

What is a Conditional Use?

A conditional use is a use that may be allowed in a zoning district but which, because of size, location, impact, operation requirements, demand on public facilities or necessary improvements requires additional guidance and control to make such uses consistent and compatible with permitted uses in the same district. This additional guidance is established through the conditional use permitting process.

Why is a permit necessary?

A conditional use permit provides documented evidence of authority granted by the Board of Adjustment to locate a conditional use at a particular location. This documentation is beneficial to all parties involved when a conditional use receives approval. It provides the applicant with legal proof that the use applied for can meet zoning standards and guidelines, and it protects neighboring property owners by conditioning approval in order to mitigate potential impacts associated with the proposed use.

EASY ACCESS!

Pre-application meeting request forms and Conditional Use Permit applications can be found in our office as well as on our website:

<http://www.custercountymt.com/>

Mission Statement:

"The Custer County Environmental Health & Zoning Department is committed to providing the highest level of services accomplish through the prospect and protection of public requisites, and reassures an environment that inspires imagination, communication and collaboration."

Custer County
Environmental Health & Zoning

HOW TO...

Apply for a Conditional Use Permit (CUP)



For more information, contact:



Custer County
Environmental Health & Zoning
1010 Main St
Miles City, Mt 59301
Phone: 406-366-1424
E-mail: tmbiwod@gmail.com

An informational brochure on the
Conditional Use Permit process.

So You'd Like to Apply for a Conditional Use Permit...

There are four steps typically involved in pursuing a conditional use permit: a pre-application meeting, the application process, staff review of the proposal and a public hearing before the Board of Adjustment. These four stages are outlined in detail below.

1. Pre-Application Meeting

While not required, a pre-application meeting allows the applicant to discuss the proposal with members of the Custer County Planning & Zoning staff prior to submitting an official application and associated fee. The pre-application conference is free and provides the applicant insight on how the following may affect their application:

- Existing zoning allowances and limitations.
- Compliance with neighborhood plans and land use maps
- Criteria set forth by Section 9.0 of the Zoning Regulations for review of a proposed conditional use
- Potential conditions of approval
- Application process and timeline

It is important to remember the pre-application conference is for the benefit of the applicant and does not guarantee approval of an application!

2. Application Process

A complete application, site plan, supporting materials and fee is submitted to the Zoning Administrator to be processed for review. The application fee is non-refundable, regardless of whether or not a conditional use permit is approved. The Board of Adjustments meets only when there are agenda items, and application deadlines are spaced to allow ample time for the review process to occur, typically two months in advance of the public hearing.

3. Review Process

The review process is completed by Zoning Administrator prior to the public hearing, and a staff report is prepared addressing the following criteria:

- Site suitability Appropriateness of design
- Availability of public services and facilities Immediate neighborhood impact
- Areas requiring preservation

According to the Zoning Regulations, a conditional use may be granted only if the proposal conforms to all of the criteria listed above, in addition to other criteria that may be applicable on a case-by-case basis. Zoning Administrator will conduct a site visit and contact local and state agencies for comment when completing a thorough review of the proposal. Administrator then provides a recommendation to approve, conditionally approve or, if warranted, deny the request for a conditional use permit to the Board of Adjustment.

4. Public Hearing before the Board of Adjustment

Before the application is heard by the Board of Adjustment, written notice of the hearing is mailed to adjacent property owners of the property being reviewed. Notice of the public hearing is also published in the Local News Paper at least 15 days prior to the scheduled hearing date. It is important to remember the Board of Adjustment hearing is a public venue and allows members of the public an opportunity to speak for or against the conditional use application. After the Board considers the review by staff and any public or agency comment received, a decision will be made to approve, conditionally approve or deny the request. If the Conditional Use Permit is approved with conditions, proof the conditions have been met is typically required within 12 months of approval, unless the applicant can demonstrate a continuous effort in good faith in commencing activity.

Just a reminder...

Schedule a pre-application meeting to get the facts before submitting an application!

Pay attention to application due dates and corresponding public meeting dates and timelines

The more complete the application, the easier it is for the Zoning Administrator to review. **Answer ALL** questions and submit **ALL** documents required to expedite the process!

Once submitted, the application fee is **NON-REFUNDABLE!**

There are **NO guarantees** of approval.