

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. 3305

ORDINANCE NO. 3305

AN ORDINANCE AMENDING TITLE 11, CHAPTER 38 OF THE CITY OF HELENA ZONING REGULATIONS

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

Title 11, Zoning, Chapter 38, Sections 11-38-2 and 11-38-3 are
hereby amended as follows:

CHAPTER 38 DAYCARE FACILITY

11-38-1 : INTENT:

No Change

11-38-2 : DEFINITIONS:

For purposes of this chapter, the following definitions are
applicable:

DAYCARE CENTER: A place in which supplemental care is provided on
a regular basis for sixteen (16) or more persons.

DAYCARE FACILITY: A place registered or licensed by an agency of
the State of Montana that provides supplemental care on a regular
basis, operated by a public or private entity, including, but not
limited to, the following: preschools, kindergartens, nursery
schools, daycare homes, daycare centers, day nurseries, adult
daycare, and childcare centers.

DAYCARE HOME: A private residence or other structure in which
supplemental care is provided on a regular basis for up to fifteen
(15) persons; this number does not include any overlap care as
permitted by the State of Montana. These include facilities defined
as family daycare homes and group daycare homes as contemplated in
52-2-703, Montana Code Annotated.

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OVERLAP CARE: Care provided at a daycare facility for children aged three (3) and older for the times before and after school for a designated period of time not to exceed three (3) hours when the number of children in care may exceed the number of children registered for care by the State of Montana.

SUPPLEMENTAL CARE: The provision by an adult of food, shelter, care, supervision, and/or learning experiences for one or more persons on a supplemental basis outside of the care receiver's home, by an adult other than a parent, on a regular basis for daily periods of less than twenty four (24) hours. (Ord. 2629, 1-27-1992; amd. Ord. 2856, 10-19-1998)

11-38-3 : STANDARDS:

Development standards, prior to locating daycare homes and daycare centers in churches and schools in all zoning districts by right, are as follows:

A. Daycare homes (up to fifteen (15) persons) and daycare centers (16 or more persons) shall comply with all of the following development standards (subsections B1 through B7 of this section) to be permitted by right in churches and schools in any zoning district. New construction or expansion of churches and schools that may include daycare homes or daycare centers shall comply with all applicable zoning requirements of that district.

B. Any daycare home or daycare center located within a church or school that does not comply with all of the following development standards (subsections B1 through B7 of this section) shall be required to obtain a conditional use permit, including the payment of applicable fees. However, a CUP shall not be issued for daycare homes or daycare centers that do not comply with life/safety development standards such as the uniform building code and uniform fire code requirements. (Ord. 2856, 10-19-1998)

1. Compliance with all registration and/or licensing requirements of the State of Montana;

2. All daycare facilities shall comply with the child indoor/outdoor space requirements as specified by the state;

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3. Five foot (5') high fencing shall be installed around the outdoor play area (if provided on site). Screening shall be installed around the outdoor play area to provide a noise buffer when abutting a residential use;

4. Conformance with the uniform fire code and uniform building code requirements, including, but not limited to, required exits, smoke alarms and fire extinguishers;

5. Well lighted building entrances to provide greater safety for the daycare clients in the early morning and evening hours during the winter. Lighting shall not be directed or reflected upon any adjacent property;

6. All improvements shall be installed or be financially guaranteed in accordance with the provisions of subsection 11-21-3G of this title prior to issuance of an occupancy permit:

a. Screening and fencing for the outdoor play area (if applicable);

b. Uniform fire code and uniform building code requirements, including required exits, smoke alarms and fire extinguishers; and

c. On site paved parking spaces and client drop off/pick up area.

7. The care provider shall obtain a city business license and an occupancy permit prior to operation. (Ord. 2629, 1-27-1992)

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 21ST DAY OF NOVEMBER, 2022.



ATTEST:

A handwritten signature in blue ink, likely belonging to the City Clerk, is written over a horizontal line.

A handwritten signature in blue ink, likely belonging to the Mayor, is written over a horizontal line.
MAYOR

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CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA.
MONTANA, THIS 19TH DAY OF DECEMBER, 2022.



ATTEST:

[Handwritten signature]

CLERK OF THE COMMISSION

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MAYOR