

WORKSHEET FOR ISSUING A ZONING COMPLIANCE PERMIT ON UNZONED LANDS IN THE CITY OF MISSOULA

Applicant or Agent Name _____ Date Applied _____

Address of property _____ Date Approved _____

Legal Description _____ Geocode _____

1. The applicant must provide a complete legal description of the property. Submittal requirements will be the same as for Zoning Compliance Permits in 20.85.120 and .130.

2. This request for a Zoning Compliance Permit is for (Check one):

- Rehabilitation work on an existing structure(s)
- Addition to an existing structure(s)
- New construction
- Business license (new or renewal)
- Change in use of existing building
- Other (describe) _____

3. New Buildings, Structures, or Uses

The Zoning Officer shall ask the following questions and answer "yes" to at least 2 in order to consider approving a Zoning Compliance Permit (ZCP) for new buildings, structures, or uses.

- a. Is the proposed development consistent with the county zoning regulations in effect at the time of annexation? Yes _____ No _____
- b. Is the proposed development in compliance with the land use activities recommendations of the adopted Growth Policy? Yes _____ No _____
- c. Is the proposed development consistent with the goals, objectives and policies of the Growth Policy? Yes _____ No _____
- d. Is the proposed development within an approved subdivision and does the proposed development comply with the approved plat and any conditions placed on the subdivision? Yes _____ No _____
- e. Is the proposed development substantially the same as or compatible with the actual uses, or potential land uses, based on zoning or Growth Policy designations of 50% or more of the area of properties within 300 feet of the property proposed for development? Yes _____ No _____

Are at least 2 answered affirmatively? Yes _____ No _____ If "yes" then a ZCP may be issued.

4. Zoning Compliance Permit for Existing Use or Occupancy

The zoning officer may issue a Zoning Compliance Permit for an existing use or building occupancy on unzoned land, including building additions, after determining that:

- a. the building, structure or use is a continuation of an existing nonconforming use under the county zoning classification in effect at the time of annexation; or
- b. the building, structure or use is pursuant to a variance granted by the County Board of Adjustment.

5. Zoning Compliance Permit for Seasonal Activity Business Licenses

A Zoning Compliance Permit may be issued by the zoning officer for temporary or seasonal activities on unzoned land if the area is not designated for residential use in the Growth Policy. All other provisions of general zoning regulations apply.

6. Nonconformities in Unzoned Areas

- a. Any change of a nonconforming use on unzoned land must comply with 20.80.040B. The Zoning Compliance Permit must state that the replacement use is nonconforming.
- b. Nonconforming uses on unzoned land are subject to provisions of 20.80.040F (Loss of Nonconforming Status.) Once a use located on unzoned land loses its nonconforming status, any new or replacement use must comply with 20.70.010A through 20.70.010D.
- c. Nonconforming structures on unzoned land are subject to provisions of 20.80.030F (Loss of Nonconforming Status.) Once a structure located on unzoned land loses its nonconforming status, any new or replacement structure must comply with 20.70.010A through 20.70.010D.

7. Compliance with General Zoning Regulations

When a proposed development on unzoned land is determined to be in compliance with 20.70.010A through 20.70.010D, it will be subject to general zoning regulations with respect to any new expanded or changed land uses. Further, all new construction and additions to existing buildings are subject to the following setback and height requirements:

	Minimum Setback (feet)				Maximum Height (feet)
	Front	Street Side	Interior Side	Rear	
Residential (Principal Structure)	20	10	7.5 ²	20	30/35 ¹
Residential (Detached Accessory Structures)	20	20	5	5	22
Nonresidential (Principal Structure)	20	10	0	10	35

Notes:

¹Maximum height limit is 30 feet for buildings with primary roof pitch of less than 8 in 12 and 35 feet for buildings with primary roof pitch of 8 in 12 or greater.

²Maximum interior side setbacks for principal buildings must equal at least 33% of the height of the subject building.