

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3222

AN ORDINANCE AMENDING SECTIONS 11-2-2, 11-2-3, AND 11-4-2(E) OF THE HELENA CITY CODE TO INCLUDE THE INTENT, THE PERMITTED USES, CONDITIONAL USES, AND USES NOT PERMITTED IN THE DISTRICT DIMENSIONAL STANDARDS FOR R-U (RESIDENTIAL-URBAN) DISTRICTS

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

Section 11-2-2 of the Helena City Code is hereby amended as follows:

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

A. The OSR (open space/residential) district . . .

E. The R-U (residential-urban) Districts provide for stand-alone single or duplex structures, and a compatible mix of professional and business offices and associated service uses.

EF. The B-1 . . .

FG. The B-2 . . .

GH. The B-3 . . .

HI. The CLM . . .

IJ. The M-I . . .

JK. The PLI . . .

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KL. The T . . .

LM. The airport . . . . (Ord. 3097, 4-7-2008; amd. Ord. \_\_\_\_\_, \_\_-\_\_-2016)

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.

Use	OSR	<b>RU</b>	R-1/R-2	R-3	R-4/R-O	B-1	B-2	B-3	CLM	M-I	PLI	Airport	Supplemental Requirements
<b>RESIDENTIAL USES:</b>													
Boarding/rooming house, 1-3 residents	P	<b>P</b>	P	P	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM and M-I districts, see subsection <a href="#">11-2-5C</a> of this chapter
Boarding/rooming house, 4-20 residents	NP	<b>NP</b>	NP	NP	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM and M-I districts, see subsection <a href="#">11-2-5C</a> of this chapter
Community residential facility, type I, 1-12 residents	P	<b>P</b>	P	P	P	P	P	P	CUP	NP	NP	NP	

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Community residential facility, type II, 13 or more residents	NP	<b>CUP</b>	CUP	CUP	P	P	P	P	CUP	NP	P	NP	
Mobile home park	NP	<b>CUP</b>	CUP	CUP	P	CUP	CUP	NP	NP	NP	NP	NP	See <a href="#">chapter 7</a> of this title
Residence, single-dwelling unit	P	<b>P</b>	P	P	P	P	P	P	P	P	NP	NP	B-2, B-3, CLM and M-I districts, see subsection <a href="#">11-2-5C</a> of this chapter
Residence, two-dwelling units	CUP	<b>P</b>	P	P	P	P	P	P	P	NP	NP	NP	B-2, B-3 and CLM districts, see subsection <a href="#">11-2-5C</a> of this chapter  <b>RU District, Stand-alone single or duplex structures</b>
Residence, multiple-dwelling units (3 or more units)	NP	<b>NP</b>	CUP	P	P	P	P	P	CUP	NP	NP	NP	
<b>NONRESIDENTIAL USES:</b>													
Agricultural Uses:													
Horticulture	P	<b>P</b>	P	P	P	P	P	P	P	P	P	P	
Community Services/Uses:													
Administrative government agency	NP	<b>P</b>	NP	NP	P	P	P	P	P	NP	P	P	
Animal shelter	NP	<b>NP</b>	NP	NP	NP	NP	CUP	NP	CUP	CUP	P	NP	
Community center	NP	<b>NP</b>	NP	NP	NP	P	P	P	P	NP	P	NP	

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Community cultural facility	NP	<b>CUP</b>	CUP	CUP	CUP	P	P	P	NP	NP	P	P	
Correctional facility	NP	<b>NP</b>	NP	NP	NP	NP	NP	NP	CUP	CUP	CUP	NP	
Prerelease center	NP	<b>NP</b>	NP	NP	NP	CUP	CUP	CUP	CUP	NP	CUP	NP	
Public safety facility	CUP	<b>CUP</b>	CUP	CUP	CUP	P	P	P	P	P	P	P	
Worship facility	NP	<b>P</b>	CUP	CUP	P	P	P	P	P	NP	P	NP	
Education:													
Higher education	NP	<b>CUP</b>	CUP	CUP	CUP	CUP	CUP	CUP	P	NP	P	NP	
Instructional facility	NP	<b>P</b>	NP	NP	P	P	P	P	P	P	P	P	
K-12	NP	<b>CUP</b>	CUP	CUP	CUP	CUP	CUP	CUP	CUP	NP	P	NP	
Food And Beverage Sales:													
Casino	NP	<b>NP</b>	NP	NP	NP	NP	CUP	CUP	CUP	NP	NP	NP	See chapter 40 of this title.
Restaurant	NP	<b>P</b>	NP	NP	P	P	P	P	CUP	NP	NP	P/CUP	Airport district, see subsection <a href="#">11-2-5E2</a> of this chapter
Restaurant, drive-in	NP	<b>NP</b>	NP	NP	NP	NP	P	P	NP	NP	NP	NP	
Specialized food production	NP	<b>NP</b>	NP	NP	NP	P	P	P	P	P	NP	NP	
Tavern	NP	<b>NP</b>	NP	NP	NP	NP	P	P	CUP	NP	NP	P/CUP	Airport district, see subsection <a href="#">11-2-5E2</a> of this chapter; PLI district, see

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subsection [11-2-5D](#) of this chapter

Healthcare:														
Healthcare center	NP	<u>P</u>	NP	NP	P	P	P	P	NP	NP	NP	NP		
Healthcare facility	NP	<u>CUP</u>	NP	NP	CUP	CUP	P	P	NP	NP	P	NP		
Industrial/Manufacturing:														
Contractor yard	NP	<u>NP</u>	NP	NP	NP	NP	CUP	NP	P	P	NP	NP		
Industrial, heavy	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP		
Industrial, light	NP	<u>NP</u>	NP	NP	NP	CUP	CUP	CUP	P	P	NP	P		
Industrial park	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP		
Junkyard	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	CUP	P	NP	NP		
Motor vehicle wrecking facility	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	NP	CUP	NP	NP		
Overnight Accommodations:														
Bed and breakfast	CUP	<u>CUP</u>	CUP	CUP	CUP	P	P	P	NP	NP	NP	NP		
Campground/RV park	NP	<u>NP</u>	NP	NP	NP	NP	CUP	NP	CUP	NP	NP	NP		
Country inn	NP	<u>CUP</u>	NP	CUP	CUP	P	P	P	NP	NP	NP	NP		
Emergency shelter	NP	<u>CUP</u>	NP	NP	CUP	CUP	CUP	CUP	CUP	NP	CUP	NP		
Hotel/motel	NP	<u>NP</u>	NP	NP	NP	CUP	P	P	NP	NP	NP	CUP		

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Recreation, Indoor:													
Indoor entertainment, sports and recreation	NP	<u>CUP</u>	NP	NP	CUP	P	P	P	P	P	NP	CUP	
Recreation, Outdoor:													
Open space	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	
Outdoor entertainment, sports and recreation	NP	<u>NP</u>	NP	NP	NP	NP	CUP	CUP	CUP	CUP	P	CUP	
Parks/playgrounds	P	<u>P</u>	P	P	P	P	P	P	P	NP	P	CUP	
Rental And Repair:													
General repair	NP	<u>CUP</u>	NP	CUP	CUP	P	P	P	P	P	NP	NP	R-3, R-O and B-1 districts, see subsection <a href="#">11-2-5F</a> of this chapter
Large equipment rental	NP	<u>NP</u>	NP	NP	NP	NP	P	NP	P	P	NP	NP	
Small equipment rental	NP	<u>NP</u>	NP	NP	NP	P	P	NP	P	P	NP	NP	
<u>Sales:</u>													
Agriculture supply sales	NP	<u>NP</u>	NP	NP	NP	NP	P	NP	P	P	NP	NP	
Auction sales	NP	<u>NP</u>	NP	NP	NP	P	P	P	P	NP	NP	NP	B-1 district, see subsection <a href="#">11-2-5B</a> of this chapter
Construction material sales	NP	<u>NP</u>	NP	NP	NP	NP	P	NP	P	P	NP	NP	
General retail sales	NP	<u>NP</u>	NP	NP	NP	P	P	P	P	NP	NP	NP	B-1 district, see subsection <a href="#">11-2-5B</a> of this chapter

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Manufactured housing sales	NP	<u>NP</u>	NP	NP	NP	NP	P	NP	P	P	NP	NP	
Sexually oriented business	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	
Shopping center	NP	<u>NP</u>	NP	NP	NP	NP	CUP	CUP	CUP	NP	NP	NP	
Services:													
Administrative services	NP	<u>P</u>	NP	NP	P	P	P	P	P	NP	NP	P	
Artisan shop	NP	<u>CUP</u>	NP	CUP	CUP	P	P	P	P	P	NP	NP	
Commercial kennel	NP	<u>NP</u>	NP	NP	NP	CUP	CUP	CUP	P	P	NP	NP	
Crematorium	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Daycare, adult (up to 12)	P	<u>P</u>	P	P	P	P	P	P	CUP	NP	P	NP	
Daycare center (13 or more children)	NP	<u>CUP</u>	CUP	CUP	CUP	P	P	P	CUP	NP	P	CUP	See chapter 38 of this title
Daycare, family	P	<u>P</u>	P	P	P	P	P	P	CUP	NP	NP	NP	
Daycare, group	P	<u>P</u>	P	P	P	P	P	P	CUP	NP	NP	NP	
Financial services	NP	<u>CUP</u>	NP	NP	CUP	P	P	P	NP	NP	NP	NP	
Funeral home	NP	<u>NP</u>	NP	NP	NP	P	P	P	P	P	NP	NP	
General/professional services	NP	<u>P</u>	NP	CUP	P	P	P	P	P	NP	NP	NP	
Veterinary clinic, large animals	NP	<u>NP</u>	NP	NP	NP	NP	CUP	NP	P	P	NP	NP	

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Veterinary clinic, small animals	NP	<u>NP</u>	NP	NP	NP	NP	P	P	P	P	P	NP	NP	
<u>Storage:</u>														
Agricultural commodity storage facility	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Fuel tank farm	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	P	
Ministorage facility	NP	<u>NP</u>	NP	NP	NP	NP	NP	CUP	CUP	P	P	NP	NP	
Warehouse	NP	<u>NP</u>	NP	NP	NP	NP	NP	CUP	NP	P	P	NP	NP	
<u>Temporary Uses By District:</u>														
Carnivals and circuses	NP	<u>NP</u>	NP	NP	NP	NP	NP	P	P	P	P	P	NP	
Itinerant outdoor sales with business license	NP	<u>NP</u>	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	
On site construction office	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	
Outdoor concerts and theatrical performances	P	<u>NP</u>	NP	NP	NP	NP	P	P	P	P	P	P	P	
<u>Transportation:</u>														
Airport	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	Airport district, see subsection <a href="#">11-2-5E</a> of this chapter
Bus terminal	NP	<u>NP</u>	NP	NP	NP	NP	CUP	P	P	P	NP	CUP	NP	
Freight terminal	NP	<u>NP</u>	NP	NP	NP	NP	NP	NP	NP	P	P	NP	P	



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Parking lot	NP	<b>CUP</b>	CUP	CUP	CUP	P	P	P	P	P	P	P	See chapter 22 of this title
Parking structure	NP	<b>NP</b>	NP	NP	NP	CUP	CUP	CUP	P	P	P	P	
Railroad yard	NP	<b>NP</b>	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Utilities:													
Composting	NP	<b>NP</b>	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Recycling	NP	<b>NP</b>	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Utility, distributed power	P	<b>P</b>	P	P	P	P	P	P	P	P	P	P	
Utility, major	NP	<b>NP</b>	NP	NP	NP	NP	NP	NP	NP	P	P	NP	See subsection <a href="#">11-2-5G</a> of this chapter
Utility, minor	P	<b>P</b>	P	P	P	P	P	P	P	P	P	P	See subsection <a href="#">11-2-5G</a> of this chapter
Vehicle Trade And Service:													
Vehicle fuel sales	NP	<b>NP</b>	NP	NP	NP	NP	P	NP	P	NP	NP	NP	Airport district, see subsection <a href="#">11-2-5E</a> of this chapter
Vehicle repair	NP	<b>NP</b>	NP	NP	NP	NP	CUP	NP	P	P	NP	NP	
Vehicle sales and rental	NP	<b>NP</b>	NP	NP	NP	NP	P	NP	P	NP	NP	P	Airport district, see subsection <a href="#">11-2-5E</a> of this chapter
Vehicle services	NP	<b>NP</b>	NP	NP	NP	NP	P	NP	P	P	NP	NP	

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(Ord. 3097, 4-7-2008; amd. Ord. 3104, 11-3-2008; amd. Ord. 3112, 5-18-2009; amd. Ord. 3129 and 3132, 8-23-2010; amd. Ord. 3189, 5-5-2014; amd. Ord. \_\_\_\_\_, \_\_-\_\_-2016)

. . . . .

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

A. . . . .

E. The dimensional, area, and coverage requirements for lots in the various zoning districts are shown in table 2 of this section.

TABLE 2  
LOT REQUIREMENTS BY ZONING DISTRICT

DU = Dwelling Unit

	<b>OSR (Open Space/ Residential)</b>	<b><u>RU</u> (Residential Urban)</b>	<b>R-1/R-2 (Residential)</b>	<b>R-3 (Residential)</b>	<b>R-4/R-O (Residential- Office)</b>
Lot area	1-3 acres; no more than 1 DU per acre for cluster development. See section <a href="#">11-2-5</a> of this title	<b><u>No minimum</u></b>	No minimum	For multiple DUs 2,000 square feet per DU  For single DUs or nonresidential no minimum	For multiple DUs 1,200 square feet per DU  For single DUs or nonresidential no minimum
Lot width	No minimum	<b><u>No minimum</u></b>	No minimum	No minimum	No minimum
Lot	No maximum	<b><u>60 percent</u></b>	30 percent	40 percent	60 percent

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coverage		<b><u>maximum</u></b>  <b><u>Additional 5 percent for porch attached to front or side</u></b>	maximum  Additional 5 percent for porch	maximum  Additional 5 percent for porch	maximum
Front lot line setback	25 feet from right of way	<b><u>0 foot minimum</u></b>	10 foot minimum	10 foot minimum	10 foot minimum
Rear lot line setback	No minimum except 25 feet from right of way	<b><u>0 foot minimum</u></b>	10 foot minimum	10 foot minimum	10 foot minimum
Side lot line setback	No minimum except 25 feet from right of way	<b><u>0 foot minimum</u></b>	8 foot minimum	6 foot minimum for each side yard	6 foot minimum
Height	24 foot maximum	<b><u>42 foot maximum</u></b>	24 foot maximum	24 foot maximum	36 foot maximum
Minimum floor area	No minimum	<b><u>No minimum</u></b>	No minimum	No minimum	No minimum

	<b>B-1 (Neighborhood Business)</b>	<b>B-2 (General Commercial)</b>	<b>B-3 (Central Business)</b>	<b>CLM (Commercial-Light Manufacturing)</b>
Lot area	For multiple DUs 1,000 square feet per DU	No minimum	No minimum	No minimum

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	No minimum for single DUs or nonresidential			
Lot width	No minimum	No minimum	No minimum	No minimum
Lot coverage	Residential uses, 60 percent maximum  No maximum for nonresidential uses	No maximum	No maximum	No maximum
Front lot line setback	No minimum	No minimum	No minimum	15 foot minimum
Rear lot line setback	15 foot minimum	No minimum unless abutting residential zone, then 15 foot minimum	No minimum	No minimum unless abutting residential zone, then 15 foot minimum
Side lot line setback	6 foot minimum	No minimum unless abutting residential zone, then 10 foot minimum	No minimum	No minimum unless abutting residential zone, then 15 foot minimum
Height	36 foot maximum	42 foot maximum	70 foot maximum	60 foot maximum
	<b>M-I (Manufacturing And Industrial)</b>	<b>PLI (Public Lands And Institutions)</b>	<b>Airport</b>	
Lot area	No minimum	No minimum	No minimum	
Lot width	No minimum	No minimum	No minimum	
Lot coverage	No maximum	No maximum	No maximum	

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Front lot line setback	15 foot minimum	No minimum	No minimum
Rear lot line setback	No minimum unless abutting residential zone, then 15 foot minimum	No minimum unless abutting residential zone, then 15 foot minimum	No minimum
Side lot line setback	No minimum unless abutting residential zone, then 15 foot minimum	No minimum unless abutting residential zone, then 15 foot minimum	No minimum
Height	60 foot maximum	60 foot maximum	See chapter 35, "Airport Zoning Regulations", of this title

(Ord. 2097, 4-7-2008; amd. Ord. 3104, 11-3-2008; amd. Ord. \_\_\_\_\_, \_\_-\_\_-2016)

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 12<sup>th</sup> DAY OF SEPTEMBER, 2016.**

/S/ James E. Smith  
**MAYOR**

**ATTEST:**

/S/ Debbie Havens  
**CLERK OF THE COMMISSION**

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FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 26<sup>th</sup> DAY OF SEPTEMBER, 2016.

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION