

**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 conditional use process.                          |
| NP  | = | The use is not permitted in the district.  |

TABLE 1

PRINCIPAL LAND USES BY DISTRICT

| Use   | OSR | R-U | R-1/<br>R-2 | R-3 | R-4/<br>R-O | B-1 | B-2 | B-3 | DT | TR | CLM | M-I | PLI | Airport | Supplemental Requirements   |
|---|-----|-----|-------------|-----|-------------|-----|-----|-----|----|----|-----|-----|-----|---------|---|
| Use   | OSR | R-U | R-1/<br>R-2 | R-3 | R-4/<br>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<br>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<br>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 of this chapter<br>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter  |
| Community residential facility, type II, 13 or more residents | NP  | CUP | CUP         | CUP | P           | P   | P   | P   | P  | P  | CUP | NP  | P   | NP      | B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter<br>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter  |
| 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      | B-2, B-3, CLM and M-I Districts, see subsection 11-2-5C of this chapter<br>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter   |
| Residence, two-dwelling units                                 | CUP | P   | P           | P   | P           | P   | P   | P   | P  | P  | P   | NP  | NP  | NP      | B-3, CLM, and M-I Districts, see subsection 11-2-5C of this chapter<br>R-U District, stand alone single or duplex structures<br>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter<br>R-U District, stand alone single or duplex structures |
| 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 11-2-5C and 11-2-5D 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 11-2-5H of this chapter  |
| Marijuana sales/operations:                                   |     |     |             |     |             |     |     |     |    |    |     |     |     |         |   |
| Cultivation   | NP  | NP  | NP          | NP  | NP          | NP  | NP  | NP  | NP | NP | P   | P   | NP  | NP      | See subsection 11-2-5(l) of this chapter  |
| Dispensary  | NP  | NP  | NP          | NP  | NP          | P   | P   | P   | P  | NP | P   | P   | NP  | NP      | See subsection 11-2-5(l) of this chapter  |
| Manufacturer  | NP  | NP  | NP          | NP  | NP          | NP  | NP  | NP  | NP | NP | NP  | P   | NP  | NP      | See subsection 11-2-5(l) of this chapter  |
| Testing Laboratory  | NP  | NP  | NP          | NP  | P           | P   | P   | P   | P  | P  | P   | P   | NP  | NP      | See subsection 11-2-5(l) of this chapter  |
| Transporter facility  | NP  | NP  | NP          | NP  | NP          | NP  | NP  | NP  | NP | NP | NP  | P   | NP  | NP      | See subsection 11-2-5(l) of this chapter  |
| 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  | CUP | NP  | NP  | NP  | CUP | CUP | P   | NP    |   |
| Community center                             | NP  | NP  | NP  | NP  | NP  | 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 | CUP | CUP | NP  | CUP | NP    |   |
| Public safety facility                       | CUP | CUP | CUP | CUP | CUP | P   | P   | P   | P   | P   | P   | P   | P   | P     |   |
| Worship facility                             | NP  | P   | CUP | CUP | 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    |   |
| 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  | CUP | NP  | NP  | NP    | See chapter 40 of this title  |
| Restaurant                                   | NP  | P   | NP  | NP  | P   | P   | P   | P   | P   | P   | CUP | NP  | NP  | P/CUP | Airport District, see subsection 11-2-5F2 of this chapter   |
| Restaurant, drive-in                         | NP  | NP  | NP  | NP  | NP  | NP  | P   | P   | NP  | NP  | NP  | NP  | NP  | NP    |   |
| Specialized food production                  | NP  | NP  | NP  | NP  | NP  | P   | P   | P   | P   | P   | P   | P   | NP  | NP    |   |
| Tavern                                       | NP  | NP  | NP  | NP  | NP  | NP  | P   | P   | P   | P   | CUP | NP  | NP  | P/CUP | Airport District, see subsection 11-2-5F2 of this chapter; PLI District, see subsection 11-2-5E of this chapter |
| Healthcare:                                  |     |     |     |     |     |     |     |     |     |     |     |     |     |       |   |
| Healthcare center                            | NP  | P   | NP  | NP  | P   | P   | P   | P   | P   | P   | NP  | NP  | NP  | NP    |   |
| Healthcare facility                          | NP  | CUP | NP  | NP  | CUP | CUP | P   | P   | P   | P   | NP  | NP  | P   | NP    |   |
| Industrial/manufacturing:                    |     |     |     |     |     |     |     |     |     |     |     |     |     |       |   |
| 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 | NP  | NP    |   |
| Overnight accommodations:                    |     |     |     |     |     |     |     |     |     |     |     |     |     |       |   |
| Bed and breakfast                            | CUP | CUP | CUP | CUP | CUP | P   | P   | P   | P   | P   | NP  | NP  | NP  | NP    |   |
| Campground/RV park                           | NP  | NP  | NP  | NP  | NP  | NP  | CUP | NP  | NP  | NP  | CUP | NP  | NP  | NP    |   |
| Country inn                                  | NP  | CUP | NP  | CUP | CUP | P   | P   | P   | P   | P   | NP  | NP  | NP  | NP    |   |
| Emergency shelter                            | NP  | CUP | NP  | NP  | CUP | CUP | CUP | CUP | CUP | CUP | CUP | NP  | CUP | NP    |   |
| Hotel/motel                                  | NP  | NP  | NP  | NP  | NP  | CUP | P   | P   | P   | P   | NP  | NP  | NP  | CUP   |   |
| Recreation, indoor:                          |     |     |     |     |     |     |     |     |     |     |     |     |     |       |   |
| Indoor entertainment, sports and recreation  | NP  | CUP | NP  | NP  | CUP | P   | P   | P   | P   | P   | P   | P   | NP  | 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 | CUP | P   | P   | CUP | CUP | P   | CUP   |   |
| 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 11-2-5G 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  | NP    | B-1 District, see subsection 11-2-5B of this chapter  |
| 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  | P   | P   | P   | P  | P  | P   | NP  | NP  | NP  | B-1 District, see subsection 11-2-5B of this chapter     |
| 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 11-2-5H of this chapter                   |
| 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  | CUP | CUP | P   | P   | P   | P  | P  | P   | P   | NP  | NP  |  |
| Commercial kennel                             | NP | NP  | NP  | NP  | NP  | CUP | CUP | 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 or more children)          | NP | CUP | CUP | CUP | CUP | P   | P   | P   | P  | P  | CUP | NP  | P   | CUP | See chapter 38 of this title                             |
| Daycare, family                               | P  | P   | P   | P   | P   | P   | P   | P   | P  | P  | CUP | NP  | NP  | NP  |  |
| Daycare, group                                | P  | P   | P   | P   | P   | P   | P   | P   | P  | P  | CUP | NP  | NP  | NP  |  |
| Financial services                            | NP | CUP | NP  | NP  | CUP | 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/professional services                 | NP | P   | NP  | CUP | P   | P   | P   | P   | P  | P  | P   | NP  | NP  | NP  |  |
| 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   |  |
| Ministorage facility                          | NP | NP  | NP  | NP  | NP  | NP  | CUP | CUP | NP | NP | P   | P   | NP  | NP  |  |
| Warehouse                                     | NP | NP  | NP  | NP  | NP  | NP  | CUP | NP  | NP | NP | P   | P   | 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  |  |
| 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 11-2-5F of this chapter |
| Bus terminal                                  | NP | NP  | NP  | NP  | NP  | CUP | P   | P   | P  | NP | P   | NP  | CUP | NP  |  |
| Freight terminal                              | NP | NP  | NP  | NP  | NP  | NP  | NP  | NP  | NP | NP | P   | P   | NP  | P   |  |
| Parking lot                                   | NP | CUP | CUP | CUP | 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 | CUP | P  | P  | P   | P   | P   | P   |  |
| Railroad yard                                 | NP | NP  | NP  | NP  | NP  | NP  | NP  | NP  | NP | NP | P   | P   | NP  | NP  |  |
| Utilities:                                    |    |     |     |     |     |     |     |     |    |    |     |     |     |     |  |
| Composting                                    | NP | NP  | NP  | NP  | NP  | NP  | NP  | NP  | NP | NP | P   | P   | NP  | NP  |  |
| Recycling                                     | NP | NP  | NP  | 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   | P   | P   | P   |  |
| Utility, major                                | NP | NP  | NP  | NP  | NP  | NP  | NP  | NP  | NP | NP | NP  | P   | P   | NP  | See subsection 11-2-5H of this chapter                   |
| Utility, minor                                | P  | P   | P   | P   | P   | P   | P   | P   | P  | P  | P   | P   | P   | P   | See subsection 11-2-5H of this chapter                   |
| Vehicle trade and service:                    |    |     |     |     |     |     |     |     |    |    |     |     |     |     |  |
| Vehicle fuel sales                            | NP | NP  | NP  | NP  | NP  | NP  | P   | NP  | P  | NP | P   | NP  | NP  | NP  | Airport District, see subsection 11-2-5F of this chapter |
| Vehicle repair                                | NP | NP  | NP  | NP  | NP  | NP  | CUP | NP  | P  | NP | P   | P   | NP  | NP  |  |

|                          |    |    |    |    |    |    |   |    |   |    |   |    |    |    |  |
|--------------------------|----|----|----|----|----|----|---|----|---|----|---|----|----|----|--|
| Vehicle sales and rental | NP | NP | NP | NP | NP | NP | P | NP | P | NP | P | NP | NP | P  | Airport District, see subsection 11-2-5F of this chapter |
| Vehicle services         | NP | NP | NP | NP | NP | NP | P | NP | P | NP | P | P  | NP | NP |  |

(Ord. 3222, 9-26-2016; amd. Ord. 3254, 5-20-2019; amd. Ord. 3256, 6-24-2019)

**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 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:

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, 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.
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.

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.

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**

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.

**Marijuana Sales/Operations:**

CANOPY: The total amount of square footage dedicated to live plant production at a licensed premises consisting of the area of the floor, platform, or means of support or suspension of the cannabis plant.

CULTIVATION: The planting, growing, harvesting, and drying of cannabis and the packaging and relabeling marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale.

CULTIVATION FACILITY: A single facility licensed by the State of Montana in which the cultivation of cannabis is conducted.

DISPENSORY: A licensed premises from which a person licensed by the State of Montana may obtain marijuana products from a licensed cultivator, manufacturer, or dispensary and sell marijuana or marijuana products to registered card holders, adults that are 21 years or older of age or older, or both.

MANUFACTURER: A person licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repack, label, or relabel marijuana products.

TESTING LABORATORY: A qualified and licensed person by the State of Montana who provides testing of representative samples of marijuana and marijuana products and provides information regarding the chemical composition and potency of a sample, as well as the presences of mold, pesticides, or other contaminants in a sample.

TRANSPORTER FACILITY: A licensed person and related facility used in the transportation of marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises but is not authorized to sell marijuana or marijuana products to consumers.

**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 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.

**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.

**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.

#### 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, 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.

#### Healthcare

**HEALTHCARE CENTER:** A place providing medical services for prevention, diagnosis, treatment, or rehabilitation, including dental clinics, doctors' offices, and outpatient medical facilities.

**HEALTHCARE 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.

**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.

**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 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.

**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.

**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

**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

**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 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

**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.

**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.

**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 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 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 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.

**GENERAL AND PROFESSIONAL SERVICES:** 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.

**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 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

**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.

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

#### 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 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 parking of motor vehicles.

**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

**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.

**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, 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.

**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, stormwater control facilities, and water, wastewater, and stormwater drainage lines.

#### 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, bodywork 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 watercraft.

**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)

### **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.

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 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:

(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:

| Percent Slope | Minimum Lot Size (Acres) |                  |
|---------------|--------------------------|------------------|
|               | Open Grass               | Forest And Brush |
| 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 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.

C. B-2, B-3, DT, CLM, And M-I Districts; Residential Uses: Residential uses in the B-2, B-3, DT, CLM, and M-I Districts are permitted by right in 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. For Downtown and Transitional Residential Districts supplemental requirements refer to Chapter 9.

E. PLI District: Taverns that are accessory to a permitted use in the PLI district are permitted.

F. 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.

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

H. Public Hearing On Placement Of Facilities: 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 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.

I. ~~Medical Marijuana Dispensaries And Medical Marijuana Grow Operations~~ Marijuana Sales and Operations:

### ~~1. — 1. Distance and Location~~

~~a. Any business engaged in the sale of marijuana or marijuana products shall not be located:~~

~~1) Within five hundred (500) feet straight line distance from the closest edge of the premises to the closest boundary of a property of a public or private K-12 school and any daycare facility.~~

~~b. Any business engaged in the cultivation or manufacture of marijuana or marijuana products shall not be located:~~

~~1) Within one thousand (1,000) feet straight line distance from the closest edge of the premises to the closest boundary of a property of a public or private K-12 school and any daycare facility.~~

~~2) Within one thousand (1,000) feet straight line distance from the closest edge of the premises to the closest boundary of a property zoned R-U, R-1/R-2, R-3, or R-4/R-O.~~

~~3) Within five hundred (500) feet straight line distance from the closest edge of the premises to the closest boundary of any public building, facility, or park owned and operated by the City of Helena.~~

~~4) Within five hundred (500) feet straight line distance from the closest edge of the premises to the closest boundary of any building used exclusively as a church, synagogue, or other place of worship.~~

~~— For purposes of this subsection, the term school property has the definition as defined in section 11-40-2 of this title.~~

~~— 2— A medical marijuana dispensary cannot be located within five hundred feet (500') straight line distance from the closest exterior edge of a medical marijuana dispensary premises to the closest boundary of school property.~~

~~3— A medical marijuana grow operation cannot be located within one thousand feet (1,000') straight line distance from the closest exterior edge of a medical marijuana grow operation premises to the closest boundary of school property or any property zoned R-U, R-1/R-2, R-3, or R-4/R-O.~~

### 2. Cultivation Facilities

a. Any cultivation facility with a total canopy area up to 1,000 square feet may be a permitted use by right in a CLM zoning district.

b. Any cultivation facility with a canopy area greater than 1,000 square feet shall be located in the M-I zoning district.

c. All cultivation operations must be located indoors, and marijuana plants may not be visible by normal unaided vision from the exterior of the facility.

d. All marijuana plants must be located in a secured and locked space.

### 3. Air Discharge

a. Any marijuana cultivation or manufacturing facility must provide a forced air vent discharge point that provides a mechanical filtration system to control discharges of particulates and odors.



4. Existing medical marijuana dispensaries and grow operations

- a. All medical marijuana dispensaries and grow operations within the city limits that are duly licensed and authorized to conduct a medical marijuana dispensary or grow operation by the city and State of Montana before the effective date of the adopting ordinance from which this section derives are exempt from the above requirements and may continue to operate either as a medical marijuana facility or as a newly state licensed non-medical facility in the established location at the size and capacity as originally licensed.
- b. Where a change in permitted zoning districts by the adoption of the amending ordinance causes the existing facility to be considered non-conforming, said operation may continue to conduct both the medical operation, or as a non-medical facility, in the originally established location and at the size and capacity as originally licensed.

(Ord. 3097, 4-7-2008; amd. Ord. 3254, 5-20-2019; amd. Ord. 3256, 6-24-2019)