

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3256

AN ORDINANCE CREATING THE DOWNTOWN AND TRANSITIONAL RESIDENTIAL ZONING DISTRICTS AND USES ALLOWED THEREIN BY AMENDING CHAPTER 2 OF TITLE 11 OF THE HELENA CITY CODE

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

Sections 11-2-2, 11-2-3, 11-2-4, and 11-2-5 of the Helena City Code is hereby amended as follows:

11-2-1: **GENERAL PROVISIONS:** No change.

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. through H. no change.

I. The DT (Downtown) District is intended to encourage the creation and preservation of mixed-use development opportunities, including a wide range of housing options serving a wide range of incomes and demographics; to provide for the protection and enhancement of historic and cultural resources; to establish minimum requirements and responsibilities for the installation of public improvements in support of redevelopment; and to encourage desirable site design for all development occurring in the district. These aspects are all essential for the development of a diverse, dynamic and desirable city environment.

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- J. The TR (Transitional Residential) District is intended to provide a buffer between the mixed-use, urban core of Helena, the Downtown (DT) District, and the residential districts bordering it to the east and west by offering ground-floor story residential uses by right and a height limitation to ease structure height differentials between the Downtown District and surrounding districts.
- HK. The B-3 (Central Business) District is the central focus of the city's business, government, service, and cultural activities, and allows compatible residential development.
- HL. The CLM (Commercial-Light Manufacturing) District provides for the community's commercial and light manufacturing needs. These uses generally need access to the city's transportation amenities and should be located to reduce adverse impacts upon residential neighborhoods in the city.
- JM. The M-I (Manufacturing and Industrial) District provides for manufacturing and other industrial uses.
- KN. The PLI (Public Lands and Institutions) District provides for and applies only to public and quasi-public institutional uses and lands, and recreational, educational, and public service activities for the general benefit of the citizens of the city.
- LO. The T (Transitional) District provides for an orderly and harmonious transition between zoning districts where appropriate. Each transitional district has unique standards and is intended to be temporary and phased out over time.
- MP. The airport district provides for airport uses and facilities necessary for the operation, maintenance, and protection of airports. Associated retail and service uses, public institutional uses, aeronautical related manufacturing, public service, and limited recreational

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activities are also permitted. (Ord. 3097, 4-7-2008; amd. Ord. 3222, 9-26-2016; amd. Ord.3256, 6-24-2019)

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.

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Residential Uses															
Boarding/rooming house, 1-3 residents	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter  <u>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter</u>
Boarding/rooming house, 4-20 residents	NP	NP	NP	NP	P	P	P	P	<u>P</u>	<u>P</u>	P	P	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter  <u>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter</u>
Community residential facility, type I, 1-12 residents	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	CUP	NP	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter  <u>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter</u>

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Community residential facility, type II, 13 or more residents	NP	CUP	CUP	CUP	P	P	P	P	<u>P</u>	<u>P</u>	CUP	NP	P	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter  <u>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter</u>
Mobile home park	NP	CUP	CUP	CUP	P	CUP	CUP	NP	<u>NP</u>	<u>NP</u>	NP	NP	NP	NP	See chapter 7 of this title
Residence, single-dwelling unit	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter  <u>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter</u>
Residence, two-dwelling units	CUP	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	NP	NP	NP	B-2, B-3, CLM, and M-I districts, see subsection 11-2-5C of this chapter  <u>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter</u>  RU District, Stand-alone single or duplex structures
Residence, multiple-dwelling units (3 or more units)	NP	NP	CUP	P	P	P	P	P	<u>P</u>	<u>P</u>	CUP	NP	NP	NP	<u>For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter</u>
Nonresidential Uses:															

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Agricultural Uses:															
Medical Marijuana Grow Operation	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	CUP	CUP	NP	NP	
Horticulture	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	
Community Services/Uses:															
Administrative government agency	NP	P	NP	NP	P	P	P	P	<u>P</u>	<u>P</u>	P	NP	P	P	
Animal shelter	NP	NP	NP	NP	NP	NP	CUP	NP	<u>NP</u>	<u>NP</u>	CUP	CUP	P	NP	
Community center	NP	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>P</u>	P	NP	P	NP	
Community cultural facility	NP	CUP	CUP	CUP	CUP	P	P	P	<u>P</u>	<u>P</u>	NP	NP	P	P	
Correctional facility	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	CUP	CUP	CUP	NP	
Prerelease center	NP	NP	NP	NP	NP	CUP	CUP	CUP	<u>CUP</u>	<u>NP</u>	CUP	NP	CUP	NP	
Public safety facility	CUP	CUP	CUP	CUP	CUP	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	
Worship facility	NP	P	CUP	CUP	P	P	P	P	<u>P</u>	<u>P</u>	P	NP	P	NP	
Education:															
Higher education	NP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	<u>P</u>	<u>P</u>	P	NP	P	NP	
Instructional facility	NP	P	NP	NP	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	

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K-12	NP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	<u>P</u>	<u>P</u>	CUP	NP	P	NP	
Food and Beverage Sales:															
Casino	NP	NP	NP	NP	NP	NP	CUP	CUP	<u>CUP</u>	<u>NP</u>	CUP	NP	NP	NP	See chapter 40 of this title.
Restaurant	NP	P	NP	NP	P	P	P	P	<u>P</u>	<u>P</u>	CUP	NP	NP	P/CUP	Airport district, see subsection 11-2-5 <u>EE</u> 2 of this chapter
Restaurant, drive-in	NP	NP	NP	NP	NP	NP	P	P	<u>NP</u>	<u>NP</u>	NP	NP	NP	NP	
Specialized food production	NP	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>P</u>	P	P	NP	NP	
Tavern	NP	NP	NP	NP	NP	NP	P	P	<u>P</u>	<u>P</u>	CUP	NP	NP	P/CUP	Airport district, see subsection 11-2-5 <u>EE</u> 2 of this chapter;  PLI district, see subsection 11-2-5 <u>DE</u> of this chapter
Heathcare:															
Healthcare center	NP	P	NP	NP	P	P	P	P	<u>P</u>	<u>P</u>	NP	NP	NP	NP	
Healthcare facility	NP	CUP	NP	NP	CUP	CUP	P	P	<u>P</u>	<u>P</u>	NP	NP	P	NP	
Industrial/Manufacturing:															
Contractor yard	NP	NP	NP	NP	NP	NP	CUP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	

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Industrial, heavy	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	CUP	P	NP	NP	
Industrial, light	NP	NP	NP	NP	NP	CUP	CUP	CUP	<u>NP</u>	<u>NP</u>	P	P	NP	P	
Industrial park	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	CUP	P	NP	NP	
Junkyard	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	CUP	P	NP	NP	
Motor vehicle wrecking facility	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	NP	CUP	NP	NP	
Overnight Accomodations:															
Bed and breakfast	CUP	CUP	CUP	CUP	CUP	P	P	P	<u>P</u>	<u>P</u>	NP	NP	NP	NP	
Campground/RV park	NP	NP	NP	NP	NP	NP	CUP	NP	<u>NP</u>	<u>NP</u>	CUP	NP	NP	NP	
Country inn	NP	CUP	NP	CUP	CUP	P	P	P	<u>P</u>	<u>P</u>	NP	NP	NP	NP	
Emergency shelter	NP	CUP	NP	NP	CUP	CUP	CUP	CUP	<u>CUP</u>	<u>NP</u>	CUP	NP	CUP	NP	
Hotel/motel	NP	NP	NP	NP	NP	CUP	P	P	<u>P</u>	<u>P</u>	NP	NP	NP	CUP	
Recreation, Indoor:															
Indoor entertainment, sports and recreation	NP	CUP	NP	NP	CUP	P	P	P	<u>P</u>	<u>P</u>	P	P	NP	CUP	
Recreation, Outdoor:															



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Open space	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	
Outdoor entertainment, sports and recreation	NP	NP	NP	NP	NP	NP	CUP	CUP	<u>P</u>	<u>P</u>	CUP	CUP	P	CUP	
Parks/playgrounds	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	NP	P	CUP	
Rental and Repair:															
General repair	NP	CUP	NP	CUP	CUP	P	P	P	<u>P</u>	<u>P</u>	P	P	NP	NP	R-3, R-O and B-1 districts, see subsection 11-2-5 <u>FG</u> of this chapter
Large equipment rental	NP	NP	NP	NP	NP	NP	P	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Small equipment rental	NP	NP	NP	NP	NP	P	P	NP	<u>P</u>	<u>P</u>	P	P	NP	NP	
Sales:															
Agriculture supply sales	NP	NP	NP	NP	NP	NP	P	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Auction sales	NP	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>P</u>	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	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
General retail sales	NP	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>P</u>	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	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>NP</u>	P	P	NP	NP	

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

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Veterinary clinic, large animals	NP	NP	NP	NP	NP	NP	CUP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Veterinary clinic, small animals	NP	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>P</u>	P	P	NP	NP	
Storage:															
Agricultural commodity storage facility	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Fuel tank farm	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	CUP	CUP	NP	P	
Ministorage facility	NP	NP	NP	NP	NP	NP	CUP	CUP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Warehouse	NP	NP	NP	NP	NP	NP	CUP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Temporary Uses by District:															
Carnivals and circuses	NP	NP	NP	NP	NP	NP	P	P	<u>P</u>	<u>P</u>	P	P	P	NP	
Itinerant outdoor sales with business license	NP	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>P</u>	P	NP	NP	NP	
On site construction office	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	
Outdoor concerts and theatrical performances	P	NP	NP	NP	NP	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	
Transportation:															

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Airport	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	NP	NP	NP	P	Airport district, see subsection 11-2-5 <u>EF</u> of this chapter
Bus terminal	NP	NP	NP	NP	NP	CUP	P	P	<u>P</u>	<u>NP</u>	P	NP	CUP	NP	
Freight terminal	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	P	
Parking lot	NP	CUP	CUP	CUP	CUP	P	P	P	<u>NP</u>	<u>NP</u>	P	P	P	P	See chapter 22 of this title
Parking structure	NP	NP	NP	NP	NP	CUP	CUP	CUP	<u>P</u>	<u>P</u>	P	P	P	P	
Railroad yard	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Utilities:															
Composting	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Recycling	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	P	P	NP	NP	
Utility, distributed power	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	
Utility, major	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	<u>NP</u>	NP	P	P	NP	See subsection 11-2-5 <u>GH</u> of this chapter
Utility, minor	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P	P	See subsection 11-2-5 <u>GH</u> of this chapter
Vehicle Trade and Service:															
Vehicle fuel sales	NP	NP	NP	NP	NP	NP	P	NP	<u>P</u>	<u>NP</u>	P	NP	NP	NP	Airport district, see subsection 11-2-5 <u>EF</u> of this chapter

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Vehicle repair	NP	NP	NP	NP	NP	NP	CUP	NP	<u>P</u>	<u>NP</u>	P	P	NP	NP	
Vehicle sales and rental	NP	NP	NP	NP	NP	NP	P	NP	<u>P</u>	<u>NP</u>	P	NP	NP	P	Airport district, see subsection 11-2-5 <u>EE</u> of this chapter
Vehicle services	NP	NP	NP	NP	NP	NP	P	NP	<u>P</u>	<u>NP</u>	P	P	NP	NP	

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

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## 11-2-5: SUPPLEMENTAL REQUIREMENTS:

- A. through B. No change.
- 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.
- ~~D-E.~~ PLI District: Taverns that are accessory to a permitted use in the PLI district are permitted.
- ~~E-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.
- ~~F-G.~~ R-3, R-0, and B-1 Districts: In the R-3, R-0, and B-1 Districts outdoor storage is not allowed as part of the use for general repair.
- ~~G-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

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

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 10<sup>th</sup> DAY OF JUNE, 2019.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 24<sup>th</sup> DAY OF JUNE, 2019.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION