

11-3-26: OPTIONAL ZONING COMPLIANCE PERMIT:

- A. A zoning compliance permit is advised for any new or expanded permitted or accessory use or structure within unincorporated portions of the Whitefish planning jurisdictional area where the city of Whitefish does not administer a building code. The purpose of the zoning compliance permit is to ensure for the benefit of the property owner that all zoning regulations are met. To that end, the zoning compliance permit is offered as an optional service of the city of Whitefish, and is not required by any code or ordinance. Full compliance with all provisions of the applicable codes and zoning regulations is required regardless of whether or not a zoning compliance permit is applied for.
- B. Prior to undertaking any construction, development, or expansion of a permitted or accessory use, the property owner or designated representative may apply for and receive a zoning compliance permit from the Whitefish planning and building department. However, should construction, development, or expansion of a permitted or accessory use be undertaken without first obtaining a zoning compliance permit, and said activity is subsequently found to be not in compliance with applicable codes and regulations, an after the fact zoning compliance permit must be obtained as set forth in subsection H of this section.
- C. Application must be made on a form provided by the city of Whitefish, and no application fee shall apply.
- D. The application shall include a site plan drawn to a suitable engineering scale (1 inch = 10 feet, 1 inch = 20 feet, etc.). The site plan shall include, as a minimum, the following:
1. Boundaries of the subject property with all bearings and dimensions.
 2. All existing and proposed improvements, including buildings, parking and storage areas, driveways, decks, patios, wells, septic systems, drain fields, fuel tanks, utilities, easements, and landscaping.
 3. Name and description of the adjacent street (ROW width, pavement width, type of surface, public or private, sidewalk, curb and gutter, etc.).
 4. Dimensions from all existing and proposed improvements to adjacent property boundaries.
 5. Accurate locations of lakes, rivers, streams, or wetlands on or adjacent to property.
 6. Contours need only be shown to demonstrate that proposed development is not being proposed on slopes greater than thirty percent (30%).

- E. Once an application for zoning compliance permit is deemed complete, the zoning administrator shall have twenty (20) business days to respond to the applicant.
- F. Approval of a zoning compliance permit shall consist of a stamped approved copy of the site plan with all conditions noted thereon or in a separate letter.
- G. Denial of a zoning compliance permit shall consist of a stamped copy of the site plan and letter explaining the reasons for such denial.
- H. Should any construction, development, or expansion of a permitted or accessory use be undertaken without first obtaining a zoning compliance permit, and such activity is subsequently determined by the zoning administrator to be in violation of applicable codes and regulations, upon written notice of the zoning administrator the property owner must obtain an after the fact zoning compliance permit (ZCP). The after the fact ZCP shall be applied for on a form provided by the city, and shall be accompanied by a site plan with all information required in subsection D of this section. A fee for the after the fact ZCP shall be set by resolution of the Whitefish city council. The after the fact ZCP shall be approved, approved with conditions, or denied by the zoning administrator in accordance with subsections E and F of this section.
- I. Any action of the zoning administrator pursuant to this section may be appealed to the board of adjustment as set forth in section 11-7-6 of this title. (Ord. 07-13, 6-18-2007)