

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3167

AN ORDINANCE REVISING SUBDIVISION DESIGN STANDARDS AND  
REQUIRED PUBLIC IMPROVEMENTS BY AMENDING TITLE 12,  
CHAPTER 4, OF THE HELENA CITY CODE

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

Title 12, Chapter 4, Design Standards; Improvements, of the  
Helena City Code is hereby amended as follows:

### CHAPTER 4

#### ~~DESIGN STANDARDS;~~ PUBLIC IMPROVEMENTS

##### SECTION:

- 12-4-1: ~~Design Standards~~ Applicability
- 12-4-2: ~~General Requirements For Streets~~
- ~~12-4-3: Standards For Street Types~~
- 12-4-43: Street Grades
- ~~12-4-5: Driveway And Private Drive Standards~~
- 12-4-64: Alleys
- 12-4-75: Easements
- ~~12-4-8: Watercourses~~
- 12-4-96: Blocks And Lots
- 12-4-7: Water Supply And Wastewater Disposal
- 12-4-8: Grading And Drainage Facilities
- 12-4-9: Solid Waste Disposal
- 12-4-10: Special Development Designation
- 12-4-11: ~~Public Improvements~~ Watercourses, Waterbodies, And Wetlands
- ~~12-4-12: Building Permits After Installation Of Public Improvements~~
- ~~12-4-13: Installation Of Options~~
- ~~12-4-14: Performance Bond; Time Limit~~
- 12-4-152: ~~Park And Open Space Requirement~~ Dedication

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**12-4-1: DESIGN STANDARDS APPLICABILITY:** ~~The design standards and improvement installation criteria of this chapter apply to public improvements required for development on lots created by any plat, certificate of survey, subdivision dedication or amendment thereto.~~ The provisions of this chapter apply to public improvements required as a result of the approval or conditional approval of any subdivision. (Ord. 2913, 8-13-2001; amd. Ord. 3167, 09-23-2013)

**12-4-2: GENERAL REQUIREMENTS FOR STREETS:** This section is deleted in its entirety and the following placed in lieu thereof:

A. The minimum right of way width for each type of street is as follows:

1. Forty eight feet (48') for local access streets with less than two thousand (2,000) vehicle trips a day that do not permit on-street parking or for lots that also have an alley abutting the lots along the 48' right of way.

2. Sixty feet (60') for local access streets with less than two thousand (2,000) vehicle trips a day.

3. Seventy-six feet (76') for collector streets with two thousand (2,000) to five thousand (5,000) vehicle trips a day.

4. One hundred feet (100') for minor arterial streets with five thousand (5,000) to fifteen thousand (15,000) vehicle trips a day.

5. One hundred twenty feet (120') for major/principal arterial streets with over fifteen thousand (15,000) vehicle trips a day.

Streets must be designed according to standards and requirements of the city, including, but not limited to, the city's policy as reflected in Resolution No. 19799, requiring that the planning, design, and construction of streets work toward the goal of making streets in Helena complete streets.

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- ~~B.~~ Consistent with the City of Helena resolution on complete streets, each public street right-of-way must accommodate and coordinate all modes of transportation, both motorized and non-motorized, and people of all ages and abilities.
- ~~CB.~~ Public rights of way that are dedicated to the city must be designed according to the standards and requirements of the city.
- ~~BC.~~ Blocks may not exceed six hundred feet (600') in length except when a longer length is needed to meet grade limitations, the existing built environment, water bodies or railroad crossings, or industrial uses.
- ~~ED.~~ Except for dead-end streets, public street rights of way must have through public right of way accesses that connect with existing public streets as follows:
1. Each subdivision with a projected trip generation of more than two hundred (200) vehicle trips per day must have a minimum of two (2) public right of way accesses for ingress and egress.
  2. Additional public right of way accesses may be required when need is demonstrated for adequate emergency access and evacuation, to accommodate travel distances associated with the size of the property, and to improve connectivity with surroundings properties.
- ~~FE.~~ Dead-end streets are allowed only when the applicant can demonstrate a dead-end street is necessary due to compelling circumstances such as enhancement of safety, compliance with the complete streets Resolution No. 19799, topography constraints, mitigating disturbance of existing watercourses, mitigation of access obstructions, or a temporary dead-end street intended for future extension. Dead-end streets may not exceed six hundred feet (600') in total length. Dead-end streets longer than one hundred and fifty feet (150') must have an emergency turnaround designed and installed according to the standards and requirements of the city. (Ord. 2972, 9-8-2033; amd. Ord. 3167, 09-23-2013)

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~~12-4-3: STANDARDS FOR STREET TYPES:~~ This section is deleted in its entirety.

**12-4-43: STREET GRADES:**

A. The maximum grade for:

1. Streets is ten percent (10%), except as otherwise provided in this section; and

2. An intersection, the fifty feet (50') of street approach prior to an intersection, and emergency turnaround is four percent (4%). (The measurement of a street approach to an intersection is taken from where the projected curbs intersect.)

B. Variances from the maximum street grade may not be granted by the city commission. (Ord. 2972, 9-8-2003; amd. Ord. 3167, 09-23-2013)

~~12-4-5: DRIVEWAY AND PRIVATE DRIVE STANDARDS:~~ A lot requiring a driveway or private drive connection must be laid out and designed to accommodate a driveway or private drive built in accordance with title 7, chapter 5 of this code.

**12-4-64: ALLEYS:**

A. Alleys may be provided for service access, off street loading, solid waste collection, and utility installation.

B. Any alley within a subdivision ~~shall conform to the following:~~ must be a minimum of twenty feet (20') of dedicated public right of way and designed to avoid alley to alley intersections, sharp changes in alignment, and dead ends.

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- ~~1. A minimum right of way width of twenty feet (20'); and~~
  - ~~2. Alley to alley intersections, sharp changes in alignment and dead end alleys shall be avoided.~~
- C. Alley grades are subject to review and approval by the public works department. (Ord. 2913, 8-13-2001; amd. Ord. 3167, 09-23-2013)

### **12-4-75: EASEMENTS:**

- A. Easements must be provided granted to the city for city water and wastewater utilities, storm water facilities utilities, drainage, and vehicle and pedestrian non-motorized access facilities that ~~is~~ are not located in dedicated public rights of way.
- B. City Utility easements that are not adjacent to dedicated public rights of way must have a minimum width of twenty feet (20') and ~~when established on a lot line must be centered on the lot line.~~ Easements adjacent to dedicated rights of way must be at least ten feet (10') wide.
- C. The subdivider must describe and show all easements that are to be granted and dedicated to the city for the placement and access of utilities on the final plat. (Ord. 2913, 8-13-2001; amd. Ord. 3167, 09-23-2013)

~~**12-4-8: WATERCOURSES:** Where a subdivision is traversed by a watercourse, the developer must provide sufficient easements for the protection and preservation of that watercourse and for alternative diversions and course alterations. The easement must conform substantially with the lines of the watercourse and be of an adequate and safe width.~~

### **12-4-96: BLOCKS AND LOTS:**

- A. ~~The length, width and shape of blocks shall be designed to:~~

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- ~~1. Provide sufficient width for two (2) tiers of lots; and~~
  - ~~2. Unless terrain or other factors dictate to the contrary, where blocks are used they shall be at least four hundred feet (400') in length. Every lot must be adjacent to a street public right of way.~~
- B. ~~Lots: The lengths, widths and shape of lots shall be designed to:~~
- ~~1. Provide every lot access to a public street by frontage, private drive or easement~~
  - ~~2. Avoid double frontage lots except where essential to provide separation of residential developments from arterials, or to overcome specific disadvantages of topographic or other physical features; and~~
  - ~~3. Provide lots meeting or exceeding the minimum standards as specified by the zoning in effect for the area to be subdivided When there is an existing structure on a proposed lot, the lot must meet district dimensional standards as specified in title 11 to accommodate the existing structure. (Ord. 2913, 8-13-2001; amd. Ord. 3167, 09-23-2013)~~

## **12-4-7: WATER SUPPLY AND WASTEWATER DISPOSAL:**

- A. The water distribution system must be designed to connect to the existing city water distribution system and provide each lot with water service. The water system must be designed according to standards and requirements of the City.
- B. The wastewater collection system must be designed to connect to the city wastewater treatment plant and to provide each lot with wastewater service. The water system must be designed according to standards and requirements of the City. (Ord. 3167, 09-23-2013)

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## 12-4-8: GRADING AND DRAINAGE FACILITIES:

- A. The subdivider shall include provisions for grading in the subdivision design that meet the minimum requirements of the City.
- B. Grading shall be subject to approval by the City Public Works Department. Grading must not proceed on property intended for subdivision until city approval of a grading plan.
- C. For earthwork, including cut and fill for installation of public improvements, whether on public or privately owned property, protective slope measures, when required after completion of improvement project, must be used. The protective measures following earthwork must mitigate erosion, storm water runoff and demonstrate long term soil stabilization to levels equal to or better than what existed prior to the earthwork. (Ord. 3167, 09-23-2013)

## 12-4-9: SOLID WASTE DISPOSAL:

- A. The subdivider shall include provisions for collection and disposal of solid waste in the subdivision design that meet the minimum requirements of the city.
- B. The subdivision must be designed to provide access for the collection and disposal of solid waste for city provided solid waste services. (Ord. 3167, 09-23-2013)

## 12-4-10: SPECIAL DEVELOPMENT DESIGNATION:

- ~~A. Any portion of a lot that has an existing slope of twenty five percent (25%) or more, as measured in five foot (5') contour intervals, must be designated on the final plat as a special development area.~~
- ~~B. A special development area may not be excavated or be subject to earthwork including cut and fill without prior city review and approval of a mitigation plan. (Ord. 2913, 8-13-2001; amd. Ord. 3167, 09-23-2013)~~

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12-4-11: ~~PUBLIC IMPROVEMENTS:~~ This section is deleted in its entirety and the following placed in lieu thereof:

## WATERCOURSE, WATERBODIES AND WETLANDS:

A. Watercourses, waterbodies, and wetlands are a vital natural resource. These water systems provide animal, aquatic and plant habitat and facilitate recharging aquifers.

Vegetative buffers, riparian setback areas, and wetlands are crucial in maintaining these water systems which filter contaminants and sediments to improve water quality, provide wildlife habitat, space for watercourse migration, and natural flood control. Subdivisions adjacent to these features can have an impact on these functions.

B. A minimum of 75 feet of vegetative buffer is required on each side of a perennial stream as measured from the ordinary high water mark on a horizontal plane. A minimum of 50 feet of vegetative buffer is required on all sides of a wetland, pond, lake, reservoir, or intermittent stream which is tributary to a perennial stream, as measured from the ordinary high water mark on a horizontal plane. Existing vegetation in those areas may not be disturbed or removed, except as needed to control noxious weeds, reduce accumulated fuels for fire protection, to remove individual trees that pose an imminent physical danger to people or property, or to construct city approved public infrastructure.

C. Buildings, structures, or any impervious area may not be placed or constructed within 200 feet from the ordinary high water mark of a perennial stream as measured on a horizontal plane, or 100 feet from the ordinary high water mark of a wetland, pond, lake, reservoir, or intermittent stream which is tributary to a perennial stream, as measured on a horizontal plane, except city approved public infrastructure is permitted with these setbacks.

D. Where wetlands are present, the subdivider must retain a qualified wetland professional to determine the wetland's boundary in accordance with the most current wetlands

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delineation manual sanctioned by the U.S. Army Corps of Engineers - Omaha District. (Ord. 3167, 09-23-2013)

~~12-4-13: INSTALLATION OPTIONS:~~ This section is deleted in its entirety.

~~12-4-14: PERFORMANCE BOND; TIME LIMIT:~~ This section is deleted in its entirety.

~~12-4-152: PARK AND OPEN SPACE REQUIREMENT DEDICATION:~~

- A. Park land dedication must be consistent with the city's comprehensive parks, recreation, and open space plan.
- B. A subdivider shall provide a park dedication or a cash donation, land donation, or a combination of both to the City in compliance with the Montana Subdivision and Platting Act and this section.
- C. Park dedication is required for all subdivisions, including first and subsequent minor subdivisions that create 3 or more lots, when the land being subdivided is located within a zoning district that allows residential uses by right.
- D. Storm water and drainage facilities may be located within donated park land if site and design plans are approved by the city commission. Such areas count toward the park land dedication requirement if they are designed and installed by the subdivider to serve as an amenity to the park and fit into the planned uses and improvements to the park.  
(Ord. 2913, 8-13-2001; amd. Ord. 3167, 09-23-2013)

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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