



**CITY OF EAST HELENA**  
**306 EAST MAIN**  
**PO BOX 1170**  
**EAST HELENA, MT 59635**  
**PHONE: (406) 227-5321**

## **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 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

<b>3 SETS PRELIMINARY AND 3 SETS FINAL REQUIRED</b>	Yes	No	N/A
1. Development Review Application form.			
2. Site Plan Checklist.			
3. Site Plans.			



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## **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:**

#### **A. Site Plan Review Procedures:**

1. These procedures shall apply to all developments within the City except for development proposals specified as requiring only sketch plan review.
2. Site plans for projects shall be submitted to City staff for a determination of compliance with the requirements of this title. Once compliance is achieved, the application will be approved for construction or referred to the appropriate permitting authorities.
3. Site plans shall be reviewed for compliance with all applicable requirements of this title and the cessation of any current violations of this title, exclusive of any legal nonconforming conditions.
4. 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 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.
5. Site plans shall be reviewed according to the procedures established by this title. After review of the applicable submittal materials, the City staff shall act to approve or deny the application, subject to the appeal provisions of this title. The basis for the City staff's action shall be whether the application complies with all the applicable standards and requirements of this title, including Section 1.1.05.

#### **B. Site Plan Review Criteria:**

1. In considering applications for site plan approval under this title, the City staff shall consider the following:
  - a. Conformance to this title, including the cessation of any current violations;
  - b. Conformance with all other applicable laws, ordinances and regulations;
  - c. Pedestrian and vehicular ingress, egress and circulation, including:
    - (1) Building location and height;
    - (2) Setbacks;
    - (3) Provisions for utilities, including efficient public services and facilities;
    - (4) Site surface drainage and storm water control;
    - (5) Loading and unloading areas;
    - (6) Grading;
    - (7) Signage;
    - (8) Screening; and
    - (9) Parking.
2. 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. 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.
3. Site Plan submittals shall contain the following required items:
  - a. Development Review Application form;
  - b. Site Plan, no larger than 11x17 sheet size containing the following:
    - (1) Site boundaries/property lines, with accurate dimensions;
    - (2) Streets and alley frontages with names and easements;
    - (3) Location of all existing and proposed structures, including decks and porches, with distances to the nearest foot between buildings and from buildings to property lines with accurate building area dimensions; and
    - (4) Off-street parking areas, including surfacing specifications;
    - (5) Parcel size in square feet;
    - (6) Total number of dwellings and number of bedrooms per dwelling;
    - (7) Traffic ingress and egress and circulation;
    - (8) Utilities and utility easements, existing and proposed;
    - (9) Surface water features or wetlands;
    - (10) Provisions for handicap accessibility meeting the requirements of the most current Americans with Disabilities Act Standards and applicant's certification that all improvements are in compliance with the most current ADA Standards;
    - (11) Fences and walls, including location, height, and construction materials;
  - c. Floor plans, including garage, basement, and all finished and unfinished spaces;
  - d. Building elevations, if available;
  - e. Any plans, sketches, pictures, specifications and other data that will clearly express any proposed building alterations or additions;
  - f. Length of time since current or previous use;
  - g. Proposed use.
- C. If City staff determines 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, approval shall be granted. Notice of action shall be given in writing.
- D. Site plan approval may be denied upon a determination that the site plan will be detrimental to the health, safety or welfare of the community; is not in compliance with the requirements of this title, and is not in harmony with the purposes and intent of this title. Persons objecting to the recommendations of City Staff carry the burden of proof. A denial of approval shall be in writing.
- E. The City staff project decisions 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 decision as evidenced by the City staff's signature, by following the procedures of Chapter 10, East Helena Zoning Ordinance.

#### **SITE PLAN CHECKLIST**

<b>3 SETS PRELIMINARY REQUIRED</b>	Yes	No	N/A
1. Development Review 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:			
○ Existing and proposed buildings and structures;			
○ Driveway and parking;			
○ Open space and/or landscaped area, recreational use areas, public and semipublic land, parks, school sites, etc.; and			
○ 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:			
○ Electric; Natural gas; Telephone, cable TV, and similar utilities; Water; and Sewer (sanitary, treated effluent and storm);			
• Surface water, including:			
○ Holding ponds, streams and irrigation ditches;			
○ Watercourses, water bodies and wetlands;			
○ 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;			
○ 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:			
○ The name of the drainageway (where appropriate);			
○ The downstream conditions (developed, available drainageways);			
○ 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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## **DEVELOPMENT REVIEW APPLICATION**

1. Name of Project:		
2. Property Owner Information:		
Name:	Email:	
Mailing Address:		
Phone:	Fax:	
3. Applicant Information:		
Name:	Email:	
Mailing Address:		
Phone:	Fax:	
4. Representative Information:		
Name:	Email:	
Mailing Address:		
Phone:	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.