

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3164

AN ORDINANCE DEFINING CERTAIN LAND AS UNSUITABLE FOR SUBDIVISION  
BY AMENDING TITLE 12, CHAPTER 1 OF THE HELENA CITY CODE

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

Title 12, Chapter 1, Title, Purpose, Definitions, of the  
Helena City Code is hereby amended as follows:

### CHAPTER 1

#### TITLE, PURPOSE, DEFINITIONS

##### SECTION:

12-1-1: Title  
12-1-2: Purpose Of The Subdivision Review Process  
12-1-3: Authority  
12-1-4: Jurisdiction  
12-1-5: Relationship To Zoning Ordinance  
12-1-6: Lands Unsuitable For Subdivision Development  
12-1-7: Subdivisions For Building Purposes Prohibited  
12-1-68: Definitions

**12-1-1: TITLE:** No change.

**12-1-2: PURPOSE OF THE SUBDIVISION REVIEW PROCESS:**

A. The purpose of this title is to establish a subdivision review process that is designed to achieve the objectives of the Montana subdivision and platting act, title 76, chapter 3, Montana Code Annotated. The process of dividing land into parcels is a necessary and important function in the growth of a community. When, where, and how development occurs establishes land division patterns for

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the community that will last for generations. The subdivision review process allows the community to take a close look at proposed developments before final action by the governing body. Subdivision reviews should be guided by the city ~~comprehensive plan~~ growth policy.

B. No change. (Ord. 2913, 8-13-2001; amd. Ord. 3164, 09-23-2013)

**12-1-3: AUTHORITY:** No change.

**12-1-4: JURISDICTION:** No change.

**12-1-5: RELATIONSHIP TO ZONING ORDINANCE:** Newly subdivided or replatted lands ~~shall~~ must conform to the requirements and provisions of the underlying zone as provided in the zoning ordinance, title 11 of this code, as amended. This title shall apply to any and all areas under the jurisdiction of the city. (Ord. 2913, 8-13-2001; amd. Ord. 3164, 09-23-2013)

**12-1-6: LANDS UNSUITABLE FOR SUBDIVISION DEVELOPMENT:** The following areas, due to natural or human-caused hazards, are unsuitable for subdivision development and may not be subdivided unless the hazards can be eliminated or overcome by approved construction techniques or other mitigation measures authorized by state law:

- A. Areas subject to flooding or that have high groundwater.
- B. Areas that have geological hazards, such as rockslides, faults, cliffs, and landslides.
- C. High fire risk areas.
- D. Subsidence associated with tunnels or mine shafts.
- E. Areas with high voltage power lines or high pressure gas lines.

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F. Areas containing toxic or hazardous waste. (Ord. 3164, 09-23-2013)

**12-1-7: Subdivisions For Building Purposes Prohibited:**  
Subdivisions for building purposes located within the floodway of a flood of 100-year frequency as defined by Title 76, chapter 5, Montana Code Annotated, are prohibited. (Ord. 3164, 09-23-2013)

**12-1-68: DEFINITIONS:** Whenever the following words or phrases appear in this title, they shall be given the meanings attributed to them by this section. Unless otherwise specified, the definitions in section 76-3-103, Montana Code Annotated, apply to this title.

ALLEY: A dedicated public right of way ~~which~~ that provides only a secondary means of access to property and is not intended for general travel.

BOARD OR PLANNING BOARD: The official appointed consolidated planning board.

~~COMPREHENSIVE PLAN: Any comprehensive plan, general plan, growth policy or master plan or any parts thereof, or any refinement or update approved by the city as defined in section 76-1-601, Montana Code Annotated.~~

DEAD END STREET: A street in which both ingress and egress to an area are restricted to the use of one street.

EASEMENT: An interest in land owned by another person, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose.

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INTERMITTENT STREAM:

A stream or part of a stream that is below the water table for at least some part of the year and that obtains its flow from both groundwater discharge and surface runoff.

LOT:

A single parcel or plot of land shown on a plat ~~as~~ and intended for individual ownership.

PERENNIAL STREAM:

A stream or part of a stream that, under normal precipitation conditions, flows throughout the year. Streams that are dewatered during part of the year by withdrawals, but would otherwise flow throughout the year without the withdrawals, are perennial streams.

RIGHT OF WAY:

A strip of land dedicated or reserved for use as a public way.

STREET:

A public thoroughfare or right of way which affords the principal means of access to property.

VICINITY MAP:

A small scale map showing the location of a tract of land in relation to a larger land area.

WATERCOURSE:

~~Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, wash, or any depression two feet (2') or more below the surrounding land in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks, and includes any area~~

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~~adjacent thereto subject to  
inundation by reason of overflow  
or floodwater.~~ (Ord. 2913, 8-13-  
2001; amd. Ord. 2972, 9-8-2003;  
amd. Ord. 3164, 09-23-2013)

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 14<sup>th</sup> DAY OF JANUARY, 2013.

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 23<sup>rd</sup> DAY OF SEPTEMBER, 2013.

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION