

EXHIBIT B:

Proposed Amendments to the April 14, 2020 DRAFT Helena Valley Zoning Regulations, June 11, 2020

The proposed amendments are presented with a page number, chapter, and section to facilitate review. Amendments to the April 14, 2020 DRAFT Helena Valley Zoning Regulations proposed by Community Development and Planning Staff (Staff) are in colored underlined text (underlined text), while proposed deletions are indicated with colored strikethrough text (~~strikethrough text~~). Staff has added explanatory notes after most proposed changes or groups of changes indicated by *[italic text in brackets]*. Staff recommends that the proposed amendments be reviewed in consultation with the April 14, 2020 DRAFT Helena Valley Zoning Regulations which are available online at <https://www.lccountymt.gov/cdp/zoning.html>.

GENERAL AMENDMENTS APPLICABLE TO ALL SECTIONS

The following amendments are recommended to be applied to all of the April 14, 2020 DRAFT Helena Valley Zoning Regulations as described below to provide greater consistency in the presentation of the Regulations:

1. When referring to the Helena Valley Zoning Regulations with the word “Regulations”, the word Regulations should be capitalized.
2. When referencing a specific section of Montana Code Annotated, the reference should be presented consistently as in: “Section 76-2-204, MCA”.
3. All bullets and dashes should be replaced with alpha or numeric references such as “(a), (b), (c), etc.” or “(1), (2), (3), etc.” to improve the ability to reference lists in the Regulations. Furthermore, each item in a list should have the first word capitalized and end with a semicolon with the exception of the second to last which should end with a semicolon and the word “and” and the last item which should end with a period.
4. Where the Regulations include a number of a unit of measure such as “5 days”, “3 years”, or “25 feet”, the text should be amended to also include that number spelled out and the number shown in parenthesis such as “five (5) days”, “three (3) years”, or “twenty-five (25) feet”.
5. All Section headings above the “Section Contents” and Appendix headings should be consistently presented in ALL CAPS and bold print. For Example, “SECTION 2 GENERAL REQUIREMENTS AND EXCEPTIONS”.

[STAFF NOTES: Additional specific recommended amendments are presented below per Section and, in some cases, may include those general amendments as described above.]

SECTION 1: ADMINISTRATIVE PROVISIONS AND PROCEDURES

Page 1-2, April 14, 2020 DRAFT Helena Valley Zoning Regulations

101 Intent

This document shall be known as the Helena Valley Zoning Regulations (Regulations) and is adopted pursuant to the enabling authority of Title 76, Chapter 2, Part 2, Montana Code Annotated (MCA) to promote the public health, safety, morals, and general welfare of the community. These regulations have been established for the area known as the “Helena Valley Planning Area” as defined in the Lewis and Clark County Growth Policy Update – 2015, Volume 1 - Key Issues, and Volume 2 - Helena Valley Area Plan (Growth Policy); and as depicted on the map referenced in Appendix – A.

To achieve the above stated goals, these regulations shall govern, but are not necessarily limited to, such issues as the height and size of buildings and structures, the size of yards and open space, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes in a manner consistent with the goals and objectives of the Growth Policy.

103 Existing Permits, Easements, Development Guides, or Other Approvals

These Regulations are not intended to abrogate, annul, govern, or prevail over any permits, easements or agreements approved prior to the effective date of these Regulations, except as otherwise noted ~~above herein~~ in Section 102.

104 Jurisdiction

These Regulations shall apply to all land (existing or future parcels) within the unincorporated area of Lewis and Clark County, Montana known as the Helena Valley Planning Area and as depicted on the zoning map referenced in these ~~r~~Regulations.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to introduce common abbreviations, correct grammar, provide clear references, and to utilize abbreviations consistently.]

Page 1-3, April 14, 2020 DRAFT Helena Valley Zoning Regulations

107.01 Initiating Amendments. An amendment to the text of the regulations or to the designation of zoning districts (the zoning map) may be initiated by the BoCC, the Zoning Administrator, the Consolidated City and County Planning Board (Planning Board), or one or more residents or landowners within the jurisdictional area of the Regulations. The amendment procedure will be as provided in Section 76-2-205, MCA, and as otherwise set forth herein.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to introduce common abbreviations.]

Page 1-3 and 1-4, April 14, 2020 DRAFT Helena Valley Zoning Regulations

107.02 Application Requirements. When an amendment is proposed by anyone other than the BoCC, Planning Board or Zoning Administrator, the applicant must notify the Zoning Administrator and request a pre-application meeting. At the pre-application meeting, the Zoning Administrator will discuss the necessary information regarding the proposal, the application form and its submittal requirements, fees, timeline, and address any questions regarding the overall petition process to amend the regulations. The Submittal requirements shall include, but not be limited to:

107.02.1 A letter signed by at least one landowner within the jurisdictional area of the proposed amendment;

107.02.2 A scaled vicinity map of the affected area(s) and surrounding 1 mile area, clearly identifying the location of the property (when applicable);

107.02.3 A legal description of the boundaries of the proposed amended map area (when applicable);

107.02.4 A description of the existing land-use of the affected and all adjacent areas (when applicable);

107.02.5 A description of the anticipated impact upon all adjacent properties (when applicable);

107.02.6 Cite A description of any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.

107.02.7 A statement from the applicant which addresses the following considerations:

(a) eExplains how the proposed amendment is in accordance with the Growth Policy;

(b) eExplains how the proposed amendment is designed to:(i) Secure safety from fire, and other dangers; (ii) Promote public health, public safety, and general welfare; (iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

(c) eExplains how the proposed amendment addresses (i) the reasonable provision of adequate light and air; (ii) the effect on motorized and non-motorized transportation systems; (iii) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities, as applicable; (iv) the character of the district and its peculiar suitability for particular uses; (iv) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area; and (v) as nearly as possible, is made compatible with the zoning ordinances of nearby municipalities.

107.02.8 Application fee (available from the Lewis and Clark County Community Development

and Planning Department (CDP)].

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization and be consistent in the use of lists.]

Page 1-4, April 14, 2020 DRAFT Helena Valley Zoning Regulations

107.04 Planning Board Meeting. When the application is determined to be complete and sufficient, the Zoning Administrator shall schedule a public meeting before the Planning Board and provide public notice in accordance with the notice requirements set forth in Section 76-2-~~204~~, MCA.

107.07 Board of County Commissioners' Hearing. Following receipt of the Planning Board's ~~R~~recommendation, the Zoning Administrator shall convey the Planning Board's recommendation and public ~~testimony~~ comment to the BoCC and the BoCC shall schedule a public hearing and provide public notice in accordance with Section 108. At the hearing, the BoCC shall provide an opportunity for the public to be heard.

107.08 Resolution. After the public hearing, the BoCC ~~and~~ shall give consideration to the application, the staff report, the recommendation from the Planning Board, public comments, the amendment criteria, these Regulations and all other relevant information and may make such revisions or amendments to the proposed amendment as it deems proper. The BoCC may pass a Resolution of Intention to amend these regulations. If the BoCC passes a Resolution of Intention, the BoCC shall publish notice of passage of the Resolution of Intention in accordance with the requirements of Section 76-2-205(5), MCA.

107.09 Final Action. Following the 30-day period prescribed in Section 76-2-205(5), MCA and in accordance with the relevant portions therein, the BoCC may, within 30 days thereafter, adopt a resolution amending these Regulations and promptly notify the applicant of its determination.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization and to be consistent in the citation of MCA.]

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107.11 Effective Date of Zoning Regulation Amendments

Amendments approved by the BoCC shall become effective immediately upon approval of a ~~R~~Resolution of ~~a~~Adoption by the BoCC.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization.]

Page 1-6 and 1-7, April 14, 2020 DRAFT Helena Valley Zoning Regulations

109 Violations

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of these Regulations, the County, as set forth in Section 76-2-211, ~~MCA~~, in addition to other remedies, may institute any appropriate action or proceedings to:

109.01 ~~P~~revent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

109.02 ~~R~~estrain, correct, or abate a violation;

109.03 ~~P~~revent the occupancy of the building, structure, or land; or

109.04 ~~P~~revent any illegal act, conduct, business, or use in or near the premises.

109.05 For the purposes of enforcing the above noted subsections 109.01 – 109.04, the County shall attempt to obtain voluntary compliance at least thirty (30) days before filing a complaint for a violation of this part that is subject to the penalties as noted in Section 110 ~~herein~~, and in ~~MCA~~ Title 76, Chapter 2, Part 2, MCA.

109.06 The BoCC may appoint enforcing officers to supervise and enforce the provisions of ~~these the zoning~~ Regulations.

110 Penalties

A violation of these regulations is a misdemeanor and shall be punishable by a fine not exceeding \$500 or imprisonment in the county jail not exceeding 6 months or both pursuant to Section 76-2-211, MCA. Each day constitutes a separate violation.

111 Zoning Administrator

The ~~Board of County Commissioners~~ BoCC shall appoint a Zoning Administrator to administer and enforce the provisions of these Regulations. It shall be the duty of the Zoning Administrator and the Zoning Administrator's designees to:

111.01 Enforce the provisions of these ~~R~~egulations;

111.02 Keep records of all zoning proceedings;

111.03 Accept and process applications and fees in accordance with these Regulations;

111.04 Update the Regulations as approved by the ~~Board of County Commissioners~~ BoCC;

111.05 Interpret the Regulations and zoning district boundaries consistent with the intent of the Regulations and statutory authority;

111.06 Issue such permits as may be approved by the ~~Board of County Commissioners~~ BoCC, the Board of Adjustment, or otherwise, and ensure compliance with such permits;

- 111.07 Investigate allegations of non-compliance or violations of these Regulations;
- 111.08 Make such recommendations to the Planning Board or ~~Board of County Commissioners~~ BoCC for amendments to these Regulations; and
- 111.09 Take such other actions as are needed or appropriate to carry out the terms of these Regulations.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization, be consistent in the use of lists, to introduce common abbreviations and to be consistent in the citation of MCA.]

SECTION 2 GENERAL REQUIREMENTS AND EXCEPTIONS

Page 2-2 and 2-3, April 14, 2020 DRAFT Helena Valley Zoning Regulations

202 Overlay Districts

In order to recognize special areas, and to afford flexibility in development design within the Helena Valley Planning Area, the following overlay district is hereby established:

- (a) Planned Unit Development Overlay District (PD)

204.01 A boundary indicated as approximately following the center line of a street, highway, streambed, railroad right-of-way (R-O-W), or alley shall be construed to follow such center line.

206 Inclusion of a Use Not Listed

Uses not listed may be interpreted for inclusion in a specific zone district by the Zoning Administrator when such use is reasonably similar to those uses listed.

Uses not specifically listed, or not reasonably similar to those uses listed, or not interpreted for inclusion by the Zoning Administrator, in a specific zone district, may be added to the appropriate zone district upon the approval by the BoCC in accordance with the procedure set forth herein in Section 107.

208.04 Lots approved to be created through the exemption process as listed in Section 76-3-207, MCA shall comply with all aspects of these Regulations, including but not limited, to lot size.

208.05 Lots approved to be created through the exemption process as listed in Section 76-3-201, MCA shall comply with all aspects of these Regulations, however, are exempt from the zone district minimum lot size.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization, replace all bullets in lists with (a), (b), (c), etc., and to introduce common abbreviations.]

SECTION 3 DEFINITIONS

Page 3-2, April 14, 2020 DRAFT Helena Valley Zoning Regulations

301.02 In case of any difference of meaning or implication between the text of [these Regulations](#) ~~this Ordinance~~ and the captions for each section, the text shall control.

[STAFF NOTES ON PROPOSED CHANGES: Changes identified by Planning Board member to reference a resolution and not an ordinance.]

Page 3-3, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Agriculture: For the purposes of these Zoning Regulations, [MCA](#) Sections 41-2-103 and 81-8-701, [MCA](#), as amended, shall rule.

Page 3-4, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Alteration: A ~~C~~change or rearrangement of the structural parts in the existing facilities or an enlargement by extending the sides or increasing the height or depth or moving a building or structure from one location or position to another.

Board of Adjustment (BOA): An appointed board authorized under [MCA](#) Title 76, Chapter 2, Part 2, [MCA](#) with the authority to hear and decide administrative appeals and variances from the requirements of these regulations.

Board of County Commissioners (BoCC): The Board of County Commissioners of Lewis and Clark County; sometimes referred to as the “governing body”.

Page 3-6 and 3-7, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Cemetery: A place and/or building, or portion thereof, that is used, or is intended, for the interring / burial of the deceased, ~~and such associated uses including~~ [A cemetery may include associated uses such as](#) columbarium’s, crematories, and mausoleums.

Community Residential Facility:

Community Residential Facility (Type I): A community residential facility serving twelve (12) or fewer individuals.

Community Residential Facility (Type II): A community residential facility serving thirteen (13) or more individuals.

Includes the following:

1. A facility licensed by a governmental agency and providing care on a twenty four (24) hour a day basis and as defined by State law:
 - (a). A community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care.
 - (b). A youth care facility in which substitute care is provided to youth, including youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities,

childcare agencies, and transitional living programs, but excluding youth assessment centers.

- (c). An adult foster family care home.
 - (d). A halfway house operated in accordance with regulations of the Montana ~~Department of Public Health and Human Services~~ Department of Public Health and Human Services for the rehabilitation of ~~alcoholics or drug dependent persons~~ persons dependent on drugs and/or alcohol.
 - (e). An assisted living facility.
2. A maternity home, including administrative offices, services for childcare, counseling, classroom training, independent living training, and support groups.

Conditional Use: A use that may be allowed in a specified zone district(s) if the use meets certain requirements. However, without the additional requirements of the ~~Conditional Use~~ Conditional Use process, it would likely not be appropriate throughout the zoning district.

Conservation Easement: An easement or restriction, running with the land and assignable, whereby an owner of land voluntarily relinquishes to the holder of such easement or restriction any or all rights to construct improvements upon the land or to substantially alter the natural character of the land or to permit the construction of improvements upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the easement or restriction as defined by Sections 76-6-101 through 76-6-110 and Sections 201 through 212, ~~MCA. M.C.A.~~ MCA. M.C.A. A conservation easement may also prohibit the further subdivision, division, or development of the open space lots or parcels, as provided for in Sections 70-17- 201 through 70-17-206 and 76-3-509, ~~MCA. M.C.A.~~ MCA. M.C.A.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to introduce common abbreviations, correct grammar and capitalization, provide clear references to utilize abbreviations consistently, and to be consistent in the citation of MCA.]

After “Conservation Easement”, insert the following definition for Correctional Facility:

Correctional Facility: Includes prisons and jails for the detention of persons awaiting trial or sentenced as punishment for criminal offenses, including youth detention facilities.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to insert definition.]

Page 3-7 and 3-8, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Day Care Facility:

A facility which provides daily care and supervision of children, ~~or persons with a disability handicapped, disabled,~~ or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult. A day care facility shall be in compliance with State regulations and, if required by the State, must be registered or licensed.

Group Day Care: A private residence or other structure in which supplemental ~~parental~~ care is provided on a regular basis for seven (7) to twelve (12) children.

Density: The number of units per area of measure. ~~z~~ ~~F~~For example, the number of dwelling units per acre.

Department: The Lewis and Clark County Community Development and Planning Department (CDP). ~~z~~

Educational Facility (K-12): A place and/or building, or portion thereof, for pre-schools, elementary, middle/junior high, or high schools, ~~colleges, and vocational schools.~~

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to utilize language more commonly used today, correct capitalization, and to remove unnecessary language.]

Page 3-9, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Garage:

Private - A building, or portion thereof, including carports, in which motor vehicles used by the landowners, resident tenants, or their guests, are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles; ~~z~~ and A public garage may include above and below ground structured parking.

General Repair: A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, small engine repair such as lawn mowers and snowblowers, and the like; ~~z~~ ~~†~~The term does not include repair of vehicles or industrial equipment.

~~Glare: The sensation produced by a light source that is sufficiently brighter than the level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility (disability glare). The magnitude of glare depends on such factors as the size, position, brightness of the source and on the brightness level to which the eyes are adapted.~~

Greenhouse/~~p~~lant ~~n~~Nursery: A place and/or building, or portion thereof, used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines, may include wholesale and retail sales of product propagated, cultivated, or grown.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to introduce correct grammar and capitalization and remove a definition that is already included under "Light Glare".]

Pages 3-10, 3-11, and 3-12, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Health Care Facility: All or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. ~~(MCA)50-5-101(26)(a)~~.

After “Instructional Facility”, insert the following definition for Jail:

Jail: See Correctional Facility.

Kennel: A building, enclosure, or portion of any premises in or at which domesticated animals over the age of six (6) months are boarded, are kept for hire or for sale, or are kept or maintained by any person other than the owners thereof, or a building, enclosure, or portion of any premises in or at which five (5) or more dogs over the age of six (6) months are kept or maintained. (see Animal Boarding)

Loading Area, off-street: An off-street space generally located at or near a building entrance to allow service pickups and deliveries by commercial vehicles.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to insert definition, correct capitalization, and to be consistent in the citation of MCA.]

Page 3-14 and 3-15, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Manufactured Home: A dwelling for a single household, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States ~~d~~Department of ~~h~~Housing and ~~u~~Urban ~~d~~Development at the time of its production. A manufactured home does not include a mobile home or house trailer, as defined in Section 15-1-101, MCA.

Medical Marijuana Provider: A person licensed by the Montana Department of Health and Human Services to assist a registered cardholder as allowed under Montana Code Annotated. The term does not include the cardholder's treating physician or referral physician. ~~(MCA)50-46-302(18)~~.

Motor Vehicle Graveyard: A collection point, established by a ~~c~~County, for junk motor vehicles prior to their disposal. ~~(75-10-501(7), MCA)~~

Motor Vehicle Wrecking Facility: A facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or a facility that buys or sells component parts, in whole or in

part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. ~~(MCA)75-10-501(8)(a).~~

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to insert definition, correct capitalization, and to be consistent in the citation of MCA.]

Outdoor Sports and Recreation: A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, golf driving ranges, paintball fields, firearms ranges, archery ranges, and the like.

Outdoor Entertainment: Leisure activities, usually organized and enjoyed with a gathering of others that may use equipment and take place at prescribed places, sites, or fields for outdoor spectator type uses or events, including, but not limited to, racetracks, motocross courses, sports arenas, concerts, and zoos.

[STAFF NOTES ON PROPOSED CHANGES: The definitions of Outdoor Sports and Recreation and Outdoor Entertainment should be alphabetized.]

Pages 3-16 and 3-17, April 14, 2020 DRAFT Helena Valley Zoning Regulations

After “Parking Space, Off-Street”, insert the following definitions for Part 1 Zoning and Part 2 Zoning:

Part 1 Zoning: Zoning adopted pursuant to the enabling authority of Title 76, Chapter 2, Part 1, Montana Code Annotated.

Part 2 Zoning: Zoning adopted pursuant to the enabling authority of Title 76, Chapter 2, Part 2, Montana Code Annotated.

Planning Board: The Consolidated City and County Planning Board, created pursuant to MCA Title 76, Chapter 1, Part 1, MCA.

Plat: A graphical representation of a subdivision; and includes, but is not limited to the terms, Preliminary, Amended, and Final, as all such terms are more particularly defined within MCA and the most current adopted Subdivision Regulations of Lewis and Clark County, Montana.

After “Principal Use”, insert the following definition for Prison:

Prison: See Correction Facility.

Recycling Facility: A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to

manufacture new products; ~~the~~ Typical types of recoverable materials include glass, newspaper, metal, and plastic; ~~the~~ The term shall not include a junk yard.

Renewable Energy Facility: A site, together with its accessory facilities, where energy is generated using renewable resources. Such sites may include but are not limited to solar farms, wind turbines, or geothermal facilities.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to insert definitions, correct grammar and capitalization, and to be consistent in the citation of MCA.]

Pages 3-18 and 3-19, April 14, 2020 DRAFT Helena Valley Zoning Regulations

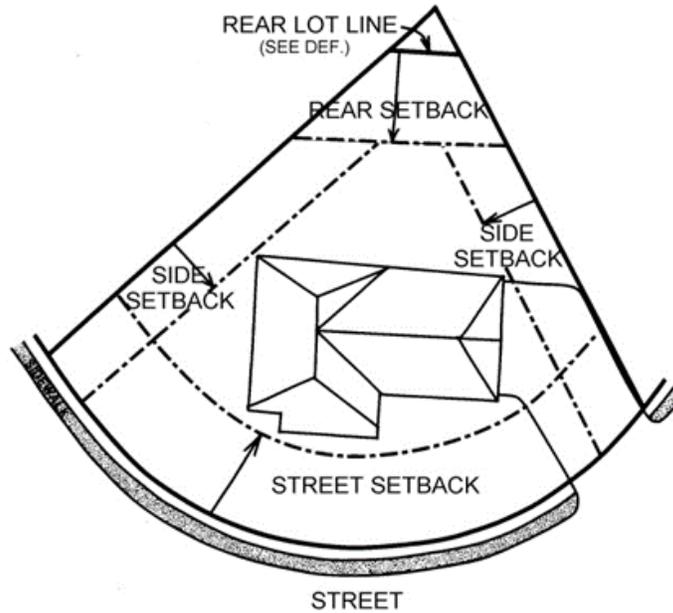
Restaurant: A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages primarily for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; ~~the~~ The term does not include a grocery store with a food service section.

Front: A setback (sometimes called a Street Setback) extending across the full width of the lot and parallel to the right-of-way line, measured perpendicular to the right-of-way line. [\(See Setback Diagram\)](#)

Rear: A setback extending across the full width of the lot and parallel to the rear lot line, measured perpendicular to the rear lot line; except that on pie shaped lots, a chord is to be drawn at a length of 10' in order to establish the rear lot line for the purpose of setback measurement ~~as shown in the image below.~~ [\(See Setback Diagram\)](#)

Side: A setback extending from the front lot line to the rear setback and parallel to the side lot line, measured perpendicular to the side lot line. [\(See Setback Diagram\)](#)

SETBACK DIAGRAM



[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization and grammar. A reference to the Setback Diagram is added for clarity and a label is added to the Setback Diagram.]

Pages 3-19 and 3-20, April 14, 2020 DRAFT Helena Valley Zoning Regulations

Staff: Lewis and Clark County employees with a role in reviewing or administering the provisions contained [herein in these Regulations](#).

Subject Land: Real property which is the subject of ~~the these~~ [Regulations set forth herein](#).

Telecommunications Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization and to provide clear references.]

SECTION 7 RURAL RESIDENTIAL MIXED USE

Page 7-2, April 14, 2020 DRAFT Helena Valley Zoning Regulations

701 Intent

To provide for lower density residential development, ~~along with an opportunity for continued agricultural activities,~~ within the rural areas of the Helena Valley; ~~along with an opportunity for continued agricultural activities.~~ Also, on a limited basis, to provide areas for non-residential uses in balance with residential development and agricultural activities as an integral part of the community providing essential services and employment opportunities. Non-residential development within this district should be permitted in compact centers rather than in extended strips of development along roadways to provide for orderly development, minimized traffic congestion, and to provide for safe pedestrian movement.

Urban development within this district is strongly discouraged. Expansion of urban development into rural areas is a matter of public concern because of the challenges in satisfactorily addressing the impacts associated with the five key issues identified in the Growth Policy. Those key issues, ~~(fire, water, wastewater, roads, and flooding);~~ along with the potential for conflicts between agricultural and urban activities support the lower development intensity levels of the Rural Residential Mixed-Use zone district. Development or use of land in this district is permitted only in accordance with the provisions herein.

702 Principal Uses

Only one principal use is allowed on each parcel. The following principal uses are allowable in the Rural Residential Mixed-Use District:

702.01 Agriculture

702.02 Apiculture

702.03 Community Residential Facility – Type-I

702.04 Community ~~u~~Uses:

- [702.04.01](#) Education Facility
- [702.04.02](#) Library
- [702.04.03](#) Open space/trails
- [702.04.04](#) Park
- [702.04.05](#) Public Facilities (without outdoor training)

702.05 Day-care Facility

702.05.01 Adult Daycare

702.05.02 Family Daycare

702.05.03 Group Daycare

702.06 Forestry

702.07 Horticulture

702.08 Residence

- [702.08.01](#) A single dwelling unit residence per parcel
- [702.08.02](#) A two – dwelling unit residence per parcel

702.09 Septic Waste and Domestic Sludge Application

702.10 Silviculture

- 702.11 Telecommunication ~~f~~Facility
- 702.12 Temporary Use
- 702.13 Utility Site
- 702.14 Worship Facility

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct grammar and capitalization and be consistent in the use of lists.]

Pages 7-3, 7-4, and 7-5, April 14, 2020 DRAFT Helena Valley Zoning Regulations

703 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 703.01 Accessory Uses and Buildings
- 703.02 Home ~~e~~Occupations, in compliance with Section 16, of these Regulations.
- 703.03 Temporary Uses, in compliance with Section 15 of these Regulations.

704 Conditional Uses

The following uses are permitted, upon approval of a Conditional Use Permit (~~CUP~~) by the Board of County Commissioners (BoCC), in accordance with Section 14, of these Regulations:

- 704.01 Airstrip
- 704.02 Aircraft ~~h~~Hangars when in association with properties within or adjoining an airstrip
- 704.03 Animal ~~a~~Aospital, ~~v~~Veterinary ~~e~~Clinic
- 704.04 Batch Plant (concrete, mortar, or asphalt; not including temporary batch plants)
- 704.05 Bank/financial institution
- 704.06 Bar/lounge
- 704.07 Bed and ~~b~~Breakfast ~~e~~Establishment.
- 704.08 Building materials - wholesale/retail
- 704.09 Camp ~~and~~ ~~r~~Retreat ~~e~~Center
- 704.10 Cemetery
- 704.11 Community Residential Facility, Type-II
- 704.12 Contractor's storage yard
- 704.13 Daycare Center
- 704.14 Equipment ~~r~~Rental
- 704.15 Extractive Industries
- 704.16 Funeral Home
- 704.17 General/Professional Services
- 704.18 General Repair
- 704.19 Greenhouse/~~p~~lant ~~n~~Nursery
- 704.18 Health Care Facility

- 704.19 Heliport
- 704.20 Hotel (including conference or convention facilities)
- 704.21 Industrial (must not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the parcel boundary)
- 704.22 Indoor Entertainment, Sports, and Recreation
- 704.23 Jail/Correctional Facility
- 704.24 Kennel
- 704.25 Medical Marijuana Dispensary
- 704.26 Medical Marijuana Grow Operation
- 704.27 Medical Marijuana Provider
- 704.28 Motor Vehicle Graveyard
- 704.29 Motor Vehicle Wrecking Facility
- 704.30 Motorized vehicle/equipment - service/repair and incidental sales
- 704.31 Outdoor Sports and Recreation
- 704.32 Outdoor Entertainment
- 704.33 Parking Hlot - public or private
- 704.34 Propane distribution/storage facility
- 704.35 Public Facilities (with outdoor training)
- 704.36 Recycling Facility/solid waste transfer facility
- 704.37 Renewable Energy Facilities
- 704.38 Research and Development Facility
- 704.39 Residence
 - [704.39.01](#) Multiple – Dwelling Unit Residence per parcel
- 704.40 Restaurant
- 704.41 Retail
- 704.42 Satellite Earth Station
- 704.43 Storage Facility, Self Service
- 704.44 Vehicle Fuel Sales
- 704.45 Vehicle Repair
- 704.46 Vehicle Sales and Rental
- 704.47 Warehouse
- 704.48 Water/Wastewater Treatment Facility

705 Special Exception Uses

The following uses are allowed in addition to an established principal use, an accessory use, or conditional uses:

- 705.01 Agricultural
- 705.02 Apiculture
- 705.03 Community Residential Facility – Type-1
- 705.04 Day Care Facility
 - [705.04.01 Adult Daycare](#)
 - [705.04.02 Family Daycare](#)
 - [705.04.03 Group Daycare](#)
- 705.05 Forestry
- 705.06 Horticulture
- 705.07 Silviculture
- 705.08 Telecommunication Facility

706.01.4 The minimum amount of land preserved in a cluster development is equal to the base density of ten (10) acres per parcel, minus the area in new lots planned for development. For example, an 80-acre parcel can be divided into eight (8) lots (80 acres ÷ a base density of 10 acres per lot).

In the 80 acre example below in ~~f~~Figure 1, each of the 8 cluster lots is one acre in size as allowed under DEQ rules for water and wastewater. The 9th parcel, 72 acres in size, is to be preserved as open space and/or a resource use(s). Under this development scenario, approximately 90 percent of the parcel is maintained in open space, and the need for road construction is minimized

The 160 acre example below in ~~f~~Figure 1, shows a second example of development of a 160-acre parcel. A 160-acre parcel of land can be divided into sixteen lots planned for development (160 acres ÷ a base density of 10 acres per lot). Each of the ten cluster lots (the maximum number of cluster lots allowed) planned for development is two acres in size. An added six non-clustered lots of 10 acres each are allowed on the parcel being subdivided to achieve the full development potential of the quarter section of land. The 17th parcel, 80 acres in size, is to be preserved as open space and/or a resource use(s). Under this development scenario, approximately half of the parcel is maintained in open space, and the need for road construction is minimized.

Numerous other combinations and configurations are possible so long as they comply with the provisions for cluster development and the density restrictions.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to introduce common abbreviations, correct grammar and capitalization, be consistent in the use of lists, and to utilize abbreviations consistently.]

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706.02 Open Space Standards

The land preserved in open space and/or a resource use(s) must:

706.02.1 Be maintained on a long-term basis through a ~~irrevocable~~ ~~revocable~~ covenant prohibiting further subdivision, division, or development of the open space and/or resource use parcel. Revocation of said covenant requires approval by the ~~Lewis and Clark County Board of Commissioners~~ (BoCC). Revocations may be considered if zoning and/or development constraint conditions no longer require density to be limited on the subject property;

706.02.2 Be accessible via a road and/or trail easement filed with the Lewis and Clark County Clerk and Recorder's office;

706.02.3 Be identified on a final subdivision plat or certificate of survey (COS) (for exemptions from subdivision). The ~~Final Plat~~ final subdivision plat or COS shall include a notation as to the official recordation location of the revocable covenant;

706.02.4 Include a plan for ongoing use and maintenance as open space and/or a resource use(s) that includes provisions to manage vegetation and noxious weeds, and that may be amended by the BoCC in consultation with parties owning title to the land;

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to require a revocable covenant for added flexibility, and to utilize abbreviations and phrases consistently.]

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708.04.1

Applicability and Water Course Descriptions

Setbacks and buffers are horizontal distances from the ordinary high water mark, and are designated as follows:

<u>Water Course Designation</u>	<u>Setback</u>	<u>Buffer</u>
<u>(a)</u> Type I	250 feet	100 feet
<u>(b)</u> Type II	200 feet	75 feet
<u>(c)</u> Type III	100 feet	50 feet
<u>(d)</u> Type IV	50 feet	no buffer

Setback and buffer areas are applicable from the boundaries of wetlands identified by the County, the Army Corps of Engineers, Department of Environmental Quality (DEQ), U.S. Fish and Wildlife Services, Department of Natural Resources and Conservation (DNRC) or Montana Fish, Wildlife and Parks (FWP). Setback and buffers areas from wetland boundaries may not contain structures and improvements, except for those for educational or scientific purposes.

For the purposes of this section, water courses subject to these regulations shall include the following:

- (a)- Parcels within 250 feet of the ordinary high water mark of type I water courses. This is defined as the Missouri River (excluding the reservoirs).
- (b)- Parcels within 200 feet of the ordinary high water mark of type II water courses, generally defined as all main tributaries of type I water courses.
- (c)- Parcels within 100 feet of the ordinary high water mark of type III water courses, generally defined as all tributaries of type II water courses; all intermittent streams; Missouri River Reservoirs; Lake Helena; Helena Valley Regulating Reservoir; and wetlands (as defined by the current edition of the Federal Manual for Identifying and Delineating Wetlands).

~~(d)~~ Parcels within 50 feet of type IV water-courses, which for these purposes are considered the Helena Valley Irrigation District canals, Prickly Pear Water Users canals, and ditches or canals specifically designed to specifically carry irrigation water.

708.04.2 Structures and uses prohibited under the setback and buffer standards include the following:

- ~~a~~ (a) ~~a~~Any type of building and accessory structure related to residential and non-residential uses;
- ~~b~~ (b) ~~m~~Manufactured and prefabricated buildings or accessory structures;
- ~~c~~ (c) ~~s~~Septic tanks and septic tank drain fields;
- ~~d~~ (d) ~~b~~Barns, feed lots, and corrals;
- ~~e~~ (e) ~~Tele~~communication ~~towers~~Facilities; and
- ~~f~~ (f) ~~r~~Roads, road easements, road rights-of-way and driveways that are within the setback and buffer area and are parallel to the watercourse.

708.04.8 Public trails along a stream, river, lake, or wetland may be constructed within the required buffer zones, provided they are solely for non-motorized use, and subject to the following provisions:

- ~~a~~ (a) ~~t~~Trails shall not be constructed within 15 feet of the ordinary high water mark of a stream, river, lake, or wetland. Existing trails inside this zone will be considered to be a legal, non-conforming use;
- ~~b~~ (b) ~~e~~Construction of trails shall follow the natural topography to the maximum extent feasible to prevent excessive cut and fill; and
- ~~c~~ (c) ~~n~~Natural vegetation shall be retained to the maximum extent possible.

708.04.9 Nothing in this Waterbody Setbacks and Buffers section shall prohibit repairs or improvements to existing roads, ditches, utilities or utility lines, bank maintenance, or stream stabilization/enhancement measures otherwise allowable under federal or state laws. The following uses or activities are authorized to occur within the setback and buffer area:

- ~~a~~ (a) ~~a~~A utility line;
- ~~b~~ (b) ~~r~~Roads, road easements, road rights-of-way and driveways that are perpendicular to the watercourse and within the setback are permitted;
- ~~c~~ (c) ~~a~~An outlet for stormwater facilities;
- ~~d~~ (d) ~~a~~An agricultural use or activity that is not a new agricultural building or addition to an existing building;
- ~~e~~ (e) ~~a~~An existing legal, non-conforming structure, use, or activity;
- ~~f~~ (f) ~~a~~An activity that is required in an approved noxious weed control plan; and/or
- ~~g~~ (g) ~~a~~An activity related to the planting of native vegetation.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to introduce common abbreviations, correct capitalization, and be consistent in the use of lists.]

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709.02 Fences and walls in excess of forty-two (42) inches in height are not allowed in the front setback.

[STAFF NOTES ON PROPOSED CHANGES: Change suggested by City Planning Staff member.]

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712.12 Crematorium; General Repair; Light Industrial; Vehicle Repair; ~~Vehicle Services~~: 1.59 spaces per 1,000 square feet of gross floor area.

712.17 Specialized Food Production; Artisan Shop (with Production and Manufacturing): ~~1.59~~ ~~s~~ ~~paces~~ 1.59 spaces per 1,000 square feet of gross floor area.

713.01 Residential Outdoor Lighting
All exterior light fixtures shall be of a full-cutoff design; except as otherwise permitted below.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct grammar and spacing.]

SECTION 10 FORT HARRISON RURAL GROWTH AREA DISTRICT (FHRGA)

Page 10-1, April 14, 2020 DRAFT Helena Valley Zoning Regulations

The Fort Harrison Rural Growth Area Zone District was previously approved, and its regulations can be found at Resolution 2019-20 recorded with the Lewis and Clark County Clerk and Recorder's office at document number 3333541 (see below).

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct punctuation and use consistent language.]

SECTION 11 FORT HARRISON URBAN GROWTH AREA DISTRICT (FHUGA)

Page 11-1, April 14, 2020 DRAFT Helena Valley Zoning Regulations

The Fort Harrison Urban Growth Area Zone District was previously approved and, its regulations can be found at Resolution 2019-21 recorded with the Lewis and Clark County Clerk and Recorder's [office](#) at document number 3333542 (see below).

Nothing contained within these Helena Valley Zoning Regulations apply to the existing Fort Harrison [Rural Urban](#) Growth Area District regulations, and vice versa.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to correct punctuation and use consistent language.]

SECTION 14 CONDITIONAL USE PERMIT

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[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to match section titles in the document.]

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1401 Intent

To provide for uses in specific zone districts when such uses may possess unique and special characteristics which otherwise may not be ordinarily compatible with all ~~spects~~ aspects of the zone districts in question. To provide a public process which affords the County and the public a way to satisfactorily address any impacts of the use. To establish procedures for the review of Conditional Use Permits (CUP) by the ~~the~~ County Community Development and Planning Department (CDP) and the Board of Adjustment (BOA) with an opportunity for the public to participate.

1402 Criteria for Consideration of a Conditional Use Permit

A CUP may be approved only if the BOA finds and concludes that the proposed use satisfactorily addresses the criteria set forth in Section 1402.01. In reaching its conclusions, ~~it the BOA~~ will assess the applicant's information; however, the burden of proof for satisfying the approval standards shall rest wholly with the applicant, and not the BOA. The granting of a CUP rests in the discretion of the BOA and a refusal is not the denial of a right, conditional or otherwise.

No structure, building or land shall be used, constructed, altered, or expanded where a CUP is specifically required by the terms of these regulations until a CUP or CUP Amendment for such use has been authorized by the BOA and issued by the Zoning Administrator.

Structures or buildings devoted to any use which is permitted under the terms of these regulations, subject to the securing of a CUP, may be altered, added to, enlarged, expanded, or moved from one location to another on the parcel only after securing a new or amended CUP.

The BOA may establish lesser setbacks than those required and heights greater than those allowed in the underlying zone district, if the BOA determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.

A CUP may be permitted on nonconforming parcels when such use is permitted, as a CUP, in the zone district to which the parcel conforms in size.

1402.01 Approval Criteria

Each CUP application shall demonstrate how the proposal will satisfactorily address the following five (5) approval criteria.

1402.01.1 Site Suitability

That the site is suitable for the use. This includes:

- ~~(a) a~~ Adequate usable space; ~~and~~
- ~~(b) a~~ Adequate access; and

- ~~(c)~~ ~~a~~ Absence of adverse environmental constraints.

1402.01.2 Appropriateness of Design

The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:

- ~~(a)~~ ~~p~~ Parking scheme; ~~and~~
- ~~(b)~~ ~~t~~ Traffic circulation; ~~and~~
- ~~(c)~~ ~~o~~ Open space; ~~and~~
- ~~(d)~~ ~~f~~ Fencing, screening; ~~and~~
- ~~(e)~~ ~~l~~ Landscaping; ~~and~~
- ~~(f)~~ ~~s~~ Signage; and
- ~~(g)~~ ~~l~~ Lighting.

1402.01.3 Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- ~~(a)~~ ~~s~~ Sewer; ~~and~~
- ~~(b)~~ ~~w~~ Water; ~~and~~
- ~~(c)~~ ~~s~~ Storm water drainage; ~~and~~
- ~~(d)~~ ~~f~~ Fire protection; ~~and~~
- ~~(e)~~ ~~p~~ Police protection; and
- ~~(f)~~ ~~s~~ Streets.

1402.01.4 Immediate Neighborhood Impact

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- ~~(a)~~ ~~e~~ Excessive traffic generation; ~~and~~
- ~~(b)~~ ~~n~~ Noise or vibration; ~~and~~
- ~~(c)~~ ~~d~~ Dust, glare, or heat; ~~and~~
- ~~(d)~~ ~~s~~ Smoke, fumes, gas, or odors; and
- ~~(e)~~ ~~i~~ Inappropriate hours of operations.

1406 Standards and Additional Requirements for Conditional Uses

When the proposal lies within a Planned Unit Development (PUD) overlay, the ~~D~~development ~~P~~plan for said PUD overlay shall set forth the ~~C~~conditional ~~U~~uses and any additional requirements therein. In the absence of a PUD, the ~~C~~conditional ~~U~~uses shall be as set forth within the specific zone district applicable to the proposed project site.

The following uses are listed as Conditional Uses below and are subject to additional requirements as noted:

1406.01 Airstrip

- ~~(a)~~ Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.
- ~~(b)~~ The landing field shall be for the exclusive use of the landowner and guests.
- ~~(c)~~ Any commercial use, flight training, ground school, or sales, are prohibited.
- ~~(d)~~ Aircraft noise at the parcel boundaries may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
- ~~(e)~~ The FAA shall be notified regarding approval of airspace.

- (f) The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings not owned by the landowner, schools, churches, or other places of public assembly.
- (g) Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
- (h) A management plan shall be submitted with the application that addresses the following:
 - (1) ~~T~~Type and use of aircraft for which the facility is intended;
 - (2) ~~N~~Number of planes to be stationed on the site;
 - (3) ~~F~~Frequency of flights and diagram of flight patterns; and
 - (4) ~~H~~Hours of operation.

1406.02 Animal Hospital / Veterinary Clinic

- (a) ~~provided that s~~Such uses **are must be** located at least 100 feet from all parcel lines.

1406.03 Extractive Industries

Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the Montana Open Cut Mining Act, 82-4-401, et seq., M.C.A., as administered by the Montana Department of Environmental Quality, but shall be in addition to the requirements of said Act.

1406.03.1 Operational Requirements

- (a) The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations. Consideration shall be given to noise, light, dust, smoke and vibration and how they affect adjoining properties. Blasting operations shall be restricted to Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M. Pockets and stagnant pools of water resulting from surface drainage shall either be:
 - (1) Sprayed to eliminate breeding places for mosquitoes and other insects. Method and chemical uses shall be approved by the Montana State Department of Agriculture; or
 - (2) Drained to prevent the creation of such breeding places.

1406.03.3 Plan for Development of the Site.

The plan to be submitted with the application for a CUP shall include a plan for the development of the subject property which shall consist of two phases: the exploitation phase and the re-use phase. When such a plan is also required by the Open Cut Mining Act, the submitted plan must include all information required by the Department of Environmental Quality for such an application.

- (a) Exploitation Phase

- A- (1) The plan for the exploitation phase ~~should~~ shall show the proposed development as planned in relation to surrounding property within 300 feet and shall include topographic surveys and other materials indicating existing conditions, including soil and drainage and the conditions, including drainage, topography and soil which shall exist at the end of the exploitation phase. Contour intervals for topography shall be five (5) feet in areas where slope is less than ten (10%) percent.
- B- (2) The plan for the exploitation phase shall demonstrate the feasibility of the operation proposed without creating hazards or causing damage to other properties. This plan shall also show the different stages of exploitation, where and how traffic will be handled, where equipment will be operating, the location and dimension of structures, the manner in which safeguards will be provided, including those for preventing access by children and other unauthorized persons to dangerous areas. The final stage of this plan shall indicate how the project is to be finished in accordance with the plan for re-use.
- (b) Re-Use Phase

The plan for the re-use phase shall indicate how the property is to be left in a form suitable for re-use for purposes permissible in the district, relating such re-uses to uses existing or proposed for surrounding properties. Among items to be included in the plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil, including measures to be taken to replace topsoil or establish vegetation in excavated areas in order to make the property suitable for the proposed re-use and treatment of slopes to prevent erosion. In such a re-use plan, intermittent lakes shall be allowed, provided that such lakes are deep enough to sustain a species of game fish approved by the Montana Department of Fish, Wildlife and Parks. Such fish should have the capacity of feeding on insects and mosquito larvae, thereby eliminating an insect and mosquito breeding area.

1406.04 Greenhouse Nursery

The following items may be restricted based upon compatibility with the surrounding land uses:

- (a) Location, size, height and use of structures;
- (b) Number of vehicle trips;
- (c) Lighting and hours of operation;
- (d) Location and type of materials stored outside; and
- (e) Wholesale/Retail sale of items.

1406.05 Heliport

- (a) The FAA shall be notified regarding approval of airspace.

- (b) A management plan shall be submitted with the application that addresses the following:
 - (1) ~~T~~ Type and use of aircraft for which the facility is intended;
 - (2) ~~N~~ Number of ~~helicopters~~ helicopters to be stationed on the site;
 - (3) ~~F~~ Frequency of flights and diagram of flight patterns; and
 - (4) ~~H~~ Hours of operation.

1406.09 Satellite Earth Station

A report describing the satellite earth station shall be included with the application. The report shall include the following:

- (a) Discussion of proposed number, height, and types of satellite dishes to be accommodated;
- (b) Description of output frequency, number of channels and power output per channel for each proposed antenna;
- (c) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted;
- (d) A plan for the use and estimated life of the proposed telecommunication facility; and
- (e) Statement that the proposed facility will be in compliance with all FCC and FAA regulations, and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to correct spelling, introduce common abbreviations, and to be consistent in the use of lists.]

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1407 Submittal Prerequisite

The applicant shall attend a presubmittal pre-application meeting with the Zoning Administrator to discuss their CUP proposal, the submittal process, and requirements for a new CUP or an amendment to an existing existing CUP. Within 15 days of the presubmittal pre-application meeting, the Zoning Administrator shall provide a written summary of the meeting.

A proposed amendment to an existing CUP may be considered in accordance with the procedures identified in the Amendment Section 1416 herein. An amendment to a CUP shall be considered through an administrative process when the Zoning ~~Administrator~~ Administrator determines that the change does not represent a substantial increase in the intensity of the use or impacts to the neighborhood. This type of amendment shall be referred to as a CUP Administrative Amendment.

If the Zoning ~~Admiistrator~~ Administrator determines that the proposed amendment to an existing CUP does represent a substantial increase in the intensity of the use or impacts to the neighborhood, the proposed amendment shall be subject to the same submittal and process requirements as required for a new CUP application. This type of amendment shall be referred to as a CUP Amendment. When making the determination, the Zoning Administrator shall

consider the proposed degree of change to the site improvements and management plan as reflected on the approved Plan Exhibit, with specific consideration for potential increased impacts to the surrounding community.

1408 Submittal Process

The following shall apply to a new CUP or a CUP Amendment. The application shall be submitted only after the ~~presubmittal~~ pre-application meeting(s) has been completed and the applicant has received the written Staff comment summary from the ~~presubmittal~~ pre-application meeting. For a request for a CUP, or a CUP amendment, the submittal is processed as follows:

1408.01 The applicant shall submit the required submittal information to the CDP. The submittal shall be reviewed by the Planner Staff assigned the project and a determination of completeness shall be made within 21 days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

1408.02 Once the submittal is determined complete, ~~s~~Staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies.

1408.03 If the referral agencies elect to comment, they may comment within 30 days from the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 days.

All referral agency comments shall be provided by the Planner Staff to the applicant. The applicant shall be given an opportunity to address the comments of all referral agencies by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide the Planner with a written response. The applicant is encouraged to meet with the referral agencies and the Planner Staff to address any concerns.

1408.04 The Planner Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the BOA, notify the applicant in writing of the hearing date and time, and prepare a staff report for the BOA. The Planner Staff will provide the public notice for the hearing as set forth in Section 1412 herein.

1408.05 The BOA shall evaluate the CUP request, staff report, referral agency comments, applicant responses, and public comment and testimony, and shall approve, approve with conditions, table for further study, or deny the CUP request. The BOA's action shall be based on the evidence presented, public comment, compliance with the adopted County standards, regulations, policies, and other guidelines.

1408.06 If denied by the BOA, a resubmittal of a CUP request for the same or substantially same request, as determined by the Zoning Administrator, shall not be accepted within 1 year of such denial. The applicant may appeal the decision, in writing, to the BOA pursuant to the Section 20 (Appeals) of these Regulations. The submittal of a new application and processing fee shall be required to pursue another proposed CUP.

1408.07 Following approval by the BOA, the applicant shall submit a signed Plan Exhibit to the CDP. The Planner Staff shall verify that all conditions of approval have been met and all technical corrections have been satisfactorily made, prior to the Zoning Administrator's execution of the approval certificate on behalf of the BOA. The applicant shall submit the final signed Plan Exhibit no later than 90 days from the date of BOA approval, unless the BOA allows for a longer period of time as part of its approval. The Zoning Administrator may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the BOA's consideration.

1409 Withdrawal of an Conditional Use Permit Application

A request to withdraw an application shall be submitted, in writing, to the Planner Staff. Once withdrawn, the submittal of a new application and processing fee shall be required in order to re-initiate the application; and such re-initiation shall be considered and processed as a new application.

1410 Submittal Requirements

The following submittal requirements shall apply to all applications for a new CUP:

1410.01 Completed application (available from the CDP).

1410.02 Application fee (available from the CDP).

1410.03 Proof of ownership that includes an updated or current title insurance policy or title commitment, or other acceptable form of title verification, no more than 6 mo. days old from the date of application.

1410.04 A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.

1410.05 Narrative to describe the following:

- (a) General project concepts;
- (b) Zoning of the land and compliance with the zone district requirements and any additional requirements for the CUP review as defined in this Section 14;
- (c) Define overall impacts of the proposed use on the adjoining lands;
- (d) Compliance with the Growth Policy;
- (e) Compliance with appropriate agency regulations and any other necessary permits; and
- (f) How the proposal satisfactorily address the approval criteria set forth in Section 1402, ~~herein~~.

1410.06 Plan Exhibit (*per Section 1411, herein*)

Plan Exhibit (11"X17" reduction) shall be required for the BOA public hearing packets; however, larger format plans (i.e. 24"x36" etc.) may be required if needed for clarity purposes.

1410.07 Development Reports, unless waived by the Zoning Administrator in consultation with the County Engineer:

- (a) Drainage Report and Plan;
- (b) Utility drawings(s);
- (c) Off-site improvement plans, as required;
- (d) Engineering construction drawings; and
- (e) Traffic Impact Study.

1410.09 Documentation of capacity from the fire protection authority having jurisdiction.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to correct capitalization, use common language, refer to Staff consistently, provide clear references, clearly reference the fire protection authority having jurisdiction, and be consistent in the use of lists.]

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1411.01 All or portions of the required Site Plan elements may be waived by the Zoning Administrator if it is determined that the CUP review will occupy an existing structure with no exterior modifications, no site modifications, or will not otherwise require significant public or private improvements:

- (a) Scaled Site Plan;
- (b) Landscape Plan;
- (c) Grading and Drainage Plan; and
- (d) Lighting Plan.

1411.02.1 Number of clients/customers expected daily or weekly.

1411.02.2 Hours of operation - whether the use is seasonal and the number of days of the week.

1411.02.3 Number of employees.

1411.02.4 Required outside storage/parking/loading areas.

1411.02.5 Permit requirements from other state, federal or local agencies.

1411.02.6 Method of providing fire protection.

1411.02.7 Other operational elements necessary to address the potential impacts for the specific special use.

1411.03 Plan Exhibit Title

The ~~p~~Plan ~~e~~Exhibit title shall include the name and legal description of the proposed development along with the address, site acreage (both for the CUP area and total site when different), and project file number. The business name shall not appear in the official title.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization and be consistent in the use of lists.]

Pages 14-11 through 14-13, April 14, 2020 DRAFT Helena Valley Zoning Regulations

1412.01 ~~WRITTEN NOTICE~~ Written Notice

At least 15 days prior to the BOA hearing, Staff shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the County. The notice shall read substantially the same, as the published notice also required by this section.

1412.02 ~~PUBLISHED NOTICE~~ Published Notice

At least 15 days prior to the BOA hearing, Staff shall:

- ~~(a) p~~ Publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in the County; and
- ~~(b) e~~ Obtain a publisher's affidavit of said published notice prior to the hearing.

1412.03 ~~POSTED NOTICE~~ Posted Notice

At least 15 days prior to the BOA hearing, Staff shall post a notice on the land for which the CUP is requested.

1413.02.1 Construction pursuant to approval of a CUP shall be commenced within three (3) years from the date of the ~~BoCC's~~ BOA's approval, unless otherwise specified, or the approval shall terminate. The Zoning Administrator may grant an extension of time, for good cause shown, upon a written request by the applicant.

1413.02.3 Where a CUP brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements depicted on the CUP exhibit shall be completed within six months of approval, unless otherwise approved by the ~~BoCC~~ BOA.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization, be consistent in the use of lists, and to utilize abbreviations consistently.]

Pages 14-14 and 14-15, April 14, 2020 DRAFT Helena Valley Zoning Regulations

1415 Post Denial Application

If denied by the BOA, a resubmittal of the same or substantially same CUP application shall not be accepted within 180 days from the date of denial by the BOA~~s~~ or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Zoning Administrator showing that there has been a substantial change in physical conditions or

circumstances, the Zoning Administrator may reconsider the CUP sooner than the above noted 180 days. A new application and processing fee shall be required.

1416 CUP Amendments

1416.01 Amendment of an Approved CUP - BOA

An amendment to an approved CUP may be considered in accordance with the procedures identified in the Section 14 ~~herein~~ for a new CUP.

1416.02 Amendment of an Approved CUP - Administrative

When an ~~exsiting~~ ~~existing~~ CUP is proposed for a minor modification, it may be considered for an Administrative CUP Amendment by the Zoning Administrator as follows:

- ~~1-~~ 1416.02.1 Upon receipt of a complete application as set forth in Section ~~1408~~ ~~1410~~ ~~herein~~, the Zoning Administrator shall prepare a notice containing the pertinent facts to the application and shall have said notice served by first class mail upon ~~adjoining~~ property owners ~~within 150 feet of the subject property~~. The notice shall provide a reasonable period of time, not less than 21 days, for interested parties to submit comments on the proposed activity. Within 15 days of the end of the comment period a written determination shall be mailed to the applicant approving or denying the Administrative ~~Amnendment~~ Amendment to the CUP.
- ~~2-~~ 1416.02.2 The application and format used for the submittal of the Administrative Amendment to the CUP shall be the same as found in Section ~~1408~~ ~~1410~~ ~~herein~~ for CUP applications. All information required for the application shall be supplied by the applicant. The evaluation criteria for this Administrative Permit shall be supplied by the applicant. The criteria for this Administrative Permit shall be the same criteria as outlined in Section 1402 ~~herein~~. If there is no written public opposition and the project meets the criteria, the project will be approved. The Zoning Administrator shall issue ~~a~~ CUP Administrative Amendment, with or without conditions of approval, which will be indicated on the face of the permit.
- ~~3-~~ 1416.02.3 When written opposition from the property owners ~~within 150 feet of the adjoining the~~ property subject to the request are received prior to the end of the comment period and the expressed concerns of the opposition cannot be resolved by the applicant, the Administrative ~~Conditional Use Permit~~ Amendment to the CUP will be scheduled for the next available ~~Board of Adjustment~~ BOA meeting for a decision. The applicant shall be responsible for all additional information and filing fees required.
- ~~4-~~ 1416.02.4 If the Administrative Amendment to the CUP ~~Conditional Use Permit~~ is denied by the Zoning Administrator, ~~the~~ denial may be appealed. This appeal shall be made in accordance with Section 20 (Appeals) ~~herein~~. The appellant is responsible for all information and additional filing fees required.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to provide clear references, correct spelling and grammar, utilize consistent language, and to clearly indicate adjoining property owners as opposed to property owners within an arbitrary distance that may be more suited for areas of higher density.]

SECTION 15 TEMPORARY USES

Pages 15-2, April 14, 2020 DRAFT Helena Valley Zoning Regulations

To provide for the regulation of temporary and seasonal uses such as, but not limited to, temporary construction offices, temporary sales offices, produce stands, Christmas tree lots, firework stands, uses central to seasons, holidays, special events, or development/construction projects. Temporary uses have defined commencement and termination dates.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to provide missing word.]

SECTION 18 NONCONFORMING USES, STRUCTURES AND LAND

Pages 18-2 and 18-3, April 14, 2020 DRAFT Helena Valley Zoning Regulations

1802 Nonconforming Uses, Structures, and Land

1802.01 If, at the time of adoption of these Regulations or of any amendments thereto, or at the time a zoning district to which these Regulations are applied is created, any lot, structure, or building being used in an otherwise lawful manner that does not conform to the use provisions of these Regulations, or if any structure or building was located or erected in an otherwise lawful manner that does not conform to the setbacks, height limit, or parking and loading provisions of these Regulations, such use of such location or erection shall be deemed to be a non-conforming use and may continue in the manner and to the extent that it existed or was being used at the time of adoption of these Regulations. Such non-conforming status will run with the parcel, building, or use and shall not be affected by changes in ownership.

1802.02 Whenever the on-site construction has begun for any building, for which a building permit has been issued by the authorized issuing agency or if a building permit is not required, prior to the adoption or amendment of these Regulations, or creation of a zoning district to which these Regulations apply, and the construction/erection of which is in conformity with the plans submitted and approved for such building permit, but does not conform to the provisions of these Regulations, such building shall be considered non-conforming.

1803.06 If any nonconforming use and/or structure is abandoned, deserted, or caused to be discontinued, voluntarily or by legal action, (for any reason other than as noted herein

in Section 1803.07) for a period of more than 180 days, any subsequent use of such land or structure(s) shall conform to the provisions of these Regulations and as thereafter amended.

1803.07.1 Said restored structure or use shall occupy the same physical footprint and must be used for the same purpose(s) as the original nonconforming structure or use; unless the restoration brings the structure or use either more, or fully, into compliance with these ~~f~~Regulations.

1805 Nonconforming Lot

In each zoning district all structures and/or uses whether as ~~P~~principal, ~~A~~accessory, ~~C~~conditional ~~U~~uses, or ~~S~~special ~~E~~exception ~~U~~uses may be erected/placed/developed on any nonconforming lot which was lawfully of record before these Regulations were adopted or amended. However, all development occurring on a nonconforming lot after the adoption of these ~~f~~Regulations shall conform with all other provisions of these Regulations.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization and provide clear references.]

SECTION 19 VARIANCE STANDARDS AND PROCEDURES

Pages 19-2 through 19-5, April 14, 2020 DRAFT Helena Valley Zoning Regulations

1902.02 A variance for the following shall be strictly prohibited:

- ~~(a)~~ Use - A variance for a use not listed within ~~the zoning these~~ ~~f~~Regulations applicable to the property in question; or
- ~~(b)~~ Incongruent Purposes - A Variance authorizing any action which would be contrary to the purpose and intent of these ~~f~~Regulations.

1903 Variance - Approval Criteria

A variance shall be granted by the Lewis and Clark County Board of Adjustment (BOA) only upon the finding of the following:

1903.01 The applicant has provided reasonable and adequate evidence that the variance request is not a self-imposed hardship which can be rectified by means other than relief through a variance; ~~and~~

1903.02 The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested; ~~and~~

1903.03 Approval of the variance will not have a substantial adverse impact on neighboring properties or the public; and

1903.04 Granting of the variance will observe the spirit of these ~~R~~Regulations and provide substantial justice ~~;~~and

1904.02.6 An explanation in narrative form explaining the requested variance and how it meets the criteria in Sections 1902 and 1903 ~~herein~~.

1904.05 Prior to the hearing, Staff will provide legal notice as set forth in Section ~~1905~~ ~~1906~~ ~~herein~~.

1904.06 The CDP Staff shall prepare a report to the BOA that describes the proposed variance and provides an evaluation of the request relative to the variance criteria noted ~~in Section 1903~~ ~~herein~~.

1905 Public Notice Requirements

In calculating the time period for public notification, see Section ~~108~~ ~~106~~ of these Regulations.

1905.01 ~~MAILED NOTICE~~ Mailed Notice

At least 15 days prior to the BOA hearing, written notice by first-class must be mailed to each property owner of record immediately adjoining the land included in the variance request.

The notice shall indicate:

- ~~(a) T~~ (a) The date, time and location of the hearing;
- ~~(b) a~~ (b) An explanation of the variance;
- ~~(c) T~~ (c) The general location of the land that is the subject of the request;
- ~~(d) t~~ (d) The file name and number; and
- ~~(e) T~~ (e) That questions should be directed to the CDP.

1905.02 ~~PUBLISHED NOTICE~~ Published Notice

At least 15 days prior to the BOA hearing, notice shall be given by publication in a newspaper of general circulation in the County.

The notice shall indicate:

- ~~(a) T~~ (a) The date, time and location of the hearing;
- ~~(b) a~~ (b) An explanation of the variance;
- ~~(c) T~~ (c) The general location of the land that is the subject of the request;
- ~~(d) t~~ (d) The file name and number; and
- ~~(e) T~~ (e) That questions should be directed to the CDP. ~~(state name of Planner and email.)~~

1906.02 The notification shall include the following:

- ~~(a)~~ (a) The decision of the BOA;
- ~~(b)~~ (b) The findings that support the BOA decision;
- ~~(c)~~ (c) Any adopted conditions of approval;
- ~~(d)~~ (d) A reminder of the approval time validity; and
- ~~(e)~~ (e) A statement that the BOA decision may be appealed to the Court of Record.

1907 Administrative Variance

As an option available to the landowner, the Zoning Administrator shall have the authority to grant Administrative Variances of up to a 25% adjustment in the zoning requirements for those items listed in 1902.01, without going to the BOA. The applicant shall submit the fee and the information required [in Section 1904.02 herein](#) to the Zoning Administrator. Staff shall notify abutting landowners of the request. Such notification shall be either a notice of the variance request sent by certified mail, return receipt requested, at least 15 days prior to the Zoning Administrator's consideration of such request; or the applicant may obtain a signed statement from the abutting landowners clearly stating that they were notified of the variance request and submit these signatures with the application.

The procedure for an Administrative Variance shall substantially follow that of Section 1904 [herein](#); however, without the need for the hearing before the BOA.

A decision by the Zoning Administrator to deny such variance may be appealed to the BOA in accordance with the procedure in Section 20 (Appeals). A written appeal shall be submitted by the applicant to the Zoning Administrator within 30 days of such denial.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization and be consistent in the use of lists, provide clear references, and to utilize abbreviations consistently. The reference to the Planner in 1905.02 isn't needed and Staff suggests its removal].

SECTION 20 APPEAL STANDARDS AND PROCEDURES

Pages 20-2 through 20-4, April 14, 2020 DRAFT Helena Valley Zoning Regulations

2001 Intent

An appeal to the Board of Adjustment (BOA) may be taken by any person aggrieved by the decision of the Zoning Administrator based upon or made in the course of the administration or enforcement of the provisions of these Regulations in accordance with Title [76 2](#), Chapter 2, Part 2, ~~MCA. Montana Code Annotated (MCA.)~~

2004.05 Prior to the hearing, CDP Staff will provide legal notice as set forth in Section 2005 [herein](#).

2005.01 ~~MAILED NOTICE~~ Mailed Notice

At least 15 days prior to the BOA hearing, written notice by first-class must be mailed to each property owner of record immediately adjoining the land included under the appeal.

The notice shall indicate:

- ~~(a) ¶~~ (a) The date, time and location of the hearing;
- ~~(b) ¶~~ (b) An explanation of the variance;

- ~~(c) The location of the land (as applicable) that is the subject of the request (distance and direction from nearest major intersection);~~ general location of the land (as applicable) that is the subject of the request;
- ~~(d) The file name and number;~~ and
- ~~(e) That questions should be directed to the CDP.~~

~~The CDP~~ Staff completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

2005.02 ~~PUBLISHED NOTICE~~ Published Notice

At least 15 days prior to the BOA hearing, notice shall be given by publication in a newspaper of general circulation in the County.

The notice shall indicate:

- ~~(a) The~~ (a) The date, time and location of the hearing;
- ~~(b) An~~ (b) An explanation of the variance;
- ~~(c) The~~ (c) The general location of the land that is the subject of the request;
- ~~(d) The~~ (d) The file name and number; and
- ~~(e) That~~ (e) That questions should be directed to the CDP. ~~(state name of Planner and email.)~~

2006.02 The notification shall include the following:

- ~~(a) The~~ (a) The decision of the BOA;
- ~~(b) The~~ (b) The findings that support the BOA decision;
- ~~(c) Any~~ (c) Any adopted conditions of approval;
- ~~(d) A~~ (d) A reminder of the approval time validity; and
- ~~(e) A~~ (e) A statement that the BOA decision may be appealed to the Court of Record.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization, be consistent in the use of lists, and to utilize abbreviations consistently. The reference to the Planner in 2005.02 isn't needed and Staff suggests its removal].

SECTION 24 SUBDIVISION EXEMPTIONS; VESTED RIGHTS

Top Header should be re-labeled as follows: Section 24 ~~Vested Property Rights~~ Subdivision Exemption, Vested Rights

Pages 24-2, April 14, 2020 DRAFT Helena Valley Zoning Regulations

2403 Private Agreements

Adoption of these ~~r~~regulations does not nullify easements, covenants, and/or similar private agreements, but where any such easement, covenant, and/or agreement imposes requirements less restrictive than those adopted herein, the requirements of these regulations apply.

2404 Termination

Any right to carry out the preliminary plat of a subdivision or approval of an exemption from subdivision review which was submitted or approved prior to the adoption of these regulations shall terminate upon the expiration of any such approvals unless extended by prior approval by the ~~BoCC Board of County Commissioners~~.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to correct capitalization, and to utilize abbreviations consistently.]

SECTION 25 BOARD OF ADJUSTMENT

Pages 25-2, April 14, 2020 DRAFT Helena Valley Zoning Regulations

2501 Board of Adjustment

The Lewis and Clark County Board of Adjustment (BOA) exists by statutory authority in accordance with ~~Montana Code Annotated Section~~ 76-2-221, MCA.

2503 Powers

2503.01 The powers and duties of the BOA, including hearing Conditional Use Permits, Variances, and Appeals, are set forth in Sections 76-2-221 through 76-2-228, MCA ~~M.C.A.~~, and as also set forth in these Regulations in Sections 14, 19, and 20.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to utilize abbreviations consistently.]

SECTION 26 CONSOLIDATED CITY AND COUNTY PLANNING BOARD

Pages 26-2, April 14, 2020 DRAFT Helena Valley Zoning Regulations

2601 Planning Board

The City of Helena and Lewis and Clark County Consolidated City and County Planning Board (CCCPB), formed pursuant to Section 76-1-101, et seq., MCA shall have the powers and duties as set forth in this section.

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member to utilize abbreviations consistently.]

APPENDIX-C PLANNING AND ZONING COMMISSION (PART-1 ZONING ONLY)

The Lewis and Clark County, ~~MT~~ Planning and Zoning Commission exists by statutory authority in accordance with Section 76-2-102, MCA. It has no purview over these Part-2 zoning regulations for the

Helena Valley, or for the Fort Harrison Part-2 zoning districts, and its reference is merely contained here for convenience purposes relative to the Part-1 zoning regulations contained in Appendix-B [herein](#).

[STAFF NOTES ON PROPOSED CHANGES: Changes suggested by Planning Board member and Staff to provide clear references and remove the unnecessary abbreviation for Montana.]