CITY OF EAST HELENA
306 EAST MAIN
PO BOX 1170
EAST HELENA, MT 59635

SITE PLAN CHECKLIST

CLASSIFICATION OF SITE PLANS: All developments within the City, except individual single-household and two-household each on individual lots, and other development proposals specifically identified as requiring only sketch plan review, shall be subject to site plan review procedures and criteria, and the applicable submittal requirements.

SITE PLAN REVIEW:

1. The preliminary site plan shall be submitted and approved, and final site plan approval received, prior to the issuance of any building permit.
2. No occupancy permits shall be issued for any development for which site plan review is required until certification has been provided demonstrating that all terms and conditions of site plan approval have been complied with.
3. Unless a variance is explicitly sought and granted in association with a site plan, all standards of this title apply whether explicitly mentioned in the record of the review or not. An omission or oversight of a nonconformity with the standards of this title in the site plan shall not constitute approval of such nonconformance. Any nonconformance which was not the subject of an explicitly approved variance may be required to be cured at such time the City becomes aware of the nonconforming condition's existence.
4. Acceptability-5 Working Days. The City staff shall review the application for acceptability within five working days to determine if the application contains all of the submittal elements required.
5. Sufficiency-15 Working Days. After the application is deemed to contain the required elements and to be acceptable, it shall be reviewed for sufficiency. A determination of sufficiency means the application contains all of the required elements in sufficient detail and accuracy to enable the applicable review agency to make a determination that the application either does or does not conform to the requirements of the Zoning Ordinance.
6. Site plans shall be reviewed according to the procedures established by code. After review of the applicable submittal materials, the City staff or City Council shall act to approve, approve with conditions or deny the application, subject to the appeal provisions of this title. The basis for the City staff's or City Council's action shall be whether the application, including any required conditions, complies with all the applicable standards and requirements of this title, including Section 01.050.
   - Site Plan. The City staff shall provide an opportunity for the public to comment upon development proposals. The duration of the initial comment period shall be included in any notice required by this title. The comment period for 15 working days shall be from the date of the first consideration of the sufficient preliminary plan and supplementary materials.
     a. The City staff shall act to approve, approve with conditions or deny an application within ten working days of the close of the public comment period. The City staff's decision shall be in writing and shall include any special conditions which are to be applied to the development.
   - Site Plan with Variances and Conditional Use Permits. The City Council shall provide an opportunity for the public to comment upon a proposed site plan or conditional use permit. The ending date of the comment period shall be included in the notice required by this title. The comment period shall be from the date of the first consideration of the sufficient preliminary plan and supplementary materials until the decision by the City Council.
     a. The City Council shall act to approve, approve with conditions or deny an application. The City Council's decision shall be in writing and shall include any special conditions which are to be applied to the development.

7. . . the City staff or City Council shall determine that the proposed site plan will not be detrimental to the health, safety or welfare of the community, is in compliance with the requirements of this title and is in harmony with the purposes and intent of this title and the East Helena growth policy, approval shall be granted, and such conditions and safeguards may be imposed as deemed necessary.
8. Site plan approval may be denied upon a determination that the conditions required for approval do not exist. Persons objecting to the recommendations of review bodies carry the burden of proof.
9. Any aggrieved person as set forth in Chapter 10 of the East Helena Interim Zoning Ordinance may appeal the decision of the City staff or City Council.

SITE PLAN REVIEW CRITERIA:

In considering applications for site plan approval under this title, the City staff and City Council shall consider the following:

1. Conformance to and consistency with the City's adopted growth policy.
2. Conformance to this title, including the cessation of any current violations;
3. Conformance with all other applicable laws, ordinances and regulations;
4. The impact of the proposal on the existing and anticipated traffic conditions;
5. Pedestrian and vehicular ingress, egress and circulation, including:
   a. Design of the pedestrian and vehicular circulation systems to assure that pedestrians and vehicles can move safely and easily both within the site and between properties and activities within the neighborhood area;
   b. Non-automotive transportation and circulation systems design features to enhance convenience and safety across parking lots and streets, including, but not limited to, paving patterns, grade differences, landscaping and lighting;
   c. Adequate connection and integration of the pedestrian and vehicular transportation systems to the systems in adjacent developments and general community; and
   d. Dedication of right-of-way or easements necessary for streets and similar transportation facilities;
6. Building location and height;
7. Setbacks;
8. Lighting;
9. Provisions for utilities, including efficient public services and facilities;
10. Site surface drainage and stormwater control;
11. Loading and unloading areas;
12. Grading;
13. Signage;
14. Screening;
15. Parking;
16. Other related matters, including relevant comment from affected parties; and
17. If the development includes multiple lots that are interdependent for circulation or other means of addressing requirements of this title, whether the lots are either:
    a. Configured so that the sale of individual lots will not alter the approved configuration or use of the property or cause the development to become nonconforming; or
    b. The subject of reciprocal and perpetual easements or other agreements to which the City is a party so that the sale of individual lots will not cause one or more elements of the development to become nonconforming.

SITE PLAN CHECKLIST

12 SETS OR 5 SETS PRELIMINARY AND 5 SETS FINAL REQUIRED	Yes	No	N/A
1. Development application form.			
2. Location map, including area within one-half mile of the site.			
3. Boundary line of property with dimensions.			
4. Date of plan preparation and changes.			
5. North point indicator.			
6. Suggested scale of 1 inch to 20 feet, but not less than 1 inch to 100 feet.			
7. Parcel(s) and site coverage information:			
• Parcel size(s) in gross acres and square feet			
• Estimated total floor area and estimated ratio of floor area to lot size (floor area ratio, FAR), with a breakdown by land use; and			
• Location, percentage of parcel(s) and total site, and square footage for the following:			
o Existing and proposed buildings and structures;			
o Driveway and parking;			
o Open space and/or landscaped area, recreational use areas, public and semipublic land, parks, school sites, etc.; and			
o Public street right-of-way.			
8. Total number, type and density per type of dwelling units, and total net and gross residential density and density per residential parcel.			
9. Location, identification and dimension of the following existing and proposed data, on-site and to a distance of 150 feet outside site plan boundary, exclusive of public rights-of-way, unless otherwise stated:			
• Topographic contours at a minimum interval of 2 feet;			
• Adjacent streets and street rights-of-way to a distance of 150 feet, except for adjacent to major arterial streets where the distances shall be 200 feet;			
• On-site streets and rights-of-way;			
• Ingress and egress points;			
• Traffic flow on-site;			
• Traffic flow off-site;			
• Utilities and utility rights-of-way or easements:			
o Electric; Natural gas; Telephone, cable TV, and similar utilities; Water; and Sewer (sanitary, treated effluent and storm);			
• Surface water, including:			
o Holding ponds, streams and irrigation ditches;			
o Watercourses, water bodies and wetlands;			
o Floodplains as designated on the Federal Insurance Rate Map or that may otherwise be identified as lying within a 100-year floodplain through additional floodplain delineation, engineering analysis, topographic survey or other objective and factual basis;			
• Grading and drainage plan, including provisions for on-site retention/detention and water quality improvement facilities;			
o All drainageways, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc. which may be incorporated into the storm drainage system for the property shall be designated:			
o The name of the drainageway (where appropriate);			
o The downstream conditions (developed, available drainageways);			
o Any downstream restrictions;			

• Significant rock outcroppings, slopes of greater than 15 percent or other significant topographic features;			
• Sidewalks, walkways, driveways, loading areas and docks, bikeways, including typical details and interrelationships with vehicular circulation system, indicating proposed treatment of points of conflict;			
• Provision for handicapped accessibility, including but not limited to, wheelchair ramps, parking spaces, handrails and curb cuts, including construction details and the applicant's certification of ADA compliance;			
• Fences and walls, including typical details;			
• Exterior signs;			
• Exterior refuse collection areas, including typical details;			
• A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses, containing a layout of all proposed fixtures by location and type;			
• Curb, asphalt section and drive approach construction details;			
• Landscaping (detailed plan showing plantings, equipment, and other appropriate information;			
• Unique natural features, significant wildlife areas and vegetative cover, including existing trees and shrubs having a diameter greater than 2.5 inches, by species;			
• Snow storage areas;			
• Location of City limit boundaries, within or near the development;			
• Existing zoning within 200 feet of the site;			
• Historic, cultural and archeological resources, describe and map any designated historic structures or districts, and archeological or cultural sites; and			
• Major public facilities, including schools, parks, trails, etc.			
10. Detailed plan of all parking facilities, including circulation aisles, access drives, bicycle racks, compact spaces, handicapped spaces and motorcycle parking, on-street parking, number of employee and non-employee parking spaces, existing and proposed, and total square footage of each.			
11. Building design information (on-site):			
• Building heights and elevations of all exterior walls of the building(s) or structure(s);			
• Height above mean sea level of the elevation of the lowest floor and location of lot outfall when the structure is proposed to be located in a floodway or floodplain area;			
• Floor plans depicting location and dimensions of all proposed uses and activities; and			
• All onsite utilities and mechanical equipment.			
12. Description and mapping of soils existing on the site, accompanied by analysis as to the suitability of such soils for the intended construction and proposed landscaping.			
13. Temporary facilities plan showing the location of all temporary model homes, sales offices and/or construction facilities, including temporary signs and parking facilities.			
14. A noxious weed control plan.			

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SKETCH PLAN CHECKLIST

CLASSIFICATION OF SKETCH PLANS: Individual single-household and two-household dwellings each on individual lots; fences; signs in compliance with the zoning ordinance; special temporary uses; and accessory structures associated with these uses. Other similar projects may be determined by the City staff to require only sketch plan review. The City staff shall determine all submittal requirements. All other developments within the City shall be subject to site plan review procedures and criteria, and the applicable submittal requirements.

SKETCH PLAN REVIEW:

1. Separate construction plans are necessary for building permits when the proposal requires such permits.
2. Sketch plans for projects shall be submitted to City staff for a determination of compliance with the requirements of Zoning Ordinance. Once compliance is achieved, the application will be approved for construction or referred to the appropriate permitting authorities.
3. Sketch plans shall be reviewed for compliance with all applicable requirements of the Zoning and the cessation of any current violations of the Zoning, exclusive of any legal nonconforming conditions.
4. This City staff project decision may be appealed filing a notice of appeal with the Clerk of the Council for the City of East Helena, within 4 days after the date of approval as evidenced by the City staff's signature, by following the procedures of Chapter 10, East Helena Interim Zoning Ordinance.

SKETCH PLAN CHECKLIST

3 SETS REQUIRED	Yes	No	N/A
1. Development Application form.			
2. Sketch plan, (no larger than) 11 X 17, north at the top of the page. • site boundaries/property lines, with accurate lot dimensions. • streets and alley frontages with names and easements. • location of all existing and proposed structures (including decks/porches) with distances to the nearest foot between buildings and from buildings to property lines with accurate building area dimensions. • drawn to scale with setback measurements clearly labeled and in sufficient detail to demonstrate compliance with the requirements of the Zoning Ordinance.			
3. Parking and circulation, driveways,			
4. Drainage patterns and watercourses.			
5. Floor plans, (no larger than) 11 X 17, including garage, basement, and all finished and unfinished spaces (drawn to scale and/or with outside dimensions clearly labeled).			
6. Building elevation plans, (no larger than) 11 X 17 (drawn to scale and/or with measurements clearly labeled).			
7. Plans, sketches, pictures, specifications and other data that will clearly express any proposed building alterations or additions.			
8. Such other information as may be suggested by the City staff.			
9. Clearly marked property corners and proposed building corners with flags, stakes, etc. (including garage and deck/porch).			
10. Length of time since current / previous use:			
11. Proposed use:			

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DEVELOPMENT REVIEW APPLICATION

1. Name of Project:		
2. Property Owner Information: Name: Mailing Address: Phone:	Email: Fax:	
3. Applicant Information: Name: Mailing Address: Phone:	Email: Fax:	
4. Representative Information: Name: Mailing Address: Phone:	Email: Fax:	
5. Street Address of Project:		
6. Legal Description:		
7. Project Description:		
8. Zoning Designation:		
9. Current Land Use(s):		
10. Gross Area:	Acres	Square Feet
11. Net Areas:	Acres	Square Feet

12. Application Type - (√)checklist available:			
	Sketch Plan (√)		Zone Map Amendment (ZMA) (√)
	Site Plan, Preliminary (√)		Zone Map Amendment Initial (√)
	CUP, Preliminary (√)		Zoning Text Amendment (√)
	Site Plan, Final (√)		Informal Review
	CUP, Final (√)		Classification of Use
	Variance (√)		Public Agency Exemption
	Administrative Appeal (√)		

13. Attachments:	
Yes	
	Checklist for Appropriate Application Type (if available). If a Checklist is not available, enough information must be provided to make a proper decision in the matter. No decisions are made for Public Agency Exemption or Informal Review.
	Fee (includes both review fee and advertising fee).
	Copy of most recent paid tax receipt.
	Copy of the deed for the subject property.
	Required Number of Sets.

As indicated by the signature(s) below, the property owner(s), applicant(s) and representative(s) submit this application for review under the terms and provisions of the East Helena Municipal Code. It is further indicated that any work undertaken to complete a development, approved by the City of East Helena shall be in conformance with the requirements of the East Helena Municipal Code and any special conditions established by the approval authority. This development shall be in conformance with building and fire codes including required building and occupancy permits.

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge.	
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Property Owner's Signature:	Date:
Applicant's Signature:	Date:
Applicant's Signature:	Date:
Representative's Signature:	Date:
Representative's Signature:	Date:

Use additional pages as necessary to provide all required information.

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CONDITIONAL USE PERMIT CHECKLIST

INTENT: A Conditional Use Permit (CUP) is for certain uses, while generally not suitable in a particular zoning district that may, under certain circumstances, be acceptable. When such circumstances can be demonstrated by the applicant to exist, a conditional use permit may be granted by the City Council. Conditions may be applied to the issuance of the permit and periodic review may be required. No conditional use permit shall be granted for a use which is not specifically designated as a conditional use in this title.

CONDITIONAL USE PERMIT REVIEW:

1. The City Council, in approving a conditional use permit, shall review the application against the review requirements of a site plan.
2. In addition to the review criteria of a site plan, the City Council shall, in approving a conditional use permit, determine favorably as follows under **REQUIREMENTS**.
3. The City Council shall, in addition to all other conditions, impose the following general conditions upon every conditional use permit granted:
   - That the right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure; and
   - That all of the special conditions shall constitute restrictions running with the land use, shall apply and be adhered to by the owner of the land, successors or assigns, shall be binding upon the owner of the land, his successors or assigns, shall be consented to in writing, and shall be recorded as such with the County Clerk and Recorder's Office by the property owner prior to the issuance of any building permits, final site plan approval or commencement of the conditional use.
4. The City Council will hold a public hearing, after the required legal notices have been given, to give the public an opportunity to be heard upon the matter.
5. Applications for conditional use permits may be approved, conditionally approved or denied by motion of the City Council. If an application is denied, the denial shall constitute a determination that the applicant has not shown that the conditions required for approval do exist.
6. The applicant shall be notified in writing of the action taken by the City Council within ten working days of its action. If the conditional use permit has been granted the notification shall include any conditions, automatic termination date, period of review or other requirements. If the conditional use permit has been granted, the permit shall be issued upon the signature of the City staff after completion of all conditions and final site plan.
7. Any aggrieved person as set forth in Chapter 10 of the East Helena Interim Zoning Ordinance may appeal the decision of the City Council.

CONDITIONAL USE PERMIT REQUIREMENTS:

1. That the site for the proposed use is adequate in size and topography to accommodate such use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate such use with the land and uses in the vicinity;
2. That the proposed use will have no material adverse effect upon the abutting property. Persons objecting to the recommendations of City staff carry the burden of proof;
3. Relationship of site plan elements to conditions both on and off the property, including:
   - Compatibility with, and sensitivity to, the immediate environment of the site and the adjacent neighborhoods and other approved development relative to architectural design, building mass and height, neighborhood identity, landscaping, historical character, orientation of buildings on the site and visual integration;

- Design and arrangement of the elements of the site plan (e.g., buildings, circulation, open space and landscaping, etc.) so that activities are integrated with the organizational scheme of the community, neighborhood, and other approved development and produce an efficient, functionally organized and cohesive development;
- Design and arrangement of elements of the site plan (e.g., buildings circulation, open space and landscaping, etc.) in harmony with the existing natural topography, natural water bodies and water courses, existing vegetation, and to contribute to the overall aesthetic quality of the site configuration;

4. Pedestrian and vehicular ingress, egress and circulation, including:
   - Design of the pedestrian and vehicular circulation systems to assure that pedestrians and vehicles can move safely and easily both within the site and between properties and activities within the neighborhood area;
   - Non-automotive transportation and circulation systems design features to enhance convenience and safety across parking lots and streets, including, but not limited to, paving patterns, grade differences, landscaping and lighting;
   - Adequate connection and integration of the pedestrian and vehicular transportation systems to the systems in adjacent developments and general community; and
   - Dedication of right-of-way or easements necessary for streets and similar transportation facilities;
5. Landscaping, including the enhancement of buildings, the appearance of vehicular use, open space and pedestrian areas, and the preservation or replacement of natural vegetation;
6. Open space, including:
   - The enhancement of the natural environment;
   - Precautions being taken to preserve existing wildlife habitats or natural wildlife feeding areas;
   - If the development is adjacent to an existing or approved public park or public open space area, have provisions been made in the site plan to avoid interfering with public access to and use of that area;
   - Provided recreational area suitably located and accessible to the residential units it is intended to serve and adequate screening provided to ensure privacy and quiet for neighboring residential uses.
7. That any additional conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. Such conditions may include, but are not limited to:
   - Regulation of use;
   - Special yards, spaces and buffers;
   - Special fences, solid fences and walls;
   - Surfacing of parking areas;
   - Requiring street, service road or alley dedications and improvements or appropriate bonds;
   - Regulation of points of vehicular ingress and egress;
   - Regulation of signs;
   - Requiring maintenance of the grounds;
   - Regulation of noise, vibrations and odors;
   - Regulation of hours for certain activities;
   - Time period within which the proposed use shall be developed;
   - Duration of use;
   - Requiring the dedication of access rights; and
   - Other conditions necessary to develop the City in an orderly and efficient manner.

CONDITIONAL USE PERMIT CHECKLIST

12 SETS PRELIMINARY AND 5 SETS FINAL REQUIRED	Yes	No	N/A
1. Development Application Form.			
2. Site Plan Checklist.			
3. Site Plans.			

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ZONING VARIANCE CHECKLIST

INTENT OF ZONING VARIANCES: Requests to modify dimensional or other numerical requirements of the East Helena Interim Zoning Ordiance. The scope and extent of the variance(s) shall be limited to the minimum relief necessary to provide reasonable use of the property. In no case may the City Council grant variances to allow uses not already permitted pursuant to this title or alter administrative requirements of this title. The concurring vote of four members of the Council shall be necessary to effect any variance of this title.

ZONING VARIANCE REVIEW:

1. The Council shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title.
2. In acting on an application for a variance, the Council shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare, and shall issue written findings setting forth factual evidence that the variance:
   - Will not be contrary to and will serve the public interest;
   - Is necessary, owing to conditions unique to the property, to avoid an unnecessary hardship which would unavoidably result from the enforcement of the literal meaning of this title:
     a. Hardship does not include difficulties arising from actions, or otherwise be self-imposed, by the applicant or previous predecessors in interest, or potential for greater financial returns; and
     b. Conditions unique to the property may include, but are not limited to, slope, presence of watercourses, after the fact imposition of additional regulations on previously lawful lots, and governmental actions outside of the owners control;
   - Will observe the spirit of this title, including the adopted growth policy, and do substantial justice;
3. If a building permit or land use permit is not obtained for the subject property within six months from the date of the Council's decision, the variance shall be automatically canceled and become null and void.
4. Any aggrieved person as set forth in Chapter 10 of the East Helena Interim Zoning Ordinance may appeal the decision of the City Council.

VARIANCE CHECKLIST

12 SETS REQUIRED	Yes	No	N/A
1. Development application form.			
2. Site Plan or Sketch Plan Checklist. The plans shall contain sufficient information for the Council to make a proper decision on the matter.			
3. A clear description of the variance requested and the reasons for the request.			
4. Justification, in writing, of the following:			
• Will not be contrary to and will serve the public interest.			
• Is necessary, owing to conditions unique to the property, to avoid an unnecessary hardship which would unavoidably result from the enforcement of the literal meaning of the East Helena Interim Zoning Ordinance.			
• Will observe the spirit of the East Helena Interim Zoning Ordinance, including the adopted growth policy, and do substantial justice.			
5. Evidence satisfactory to the City Council of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six months after issuance of permit.			

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ZONING AMENDMENT AND ADMINISTRATIVE APPEALS CHECKLISTS

ZONE MAP OR ZONING TEXT AMENDMENT CHECKLIST

12 SETS REQUIRED	Yes	No	N/A
1. Development application form.			
2. A written response to the following criteria.			
• Consistency with the City's growth policy;			
• Lessening of congestion in the streets;			
• Securing safety from fire, panic and other dangers;			
• Promotion of health and the general welfare;			
• Provision of adequate light and air;			
• Prevention of the overcrowding of land;			
• Avoiding undue concentration of population;			
• Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;			
• Reasonable consideration to the character of the district;			
• Reasonable consideration to the peculiar suitability of the property for particular uses;			
• Conserving the value of buildings; and			
• Encouraging the most appropriate use of land throughout the municipality.			

ADMINISTRATIVE PROJECT DECISION APPEAL CHECKLIST

12 SETS REQUIRED	Yes	No	N/A
1. Development application form.			
2. A description of the project that is the subject of the appeal.			
3. Site Plan or Sketch Plan Checklist. The plans shall contain sufficient information for the Council to make a proper decision on the matter.			
4. Evidence that the appellant is an aggrieved person as defined in Chapter 14 (Definitions) of the East Helena Interim Zoning Ordinance.			
5. The specific grounds and allegations for the appeal, and evidence necessary to support and justify a decision other than as determined by the city staff.			

ADMINISTRATIVE INTERPRETATION APPEAL CHECKLIST

12 SETS REQUIRED	Yes	No	N/A
1. Development application form.			
2. Site Plan or Sketch Plan Checklist. The plans shall contain sufficient information for the Council to make a proper decision on the matter.			
3. Evidence to prove that the decision or action of the city staff for which an appeal is made was incorrect or in violation of the terms of the East Helena Interim Zoning Ordinance.			

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ZONING ORDINANCE FEE SCHEDULE

EFFECTIVE JUNE 5, 2007

Application Type	Review Fee	Advertising Fee	Number of Sets
Sketch Plan	$100	None	3
Preliminary Site Plan	$500	None	12 or 5
Preliminary CUP	$500	$200 (2 ads)	12
Final Site Plan	$250	None	5
Final CUP plan	$250	None	5
Variance	$500	$200 (2 ads)	12
Administrative Appeal	$250	$200 (2 ads)	12
Zone Map Amendment (ZMA)	$500	$100 (1 ad)	12
ZMA- initial (with Annexation)	$250	$100 (1 ad)	12
Zoning Text Amendment	$500	$100 (1 ad)	12
Informal Review	$100	None	12
Classification of Use	$250	$200 (2 ads)	12
Public Agency Exemption	$25	$200 (2 ads)	12