**Proposed changes to Helena Township Ordinance updated from July 7, 2022 meeting**

**Chapter 5: Supplemental Regulations**

 **Current:**

**5.01.01 –Accessory Buildings and Structures**

**5.01.01.A**

1. Accessory structures and buildings, including pole barns, shall be permitted subordinate to a dwelling or other residential use in the R-1 and R-2 District only if there is an existing dwelling on the same lot or on a contiguous lot that is under common ownership. Roadways do not negate contiguity. Said structures are permitted in the AG District without a dwelling unit on the property.

**CHANGE TO READ: Motion: Lockwood Support: Moglovkin Carried**

A. Accessory structures and buildings, including pole barns, shall be permitted subordinate to a dwelling or other residential use in the R-1 and R-2 District only if there is an existing dwelling either on the same lot. ~~. or on a contiguous lot that is under common ownership. Roadways do not negate contiguity.~~  Said structures are permitted in the AG District without a dwelling unit on the property.

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 **Current:**

**5.01.01.C.2.b**

C. The front, side, and rear yard requirements of each zone shall apply to the location of permanent accessory building and structures within each zone.

2. A permanent accessory building or structure not attached and not made a part of the principal building shall:

b. May contain living quarters; provided that proper Health Department permits are secured.

**CHANGE TO READ: Motion: Lockwood Support: Moglovkin Carried**

C. The front, side, and rear yard requirements of each zone shall apply to the location of permanent accessory building and structures within each zone.

2. A permanent accessory building or structure not attached and not made a part of the principal building shall:

b. May contain living quarters; provided that proper Health Department approval is secured for water and septic service.

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**Current:**

**4.03.02—Uses Permitted By Right**

No building or part thereof shall be hereafter used, erected, or altered, or land used, in whole or in part, in the "A" - Agricultural District except for:

F. Additional dwellings on any farm for the use of farm or domestic employees of the owner or his lessees, provided there is only one such tenant house in addition to the main dwelling for each ten acres of farm land, and provided that each such tenant house is surrounded by sufficient land to provide a future separate lot of two acres and a minimum width of 200 feet.

**CHANGE TO READ: Motion: Gurr Support: Moglovkin Carried**

F. Additional dwellings ~~on any farm for the use of farm or domestic employees of the owner or his lessees~~, provided there is only one such ~~tenant house~~ *dwelling* in addition to the main dwelling for each ten acres of ~~farm~~ land, and provided that each such ~~tenant house~~ *dwelling* is surrounded by sufficient land to provide a future separate lot of two acres and a minimum width of 200 feet.

From August 10, 2021 meeting – never held PH or processed thru adoption channels

Definitions:

**Current:**

Structure:

Anything constructed or erected, the use of which requires location on or beneath the ground or attachment to something on or beneath the ground. Among other things, structures shall include buildings, driveways, walls, fences, roads, and towers. Structures shall not include roads or driveways that are constructed for agricultural or logging purposes.

**CHANGE TO READ: Motion: Robbins Support: Moglovkin Carried**

Structure:

Anything constructed or erected, the use of which requires location on or beneath the ground or attachment to something on or beneath the ground. Among other things, structures shall include buildings, ~~driveways,~~ walls, fences, ~~roads,~~ and towers. ~~Structures shall not include roads or driveways that are constructed for agricultural or logging purposes.~~

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**Current:**

## Section 2.03– PERMITTING PROCESS AND REQUIREMENTS

### 2.03.01 – Land Use Permits

1. A Land Use Permit shall be secured prior to the commencement of excavation for, or construction of; any building, structure, or parking area, or to make a structural change, alteration, or addition in any existing building or structure, or to relocate any building or structure. The application for a Land Use Permit shall be made and approved prior to the date when construction is intended to begin.

**CHANGE TO READ: Motion: Robbins Support: Moglovkin Carried**

A. A Land Use Permit shall be secured prior to the commencement of excavation for, or construction of; any building, structure, ~~or parking area~~, or to make a structural change, alteration, or addition in any existing building or structure, or to relocate any building or structure. The application for a Land Use Permit shall be made and approved prior to the date when construction is intended to begin.

**Current:**

### 4.02.01– Schedule of Regulations

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Zoning District | Minimum Lot Size or Maximum Density | Maximum Building Height (whichever is lesser) | Principal Structure Minimum Yard Setback | (Per Unit) Floor Area |
|  | Min Lot Area or Max Units per Acre | Width | Stories | Feet | Front | Total 2 sides | Smaller Side | Rear |  |
| A: Agricultural  | 2 acres | 200 ft | 2.5 | 35 (a) | 35 ft(b) | 40 feet | 15 feet | 25 ft (b) | 800 sq ft |
| R-1: Residential, One Family | Platted | 20,000 sq ft | 100 ft (c) | 2.5 | 35 | 50 ft (b) | 20 feet | 10 feet | 35 ft (b) | 960 sq ft |
| Unplatted | 25,000 sq ft | 100 ft (c) | 2.5 | 35 | 50 ft (b) | 20 feet | 10 feet | 35 ft | 960 sq ft |
| R-2 Residential, Two Family | One-Family, Platted | 30,000 sq ft | 150 ft (c) | 2.5 | 35 | 50 ft  | 20 ft | 10 ft | 35 ft | 800 sq ft |
| Two-Family, Platted | 15,000 sq ft | 150 ft (c) | 2.5 | 35 | 50 ft  | 25 ft | 10 ft | 35 ft | 800sq ft (d) |
| C: Commercial |  |  | 2.5 | 35 | 50 ft(e) | 0 ft (f) |  |  |
| V: Village | See Section 4.07. |
| E: Environmental | See Section 4.08. |

### CHANGE TO READ:

### 4.02.01– Schedule of Regulations

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Zoning District | Minimum Lot Size ~~or Maximum Density~~ | Maximum Building Height (whichever is lesser) | Principal Structure Minimum Yard Setback | (Per Unit) Floor Area |
|  | Min Lot Area ~~or Max Units per Acre~~ | Width | Stories | Feet | Front | ~~Total 2 sides~~*Strike all* | ~~Smaller~~ Side | Rear |  |
| A: Agricultural  | 2 acres | 200 ft | 2.5 | 35 (a) | 35 ft(b) | ~~40 feet~~ | 10 f~~ee~~t | 25 ft (b) | 800 sq ft |
| R-1: Residential, One Family | Platted | 20,000 sq ft | 100 ft (c) | 2.5 | 35 | 50 ft (b) | ~~20 feet~~ | 10 f~~ee~~t | 35 ft (b) | 960 sq ft |
| Unplatted | 25,000 sq ft | 100 ft (c) | 2.5 | 35 | 50 ft (b) | ~~20 feet~~ | 10 f~~ee~~t | 35 ft | 960 sq ft |
| R-2 Residential, Two Family*Platted &* *unplatted* | One-Family, ~~Platted~~ | 30,000 sq ft | 150 ft (c) | 2.5 | 35 | 50 ft  | ~~20 ft~~ | 10 ft | 35 ft | 800 sq ft |
| Two-Family, ~~Platted~~ | *30,000* sq ft | 150 ft (c) | 2.5 | 35 | 50 ft  | ~~25 ft~~ | 10 ft | 35 ft | 800sq ft (d) |
| C: Commercial |  |  | 2.5 | 35 | 50 ft(e) | 0 ft (f) |  |  |
| V: Village | See Section 4.07. |
| E: Environmental | See Section 4.08. |

Record of motion and support for changes to Schedule :

2nd column names **Motion: Robbins Support: Moglovkin Carried**

R2 District column names **Motion: Robbins Support: Moglovkin Carried**

Two family to 30,000 sq ft **Motion: Moglovkin Support: Westerman Carried**

Strike all of smaller side column **Motion: Robbins Support: Schafer Carried**

**Current:**

## Section 4.06 -- "C" - COMMERCIAL DISTRICT

### 4.06.01 - Purpose

This zone district is intended to provide areas dedicated primarily to retail business, professional, and service establishments which supply commodities and perform services to meet the daily needs of the community. The zone district is also intended to provide locations for businesses which depend upon, or in some way are related to, the use of lakes and rivers.

### 4.06.02 – Uses Permitted By Right

The commencement of a new use permitted by right or the change to a different use permitted by right in a Commercial District requires a Land Use Permit and the submission and approval of a Site Plan pursuant to Chapter 7 of this Ordinance.

No building or any part thereof in a "C" - Commercial District shall hereafter be used, erected, altered, or converted, or land used, in whole or in part, except the following:

1. Accessory wind energy systems
2. Automotive accessories

**CHANGE TO READ: Motion: Robbins Support: Moglovkin Carried**

## Section 4.06 -- "C" - COMMERCIAL DISTRICT

### 4.06.01 - Purpose

This zone district is intended to provide areas dedicated primarily to retail business, professional, and service establishments which supply commodities and perform services to meet the daily needs of the community. The zone district is also intended to provide locations for businesses which depend upon, or in some way are related to, the use of lakes and rivers.

### 4.06.02 – Uses Permitted By Right

The commencement of a new use permitted by right or the change to a different use permitted by right in a Commercial District requires a Land Use Permit and the submission and approval of a Site Plan pursuant to Chapter 7 of this Ordinance.

No building or any part thereof in a "C" - Commercial District shall hereafter be used, erected, altered, or converted, or land used, in whole or in part, except the following:

1. Uses permitted by right in the R-1 zone under the terms provided for such uses, except as altered in this Section and the Schedule of Regulations.

Renumber remaining bullet list