

Draft Ordinance Definition Changes with Group and Family Home Daycare
definitions **MERGED**

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Construction material sales	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	P	P	NP	NP	
General retail sales	NP	NP	NP	NP	NP CUP	P	P	P	P	P	P	NP	NP	NP	B-1 district, see subsection 11-2-5B of this chapter
General retail sales, small scale 1,000 square feet or less	<u>NP</u>	<u>CUP</u>	<u>NP</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	
Manufactured housing sales	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	P	P	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	See subsection 11-2-5HG
Sexually oriented business	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	
Shopping center	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	NP	CUP	NP	NP	NP	
Services:															
Administrative services	NP	P	NP	NP	P	P	P	P	P	P	P	NP	NP	P	
Artisan shop	NP	CUP NP	NP	CUP	CUP	P	P	P	P	P	P	P	NP	NP	
Commercial kennel	NP	NP	NP	NP	NP	CUP	CUP P	CUP	NP	NP	P	P	NP	NP	
Crematorium	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Daycare, adult (up to 12)	P	P	P	P	P	P	P	P	P	P	CUP	NP	P	NP	
Daycare center (13-16 or more children persons)	NP	<u>CUP</u> P	CUP	<u>CUP</u> P	<u>CUP</u> P	P	P	P	P	P	CUP	NP	P	CUP	See chapter 38 of this title
Daycare, family home	P	P	P	P	P	P	P	P	P	P	CUP	NP	NP	NP	See chapter 38 of this title
Daycare, group home	P	P	P	P	P	P	P	P	P	P	CUP	NP	NP	NP	See chapter 38 of this title

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ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

11-38-1: INTENT:

No Change

11-38-2: DEFINITIONS:

For purposes of this chapter, the following definitions are applicable:

DAYCARE CENTER: A place in which supplemental ~~parental~~ care is provided on a regular basis for ~~thirteen (13)~~ ~~sixteen (16)~~ or more ~~children~~ persons.

DAYCARE FACILITY: A place registered or licensed by an agency of the state of Montana that provides supplemental care on a regular basis, operated by a public or private entity, including, but not limited to, the following: preschools, kindergartens, nursery schools, daycare home, a daycare center, day nurseries, adult daycare, and childcare centers.

~~FAMILY DAYCARE HOME: A private residence or other structure in which supplemental care is provided on a regular basis for six (6) to eight (8) or fewer persons.~~

~~GROUP DAYCARE HOME: A private residence or other structure in which supplemental ~~parental~~ care is provided on a regular basis for ~~seven (7) to twelve (12)~~ ~~nine (9)~~ ~~up to fifteen (15)~~ ~~children~~ persons; this number does not include any overlap care as permitted by the State of Montana.~~

OVERLAP CARE: Care provided at a daycare facility for children aged three (3) and older for the times before and after school for a designated period of time not to exceed three (3) hours when the number of children in care may exceed the number of children registered for care by the State of Montana.

SUPPLEMENTAL CARE: The provision by an adult of food, shelter, care, supervision, and/or learning experiences for one or more persons on a supplemental basis outside of the care receiver's home, by an adult other than a parent, on a regular basis for daily periods of less than twenty four (24) hours. (Ord. 2629, 1-27-1992; amd. Ord. 2856, 10-19-1998)

11-38-3: STANDARDS:

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Draft Ordinance Definition Changes **WITHOUT** Group and Family Home Daycare
definitions merged

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY'S ZONING REGULATIONS

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

That Title 11, Zoning, Chapter 2, is hereby amended as follows:

TITLE 11: ZONING

CHAPTER 2

11-2-1: GENERAL PROVISIONS

NO CHANGES

11-2-2: INTENT OF ZONING DISTRICTS

NO CHANGES

11-2-3: LAND USE TABLE FOR ZONING DISTRICTS:

Permitted, conditionally permitted, and not permitted uses for the zoning districts are shown in Table 1 of this section. 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 conditionals use process. |
| NP | The use is not permitted in the district. |

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Residential Uses															
Boarding/rooming house, 1-3 residents	P	P	P	P	P	P	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter
Boarding/rooming house, 4-20 residents	NP	NP	NP	NP	P	P	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter
Community residential facility, type I, 1-12 residents	P	P	P	P	P	P	P	P	P	P	CUP	NP	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C <u>A</u> of this chapter For the DT and TR districts, see subsections 11-2-5C <u>A</u> and 11-2-5D <u>B</u> of this chapter
Community residential facility, type II, 13 or more residents	NP	CUP NP	CUP	CUP P	P	P	P	P	P	P	CUP	NP	P	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C <u>A</u> of this chapter For the DT and TR districts, see subsections 11-2-5C <u>A</u> and 11-2-5D <u>B</u> of this chapter

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Mobile home park	NP	CUP	CUP	CUP	P	CUP	CUP	NP	NP	NP	NP	NP	NP	NP	See chapter 7 of this title
Residence, single-dwelling unit	P	P	P	P	P	P	P	P	P	P	P	P	NP	NP	<p>B-2, B-3, and CLM, and M-I districts, see subsection 11-2-5G <u>A</u> of this chapter</p> <p>For the DT and TR districts, see subsections 11-2-5CA and 11-2-5DB of this chapter</p>
Residence, two-dwelling units	CUP	P	P	P	P	P	P	P	P	P	P	NP	NP	NP	<p>B-2, B-3, CLM, and M-I districts, see subsection 11-2-5CA of this chapter</p> <p>For the DT and TR districts, see subsections 11-2-5CA and 11-2-5DB of this chapter</p> <p>RU District, Stand alone single or duplex structures</p>
Residence, multiple-dwelling units (3 or more units)	NP	NP	CUP	P	P	P	P	P	P	P	CUP	NP	NP	NP	For the DT and TR districts, see subsections 11-2-5CA and 11-2-5DB of this chapter
Nonresidential Uses:															
Agricultural Uses:															
Horticulture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Medical Marijuana Grow Operation	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	NP	See subsection 11-2-5HJ of this chapter

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
<u>Commercial Nursery</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>		<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	
<u>Community Gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Community Services/Uses:															
Administrative government agency	NP	P	NP	NP	P	P	P	P	P	P	P	NP	P	P	
Animal shelter	NP	NP	NP	NP	NP	NP	<u>CUP</u> <u>P</u>	NP	NP	NP	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	P	NP	
Community center	NP	NP	NP	<u>NP</u> <u>P</u>	<u>NP</u> <u>P</u>	P	P	P	P	P	P	NP	P	NP	
Community cultural facility	NP	CUP	CUP	CUP	CUP	P	P	P	P	P	NP	NP	P	P	
Correctional facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	CUP	NP	
Prerelease center	NP	NP	NP	NP	NP	CUP	CUP	CUP	CUP	NP	<u>CUP</u> <u>P</u>	NP	CUP	NP	
Public safety facility	CUP	CUP	CUP	CUP	<u>CUP</u> <u>P</u>	P	P	P	P	P	P	P	P	P	
Worship facility	NP	P	CUP	<u>CUP</u> <u>P</u>	P	P	P	P	P	P	P	NP	P	NP	
Education:															
Higher education	NP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P	NP	P	NP	
<u>Kindergarten, Pre-schools, Elementary Schools</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>		<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	
<u>Middle Schools</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>		<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	
<u>High Schools</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>		<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	

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ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Instructional facility	NP	P	NP	NP	P	P	P	P	P	P	P	P	P	P	
K-12	NP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	CUP	NP	P	NP	
Food and Beverage Sales:															
Casino	NP	NP	NP	NP	NP	NP	CUP	CUP	CUP NP	NP	CUP	NP	NP	NP	See chapter 40 of this title.
Restaurant	NP	P	NP	NP	P	P	P	P	P	P	CUP P	NP	NP	P/CUP	Airport district, see subsection 11-2-5F2D2 of this chapter
Restaurant, drive-in/thru	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP P	NP	NP	NP	
Specialized food production	NP	NP	NP	NP	NP P	P	P	P	P	P	P	P	NP	NP	
Tavern	NP	NP	NP	NP	NP	NP P	P	P	P	P	CUP P	NP	NP P	P/CUP	Airport district, see subsection 11-2-5F2D2 of this chapter; PLI district, see subsection 11-2-5E of this chapter
Kiosks	NP	NP	NP	NP	NP	P	P	P	NP	NP	P	P	NP	NP	
Food Trucks	NP	NP	NP	NP	P	P	P	P	P	P	P	P	P	P	
Healthcare Healthcare:															
Healthcare center office	NP	P	NP	NP CUP	P	P	P	P	P	P	NP P	NP	NP	NP	
Healthcare facility	NP	CUP	NP	NP	CUP	CUP	P	P	P	P	NP	NP	P	NP	
Industrial/Manufacturing:															

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- Commented [CB4]:** Use was *ed by ZC. Staff recommends leaving as is along with definition and to do no more at this time. Setting standards for food trucks is another discussion for another time. By placing in table and creating a definition, staff is now afforded an ability to at least now direct food truck vendors to appropriate locations. More discussion will be needed in the future to address operation times, off site/home prep, perm vs temporary use, etc.
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ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Contractor yard	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	P	P	NP	NP	
Industrial, heavy	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP	
Industrial, light	NP	NP	NP	NP	NP	CUP	CUP	CUP	NP	NP	P	P	NP	P	
Industrial park	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP	
Junkyard	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP	
Motor vehicle wrecking facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP CUP	CUP P	NP	NP	
Overnight Accommodations:															
Bed and breakfast	CUP	CUP	CUP	CUP	CUP	P	P	P	P	P	NP	NP	NP	NP	
<u>Bed and breakfast no more than eight (8) guest rooms</u>	CUP	CUP	CUP	CUP P	CUP P	P	P	P	P	P	NP	NP	NP	NP	
<u>Bed and breakfast no more than fifteen (15) guest rooms</u>	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP	NP	NP	
<u>Boarding house 1-3 residents</u>	P	P	P	P	P	P	P	P	P	P	P	P	NP	NP	
<u>Boarding house 4-20 residents</u>	NP	NP	NP	NP	P	P	P	P	P	P	P	P	NP	NP	
Campground/RV park	NP	NP	NP	NP	NP	NP	CUP P	NP	NP	NP	CUP P	NP	NP	NP	
Country inn	NP	CUP	NP	CUP	CUP	P	P	P	P	P	NP	NP	NP	NP	

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ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-1	PLI	Airport	Supplemental Requirements
Emergency shelter	NP	CUP	NP	NP	CUP	CUP	CUP P	CUP	CUP	NP	CUP	NP	CUP P	NP	
Hotel/motel	NP	NP	NP	NP	NP	CUP P	P	P	P	P	NP	NP	NP	CUP P	
Recreation, Indoor - Entertainment:															
Indoor entertainment, sports and recreation	NP	CUP	NP	NP	CUP	P	P	P	P	P	P	P	NP P	CUP	
Recreation, Outdoor:															
Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Outdoor entertainment, sports and recreation	NP	NP	NP	NP	NP	NP	CUP P	CUP	P	P	CUP	CUP	P	CUP P	
Parks/playgrounds	P	P	P	P	P	P	P	P	P	P	P	NP	P	CUP	
Rental and Repair:															
General repair	NP	CUP	NP	CUP	CUP	P	P	P	P	P	P	P	NP	NP	R-3, R-O and B-1 districts, see subsection 11-2-5GE of this chapter
Large equipment rental	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	P	P	NP	NP	
Small equipment rental	NP	NP	NP	NP	NP	P	P	NP	P	P	P	P	NP	NP	
Sales:															
Agriculture supply sales	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	P	P	NP	NP	
Auction sales	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP P	NP	B-1 district, see subsection 11-2-5B of this chapter

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Construction material sales	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	P	P	NP	NP	
General retail sales	NP	NP	NP	NP	NP CUP	P	P	P	P	P	P	NP	NP	NP	B-1 district, see subsection 11-2-5B of this chapter
General retail sales, small scale 1,000 square feet or less	<u>NP</u>	<u>CUP</u>	<u>NP</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	
Manufactured housing sales	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	P	P	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	P	P	P	P	NP	P	P	NP	NP	See subsection 11-2-5HG
Sexually oriented business	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	
Shopping center	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	NP	CUP	NP	NP	NP	
Services:															
Administrative services	NP	P	NP	NP	P	P	P	P	P	P	P	NP	NP	P	
Artisan shop	NP	CUP <u>NP</u>	NP	CUP	CUP	P	P	P	P	P	P	P	NP	NP	
Commercial kennel	NP	NP	NP	NP	NP	CUP	CUP <u>P</u>	CUP	NP	NP	P	P	NP	NP	
Crematorium	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Daycare, adult (up to 12)	P	P	P	P	P	P	P	P	P	P	CUP	NP	P	NP	
Daycare center (13-16 or more children persons)	NP	<u>CUP</u> <u>P</u>	CUP	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	P	P	P	P	P	CUP	NP	P	CUP	See chapter 38 of this title
Daycare, family home	P	P	P	P	P	P	P	P	P	P	CUP	NP	NP	NP	See chapter 38 of this title
Daycare, group home	P	P	P	P	P	P	P	P	P	P	CUP	NP	NP	NP	See chapter 38 of this title

Commented [CB7]: Staff leaving as is for now pending City Attorney review - not combining home uses yet.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Financial services	NP	CUP	NP	NP	CUP P	P	P	P	P	P	NP	NP	NP	NP	
Funeral home	NP	NP	NP	NP	NP	P	P	P	P	P	P	P	NP	NP	
General services/ professional services offices	NP	P	NP	CUP	P	P	P	P	P	P	P	NP	NP	NP P	
Veterinary clinic, large animals	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	P	P	NP	NP	
Veterinary clinic, small animals	NP	NP	NP	NP	NP	P	P	P	P	P	P	P	NP	NP	
Storage:															
Agricultural commodity storage facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Fuel tank farm	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	P	
Mini storage facility	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	NP	P	P	NP	NP	
Mini storage facility of 10 or fewer units	NP	CUP	NP	CUP	CUP	P	P	P	NP	NP	P	P	NP	NP	
Warehouse	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	P	P	NP	NP	
Storage facility, outdoor	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	NP	
Temporary Uses by District:															
Carnivals and circuses	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P	P	NP	
Itinerant outdoor sales with business license	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP	NP	

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ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
On-site construction office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Outdoor concerts and theatrical performances	P	NP	NP	NP	NP	P	P	P	P	P	P	P	P	P	
Transportation:															
Airport	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	Airport district, see subsection 11-2-5H of this chapter
Bus terminal	NP	NP	NP	NP	NP	CUP	P	P	P	NP	P	NP	CUP P	NP	
Freight terminal	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	P	
Parking lot	NP	CUP NP	CUP NP	CUP NP	CUP	P	P	P	NP	NP	P	P	P	P	See chapter 22 of this title
Parking structure	NP	NP	NP	NP	NP CUP	CUP P	CUP P	CUP P	P	P	P	P	P	P	
Railroad yard	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Utilities:															
Composting facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP P	NP	
Recycling center	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP P	NP	
Recycling facility, mobile	NP	NP	NP	NP	P	P	P	P	P	P	P	P	P	P	
Utility, distributed power	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility, major	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P CUP	P CUP	NP
Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See subsection 11-2-5GH of this chapter See subsection 11-2-5GH of this chapter

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ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Use	OSR	RU	R-1/ R-2	R-3	R-4/ R-O	B-1	B-2	B-3	DT	TR	CLM	M-I	PLI	Airport	Supplemental Requirements
Communication tower	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Utility, small scale energy production	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	
Vehicle Trade and Service:															
Vehicle fuel sales	NP	NP	NP	NP	NP	NP	P	NP	P	NP	P	NP <u>P</u>	NP	NP	Airport district, see subsection 11-2-5 <u>FD</u> of this chapter
Vehicle repair	NP	NP	NP	NP	NP	NP	<u>CUP</u> <u>P</u>	NP	P	NP	P	<u>P</u>	NP	NP	
Vehicle sales and rental	NP	NP	NP	NP	NP	NP	P	NP	P	NP	P	NP <u>P</u>	NP	P	Airport district, see subsection 11-2-5 <u>FD</u> of this chapter
Vehicle services	NP	NP	NP	NP	NP	NP	P	NP	P	NP	P	P	NP	NP	

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

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 eating, cooking and sanitation meals and laundry are shared.~~

~~COMMUNITY FACILITY, TYPE I: A community residential facility serving twelve (12) or fewer individuals.~~

~~COMMUNITY FACILITY, TYPE II: A community residential facility serving thirteen (13) or more individuals.~~

COMMUNITY RESIDENTIAL FACILITY: Includes the following:

COMMUNITY FACILITY, TYPE I: A community residential facility serving twelve (12) or fewer individuals.

COMMUNITY FACILITY, TYPE II: A community residential facility serving thirteen (13) or more individuals.

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.~~

~~3. A youth care facility in which substitute care is provided to youth, including youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities, childcare agencies, and transitional living programs, but excluding youth assessment centers.~~

~~4.~~

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

~~5. An adult foster family care home.~~

~~6.—~~

~~7. 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.~~

~~8.—~~

~~B. An assisted living facility.~~

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

HOME OCCUPATION: 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 of this title.

MANUFACTURED HOME: A structure suitable for human habitation that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities.

MOBILE HOME PARK: 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.

MULTIPLE-DWELLING UNITS RESIDENCE: A building containing three (3) or more dwelling units for occupancy by three (3) or more groups living separately from each other, including condominiums.

SINGLE-DWELLING UNIT RESIDENCE: 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.

TWO-DWELLING UNIT RESIDENCE: Two (2) dwelling units that are situated on one lot.

NONRESIDENTIAL

Agricultural Uses

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

COMMUNITY GARDEN: A piece of land gardened by a group of people, utilizing either individual or shared plots on private or public land while producing fruit, vegetables, and/or plants.

HORTICULTURE: The production, keeping, maintenance, or cultivation of a garden or orchard to grow fruits, vegetables, flowers, or ornamental plants, excluding medical marijuana grow operations.

MEDICAL MARIJUANA GROW OPERATION: An agricultural enterprise or facility engaged in growing medical marijuana for commercial purposes.

Community Uses

~~ADMINISTRATIVE GOVERNMENT AGENCY: 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.~~

ANIMAL SHELTER: A place that temporarily houses stray animals and may include a crematorium.

COMMUNITY CENTER: A noncommercial 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.

COMMUNITY CULTURAL FACILITY: 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.~~

CORRECTIONAL FACILITY: Includes prisons and jails for the detention of persons awaiting trial or sentenced as punishment for criminal offenses, including youth detention facilities.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

PRERELEASE CENTER: A community corrections facility or program as defined by state law.

PUBLIC SAFETY FACILITY: A place used or intended to be used to house public safety services, including ambulance services, fire stations, police stations, emergency management, and courts.

WORSHIP FACILITY: A building designed and used for public worship by a religious body, group, sect, or organization, ~~but not including church residences and private schools.~~

Education

~~EDUCATIONAL FACILITY: A place for preschools, elementary, junior high, or high schools, colleges, and vocational schools.~~

ELEMENTARY SCHOOL: A school focused on educating students in grades 1 through 5. Can include kindergarten.

HIGH SCHOOL: A school focused on educating students in grades 9 through 12.

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. This definition includes colleges.

KINDERGARTEN: A school focused on educating students of ages 4 through 6.

MIDDLE HIGH SCHOOL: A school focused on educating students in grades 6 through 9.

PRE-SCHOOL: A school focused on educating students of ages 3 through 5.

Food and Beverage

CASINO: Defined in chapter 40 of this title.

DRIVE-~~IN~~THRU RESTAURANT: Any retail establishment preparing and serving food or drink that is not consumed solely within the

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

confines of the building in which the food is prepared and has a drive-thru window and stacking lane.

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 and has parking for drive-in customers.

FOOD TRUCK: A mobile vehicle, such as a van or trailer, equipped with facilities to cook, prepare, and/or sell food.

KIOSK: A drive-thru only structure with no interior seating or counter, from which commercial items are sold. Please see the definition of "structure."

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. This definition allows for carry-out services, but not a drive-thru window.

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, microbreweries manufacturing malt or liquor not exceeding the production of ten thousand (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 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.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

Healthcare

HEALTHCARE ~~CENTER~~OFFICE: A place providing medical services ~~typically~~ ~~without overnight accommodations for prevention,~~ diagnosis, treatment, or rehabilitation, including dental clinics, doctors' offices, public health centers, and outpatient medical facilities.

Commented [CB13]: Strike "typically"

HEALTHCARE FACILITY: A place used or intended to provide health services, medical treatment, nursing care, or rehabilitative or preventative 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.~~

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 premade goods, furniture production, metal fabrication, apparel manufacturing, printing, ~~and~~ publishing, and heavy equipment repair.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

~~INDUSTRIAL PARK: A planned and coordinated development designed to accommodate a variety of and more than two (2) 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.~~

JUNKYARD: 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, owner-occupied residence other than a hotel, motel, or multiple-unit dwelling, with ~~no more than eight (8)~~ guestrooms used for temporary accommodation of guests for compensation, and that may serve meals to its guests.

Commented [CB14]: Insert "owner-occupied"

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

~~COUNTRY INN: A private residence other than a hotel, motel, or multiple-unit dwelling, having nine (9) to fifteen (15) guestrooms, 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

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

ENTERTAINMENT, SPORTS, AND RECREATION, INDOOR: 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

ENTERTAINMENT, SPORTS, AND RECREATION, OUTDOOR: 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 permanent outdoor, spectator type uses or events, including racetracks, motocross courses, sports arenas, concerts, and zoos.

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.

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

Repair And Rental

GENERAL REPAIR: Fixing or mending of consumer goods, including apparel and individual personal property, but excluding repair of vehicles or industrial equipment.

LARGE EQUIPMENT RENTAL: Rental of large equipment and supplies, including trucks, vertical lifts, forklifts, backhoes, heavy equipment, and modular buildings.

SMALL EQUIPMENT RENTAL: Rental of small equipment and supplies, including hand tools, party equipment, lawn care, and yard equipment.

Sales

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

AGRICULTURE SUPPLY SALES: 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.

AUCTION SALES: Sales by auctioning consumer products, but excluding vehicle and livestock auctions.

AUCTION SALES, LIVESTOCK: Sales by auctioning live animals including but not limited to cattle, horses, pigs, and goats.

CONSTRUCTION MATERIAL SALES: The wholesale or retail sale of bulk construction materials such as roofing, lumber, bricks, and component building parts. This term does not include on site manufacturing of construction material.

GENERAL RETAIL SALES: The retail sale of a diverse product line of consumer goods and products.

MANUFACTURED HOUSING SALES: The on-site display and sale of mobile homes, modular homes, and manufactured housing.

MEDICAL MARIJUANA DISPENSARY: A registered premises from which a provider or marijuana-infused products provider is approved by the Montana Department of Health and Human Services to dispense marijuana or marijuana-infused products to a registered cardholder.

NURSERY, COMMERCIAL: A location for growing, and retail or wholesale selling of commercial plants, shrubs, trees, and accessory products such as but not limited to mulch, stones, and compost.

SEXUALLY ORIENTED BUSINESS: 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.

~~SHOPPING CENTER: Two (2) or more retail or wholesale uses or services conducted on a single parcel of at least five (5) acres that is planned, developed, owned, and managed as a coordinated business enterprise, and utilizes common parking and pedestrian~~

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

~~access between the establishments, has common areas, common signs, common facilities, and common access and delivery routes.~~

Services

~~ADMINISTRATIVE SERVICES: Services provided to businesses such as data processing centers, public relations, advertising, and customer service centers via telecommunications.~~

ARTISAN SHOP: A place used or intended for creating works of art or small-scale production of handmade craft items, including paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.

COMMERCIAL KENNEL: A for-profit place housing any combination of three (3) or more dogs, cats, or other domesticated animals over six (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.

CREMATORIUM: A place other than part of a funeral home used for the cremation of human or animal dead.

~~DAYCARE, ADULT: A place that provides supplemental care for up to twelve (12) adults on a regular basis, operated by a public or private entity.~~

~~DAYCARE FACILITY: Defined in chapter 38 of this title.~~

~~DAYCARE, FAMILY: Defined in chapter 38 of this title.~~

~~DAYCARE, GROUP: Defined in chapter 38 of this title.~~

FINANCIAL SERVICES: 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.

FUNERAL HOME: A place for the care and preparation of human dead for burial, including mortuaries.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

~~GENERAL AND PROFESSIONAL SERVICES: Professional and personal care services where customers come to the property for the service, including but not limited to engineering, accounting, legal, architectural, real estate, insurance, photography, fitness, weight loss, postal, hairstyling, pet grooming, copying and printing, ~~and~~ laundry and dry cleaning services, and tattooing establishments.~~

Commented [CB15]: Add "tattooing establishment" - matches DHHS label.

PROFESSIONAL OFFICES: Facilities where customers may come to the property for the service, which may include but is not limited to engineering, accounting, legal, architectural, real estate, and insurance. Services provided to businesses such as data processing centers, public relations, advertising, and customer service centers via telecommunications. This includes trade offices such as electricians and plumbers.

VETERINARY CLINIC: 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, furbearing animals, rabbits, dogs, cats, snakes, lizards, birds, and other household pets.

Storage

~~AGRICULTURAL COMMODITY STORAGE FACILITY: The storage of bulk food items before shipment or processing, such as grain elevators and similar facilities.~~

FUEL TANK FARM: The commercial bulk storage of petroleum products or any other fuel.

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

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

STORAGE FACILITY, OUTDOOR: A parcel of land that allows outdoor storage to be rented, leased or owned for storage of personal property such as boats, vehicles or recreational trailers.

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. This definition includes a freight terminal, a place for the temporary storage of items that will be loaded and unloaded onto ground transportation for shipment, including agricultural commodities.

Temporary Uses

~~CARNIVALS AND CIRCUSES: A traveling amusement show that is open to the public and usually includes rides, games, sideshows, and animals.~~

~~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.~~

Commented [CB16]: Insert hyphen

OUTDOOR CONCERTS AND THEATRICAL PERFORMANCES: A public performance of music, plays, or dance given by one or more singers, instrumentalists, dancers, or actors.

TEMPORARY USE: A use that is not intended to be permanent.

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 the service and storage of buses, loading and unloading of bus passengers and freight, and includes

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

facilities for ticket sales and food service that are 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 paid parking of motor vehicles. Not to include required parking as indicated in Chapter 22.

PARKING STRUCTURE: A multilevel structure used for off street parking of motor vehicles.

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

Utilities

COMMUNICATION TOWER: A non-occupied structure exclusively for a cellular enabled mobile device site where antennae and electronic communications equipment are placed to create a cell (or adjacent cells) in a cellular network.

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 reuse of those materials, but not including a junkyard.

RECYCLING FACILITY, MOBILE: A moveable station designed for the collecting of recoverable materials such as glass, newspaper, metal, and plastic. This does not include processing.

~~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,~~

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

~~through a community system, of any of the following: water, wastewater, stormwater 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 microturbines or photovoltaics.~~

UTILITY, MAJOR: Facilities for water and wastewater treatment and solid waste transfer stations, this includes distributed power utilities, and commercial wind turbines, or commercial photovoltaic arrays.

UTILITY, MINOR: ~~Facilities other than a major or distributed power utility, that include~~ing 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, sewer, stormwater, electricity, telephone, television, electronic data, and telecommunications excluding communication towers. Please see the definition for "communication towers."~~water system wells, wastewater lift stations, water pumping stations, water tanks and towers, stormwater control facilities, and water, wastewater, and stormwater drainage lines.~~

UTILITY, SMALL SCALE ENERGY PRODUCTION: ~~This definition includes small-scale wind and solar production facilities, for two or more of production and consumption.~~Non-commercial, small-scale renewable energy facilities, less than 1 MW of generating capacity, used for the production and consumption of energy on-site or nearby to where the end user is located. Sale of excess energy back to the grid is permitted.

Commented [CB17]: Re-worked definition

Vehicle Trade and Service

VEHICLE 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.~~

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

VEHICLE REPAIR: A place for ~~maintenance, service, and~~ repair of vehicles, ~~including~~ not limited to tires, transmissions and brakes, bodywork and painting, upholstery, engine repair, and overhauls.

VEHICLE 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 watercraft.

VEHICLE SERVICES: Servicing of vehicles such as oil changes and lubrication, tire repair and replacement, detailing, washing, polishing, or similar activities for vehicles.

(Ord. 3097, 4-7-2008; amd. Ord. 3104, 11-3-2008; Ord. 3112, 5-18-2009; Ord. 3129, 8-23-2010; Ord. 3148, 12-19-2011; Ord. 3254, 5-20-2019; Ord. _____, ___-__-202_.)

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. **Additional Density Restrictions:** 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 Requirements: General development requirements of this district are as follows:

a. **Development Permit Required:** Any and all construction on any parcel requires a development permit prior to construction.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

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

c. Stormwater Drainage: Natural drainageways may not be altered and construction is not permitted in drainageways 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. Stormwater Drainage:

(1) A stormwater drainage plan to be reviewed and approved by the City Engineer.

(2) Drainage easements with a minimum of twenty feet (20') on each side of the center of the drainageway 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

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

also show whether the development is or will be in a fire district of a fire service area. The plan must show how the design, construction, and maintenance will accomplish the following:

- (1) Structures must be located in such a manner as to minimize the potential for flame spread and to permit efficient access for firefighting equipment.
- (2) 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 drainageways 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>Percent Slope</u>	<u>Minimum Lot Size (Acres)</u>	
	<u>Open Grass</u>	<u>Forest and Brush</u>
10-20	2	3
20-30	3	4

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

4. Site Plan: Prior to issuance of a development permit, a detailed site plan must be submitted to the city building

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

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;
- 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.

CHAPTER
DAYCARE FACILITY

38

SECTION:

- [11-38-1](#): Intent
- [11-38-2](#): Definitions
- [11-38-3](#): Standards

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

11-38-1: INTENT:

No Change

11-38-2: DEFINITIONS:

For purposes of this chapter, the following definitions are applicable:

DAYCARE CENTER: A place in which supplemental ~~parental~~ care is provided on a regular basis for ~~thirteen (13)~~ ~~sixteen (16)~~ or more ~~children~~ persons.

DAYCARE FACILITY: A place registered or licensed by an agency of the state of Montana that provides supplemental care on a regular basis, operated by a public or private entity, including, but not limited to, the following: preschools, kindergartens, nursery schools, family daycare home, a daycare center, a group daycare home, day nurseries, adult daycare, and childcare centers.

FAMILY DAYCARE HOME: A private residence or other structure in which supplemental care is provided on a regular basis for ~~six (6)~~ ~~eight (8)~~ or fewer persons ~~; this number does not include any overlap care as permitted by the State of Montana.~~

GROUP DAYCARE HOME: A private residence or other structure in which supplemental ~~parental~~ care is provided on a regular basis for ~~seven (7) to twelve (12)~~ ~~nine (9) to fifteen (15)~~ ~~children~~ persons; ~~this number does not include any overlap care as permitted by the State of Montana.~~

OVERLAP CARE: Care provided at a daycare facility for children aged three (3) and older for the times before and after school for a designated period of time not to exceed three (3) hours when the number of children in care may exceed the number of children registered for care by the State of Montana.

SUPPLEMENTAL CARE: The provision by an adult of food, shelter, care, supervision, and/or learning experiences for one or more persons on a supplemental basis outside of the care receiver's home, by an adult other than a parent, on a regular basis for daily periods of less than twenty four (24) hours. (Ord. 2629, 1-27-1992; amd. Ord. 2856, 10-19-1998)

Commented [CB18]: Did not combine as recommended by ZC. Will wait for City Attorney opinion. Did add overlap care reference.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

11-38-3: STANDARDS:

Development standards, prior to locating group daycare homes and daycare centers ~~for children~~ in churches and schools in all zoning districts by right, are as follows:

A. Group daycare homes (~~7 to 12 children~~ nine (9) to fifteen (15) persons) and daycare centers (~~13 16 or more children~~ 16 or more persons) shall comply with all of the following development standards (subsections B1 through B7 of this section) to be permitted by right in churches and schools in any zoning district. New construction or expansion of churches and schools that may include group daycare homes or daycare centers shall comply with all applicable zoning requirements of that district.

B. Any group daycare home or daycare center located within a church or school that does not comply with all of the following development standards (subsections B1 through B7 of this section) shall be required to obtain a conditional use permit, including the payment of applicable fees. However, a CUP shall not be issued for group daycare homes or daycare centers that do not comply with life/safety development standards such as the uniform building code and uniform fire code requirements. (Ord. 2856, 10-19-1998)

1. ~~Registration or licensing if required by the state, including compliance~~ Compliance with all registration and/or licensing requirements of the State of Montana;

2. All daycare facilities shall comply with the child indoor/outdoor space requirements as specified by the state;

3. Five foot (5') high fencing shall be installed around the outdoor play area (if provided on site). Screening shall be installed around the outdoor play area to provide a noise buffer when abutting a residential use;

4. Conformance with the uniform fire code and uniform building code requirements, including, but not limited to, required exits, smoke alarms and fire extinguishers;

5. Well lighted building entrances to provide greater safety for the daycare clients in the early morning and evening hours during

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord.

the winter. Lighting shall not be directed or reflected upon any adjacent property;

~~6. Adequate, on site paved parking spaces and client drop off/pick up area as follows: one parking space for every two (2) employees, plus two (2) additional parking spaces, plus one loading space for every eight (8) clients;~~

7 6. All improvements shall be installed or be financially guaranteed in accordance with the provisions of subsection 11-21-3G of this title prior to issuance of an occupancy permit:

- a. Screening and fencing for the outdoor play area (if applicable);
- b. Uniform fire code and uniform building code requirements, including required exits, smoke alarms and fire extinguishers; and
- c. On site paved parking spaces and client drop off/pick up area.

8 7. The care provider shall obtain a city business license and an occupancy permit prior to operation. (Ord. 2629, 1-27-1992)