



DATE RECEIVED:

City of Helena  
**CONDITIONAL USE PERMIT/AMENDMENT**  
Application Form  
**APPLICATION FEE: \$435.00**  
(Payable to the City of Helena)  
**ALL FEES ARE NON-REFUNDABLE**

**Please provide all of the information requested in the Application Instructions  
AN INCOMPLETE APPLICATION MAY DELAY REVIEW OF YOUR REQUEST**

**ARE YOU REQUESTING ANY VARIANCES WITH THIS APPLICATION?**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, see Board of Adjustment application

**HAVE ANY VARIANCES OR CUPS BEEN PREVIOUSLY GIVEN FOR THIS PROPERTY?**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, provide a copy of the variance decision or CUP Resolution.

**Application Instructions**

**INTENT:** *Conditional use permits, for uses other than those permitted by right in a particular zoning district, are intended to provide for individual or community needs where they may be appropriate. Subject to the provisions of this chapter, conditional uses are, in a general sense, considered permitted uses in particular use districts and zones. Conditional uses possess characteristics of such unique and special form that each such use is considered on an individual case and, if permitted, may be subjected to those conditions deemed necessary by the city commission to minimize and mitigate adverse impacts. (Helena Zoning Ordinance, Section 11-3-1)*

**GENERAL REQUIREMENTS:**

1. \_\_\_\_\_ Submit application according to the application deadline schedule available in the Community Development Department. **The application fee must be paid at the time of application submittal.**
2. \_\_\_\_\_ **The application must be COMPLETE and SIGNED by the applicant and property owner.** An incomplete application may delay review of your request. Attach additional information to the application if needed.
3. \_\_\_\_\_ A. A person desiring a conditional use permit shall apply to the city on the appropriate forms and pay any required fees.
  - B. All applications for conditional use permits must include the following information:
    1. Type and extent of the proposed use;
    2. Site plan showing the proposed and current location of:
      - a. Pedestrian, vehicular, and bicycle ingress and egress to the property;
      - b. Parking and loading areas;
      - c. Landscaping and screening;
      - d. Solid waste collection areas;

- e. Location of utilities;
  - f. Signs; and
  - g. Lighting;
3. Proposed storm water drainage plan;
  4. Traffic impact study for any use that will generate more than two hundred (200) vehicle trips a day;
  5. Vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets;
  6. Planned modifications to the existing structure;
  7. Preliminary architectural drawings for new construction with elevations that include building heights;
  8. Anticipated changes in pedestrian, vehicle, and bicycle traffic, on street parking, noise, glare, and odor;
  9. Impacts to other property in the vicinity and the zoning district in which the subject property is located;
  10. Proposed mitigation and minimization of anticipated adverse impacts;
  11. Expected time when the permitted conditional use will commence; and
  12. Variances requested. (Ord. 3097, 4-7-2008)

**A CONDITIONAL USE PERMIT IS EFFECTIVE UPON APPROVAL BY THE CITY COMMISSION, AND AFTER ALL OF THE CONDITIONS FOR APPROVAL HAVE BEEN COMPLETED.**

**YOUR PROPOSAL MUST COMPLY WITH THE FOLLOWING:**

- Building and fire codes including required building and occupancy permits
- Zoning Ordinance requirements including but not limited to minimum lot area; front, side and rear yard setbacks; maximum lot coverage; building height, landscaping; parking; screening; and signage
- Sidewalks, curbs and gutters; if deteriorated, repair or replacement may be required

## **Review Process and Criteria**

**11-3-4: APPLICATION REVIEW:** The following completeness review is required for applications for conditional use permits:

A. Within ten (10) working days of receipt of an application and required filing fee, the city shall review the submitted information to determine whether the application contains all the information required by this chapter. The application is complete if all the information required is provided, thereby forming the basis for an informed decision on the application. The city shall give written notice to the applicant of the determination as to whether or not the application is complete.

B. If the city determines that information is missing from the application, the city will identify those elements in the notification. If the applicant fails to submit the missing information within five (5) working days of the notice of deficiency, the city may deny approval of the application.

C. If the applicant corrects the deficiencies and resubmits the application within the time provided above; the city has ten (10) working days to notify the applicant whether the resubmitted application contains all the information required by this chapter.

D. After a complete application has been filed, the city shall investigate the facts bearing on the application to assure that the action on the application is consistent with the intent and purpose of this Title, and then give its recommendation to the zoning and city commission.

### **11-3-5: CONDITIONAL USE PERMIT REVIEW REQUIREMENTS:**

A. A conditional use permit may be granted by the city commission only upon a finding, warranted by the facts, circumstances, and evidence of record, that the following standards are met:

1. The proposed conditional use will not significantly increase risk to the public health, safety, or general welfare.
2. The proposed conditional use will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.

B. In considering whether a proposed conditional use meets the requirements of 11-3-5(A) (1) and (2), the city commission shall weigh and balance the following factors:

1. pedestrian, vehicular, and bicycle traffic;
2. on-street parking;
3. noise;
4. glare;
5. odor; and
6. type and size of structures and improvements and their relative locations on the subject property.

### **PROCESS:**

The Zoning Commission and the City Commission will hold public hearings, after the required legal notices have been given, to give the public an opportunity to be heard upon the matter.

The Zoning Commission will make a recommendation to the City Commission who will approve, deny or conditionally approve the requested conditional use permit.