Storm water drainage:

i. A storm water drainage plan to be reviewed and approved by the city engineer.

ii. Drainage easements with a minimum of twenty feet (20') on each side of the center of the drainage way must be granted to the City as required by the city engineer.

b. Access: A registered engineer's verification that access to the property through public and private roads and driveways has been constructed in conformance with the road standards of the SHP.

c. Slope stabilization and sediment control: A county-approved erosion and sediment control plan.

d. Septic permit: An approved county septic permit.

e. Weed control plan: An approved county revegetation plan and, if required by the County Weed District, an approved weed management plan.

f. Fire protection: A plan showing that the development is designed, constructed, and maintained so as to minimize the risk of fire and to permit the effective and efficient suppression of fires. The plan must also show whether the development is or will be in a fire district or a fire service area. The plan must show how the design, construction, and maintenance will accomplish the following:

ORDINANCES OF THE CITY OF HELENA, MONTANA

i. Structures must be located in such a manner as to minimize the potential for flame spread and to permit efficient access for firefighting equipment.

ii. High fire hazard areas include heads of draws, excessive slopes, dense forest growth, or other hazardous wildfire components. For development proposed in areas subject to high wildfire hazard, as determined by the appropriate fire protection agency or by the City if no fire protection agency exists, the following standards apply:

(a) Road rights-of-way must be cleared of slash.

(b) Building sites are prohibited on slopes greater than thirty percent (30%) and at the apex of "fire chimneys" (those topographic features, usually drainage-ways or swales, which tend to funnel or otherwise concentrate fire toward the top of steep slopes).

(c) Densities in areas of steep slopes or dense forest growth are determined by the minimum lot standards as follows:

<u>% Slope</u>	<u>Minimum Lot Size (Acres)</u>	
<u>Open Grass</u>	<u>Forest and Brush</u>	
<u>10-20</u>	<u>2</u>	<u>3</u>
<u>20-30</u>	<u>3</u>	<u>4</u>

g. Assigned address: An address assigned to the property by the appropriate agency.

4. Development Permit Requirements; Site Plan: Prior to issuance of a development permit, a detailed site plan must be submitted to the city building department for review and approval. Site plan information can be shown on the certificate of survey that is filed with the clerk and recorder. This site plan must provide the following information:

a. boundary dimensions of the property showing all corners;

b. distances of structures from public rights of way;

ORDINANCES OF THE CITY OF HELENA, MONTANA

c. location and width of all access easements across the property, as well as location and width of access to the individual property;

d. location and width of physical drainage easements, including retention areas, on the property;

e. location and size of culverts on the property;

f. location of the residential structure, septic tank, and drain field; and

g. location and width of utility easements on the property.

B. B-1 (Neighborhood Business) District Limitations on Uses:

1. Retail or service uses located in any building that was constructed or expanded after March 25, 1998, may not utilize more than five thousand (5,000) square feet in gross floor area, except as allowed by a conditional use permit.

2. Each retail or service use in this district must be conducted only in a completely enclosed building.

C. Residential uses in the B-2, B-3, CLM, and M-I Districts are permitted by right on a story that is above the retail or commercial use. A conditional use permit is required for residential uses that are above industrial uses.

D. Taverns that are accessory to a permitted use in the PLI are permitted.

E. Airport District: The following apply:

1. Use of fuel tanks is limited to storage of aviation fuel and fuel for maintenance facilities and rental cars; and

2. Restaurants and Taverns are permitted inside a terminal building and conditional uses outside the terminal building.

F. In the R-3, R-O, and B-1 Districts outdoor storage is not allowed as part of the use for general repair.

G. The city commission shall hold a public hearing on the placement of facilities for major utilities, water tanks, and water reservoirs. Notice of the hearing must be given no less than three (3) days prior to the hearing by advertising in a

ORDINANCES OF THE CITY OF HELENA, MONTANA

newspaper of general circulation. In approving the site the city commission may impose reasonable conditions related to mitigation of visual and sensory impacts and public health and safety. The commission may deny the facility location if there is an alternate site that is equally appropriate or if there is not a public need for the facility. All applications for approval of the construction and operation of facilities must be accompanied by an application fee as set by resolution of the commission. No application may be processed without prepayment of said fee.

CHAPTER 3

CONDITIONAL USES

SECTION:

- 11-3-1: Intent
- 11-3-2: Conditional Use Permit Limitations
- 11-3-3: Conditional Use Permit Application Requirements
- 11-3-4: Application Review
- 11-3-5: Conditional Use Review Requirements
- 11-3-6: Zoning Commission
- 11-3-7: City Commission
- 11-3-8: Conditional Approval
- 11-3-9: Completion of Conditions
- 11-3-10: Extension of Time to Complete Conditions
- 11-3-11: Cessation or Change of Conditional Uses

11-3-1: **INTENT:** Conditional use permits, for uses other than those permitted by right in a particular zoning district, are intended to provide for individual or community needs where they may be appropriate. Subject to the provisions of this chapter, conditional uses are, in a general sense, considered permitted uses in particular use districts and zones. Conditional uses possess characteristics of such unique and special form that each such use is considered on an individual case and, if permitted, may be subjected to those conditions deemed necessary by the city commission to minimize and mitigate adverse impacts.

ORDINANCES OF THE CITY OF HELENA, MONTANA**11-3-2: CONDITIONAL USE PERMIT LIMITATIONS:**

- A. A structure or land may not be used for any purpose that is not permitted in the zoning district in which the structure or land is located unless that use is shown on Table 1 as conditionally permitted in the district in which the structure or land is located and a conditional use permit is obtained.
- B. A conditional use for which a permit has been granted may not be expanded or enlarged unless first reviewed and approved pursuant to this chapter.

11-3-3: CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS:

- A. A person desiring a conditional use permit shall apply to the city on the appropriate forms and pay any required fees.
- B. All applications for conditional use permits must include the following information:
1. type and extent of the proposed use;
 2. site plan showing the proposed and current location of:
 - a. pedestrian, vehicular, and bicycle ingress and egress to the property;
 - b. parking and loading areas;
 - c. landscaping and screening;
 - d. solid waste collection areas;
 - e. location of utilities;
 - f. signs; and
 - g. lighting.
 3. proposed storm water drainage plan;
 4. traffic impact study for any use that will generate more than 200 vehicle trips a day;

ORDINANCES OF THE CITY OF HELENA, MONTANA

5. vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets;
6. planned modifications to the existing structure;
7. preliminary architectural drawings for new construction with elevations that include building heights;
8. anticipated changes in pedestrian, vehicle, and bicycle traffic, on-street parking, noise, glare, and odor;
9. impacts to other property in the vicinity and the zoning district in which the subject property is located;
10. proposed mitigation and minimization of anticipated adverse impacts;
11. expected time when the permitted conditional use will commence; and
12. Variances requested.

11-3-4: **APPLICATION REVIEW:** The following completeness review is required for applications for conditional use permits:

- A. Within ten (10) working days of receipt of an application and required filing fee, the city shall review the submitted information to determine whether the application contains all the information required by this chapter. The application is complete if all the information required is provided, thereby forming the basis for an informed decision on the application. The city shall give written notice to the applicant of the determination as to whether or not the application is complete.
- B. If the city determines that information is missing from the application, the city will identify those elements in the notification. If the applicant fails to submit the missing information within five (5) working days of the notice of deficiency, the city may deny approval of the application.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- C. If the applicant corrects the deficiencies and resubmits the application within the time provided above, the city has ten (10) working days to notify the applicant whether the resubmitted application contains all the information required by this chapter.
- D. After a complete application has been filed, the city shall investigate the facts bearing on the application to assure that the action on the application is consistent with the intent and purpose of this Title, and then give its recommendation to the zoning and city commissions.

11-3-5: CONDITIONAL USE PERMIT REVIEW REQUIREMENTS:

- A. A conditional use permit may be granted by the city commission only upon a finding, warranted by the facts, circumstances, and evidence of record, that the following standards are met:
1. The proposed conditional use will not significantly increase risk to the public health, safety, or general welfare.
 2. The proposed conditional use will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.
- B. In considering whether a proposed conditional use meets the requirements of 11-3-5(A)(1) and (2), the city commission shall weigh and balance the following factors:
1. pedestrian, vehicular, and bicycle traffic;
 2. on-street parking;
 3. noise;
 4. glare;
 5. odor; and
 6. type and size of structures and improvements and their relative locations on the subject property.

ORDINANCES OF THE CITY OF HELENA, MONTANA**11-3-6: ZONING COMMISSION:**

- A. The zoning commission shall hold a public hearing on the application to gather facts and information from all interested parties. At least fifteen (15) days notice of the hearing shall be published in an official newspaper, or a newspaper of general circulation, in the city.
- B. The zoning commission may continue the hearing, if necessary, to obtain additional information. If the hearing is continued, a second legal notice is not required if the time, date, and location of the continued hearing is announced at the hearing and placed in the official record of the zoning commission.
- C. The zoning commission recommendation must be based upon information presented at a public hearing and information contained in the application.
- D. The zoning commission shall send the city commission its recommendation on the application, together with any and all pertinent facts in regard to the application and its recommendation. The applicant must be given a true and exact copy of the zoning commission's recommendation at least three (3) days prior to the city commission hearing on the application.

11-3-7: CITY COMMISSION:

- A. The city commission shall hold a public hearing on the application and the zoning commission's recommendation shall be considered and public testimony received. The city commission decision on a conditional use must consider information contained in the application, information presented at the public hearing, and the zoning commission's recommendation.
- B. The city commission may, by resolution, approve, deny, or conditionally approve the requested conditional use permit. The resolution must contain the statement of findings required by this chapter.

ORDINANCES OF THE CITY OF HELENA, MONTANA**11-3-8: CONDITIONAL APPROVAL:**

- A. The city commission may make the approval of a conditional use permit subject to reasonable conditions necessary to protect public health and safety and to minimize or mitigate adverse impacts that must be met prior to using the property under the conditional use permit.
- B. The city commission may prescribe continuing conditions necessary to protect public health and safety and to minimize or mitigate adverse impacts. Such continuing conditions are to be maintained as part of the permit for a conditional use.
- C. The city commission may define and limit the extent of the permit to a certain size and location on the property.

11-3-9: COMPLETION OF CONDITIONS: The applicant for a conditional use permit shall complete the conditions prior to using the property under the conditional use permit. The applicant has one (1) year to complete the conditions of approval unless otherwise specifically extended by the city commission. In extenuating circumstances, the city may allow the completion of all or part of the conditions to be deferred for a reasonable period pursuant to an agreement between the applicant and the city.

11-3-10: EXTENSION OF TIME TO COMPLETE CONDITIONS: A person possessing a conditional use permit issued by the city may apply to the city for an extension of time within which to complete the conditions imposed as part of the approval of the conditional use permit. The issuance of an extension of time is subject to the following conditions:

- A. The application for extension and any required fee must be received by the city prior to the expiration date noted on the original conditional use permit.
- B. The applicant must show that the extension of time is not detrimental to the original finding on the requirements for the conditional use permit.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- C. The zoning commission shall hold a public hearing on the application for extension of time if the site plan has been revised or if other circumstances surrounding the original site plan have changed. If there have been no changes to the originally approved site plan or to any other circumstances surrounding the original approval, the public hearing before the zoning commission is not required.
- D. The city commission shall hold a public hearing on the extension of time. The zoning commission's recommendation, if applicable, shall be considered at that hearing, together with additional information received from interested parties.
- E. The city commission may approve, deny, or conditionally approve the extension of the conditional use permit. Any such resolution approving or conditionally approving the extension must contain findings required by this chapter for the original application.

11-3-11: CESSATION OR CHANGE OF CONDITIONAL USES:

- A. A conditional use permit continues until the granted use is intentionally abandoned. Upon intentional abandonment, the conditional use permit is void.
- B. If a property that has been granted a conditional use permit is not used for the purpose stated in the permit for at least thirty (30) continuous business days during each calendar year, or the continuing conditions are not maintained, the conditional use is presumed to be intentionally abandoned. That presumption may be rebutted by evidence that the lack of use is temporary and the owner does not intend to abandon the use.
- C. If a conditional use permit is voided, the owner of the property for which that permit was granted may apply for a new conditional use permit that grants the same use as the voided conditional use permit. However, merely because a property has previously been granted a conditional use permit does not guarantee that the property will be granted a subsequent conditional use permit for the same use.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 4

DISTRICT DIMENSIONAL STANDARDS

SECTION:

- 11-4-1: Lot Requirement Definitions
11-4-2: Lot Requirements for Zoning Districts
11-4-3: Structural Requirements
11-4-4: Townhouses

11-4-1: **LOT REQUIREMENT DEFINITIONS:** For purposes of this chapter the following terms mean:

BUILDING: A structure, including its projections and extensions constructed for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, the deck line of a mansard roof, and for a pitched or hipped roof, the average height of the highest gable. The reference datum is either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') above lowest grade.

2. An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface described in subsection 1 of this definition is more than ten feet (10') above lowest grade.

DWELLING UNIT: A single habitable unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- LOT: A single parcel or plot of land, shown as an individual unit of ownership on the most recent plat of record, or a group of such parcels or plots which are held in single or common ownership or control, and upon which a particular land use is carried on or conducted.
- LOT COVERAGE: The portion of a lot, stated in terms of percentage, that is covered by all buildings and structures located on the lot but does not include uncovered decks, fences, walls, or pools.
- LOT LINE, FRONT: Any lot line bounding a lot that is adjacent to any street.
- LOT LINE, REAR: The line bounding a lot that is the farthest and opposite from the front lot line.
- LOT LINE, SIDE: The line bounding a lot that is not a front or rear lot line.
- PORCH: A covered structure that has no solid walls and at least one open side that is attached to the front exterior of a building.
- SETBACK: The nearest distance from any lot line to where a building may be located.

11-4-2: LOT REQUIREMENTS FOR ZONING DISTRICTS: Buildings must conform to the dimensional standards for the lot as follows:

A. Lot coverage may not exceed the limitations of the district within which the lot is located. In the R-1, R-2, and R-3 districts, the maximum lot coverage for multiple buildings and structures on a lot is allocated between those buildings and structures by using the following method:

1. The area of largest lot coverage for any single building or structure is the "base lot coverage area." The lot coverage for other buildings and structures not included in the base lot coverage area is the "remaining lot coverage."

2. The total area of the remaining lot coverages may not exceed sixty percent (60%) of the base lot coverage area.

ORDINANCES OF THE CITY OF HELENA, MONTANA

3. Regardless of the application of this allocation, the total area of the base lot coverage area and the remaining lot coverage may not exceed the maximum lot coverage allowed by the zoning district.

B. The standards for setback of buildings from property lot lines are:

1. No portion of any building, including decks and excepting roof eaves, fences, stair steps, and landscaping ornaments, may be located in any lot line setback.

2. A lot that has more than one front lot line must provide a front lot line setback for each front lot line. When a lot has more than one (1) front lot line, the remaining lot lines are side lot lines and no rear lot line setback is required. The remaining side lot lines must meet the minimum side lot line setback for the zoning district in which it is located.

3. The vehicular entrance of a garage must be set back from any lot line at least twenty (20') feet, measured straight-line from the vehicular entrance of the garage to all lot lines of the property that abut public right-of-way designated as a street. The measurement is to the closest portion of the vehicular entrance regardless of whether the entrance is parallel, perpendicular, or any other angle to the lot line being measured to.

4. The lot line set back is five feet (5') for any lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel.

5. The sight distance triangle as required in Title 7, Chapter 3, must be observed for corner lots regardless of minimum setbacks established in this chapter.

C. The standards for height of buildings are:

1. Height limitations for any district do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

2. A building or structure may not exceed the height limitations of the district within which it is located except as allowed by a variance granted under this title.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- D. A lot that existed at the effective date of this Title may not be reduced in dimension or area below the requirements set forth herein. All lots created after the effective date of this title must meet the minimum requirements of this title. Nonconforming lots may be redesigned or aggregated to reduce the nonconformity without a variance.
- E. The dimensional, area, and coverage requirements for lots in the various zoning districts are shown on Table 2.

ORDINANCES OF THE CITY OF HELENA, MONTANA

TABLE 2 - LOT REQUIREMENTS BY ZONING DISTRICT

Zoning District and Requirements	OSR (Open Space Residential)	R-1/R-2 (Residential)	R-3 (Residential)	R-4/R-O (Residential Office)
LOT AREA	1-3 acres; no more than 1 Dwelling Unit per acre for cluster development See 11-2-5	No minimum	For multiple Dwelling Unit 2,000 sq.ft./DU* For single Dwelling Unit or non-residential no minimum.	For multiple Dwelling Units 1,200 sq.ft./DU* For single Dwelling Unit or non-residential no minimum.
LOT WIDTH	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE	No maximum	30% max. Additional 5% for porch	40% max. Additional 5% for porch	60% max.
FRONT LOT LINE SETBACK	25 ft. from right-of-way	10 ft. min.	10 ft. min	10 ft. min.
REAR LOT LINE SETBACK	No minimum except 25 ft. from right-of-way	10 ft. min.	10 ft. min.	10 ft. min.
SIDE LOT LINE SETBACK	No minimum except 25 ft. from right-of-way	8 ft. min.	6 ft. min. for each side yard	6 ft. min.
HEIGHT	24 ft. max.	24 ft. max.	24 ft. max.	36 ft. max.
MIN. FLOOR AREA	No minimum	No minimum	No minimum	No minimum

* DU-Dwelling Unit

ORDINANCES OF THE CITY OF HELENA, MONTANA

Zoning District and Requirements	B-1 (Neighborhood Business)	B-2 (General Commercial)	B-3 (Central Business)	CLM (Commercial-Light Manufacturing)
LOT AREA	For multiple Dwelling Units 1,200 sq.ft./DU No minimum for single Dwelling Units or non-residential	No minimum	No minimum	No minimum
LOT WIDTH	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE	Residential uses, 60% maximum. No maximum for nonresidential uses.	No maximum	No maximum	No maximum
FRONT LOT LINE SETBACK	No minimum	No minimum	No minimum	15 ft. min.
REAR LOT LINE SETBACK	15 ft. minimum	No minimum unless abutting residential zone, then 15 ft. min.	No minimum	No minimum unless abutting residential zone, then 15 ft. minimum
SIDE LOT LINE SETBACK	6 ft. minimum	No minimum unless abutting residential zone, then 10 ft. min.	No minimum	No minimum unless abutting residential zone, then 15 ft. minimum
HEIGHT	36 ft. max.	42 ft. max.	70 ft. max.	60 ft. max.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Zoning District and Requirements	M-I (Manufacturing -Industrial)	PLI (Public Lands and Institutions)	Airport
LOT AREA	No minimum	No minimum	No minimum
LOT WIDTH	No minimum	No minimum	No minimum
LOT COVERAGE	No maximum	No maximum	No maximum
FRONT LOT LINE SETBACK	15 ft. min.	No minimum	No minimum
REAR LOT LINE SETBACK	No minimum unless abutting residential zone, then 15 ft. minimum	No minimum unless abutting residential zone, then 15 ft. minimum	No minimum
SIDE LOT LINE SETBACK	No minimum unless abutting residential zone, then 15 ft. minimum	No minimum unless abutting residential zone, then 15 ft. minimum	No minimum
HEIGHT	60 ft. max.	60 ft. max.	See Airport Zoning Regulations Chapter 35

ORDINANCES OF THE CITY OF HELENA, MONTANA

11-4-3: CONSTRUCTION REQUIREMENTS FOR STRUCTURES: Structures constructed off-site from their permanent location may be moved and used at the permanent location site provided:

- A. The structure and its foundation comply with the provisions of Title 3 for new structures applicable at the time the structure is moved onto the site; or
- B. For a manufactured home or mobile home, the structure must have been constructed after January 1, 1990, in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production and be placed on a permanent foundation.

11-4-4: TOWNHOUSES:

- A. A townhouse is a dwelling unit connected at the property line by a common wall to another dwelling unit.
- B. A townhouse must conform to the lot coverage limitations for the particular district in which it is located as calculated in this section. Lot coverage is based on the total area of all the lots upon which the townhouse building sits.
- C. The portion of a townhouse connected to another townhouse at the property line by a common wall is exempt from the setback requirements for those portions of the townhouses. Sides of a townhouse not connected at a property line must meet the applicable setbacks.
- D. In the R-1/R-2 residential districts only one townhouse may be connected at the property line by a common wall to another townhouse.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 5

BOARD OF ADJUSTMENT

SECTION:

- 11-5-1: Board Of Adjustment Established
- 11-5-2: Powers Of Board
- 11-5-3: Powers Assigned To City Commission
- 11-5-4: Application
- 11-5-5: Procedure

11-5-1: BOARD OF ADJUSTMENT ESTABLISHED:

- A. The board of adjustment is hereby established to act on variance applications as detailed in this chapter. The board consists of five (5) members appointed by the mayor for three (3) year terms, subject to confirmation by the city commission. One member of said board of adjustment shall be a member of the city commission.
- B. The board shall appoint one of its members as chairman and shall establish its operating rules in accordance with §76-2-321(3), MCA.
- C. The board's office shall be that of the city community development department. All files of the board shall be kept in said office.
- D. The staff of the community development department will receive and process applications to the board for variances and give advice to the board.
- E. The city commission may, in its discretion, appoint one alternate member of the board. The term of the alternate member shall be for three (3) years from the date of appointment. The alternate member will serve on the board of adjustment only in the event a regular member of the board is unable to attend a regularly scheduled meeting of the board.

ORDINANCES OF THE CITY OF HELENA, MONTANA

11-5-2: POWERS OF THE BOARD:

- A. The board of adjustment may, after public notice and hearing, approve, conditionally approve, or deny requests to vary the following requirements of this title:
1. lot line setback requirements;
 2. lot coverage and area requirements;
 3. building height;
 4. parking and loading space requirements;
 5. location, height, area, and number of signs; and
 6. landscaping requirements.
- B. The board of adjustment may hear and decide appeals at a legally advertised public hearing where it is alleged there is error in any decision, order, or action described in 11-1-7 and 11-1-8 of this Title that is made by the city manager.
- C. The board of adjustment may not grant a variance from the requirements of the Wildland-Urban Interface overlay district.

11-5-3: POWERS ASSIGNED TO CITY COMMISSION:

- A. The city commission has the sole authority to grant height variances for towers. The city commission shall follow the standards and criteria of this chapter when considering a variance for the height of a tower.
- B. The city commission may grant a variance from the requirements listed above if the requested variance is related to an application for a conditional use. The city commission shall follow the standards and criteria listed below when considering a variance. Additional review by the board of adjustment is not required on variances that are related to an application for a conditional use. The city commission hereby reserves this authority unto itself pursuant to §76-2-321(2), MCA, and further reserves unto itself any and all other authority not hereinabove granted to the board of adjustment.

ORDINANCES OF THE CITY OF HELENA, MONTANA

11-5-4: APPLICATION: Written applications for variances must be filed in the office of the community development department on forms provided by the city. No application will be regarded as having been filed until the required fee is first paid to the community development department.

11-5-5: PROCEDURE:

- A. Notice of the board's hearing of each application must be published in a newspaper of general circulation within the city once, at least fifteen (15) days prior to the hearing date.
- B. The board of adjustment shall hold a public hearing on the application to gather facts and information. Persons interested in the requested variance and community development department staff may testify at the public hearing.
- C. To approve a requested variance for a new building or portion thereof, the board of adjustment shall consider the following standards and find as follows:
1. The variance will not create a significant risk to the public health, safety, or general welfare;
 2. The variance will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located; and
 3. Strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.
- D. In evaluating the standards in C. above, the board of adjustment may consider the following factors:
1. Special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property.
 2. The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.
 3. Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.

ORDINANCES OF THE CITY OF HELENA, MONTANA

4. The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.

5. Whether a literal interpretation of the provisions of this Title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this Title.

6. The extent to which the hardship or difficulty results from the actions of the applicant.

7. Whether granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other properties similarly located in the same zoning district.

E. A property owner who desires to reconstruct a nonconforming building or nonconforming portion of a building must apply for a variance. When reviewing the variance to reconstruct a nonconforming building, the property owner is entitled to a rebuttable presumption that the standards in subpart C, above are met if the property owner can prove the existence of the prior nonconformity and that the new structure is in compliance with building and fire codes.

F. The board of adjustment may impose conditions to minimize adverse impacts that the variance may have on the public health, safety, or general welfare. Any approval that includes conditions is subject to the terms of the conditions. Conditions stated in the approval may include, but are not limited to:

1. A time period in which the proposed structure shall be completed; and

2. Other conditions necessary to mitigate adverse effects from the variance.

G. Any variance from the maximum number of off-street parking spaces, as specified in 11-22-6 of this Title, must require that a minimum of twenty percent (20%) of the parking area be landscaped in accordance with the standards in Chapter 22 of this Title. This landscaping is in addition to the requirements of Chapter 24 of this Title. The board of adjustment may also place conditions, within applicable city code provisions, on the location and permissible types of surfacing materials for off-street parking and loading areas.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 6

NONCONFORMING USES AND BUILDINGS

SECTION:

- 11-6-1: Intent
- 11-6-2: Definitions
- 11-6-3: Nonconforming Buildings
- 11-6-4: Nonconforming Use Limitations
- 11-6-5: Repair, Maintenance, and Remodeling
- 11-6-6: American Disabilities Act (ADA) Requirements
- 11-6-7: Applicability to Work in Progress
- 11-6-8: Cessation of Nonconforming Uses

11-6-1: **INTENT:** Some zoning districts include lots, buildings, and uses that lawfully existed before adoption of zoning regulations that now prohibit them. It is the intent of this chapter to allow those lots, buildings, and uses to continue, but not to encourage their survival.

11-6-2: **DEFINITIONS:** For purposes of this chapter, the following definitions apply:

NONCONFORMING BUILDING: An existing building that was lawful prior to adoption or amendment of this Title, but does not meet the provisions of the current Title due to dimensional restrictions on lot coverage, setbacks, height, location on the lot, or other zoning requirements.

NONCONFORMING USE: An existing use that was lawful prior to the adoption or amendment of this Title, but is not now a permitted use in the district in which the use is located.

11-6-3: **NONCONFORMING BUILDINGS:** A nonconforming building may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming building may not be enlarged or altered in any way that increases its nonconformity. A nonconforming building may be altered to decrease its nonconformity.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- B. A nonconforming building or nonconforming portion of a building that is damaged or destroyed may not be reconstructed unless a variance is granted by the board of adjustment.
- C. If, for any reason, a nonconforming building is moved any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located.

11-6-4: NONCONFORMING USE LIMITATIONS: A nonconforming use may be continued at its location, provided that:

- A. It is not enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Title.
- B. It is not abandoned pursuant to 11-6-8 of this Title.

11-6-5: REPAIRS, MAINTENANCE AND REMODELING: Any building that is used for a nonconforming use may be repaired or remodeled provided that such work does not increase the cubic content of the building or expand the nonconforming use. Nothing in this Title prevents the restoration of any building to a safe condition if an official charged with protecting the public safety declares it to be unsafe and orders corrective action.

11-6-6: AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS:

- A. To accommodate and encourage compliance with the Americans with Disabilities Act (ADA) accessibility guidelines, the enlargement of buildings to accommodate ramps, elevators, and bathrooms that meet the minimum ADA accessibility guidelines and improve accessibility for persons with disabilities are not considered as increasing or enlarging the nonconforming use or building.
- B. Prior to remodeling historic buildings or properties located within historic districts to accommodate ADA requirements, the proposed design alternatives must be reviewed to provide consistency with the Secretary of Interior's Standards for Rehabilitation.

ORDINANCES OF THE CITY OF HELENA, MONTANA

11-6-7: **APPLICABILITY TO WORK IN PROGRESS:** To avoid undue hardship, nothing in this chapter requires a change in the plans, construction, or designated use of any building on which actual construction, preparatory excavation, or demolition was lawfully begun prior to the adoption or amendment of this chapter.

11-6-8: **CESSATION OF NONCONFORMING USES:**

- A. If a nonconforming use of a building or land is not operated for at least 30 continuous business days each calendar year, the nonconforming use is presumed to be intentionally abandoned. Evidence that the lack of use is temporary and that there is no intent to abandon the use may rebut the presumption. Once a nonconforming use is abandoned, the subsequent use of a building or land must conform to the regulations specified by this Title for the district in which the land or building is located.
- B. If a nonconforming use is changed to an allowed use, whether by right or conditional use permit, the nonconforming use is considered intentionally abandoned. The property may not thereafter be used for the abandoned nonconforming use.

CHAPTER 7

MOBILE HOME PARKS

SECTION:

- 11-7-1: Intent
11-7-2: Definitions
11-7-3: License
11-7-4: Mobile Home Park Site and Development Standards

11-7-1: **INTENT:** This chapter is intended to provide regulations for the location, design, construction, enlargement, improvement, alteration, and operation of mobile home parks in order to promote, protect, and secure the health, safety, and general welfare of the public, the residents, and users of such facilities.

11-7-2: **DEFINITIONS:** For purposes of this chapter, the following definitions are applicable:

ORDINANCES OF THE CITY OF HELENA, MONTANAFRONTAGE:

The side of a mobile home site that is adjacent to any street. If a site is adjacent to more than one street, it must conform to an established frontage where side exits or a common frontage have been established. If there are frontages already established on both of the streets that such a site faces, it may front on either street so long as it maintains yards conforming to both frontages.

MOBILE HOME:

A previously constructed, detached, single dwelling unit that exceeds 8 feet in width or 45 feet in length, was constructed in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production, and was constructed on one or more chassis, designed to be transported or towed on its own wheels to the point of use after fabrication, suitable for year-round occupancy, and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems. This includes manufactured homes for purposes of this chapter.

MOBILE HOME SITE:

A plot of ground within a mobile home park that is designed for the accommodation of one mobile home or one manufactured home.

MOBILE HOME STAND:

That part of a mobile home site that has been reserved for the placement of a mobile home, appurtenant structure, or addition.

PROPERTY LINE:

Perimeter boundary of mobile home park.

VEHICLE TRAVEL LANE:

All roads, driveways, and parking areas within a mobile home park.

ORDINANCES OF THE CITY OF HELENA, MONTANA

11-7-3: LICENSE: No person may operate any mobile home park within the city without a valid business license.

11-7-4: MOBILE HOME PARK SITE AND DEVELOPMENT STANDARDS:

A. Only the following structures are permitted in a mobile home park:

1. mobile homes, excluding commercial sales of mobile homes;
2. manufactured homes; and
3. accessory buildings or structures, for use only by park management or park residents, which may not exceed two (2) stories and twenty-four feet (24') in height.

B. Buildings and other structures in a mobile home park must conform to the following dimensional standards:

1. The minimum size for a mobile home park is ten (10) acres and fifteen (15) mobile home sites that must be completed and ready for occupancy within one year of the conditional use approval.
2. Mobile home park density may not exceed nine (9) mobile homes or manufactured homes per acre.
3. Maximum mobile home site coverage, by any all structures, is fifty percent (50%) of the lot area.
4. All structures within a mobile home park must be set back at least ten feet (10') from the property line.
5. Mobile homes must be located so that they are at least twenty five feet (25') apart side to side, fifteen feet (15') apart from side to rear, and fifteen feet (15') apart from rear to rear.
6. Each mobile home site must provide a well-drained stand with a firm, stable base approved by the building and safety division for the placement of the mobile home. Minimum dimensions are twelve feet by fifty feet (12' x 50') for single-wide homes and twenty-four feet by fifty feet (24' x 50') for double-wide homes. Mobile home stands must be at least five feet (5') from road curb.

ORDINANCES OF THE CITY OF HELENA, MONTANA

7. An outdoor patio area of at least one hundred eighty (180) square feet must be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the mobile home site and other facilities, for the purpose of providing suitable outdoor living space to supplement the mobile home.

8. No mobile home may be higher than twenty-four feet (24').

C. Mobile home parks must conform to the following vehicular and pedestrian access standards:

1. All mobile home parks must have access to a major or minor arterial or collector street. Access is determined according to location and need.

2. The city commission may require additional dedication and improvements on streets and highways abutting the proposed mobile home park as may be necessary to provide safe access to and from the park.

3. Minimum pavement width in mobile home parks is twenty-five feet (25') for all roads without on-street parking and ten feet (10') for all driveways. If street parking is allowed on one side of a road, the minimum road width is thirty-three feet (33'). If street parking is allowed on both sides of a road, the minimum road width is thirty-eight feet (38').

4. The mobile home park road system should be so designed as to prevent the use of such roads for through traffic. The entire width of the vehicle travel lanes must be surfaced with a minimum of two inches (2") of asphalt, plant mix, concrete, or other approved materials on suitable road base, as approved by the city engineer. A concrete curb and gutter must be placed along both sides of all roads. Types of curbs and gutters must reflect topographic conditions and road design.

5. Sidewalks, constructed in accordance with applicable city requirements, must be provided on the public street side of each mobile home site unless the city commission specifically waives such requirement. The commission may take performance bonds in lieu of construction for a specific period of time.

6. Adequate hard surface paving shall be provided for off-street parking, vehicle storage, and access in accordance with this Title.

ORDINANCES OF THE CITY OF HELENA, MONTANA

D. Mobile home parks must provide utilities and other services as follows:

1. All sanitary sewage facilities and plumbing and water facilities, including connections provided to individual mobile homes or manufactured homes, must meet applicable requirements of the city and the state of Montana.

2. The plumbing connections to each mobile home or manufactured home must be constructed so that all lines are protected from freezing, from accidental bumping or damage, and from creating any type of nuisance or health hazard.

3. An adequate amount of running water from the city water system must be piped to each mobile home.

4. Storm drainage facilities must be constructed, in accordance with an approved drainage plan meeting city standards.

5. All electric, natural gas, telephone, cable television, and other utility and fuel lines must be underground and designed so as to conform with applicable city and state laws. When meters are installed, each must be located in a uniform manner.

6. When exterior television antenna installation is necessary, a master antenna must be installed and extended to individual stands by underground lines. Such master antenna must be so placed as not to be a nuisance to park residents or surrounding areas.

7. Facilities must be provided for the sanitary and lawful storage and disposal of solid waste.

8. Street and yard lights attached to standards approved by the city must be provided in sufficient number, intensity, and location to permit the safe movement of vehicles and pedestrians at night.

E. Skirting, canopies, and awnings are regulated as follows:

1. Each mobile home must be skirted within ninety (90) days after placement in a mobile home park.

ORDINANCES OF THE CITY OF HELENA, MONTANA

2. Skirting material may be of twenty six (26) gauge metal, aluminum, or other non-corrosive metal or material of equal strength, and so constructed and attached to the mobile home as to prevent the entry of rodents, flies, and insects.

3. Canopies and awnings may be attached to any mobile home, but they may not exceed twelve feet (12') in width or the length or height of the mobile home.

4. A building permit is not required for construction or erection of canopies or awnings that are open on three (3) sides, but is required before construction or erection of any screened, glassed-in or otherwise enclosed awning or canopy.

F. Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number, and so located within the park, as to satisfy regulations of the city code.

G. The following landscaping and screening requirements must be met in all mobile home parks:

1. There must be at least two (2) deciduous trees with a minimum one and one-half (1¹/₂) caliper for each mobile home site. At least one evergreen tree must be provided for every three (3) mobile home sites and must be located at the front or rear of one of the mobile home sites. Withered or dead plant material must be replaced within a reasonable period of time, but not longer than one growing season.

2. Green belt Enclosure of Mobile Home Park: One of the following buffers must be provided between a mobile home park and adjoining properties:

a. A green belt planting strip, not less than twenty feet (20') in width, must be placed along the perimeter of the mobile home park where it abuts public rights-of-way or an adjoining area not constituting a mobile home park. The green belt must be developed with a mixture of hardy deciduous and coniferous plant material, grass or ground cover, and maintained thereafter in a neat and orderly manner.

b. A continuous ornamental wall six feet (6') in height above grade, must be erected one foot (1') off property lines abutting other adjoining properties not constituting a mobile home park and six feet (6') off property lines abutting public rights-of-way. Walls on

ORDINANCES OF THE CITY OF HELENA, MONTANA

right-of-way corners must meet the requirements of this Title in regard to the line of sight on rights-of-way. Such walls must be landscaped with suitable plant materials along both sides to cover at least twenty percent (20%) of each side for the total length of wall existing along rights-of-way, except for drive approaches into the park. Walls used on property lines must have thirty percent (30%) of total wall length landscaped on the mobile home park side. The remaining areas shall be landscaped and maintained with a well-kept lawn or other landscaping materials in accordance with this Title. Landscaping must be continually maintained in a healthy, growing, neat, and orderly condition.

c. Any combination of these two (2) methods may be used.

3. The city commission may require fencing or screen planting around areas containing solid waste disposal facilities and around service or recreational areas as a condition of approval of a mobile home park.

H. On-site Laundry Drying Space: On-site, indoor or outdoor, laundry drying space, adequate in relation to the number of mobile or manufactured homes in the park, must be provided. Where outdoor drying space is utilized, individual clothes drying facilities on each mobile home site may be placed in the rear yard only.

I. A minimum of two hundred (200) square feet per mobile home site must be reserved for recreational development. This area must be accumulated in central locations and designed with recreation equipment and approved landscaping.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 8

RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

SECTION:

- 11-8-1: Intent
11-8-2: Definitions
11-8-3: License
11-8-4: Recreational Vehicle Park Site and Development Standards

11-8-1: INTENT: This chapter is intended to provide regulations for the location, design, construction, enlargement, improvement, alteration, and operation of recreational vehicle parks in order to promote, protect, and secure the health, safety, and general welfare of the public and the residents and users of such facilities.

11-8-2: DEFINITIONS: For purposes of this chapter, the following definitions apply:

LOT: An area or plot of ground, within a recreational vehicle park, designed for the accommodation of one recreational vehicle, or other temporary recreational shelter.

PROPERTY LINE: Perimeter boundary of a recreational vehicle park.

11-8-3: LICENSE: No person may operate any recreational vehicle park within the city without a valid business license.

11-8-4: RECREATIONAL VEHICLE PARK SITE AND DEVELOPMENT STANDARDS:

A. Only the following uses are permitted in a recreational vehicle park:

1. Recreational vehicle parks may be used for recreational vehicles, equivalent facilities in or on automotive vehicles, tents, or other short-term recreational shelter arrangements on a temporary basis only.

2. Accessory uses related to park management and occupant needs and enjoyment.

ORDINANCES OF THE CITY OF HELENA, MONTANA

- B. Each recreational vehicle park must be at least two (2) acres in size.
- C. All recreational vehicle parks must have access to an arterial, minor arterial, or collector street. Entrances and exits must be designed for safe and convenient movement of traffic into and out of the park and to minimize congestion of free moving traffic on adjacent streets.
- D. All lots must be set back from all property lines not less than twenty-five feet (25'). Commercial, management, or service buildings may be constructed within fifteen feet (15') of the front property lines.
- E. The twenty-five foot (25') setback area formed between the property lines and the lots is a green belt buffer zone to screen the park from adjacent properties and must be developed by one of the following buffers:
1. A green belt planting strip, not less than twenty-five feet (25') in width, must be placed along the perimeter of the recreational vehicle park where it abuts public rights-of-way or an adjoining area not constituting a recreational vehicle park. The green belt must be developed with a mixture of hardy deciduous and coniferous plant material and grass or ground cover, of a size and condition in accordance with this Title. The green belt shall be maintained in a neat, clean, orderly, and healthful condition.
 2. A continuous ornamental wall six feet (6') in height above grade, must be erected one foot (1') off property lines abutting other adjoining properties not constituting a recreational vehicle park, and six feet (6') off property lines abutting public rights-of-way. Walls on right-of-way corners must meet the requirements of this Title in regard to sight distance triangles. Such walls must be landscaped with suitable plant material along both sides of the wall to cover at least twenty percent (20%) of each side of the total length of wall existing along rights-of-way, except for drive approaches. Walls used on property lines must have thirty percent (30%) of total wall length landscaped on the recreational vehicle park side. The remaining areas must be landscaped and maintained with a well-kept lawn or other landscaping materials in accordance with this Title. All landscaping shall be continually maintained in a healthy, growing, neat, and orderly condition.

ORDINANCES OF THE CITY OF HELENA, MONTANA

3. Any combination of these two (2) methods may be used with the prior approval of the city commission, granted at the time of conditional use permit review.

F. No structure in a recreational vehicle park may be higher than twenty-four feet (24').

G. Service areas and utilities must be provided in the following manner:

1. At least one service building containing necessary toilet and other specified plumbing fixtures must be provided in the park:

<u>No. of Dependent Parking Spaces</u>	<u>Toilets</u>		<u>Urinals</u>	<u>Lavatories</u>		<u>Showers</u>		<u>Other Fixtures</u>
	<u>Men</u>	<u>Women</u>	<u>Men</u>	<u>Men</u>	<u>Women</u>	<u>Men</u>	<u>Women</u>	
<u>1 - 15</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>At least one janitor sink per service building</u>
<u>16- 30</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	
<u>31- 45</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>	
<u>46- 60</u>	<u>2</u>	<u>3</u>	<u>2</u>	<u>3</u>	<u>3</u>	<u>2</u>	<u>2</u>	
<u>60- 80</u>	<u>3</u>	<u>4</u>	<u>2</u>	<u>4</u>	<u>4</u>	<u>2</u>	<u>2</u>	
<u>81-100</u>	<u>3</u>	<u>4</u>	<u>2</u>	<u>4</u>	<u>4</u>	<u>3</u>	<u>3</u>	

2. Service buildings must be conveniently located within a radius of approximately three hundred feet (300') of the spaces to be served.

3. Laundry facilities are required in addition to the required toilet and other plumbing facilities. If off-site commercial laundry facilities are conveniently located near the trailer park, the laundry requirement may be waived by the city commission.

4. Facilities for storage and disposal of solid waste, in a sanitary manner, must be provided in each park. The city commission may require fencing or screen planting around areas containing solid waste disposal facilities or around service or recreational areas, as a condition for approval of a recreational vehicle park.

5. Street and yard lights may be provided in sufficient number, intensity, and location to permit safe movement of vehicles and pedestrians at night.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTERS 9 through 15: RESERVED

CHAPTER 16: No change.

CHAPTERS 17 through 21: RESERVED

CHAPTERS 22 and 23: No change.

CHAPTER 24

LANDSCAPING

11-24-1: No change.

11-24-2: No change.

11-24-3: **SCOPE:** The provisions of this chapter shall apply to all districts ~~except the urban renewal district~~ and to all uses ~~except one- and two-family dwellings~~ single-unit and two-unit residences and mobile home and recreational vehicle parks.

11-24-4 through 11-24-7: No change.

11-24-8: **SCREENING:**

- A. The side of a lot in a commercial district (B-1, B-2, B-3, CLM or M-I) that is adjacent to a lot in a residential district (R-1, R-2, R-3, or R-0) must be screened from the adjacent residential lots. A commercial lot is considered adjacent to a residential lot even though they are separated by a public right-of-way. Screening may be by a fence, wall, or landscaped screening that is no less than four feet (4') in height.
- B. Parking lots in R-2 and R-3 districts that are adjacent to a residential use must be screened.
- C. Where landscaped screening is required or provided, said screening shall consist of shrubs, closely spaced and maintained at a height of at least four feet (4'), unless otherwise specified by this Title. For purposes of this

ORDINANCES OF THE CITY OF HELENA, MONTANA

section, screening means concealed or cut off from visual access.

11-24-9 through 11-24-12: No change.

CHAPTER 25

PUD PLANNED UNIT DEVELOPMENTS

11-25-1: No change.

11-25-2: No change.

11-25-3: **APPLICATION REQUIREMENTS:**

- A. Any person requesting approval of a planned unit development shall submit an application for a conditional use permit, pursuant to ~~chapter 21~~ of this title, to allow a PUD in the contemplated location. The application shall be made on forms provided by the agency performing the city's planning and zoning functions. Any required fee shall be paid at the time the application is submitted.
- B. The application shall be accompanied by any site plan required by ~~chapter 21~~ of this title and by a PUD plan. The information to be provided on any site plan, ~~required by chapter 21~~ of this title, may be incorporated into the PUD plan.

. . .

11-25-4: **REVIEW PROCEDURES:**

- A. Subdivision review, as required by the city subdivision ordinance and the Montana Subdivision and Platting Act, and conditional use permit/PUD review as required by ~~chapter 21~~ of this title, shall be held jointly and concurrently by the city's planning board and zoning commission. The zoning commission shall act upon the conditional use permit request. The planning board shall act upon the request for subdivision approval in those cases where the proposed PUD contains a

ORDINANCES OF THE CITY OF HELENA, MONTANA

subdivision of land. Notice of each hearing shall be given in the manner provided for in ~~chapter 21~~ of this title for conditional use permit review and in the city's subdivision ordinance and Montana Subdivision and Platting Act for subdivision review.

- B. At the hearing on the application for a conditional use permit the zoning commission shall consider, but shall not be limited to, the following items:

9. ~~The~~ Other matters set forth in ~~sections 11-21-1 through 11-21-4~~ of this title.

- C. After said public hearing and review, the zoning commission shall make written recommendations to the city commission on the proposed project, as provided for in ~~chapter 21~~ of this title. If the planning board has reviewed a preliminary plat for any proposed subdivision, it shall make recommendations as provided for in the city's subdivision ordinance and the Montana Subdivision and Platting Act.

- D. The city commission shall hold public hearings on the application for a conditional use permit as prescribed in ~~chapter 21~~ of this title and shall hold public hearings on any proposed subdivision as provided for in the city's subdivision ordinance and the Montana Subdivision and Platting Act. The notice of the hearings shall be given in the manner provided in ~~chapter 21~~ of this title for conditional use permit review and in the city's subdivision ordinance and the Montana Subdivision and Platting Act for subdivision review. The hearing on the application for conditional use permit/PUD approval shall be held concurrently with the hearing on any proposed subdivision which is part of the proposal. After such hearing, or hearings, the city commission may accept, modify or reject the recommendations of the zoning commission and the planning board, as set forth in ~~chapter 21~~ of this title and in the city's subdivision ordinance and the Montana Subdivision and Platting Act.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 26

HOME OCCUPATIONS

11-26-1: **INTENT:** The city of Helena's adopted ~~1981 comprehensive master plan~~ growth policy recognizes the benefits to the community of allowing "home occupations" within residential neighborhoods, subject to specified limitations which render such occupations compatible with residential uses. The city hereby intends to further such purposes of said comprehensive master plan and to promote the public health, welfare and safety by means of this chapter.

11-26-2 through 11-26-4: No change.

CHAPTERS 27 through 33: RESERVED

CHAPTER 34: RESERVED. This became new Chapters 7 and 8, above.

CHAPTERS 35 and 36: No change.

CHAPTER 37: No change. Will be recodified as new Chapter 14 in Title 3

CHAPTER 38: No change.

CHAPTER 39: No change. Will be recodified as new Chapter 15 in Title 3.

ORDINANCES OF THE CITY OF HELENA, MONTANA

CHAPTER 40

**ESTABLISHMENT OF AREAS THAT ALLOW THE
SALE OF ALCOHOLIC BEVERAGES AND CASINOS
WITHIN CITY LIMITS**

11-40-1 through 11-40-3: No change.

11-40-4: **EXEMPTIONS:**

A. The location prohibition defined in subsection 11-40-3A3 of this chapter does not apply to:

1. An existing licensed premises. Exempted existing licensed premises are not subject to the provisions of chapter ~~19~~ 6 of this title as nonconforming uses.

2. A licensed premises that is in a location allowed by this chapter, but which subsequently becomes prohibited solely because of the acquisition, creation or expansion of school property.

B. The location prohibition defined in subsection 11-40-3B of this chapter does not apply to an existing casino. Exempted existing casinos are not subject to the provisions of chapter ~~19~~ 6 of this title as nonconforming uses. If the structure housing an existing casino becomes damaged or destroyed by any cause, the structure may be replaced or reconstructed. An existing gambling operation may change the type and quantity of gambling activity without the requirement of a conditional use permit for that change.

11-40-5: **CONDITIONAL USE:** Licensed premises that are not permitted in a location because of subsection 11-40-3A3 of this chapter, but are located three hundred feet (300') or more from school property, may be permitted as a conditional use in accordance with the provisions of chapter ~~21~~ 3 of this title, provided the use is otherwise permitted by this zoning ordinance.

CHAPTER 41: **WILDLAND-URBAN INTERFACE DISTRICT:** Finally passed on January 28, 2008, but not yet codified.

CHAPTERS 42 through 50: Repealed.

ORDINANCES OF THE CITY OF HELENA, MONTANA

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 24th DAY OF MARCH, 2008.



MAYOR

ATTEST:



CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 7th DAY OF APRIL, 2008.



MAYOR

ATTEST:



CLERK OF THE COMMISSION