

# CHAPTER 41: DOWNTOWN DISTRICT

## I. District Overview

This chapter provides design standards and administrative procedures specific to the Downtown District. These standards and procedures are intended to encourage the creation and preservation of mixed-use development opportunities, including a wide range of housing options; 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 that reflects the vision and goals described for the area in the Downtown Helena Neighborhood Plan (adopted by Res. No. 20313). These aspects are all essential for the development of a diverse, dynamic and desirable city environment. The interests of the community and the goals of the Growth Policy and Neighborhood Plan are further ensured through the application of this chapter.

## II. District Boundary

- a) The Downtown District is shown in Figure I. The boundary of the district can generally be described as the Downtown Helena Neighborhood Plan area.
- b) Properties eligible for the Downtown District zoning designation must be located within the Downtown Helena Neighborhood Plan boundary, or have been considered as part of the neighborhood planning effort and represented accordingly in the adopted plan or City Growth Policy.

## III. Applicability of District Standards

The design standards presented in this Chapter shall be applied to all development and redevelopment occurring within the District boundary, with the following exceptions:

- a) A non-conforming lot/building in lawful existence at the time of adoption of this Chapter or any amendment thereto may be continued subject to the following:
  - Any building, structure, development, site, sign, improvement, or other appurtenance which legally

existed on the effective date of this Chapter that does not conform to the design standards herein may continue until a Substantial Modification is requested or abandonment occurs. At such time, the affected portion(s) of the building, structure, development, site, sign, or improvement, shall be required to comply with all applicable design standards;

- Any modification other than a Substantial

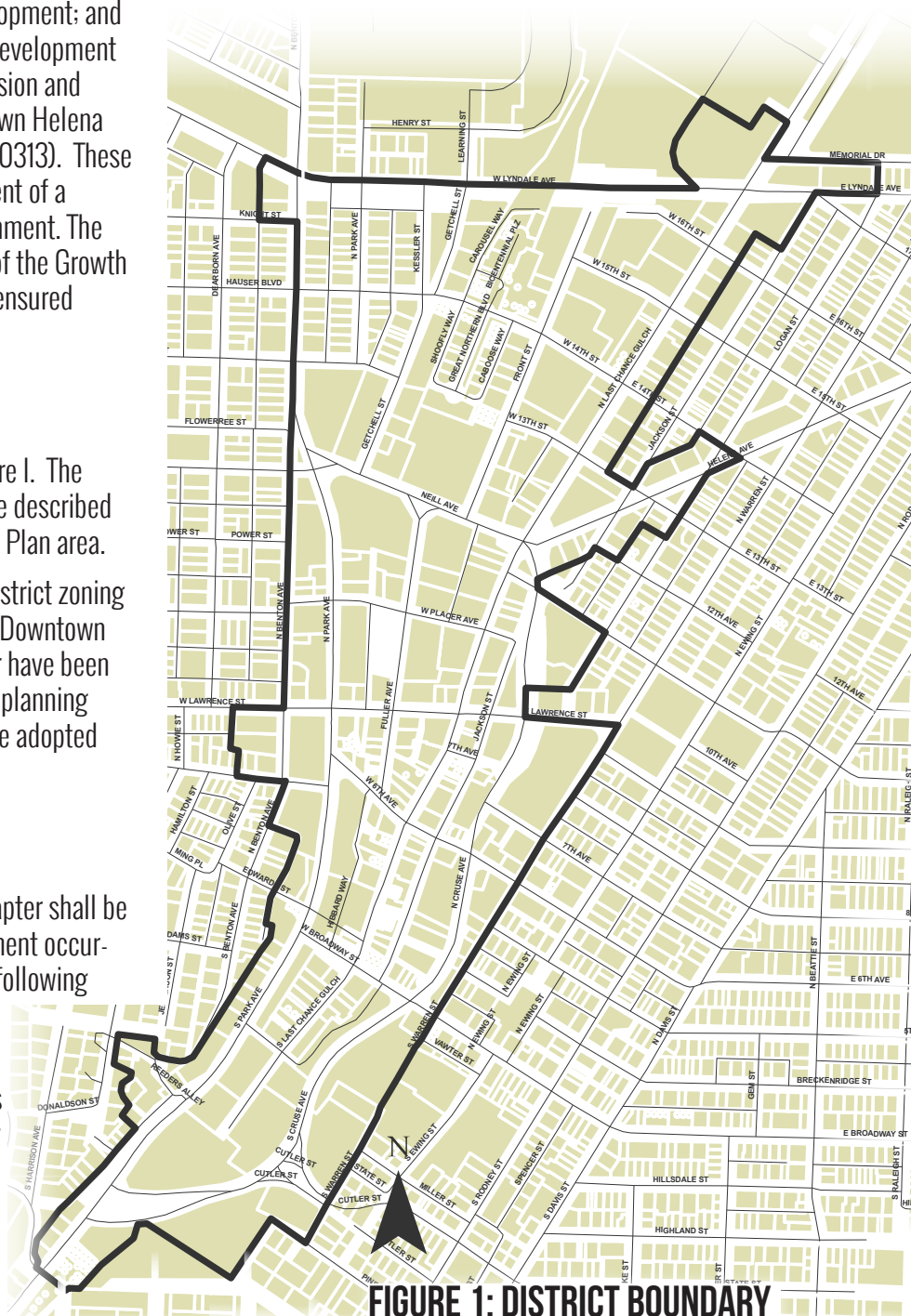


FIGURE 1: DISTRICT BOUNDARY

Modification to an existing building, structure, development, site, sign, or improvement shall be permitted according to the review procedures of this Chapter only if such changes result in greater conformance with the specifications of this Article:

- Any change or modification shall not create any new nonconformity; and
  - Buildings listed or eligible for listing on the State or National Register of Historic Places shall not be required to make any modifications that would threaten their historic integrity.
- b) Substantial Modification: Any demolition, deconstruction, relocation, rehabilitation, or redevelopment of an existing building, structure, development, site, sign, or improvement that, as determined by the Zoning Administrator:
- Exceeds fifty percent (50%) or more of the pre-development assessed value of the structure or building;
  - Involves an improvement or modification of fifty percent (50%) or more of the lot area exclusive of any Building or Structure; or,
  - Modifies thirty percent (30%) or more of a building façade located along a primary or secondary lot line.
  - This term does not include normal maintenance or repairs or any modifications required to correct violations of state or local health, sanitary, or building code specifications which have been identified by a code enforcement or building official, and which are the minimum necessary to correct such violations.

#### **IV. District Administration**

##### **Pre-Application Meeting**

Applicants with development proposals located within the Downtown District are encouraged to schedule a pre-application meeting with City Staff. The meeting will give the applicant an opportunity to review the proposal with staff from representative City Departments to receive comments about the potential impact the application may have on public facilities and services, and to review the applicable design standards required within the Downtown District. Applicants submitting a

request for a use on property within the District requiring Zoning Administrator determination are required to participate in a pre-application meeting to determine the appropriateness of the use before proceeding with a formal application. It is intended that the meeting be conducted prior to the applicant's preparation of a final site plan and design.

- a) Pre-Application Process: Applicants requesting a pre-application meeting will be required to submit a [City of Helena Pre-Application Information Form](#). Information to be provided includes:
- Applicant's contact information;
  - Legal description and general location of the site;
  - General vicinity map;
  - Description of the project, including proposed uses/use categories and general site design elements;
  - Environmental site conditions and drainage provisions; and
  - Existing infrastructure, circulation and parking, and street access.
  - A sketch plan of the proposed development showing (at minimum) the proposed building massing, orientation and setback on the property.
- b) The meeting will be scheduled within thirty (30) days after the applicant submits the above pre-application materials to the City.

##### **Application and Site Plan Review**

All development occurring within the Downtown District shall undergo review for compliance with the applicable design standards of the District..

- a) An applicant wishing to develop or redevelop a property in accordance with a permitted use category shall submit to the City the following information for staff review and approval:
- A description of the proposed use(s) to occur on the property, and their compliance with the use categories permitted under this chapter.
  - A detailed site plan showing the existing and proposed:
    - Pedestrian, vehicular and bicycle ingress/ egress to the property and circulation onsite;
    - Parking and loading areas (including waste

receptacle location and shielding);

- Location of the structure(s) demonstrating compliance with applicable placement and massing standards;
  - Preliminary architectural drawings and street elevations showing dimensions of the structure and demonstrating compliance with applicable height, massing and activation standards;
  - Shared parking analysis, if applicable;
  - Location of landscaping and screening;
  - Location of utilities;
  - Location of signage and lighting, demonstrating compliance with applicable design standards;
  - Stormwater drainage plan, including location and design of environmental elements required under Section VII of this chapter;
- Vicinity map and description of surrounding property, utilities, existing land use and zoning designation(s);
  - Materials supporting a variance request to a prescribed design standard (as permitted in Section VI below), demonstrating the request meets the associated criteria for a variance under Chapter 5 of Title 11.

### Administrative Review and Approval

City staff shall complete a review of the site plan and associated information demonstrating compliance with allowable use categories and all applicable design standards of the District, and associated Public Works standards, Building Code and Parks and Recreation requirements. If all standards and requirements have been met, a certificate of zoning compliance will be issued within 30 working days of the application's submittal.

### Board of Adjustment Review and Approval

For variances to allowable design standards, the Board of Adjustment will review the application and make a determination on the appropriateness of the variance request. The process shall follow that which is outlined under Title 11, Chapter 5.

### V. Use Categories

The nature of the District anticipates a mix of uses permissible and appropriate anywhere within the Downtown District boundary. The following use categories

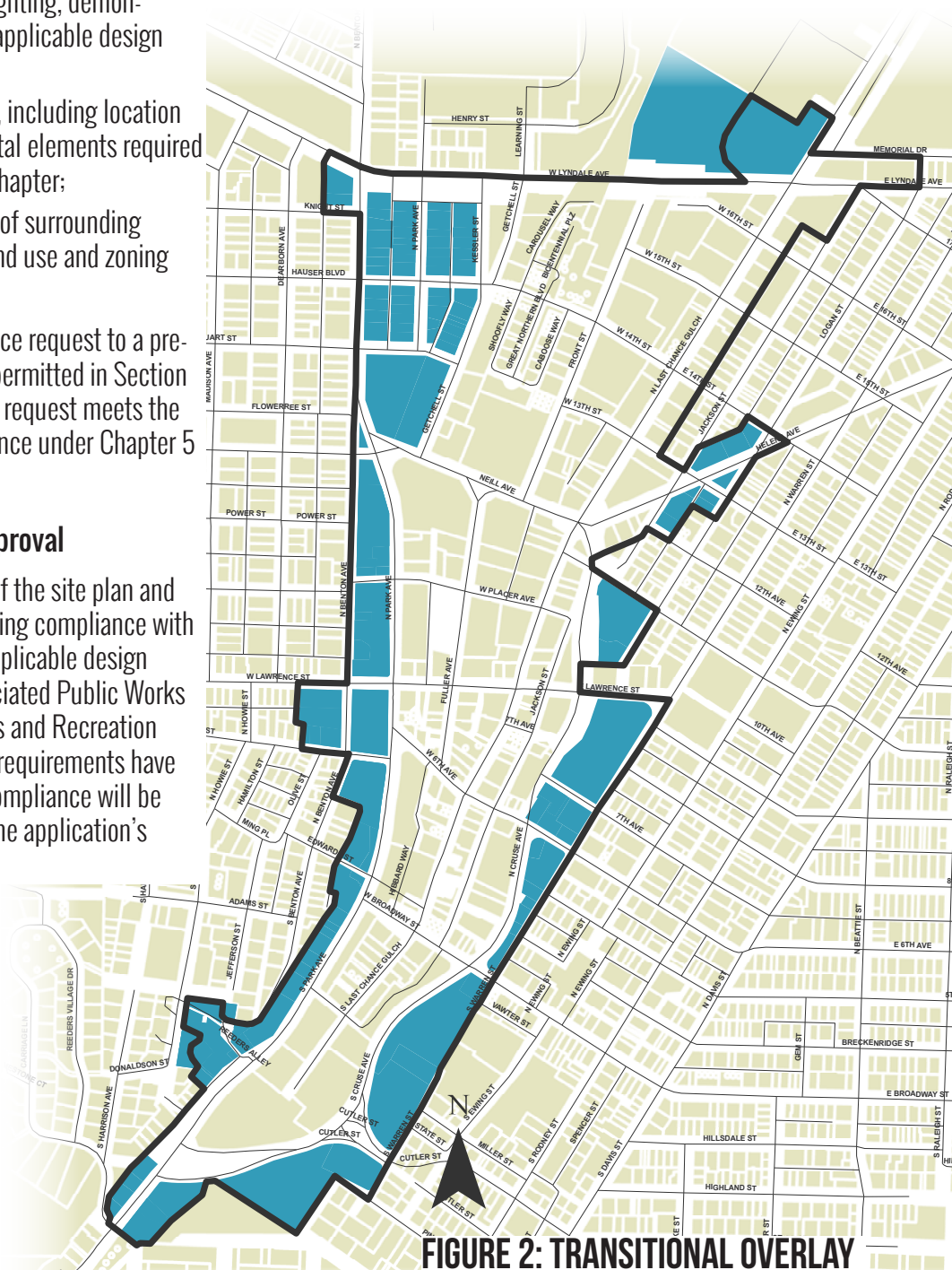


FIGURE 2: TRANSITIONAL OVERLAY



provide parameters on the types of uses appropriate within the district, based on the definitions found in [Section 11-2-4](#) of the Helena Zoning Ordinance and identify select uses that are not permitted within the District at any time.

- a) Residential: All residential uses defined under [Section 11-2-4](#) of the Helena Zoning Ordinance shall be permitted through the Administrative Review and Approval process. Any residential use not currently defined by code but that meets the definition of 'dwelling' and provides temporary or permanent shelter may be permitted upon review and determination by the Zoning Administrator.
- Exceptions: first-floor residential uses (proposed after the adoption of these regulations) are not permitted within the District unless a site is located in the Transitional Overlay (see Figure 2).
- b) Commercial: Broadly applied to promote a diverse mix of uses, the commercial use category in the Downtown District shall include a wide range of uses and services such as restaurants, medical facilities, taverns and pubs, financial services, visitor lodging, educational facilities, government services, general repair services, retail sales, daycare centers, gasoline service stations, general professional services, small scale manufacturing and general commercial services. All such non-residential uses defined under

[Section 11-2-4](#) of the Helena Zoning Ordinance shall be permitted through the Administrative Review and Approval process. Any non-residential use not currently defined in code that meets the intent of this category may be permitted upon review and formal determination by the Zoning Administrator.

- Exceptions:
    - Industrial and large-scale manufacturing uses are not permitted within the District;
    - Passive commercial activities (proposed after the adoption of these regulations) are not permitted on the first floor of a building.
- c) Public: The Public use category includes those uses defined under [Section 11-2-4](#) of the Helena Zoning Ordinance as Community Uses, Transportation and Recreation and includes parks and open space, bus stops, public parking facilities, and public services. All public uses shall be permitted through the Administrative Review and Approval process.. Any public use not currently defined in code that meets the intent of this category may be permitted upon review and formal determination by the Zoning Administrator.
- Exceptions: Correctional facilities, airports, freight terminals and railroad yards are not permitted within the District.



**FIGURE 3: ACTIVE COMMERCIAL**



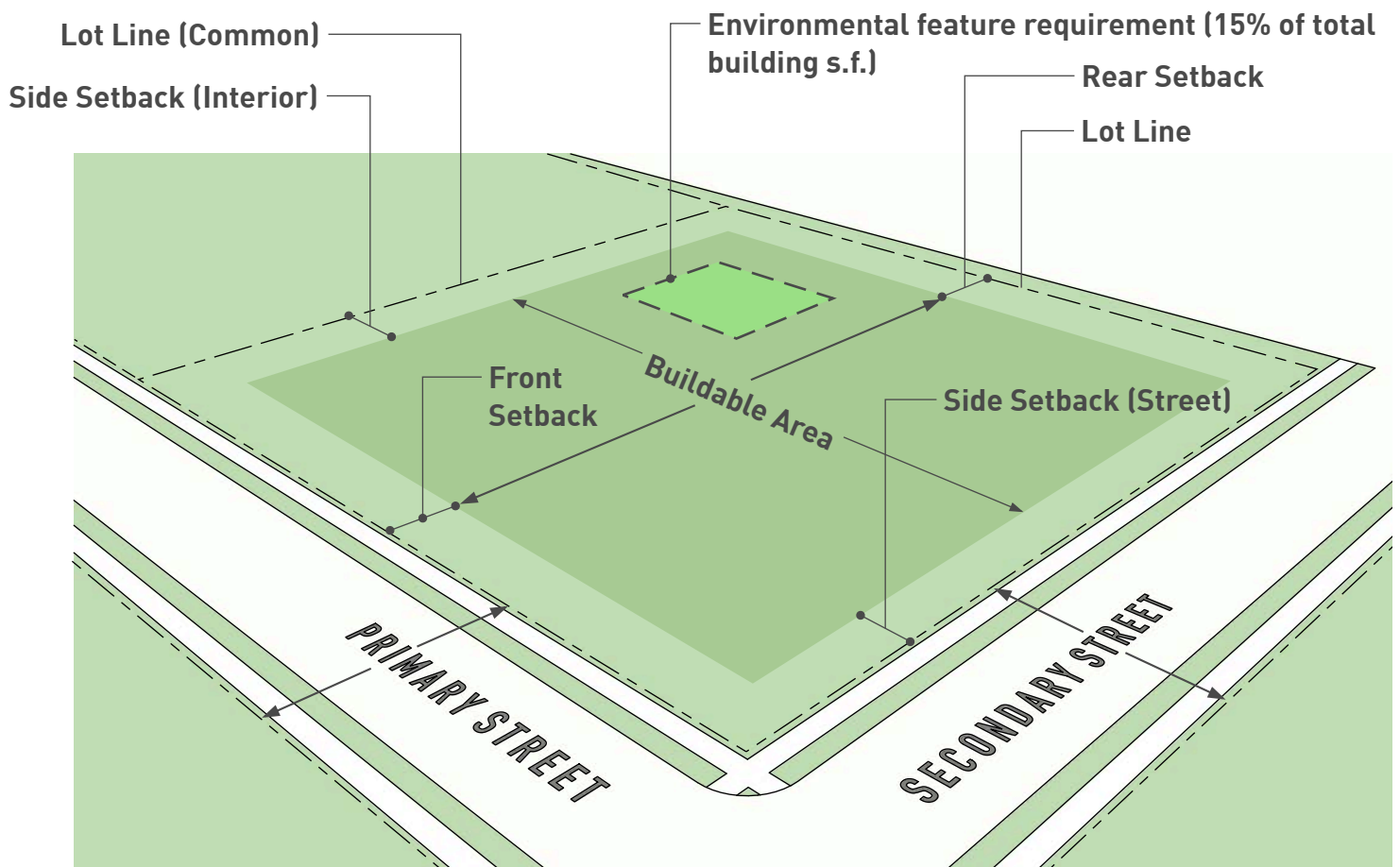
**FIGURE 4: PASSIVE COMMERCIAL**

## VI. Design Standards

The following design standards apply to all properties and uses within the Downtown District.

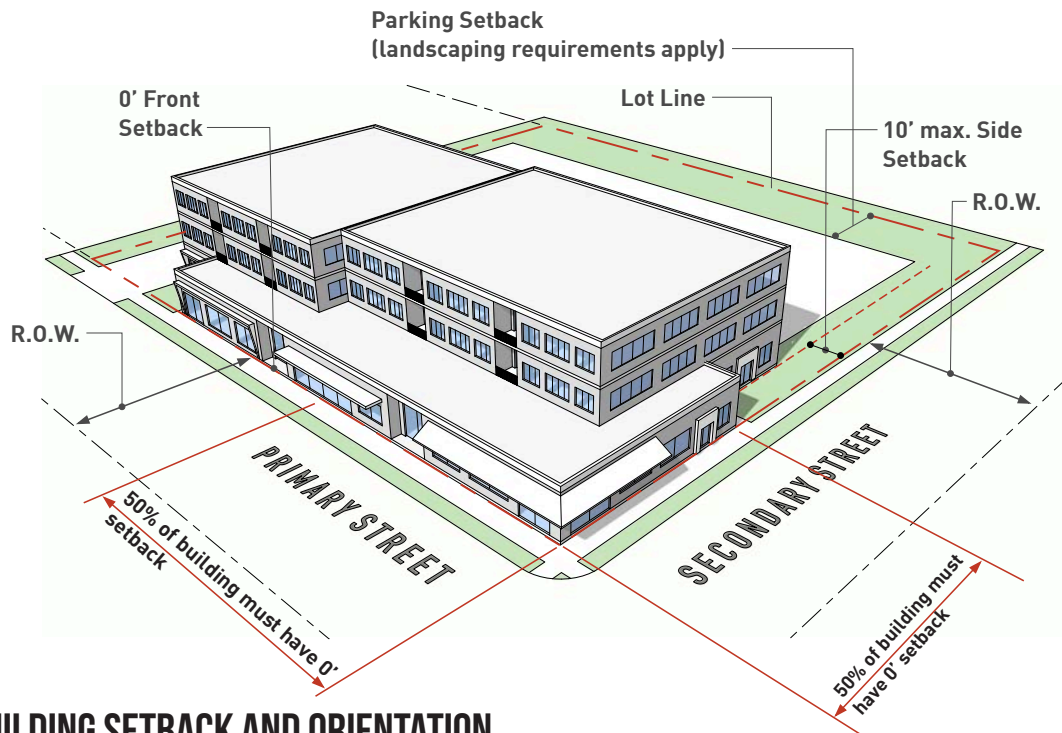
SITE	Design Standard	Additional Requirements
	Size	No minimum
	Width	No minimum
	Environmental Features	Minimum 15% of total building sq. footage
	Activated Spaces	See Section VIII
		May be located anywhere onsite; features to include landscaping requirements and environmental elements of the district, as required in Sections VII and XI below..

FIGURE 5: GENERAL SITE ELEMENTS



# BUILDING PLACEMENT

Design Standard		Additional Requirements	
Lot Line, Primary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.	
Lot Line, Secondary Street	0 ft. setback	A minimum of 50% of the building frontage is required to meet the zero lot line setback.	Where a secondary street frontage abuts a transitional zone, first floor residential shall be permitted along the secondary street street frontage.
Lot Line, Common	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required.	The setback is not to include parking or circulation.
Lot Line, Rear	0 ft. setback	If abutting a residential district a 10 ft. minimum setback with landscaped buffer or privacy fencing is required.	The setback shall be in addition to parking or circulation space necessary to serve the site.
Corner Lot Orientation	0 ft. setback	A building must present to the primary/secondary street frontage on a corner lot. If a variance to setback is requested, the maximum setback allowable along the primary and secondary lot line shall not to exceed 10 ft.	Reference Figure 3 for guidance on building placement
Parking Setback	10 ft. minimum	The setback is applicable only when parking is located adjacent to the building/structure.	Landscaping requirements shall apply to the setback, pursuant to Section XI below.



**FIGURE 6: BUILDING SETBACK AND ORIENTATION**

# HEIGHT AND MASSING

## Design Standard

Structure Height  
 22 ft. minimum  
 36 ft. maximum  
 (Transitional Overlay)

## Additional Requirements

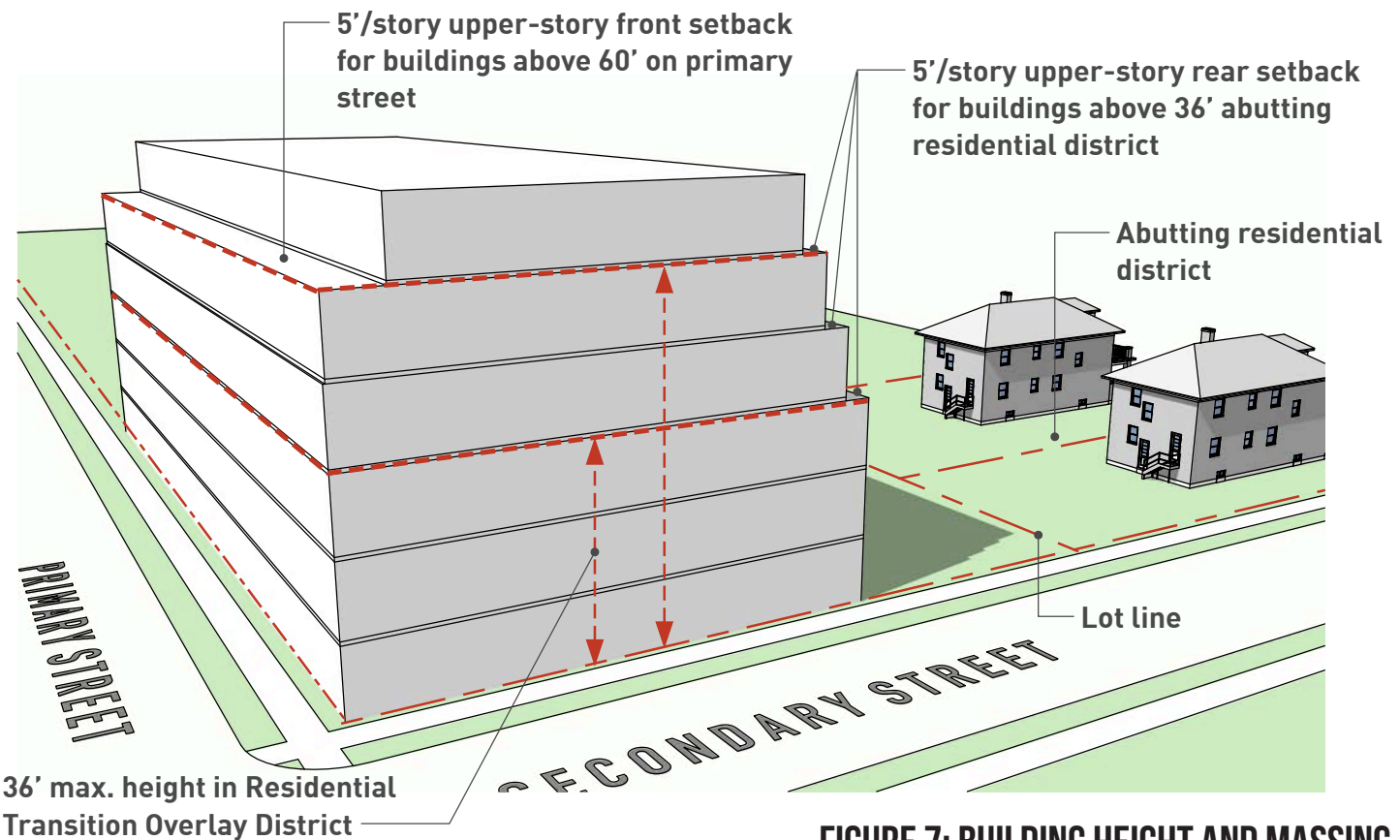
Height in excess of 36 ft. abutting a residential zoning district requires upper-story setbacks on rear property boundary at a minimum of 5 ft./story.

Height in excess of 60 ft. requires upper story setbacks at a minimum of 5 ft./story along primary and secondary street frontages.

Ground Floor Story Height 12 ft. minimum

Primary/Secondary Street  
 Façade Wall Segment  
 Length 45 ft. maximum

After 45 unbroken linear feet of wall surface, offsets required for visual articulation along frontage, to give appearance of traditional development pattern.



**FIGURE 7: BUILDING HEIGHT AND MASSING**



# ACTIVATION

## TRANSPARENCY

### Design Standard

Ground Story, Primary Street	60% minimum
Ground Story, Secondary Street	40% minimum
Upper Stories	30% minimum



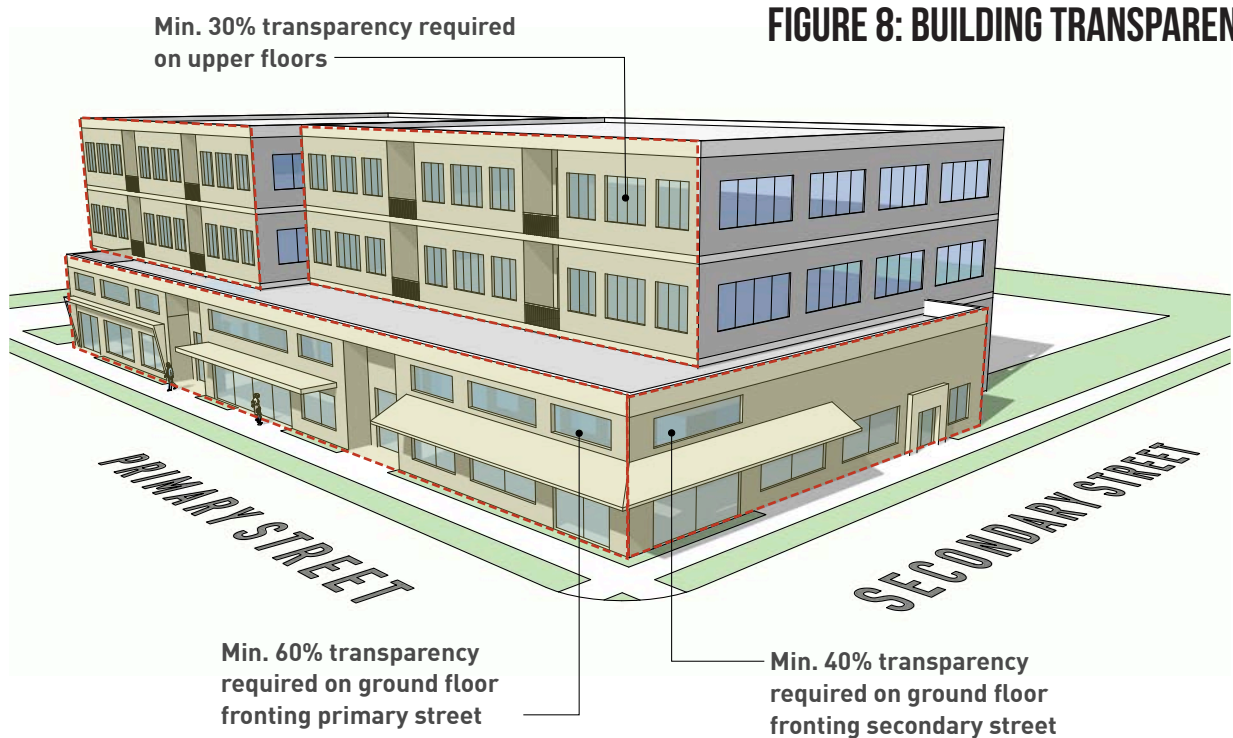
## PEDESTRIAN ACCESS

### Design Standard

Entrance Spacing	Minimum of one (1) pedestrian entrance along primary street frontage required.
Walk/approach width	5 ft. minimum width for single door entrance.
	10 ft. minimum width for double/revolving door entrance.
Fabric awnings and canopies	10 ft. minimum height above grade.
	6 ft. maximum depth.
	Ground floor only.

### Additional Requirements

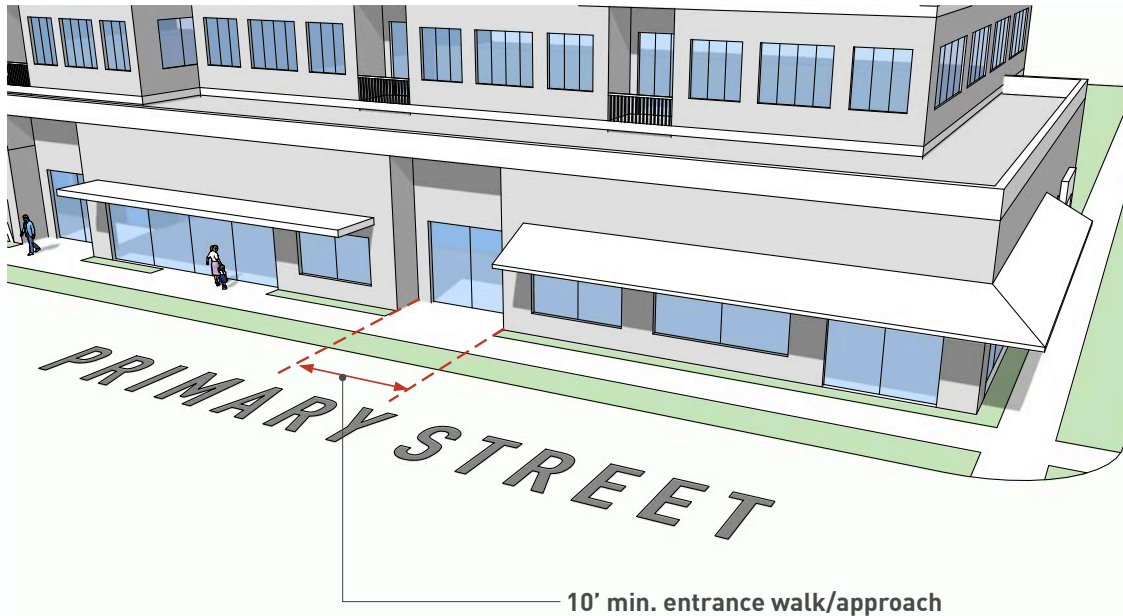
Awnings will require a permit pursuant to [Title 7-13-3\(C\)\(2\)](#) of the City Code.



**FIGURE 8: BUILDING TRANSPARENCY**

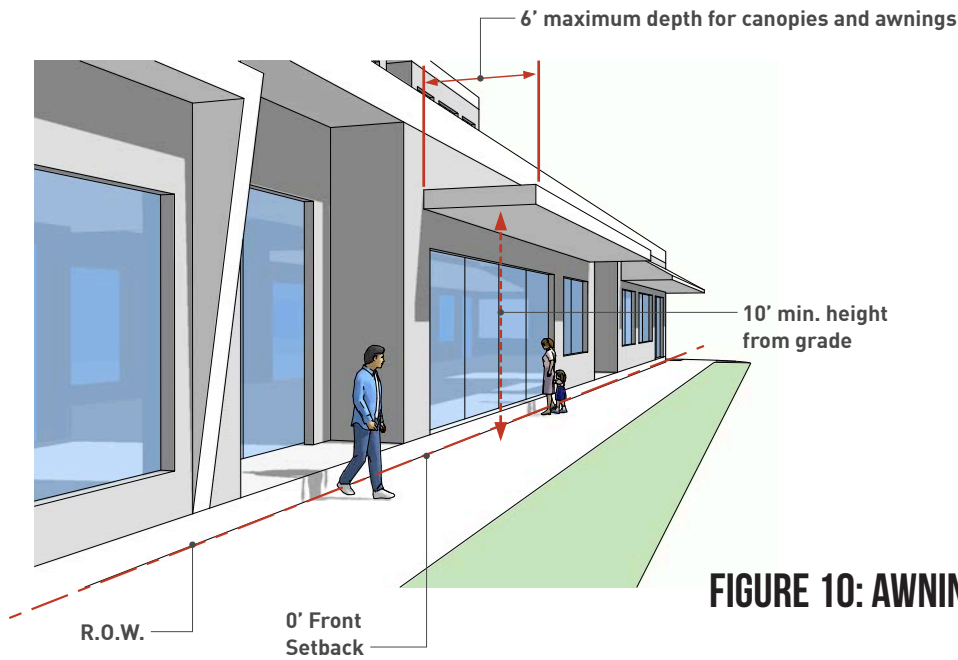


\* Minimum of one pedestrian entrance required along primary street frontage.



**FIGURE 9: ACCESS AND SPACING**

10' min. entrance walk/approach width for double or revolving doors (5' min. width for single doors)



**FIGURE 10: AWNINGS AND CANOPIES**

**ACTIVATION**

**VEHICLE ACCESS**

**Design Standard**

Entrance Spacing	125 ft. minimum
Approach Width	12 ft. (single lane and shared access)
	24 ft. (double lane)

**Additional Requirements**

Where entrance/exit points are shared, the minimum spacing requirements may be waived.

# ACTIVATION

## PARKING

### Design Standard

Location: Rear or side of structure.

### Additional Requirements

No parking shall be permitted in front of a building along the primary/secondary street frontage.

Space Allocation

No parking minimums.

Maximum parking allocations may be increased (through the variance process) if no public or shared parking option is available within 300 linear feet of the property.

Maximum Allowance:  
1 space/dwelling unit for residential uses

2 spaces/1,000 sq. ft. of ground floor commercial

1 space/1,000 sq. ft. of upper story commercial

Outdoor Storage

Prohibited in the District

See definitions for further guidance.

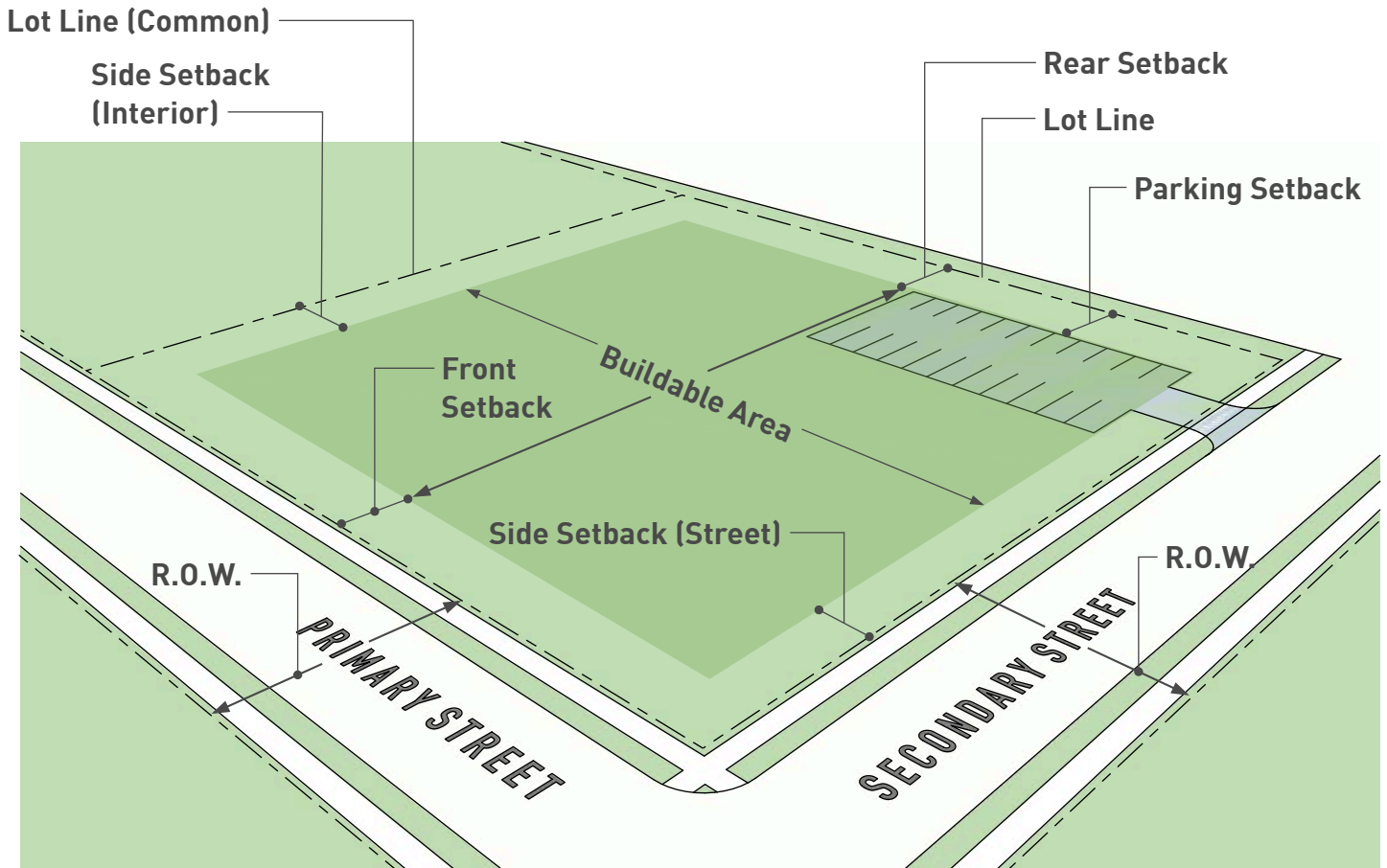


FIGURE 11: PARKING LOCATION AND ORIENTATION

## PARKING

### Design Standard

#### Aisles and Stacking

Aisle width = 10 ft. minimum

Stacking length = 2 cars maximum

### Additional Requirements

Drive-thru aisles and circulation shall be located to the rear of the structure.

Drive-thru aisles and circulation must be separated from existing residential development by a minimum of 50 ft. and a landscaped buffer or privacy fence.

No more than two aisles permitted onsite.

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#### Loading and Service Entry Location

Rear or side of structure

Loading docks, overhead doors (for the purpose of loading and delivery) and other service entries shall not be located on primary street frontages unless access from an alley or parking area is not possible due to site constraints (identified through the variance process).

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#### Parking Lot Landscaping

Reference [Sections 11-24-4 and 11-24-6](#) of the Zoning Code for minimum landscaping requirements in parking lots

Landscaped islands in parking lots may be designed as inverted basins/rain gardens to meet the environmental site design standards in Section VII of this chapter.

Additional landscaping requirements found in Section XI below shall apply

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#### Bicycle Parking

Reference [Section 11-22-8](#) of the Zoning Code for minimum bicycle space requirements

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#### Trash Receptacle Location

Rear of structure

Receptacle shall be shielded from view using brick, wood, concrete or fencing material that conceals the activity on a minimum of 3 sides, or by constructing a box structure with gate to conceal receptacles.

Location and design shall meet the requirements of [Title 6, Chapter 1 - Sanitary Regulations](#) in the City Code and require approval from Public Works as part of the review process. Access to the receptacle will meet with engineering standards.



### Design Standard

Primary/secondary lot line setback

When 0 ft. setback = 51-75% of frontage: Half the remaining frontage must be landscaped in accordance with Section XI Landscaping Standards of this district, or meet the requirements of an Outdoor Amenity.

When 0 ft. setback = 76-90% of frontage: One quarter of the remaining frontage must be landscaped in accordance with Section XI Landscaping Standards of this district, or meet the requirements of an Outdoor Amenity.

When 0 ft. setback = 91-100% of frontage: landscaping requirement waved.

### Additional Requirements

Common lot line setback	Landscaping required within setback when abutting residential district	Landscaping requirement may be waived if setback is being utilized for pedestrian circulation, environmental feature or activated space.
Street Trees	Minimum one (1) tree for every 35 linear ft. of primary/secondary street frontage	<p>Street trees/boulevard tree placement shall comply with the provisions of <a href="#">Title 7, Chapter 10, Section 5</a> of City Code.</p> <p>Placement shall not obstruct entrances or create noncompliance with the ADA requirements of the City.</p> <p>Base of tree canopy shall be a minimum of 14 ft. above curb grade (at maturity) to reduce conflicts with signage.</p>
Boulevard	Where a boulevard is present, the property owner/applicant shall be responsible for landscaping and maintaining this area in accordance with City standards and pursuant to Section XI Landscaping Standards of this District.	Landscaping in publicly-owned boulevards shall comply with the landscaping requirements of the Parks and Recreation Department found in <a href="#">Title 10, Chapter 7, Section 5</a> of the City Code.

## SIGNS

### Design Standard

Total Area

Commercial: 120 sq. ft. maximum

Public: 16 sq. ft. maximum

Home Occupation 2 sq. ft. maximum

### Additional Requirements

Total sign area shall be based on the primary use of the lot/structure.

Total sign area may be divided between sign types as set forth below.

Structural/On-Building Sign

Maximum 30% of primary building facade square footage (not to exceed total sign area permitted)

Signs may be externally illuminated with down directed, fully shielded fixtures only.

Painted Wall Sign

Maximum 40% of primary building facade square footage (not to exceed total sign area permitted)

Painted wall signs are permitted on any exterior building wall of an individual tenant space or building and shall be professionally painted.

Signs may be externally illuminated with down directed, fully shielded fixtures only.

Historic ghost signs are exempt from the dimensional requirements and total sign area restrictions of this section.

Window Sign

Maximum 30% of primary building facade ground floor window area (not to exceed total sign area permitted)

Window signs are permitted on the ground floor only.

Structural / On Building Signage = Max. 30% of building facade square footage or 120 sf., whichever is less

Total square footage of building facade



FIGURE 12: STRUCTURAL/ON-BUILDING SIGNAGE

## SIGNS

### Design Standard

Monument

1 sign/frontage

60 sq. ft. maximum

6 ft. height max

### Additional Requirements

Combined signage required for buildings with multiple business activities.

Monument signs may be illuminated in accordance with [Chapter 23 of Title 11](#).

Canopy/Awning Sign

1 sign/canopy

1 sq. ft./lineal foot of awning width

8 ft. height minimum

Canopies or awnings that encroach into the public right-of-way shall require an exclusive right-of-way use permit as part of the application process (pursuant to [Title 7, Chapter 13](#) of the Helena City Code.

External illumination of a canopy or awning sign is not permitted.

Projecting Sign

1 sign/business

16 sq. ft. maximum

8 ft. height minimum (from bottom of sign to grade)

4 ft. maximum projection

Located on or immediately adjacent to the business identified.

Signs may be externally illuminated with down directed, fully shielded fixtures only.

Suspended Sign

1 sign/business

16 sq. ft. maximum

8 ft. height minimum (from bottom of sign to grade)

Located on or immediately adjacent to the business identified.

External illumination of a suspended sign is not permitted.

Supplemental/  
Temporary

1 sign/business

12 sq. ft. maximum

As defined in [Title 11, Chapter 23](#), temporary signs may include 'Sale' signs and banners related to the business.

Sandwich Board

2 signs/business

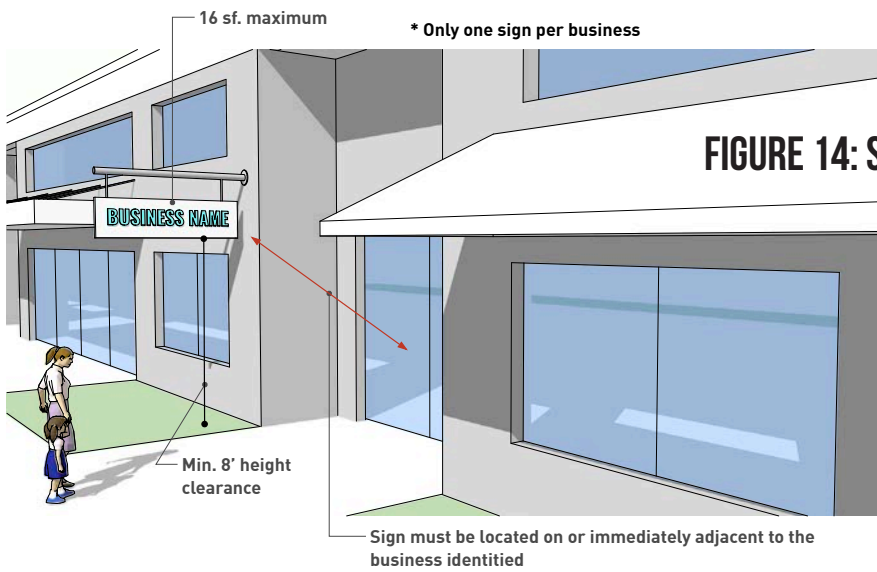
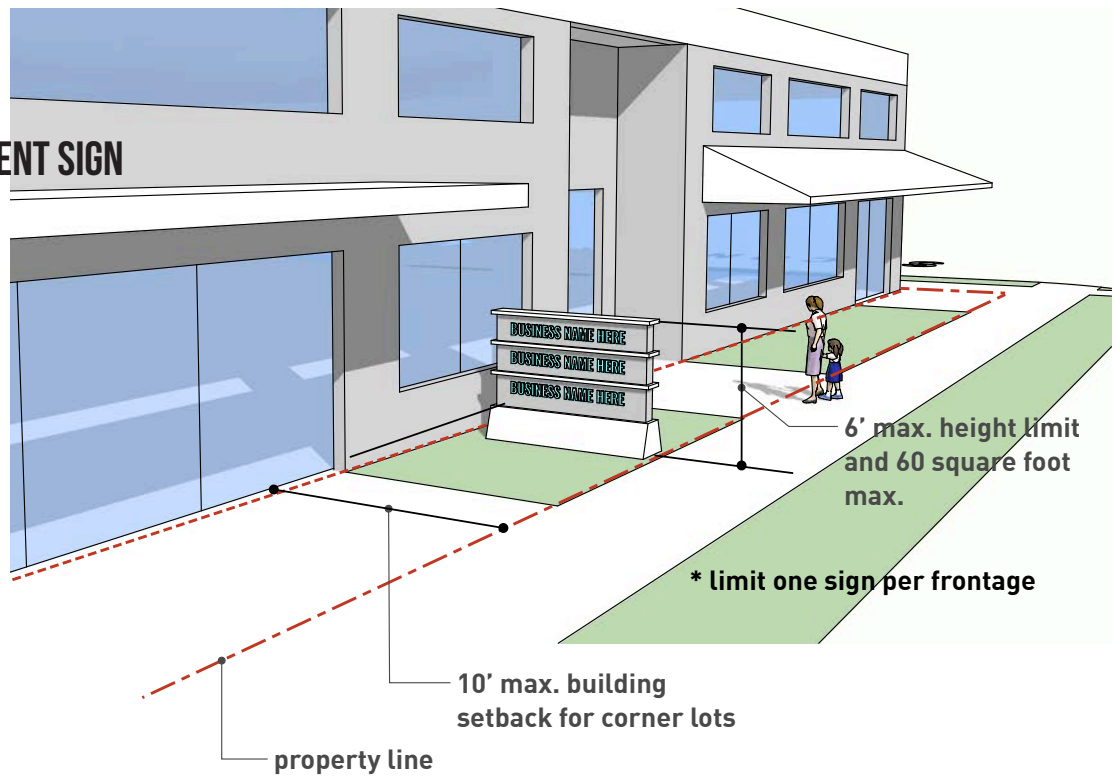
12 sq. ft. maximum per sign face

May not be located in the public right-of-way if location impacts universal accessibility (in accordance with ADA).

Signs shall be removed from location at the close of business.

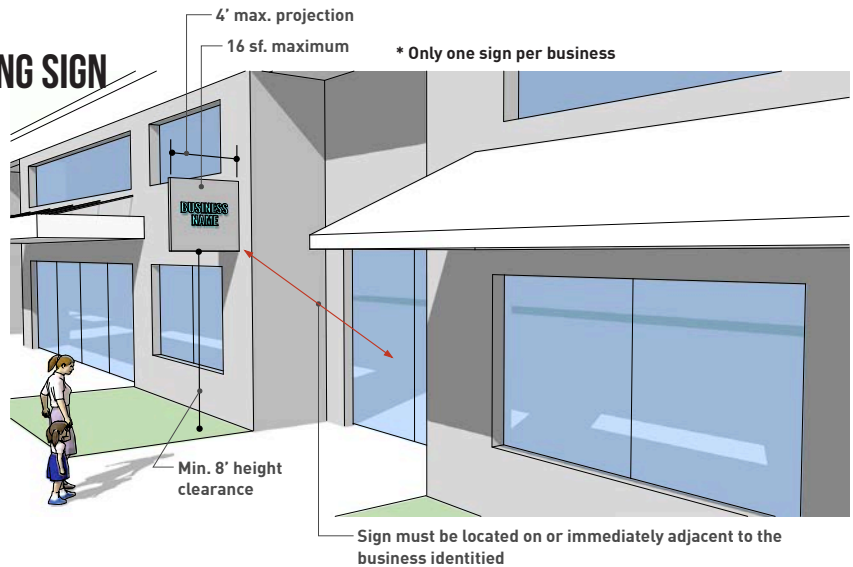


**FIGURE 13: MONUMENT SIGN**



**FIGURE 14: SUSPENDED SIGN**

**FIGURE 15: PROJECTING SIGN**



## VII. Environmental Requirements

Onsite environmental design standards, including stormwater conveyance, shall be reviewed and approved in accordance with [Chapter 4 of the City's Engineering and Design Standards](#) as administered by the Public Works Department. To encourage low impact development (LID) and energy efficient design and construction practices within the Downtown District, all site design for development/redevelopment in the Downtown District shall include a combination of three (3) environmental design elements as listed; a minimum of two (2) elements to address stormwater and one additional element selected for water conservation or energy efficiency.

Select two (2) elements to address stormwater onsite from the following list:

- Biofiltration Facility - engineered to capture and transform pollutants in water running off impervious surfaces including onsite parking lots and roofs. Types of facilities may include bio-retention swales, boxes and filters designed to prevent pollutants from entering the watershed.
- Rain Garden - a landscaped biofiltration facility.
- Disconnected Downspouts - designed to minimize or eliminate directly connected impervious areas and ideally incorporating biofiltration facilities described above.
- Flow Through Planters - located in or above ground level and designed to convey stormwater from the site through the planter to the City's stormwater system.
- Infiltration or Percolation Trench - a linear stormwater best management practice (BMP) engineered to capture sheet flow from impervious surfaces onsite.
- Pervious Paving - options may include porous asphalt or concrete, grass-crete or permeable pavers. The applicant shall submit alternative paving options for review by the Public Works Department; design must be engineered to infiltrate run-off and withstand sanding and winter conditions. Permeable pavers/surfaces must also comply with Title 7, Chapter 10, Section 5(A)(5) of the City Code regarding permeable surfaces.



From top: Bioretention facility, rain garden, pervious paving.

- Vegetated Roof - designed and engineered to meet the requirements of the City of Helena Building Code, utilizing a minimum 50% native plant species.

Select one (1) element to address water and energy conservation from the following list:

- Rain Barrels - designed for collecting runoff from structure(s) and reusing that graywater onsite, for landscaping or other approved purposes.
- Accessory Wind Energy Systems - designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. The system typically consists of a turbine and associated controls and may include a tower (which does not count toward height restrictions in the District).
- Small-scale solar-energy facilities -solar panels and associated collection systems for onsite use to power electrical systems (including lighting for parking lot) and may also include solar hot water system technology.
- Xeriscaping more than 50% of landscape required area onsite.

Development exceeding an acre in size is required to meet MS4 requirements for stormwater detention and infiltration onsite, including treatment of the first 1/2 inch of run-off. For development meeting this threshold, and for development adding 5,000 sq. ft. or more impervious surface to an existing property, a minimum of three (3) stormwater elements shall be required and incorporated into the site plan for redevelopment.

## VIII. Outdoor Amenity Standards

- Public patio/seating space for restaurant establishments must meet all applicable American's with Disabilities Act standards, International Building Code (IBC) standards as well as applicable City of Helena building code requirements.
- Establishments serving alcoholic beverages shall meet all applicable requirements of the Department of Revenue when constructing an outdoor amenity that includes outdoor service and consumption.
- The outdoor amenity may require an exclusive ROW use permit from the City as part of the application process, pursuant to [Section 7-13-5](#) of the City Code.

- Design standards specific to patios/outdoor seating in the district shall require:
  - Minimum 8 ft. of sidewalk clearance/traverse;
  - [additional standards]

## IX. Signage

Freestanding pole signs, billboards, roof signs, inflatable signs, animated signs, and changeable copy signs (unless altered manually) are not permitted at any time in the Downtown District. All other signs must follow the applicable design standards identified in the District Design Standards in Section VI above.

## X. Outdoor Lighting Standards

All new exterior lighting fixtures installed in the District are required to comply with standards designed to minimize light extending toward the sky or toward surrounding properties, in accordance with [Title 10 Lighting Standards](#), in addition to the following design standards:

- Lighting fixtures installed within the District after the adoption of these standards require a horizontal cutoff and shall not exceed 1,500 lumens.
- The maximum height of a pole fixture shall be 24 ft. throughout the District.

## XI. Landscaping Standards

Landscaping applicable to the District shall comply with the requirements of Title 10, Chapter 7 of the City Code, with the following additions:

- For onsite landscaping required in the District, a minimum 50% of the area shall be landscaped using plant species native to Lewis & Clark County or xeriscaped to reduce water consumption onsite.