

## Chapter 4 – Permits

### 11-4-1: PURPOSE:

This chapter requires a permit for all development that does not specifically exempt from the requirement for a permit, defines development, and establishes the types of permits used to ensure compliance with these regulations. Application, review, and appeal procedures for each type of permit are found in Chapters 11-5 through 11-8.

### 11-4-2: PERMIT REQUIRED:

- A. A permit to proceed in compliance with these regulations is required for all development that is not specifically exempted by Section 11-4-4.
- B. The required permit must be obtained before new lots are created; before a site is cleared or any earth moved; or before any building materials and/or equipment are moved onto the site; or **before any work of any type begins**.

### 11-4-3: DEVELOPMENT DEFINED:

- A. Development includes land divisions that create new lots or rights-of-way (subdivisions); grading, including clearing, excavation, and fill; the construction, reconstruction, installation, enlargement or relocation of any building or structure; and/or any change in the use of a lot, building, or structure. Items B-D, below, expand on this definition.
- B. A change of use for which a permit is required occurs when an additional dwelling unit is added to an existing building, when an existing residential building is converted to commercial use or an existing commercial building is converted to residential, or when an existing building, structure, or use is changed to a more intense commercial use. For this definition, intensity will be measured by:
  - a change in water meter size, if a larger water meter is required, it is a change in use; or
  - parking. If additional parking spaces must be provided to comply with Chapter 11-24 it is a change in use.
- C. Some temporary uses and structures are exempt from the requirement for a permit. Please see Section 11-4-5.F.
- D. Outdoor sales and storage require a permit if they are not exempted by

Section 11-4-5.G.

**11-4-4: EXEMPTIONS:**

- A. Land divisions defined as exempt by 76-3 Part 2, MCA do not require a permit.
- B. Continuing agricultural activities, including irrigation, the planting and harvest of crops, and grazing do not require a permit.
- C. Maintenance or repair of existing uses, buildings, or structures does not require a permit.
- D. Interior changes in existing buildings or structures do not require a permit. There is a possible exception to this exemption in the floodplain. Please see Title 12 of this code.
- E. Most changes to the exterior of existing buildings or structures do not require a permit. There is a possible exception to this exemption in the SED. Please see Chapter 22.
- F. A permit established by this chapter is not required for temporary uses and associated structures used for events that last no more than four days, including set-up and tear-down, like a farmer's market, a rodeo, a "sidewalk sale," or a garage or yard sale. Please note that a Temporary Use Permit may be required by Chapter 11-25.
- G. A permit is not required for the onsite storage and staging of building materials or equipment while construction proceeds in compliance with an approved zoning permit.
- H. An additional exemption will appear here after Planning Board discussion.
- I. A permit is not required for the posting or placement of advisory or directional signs of not greater than 4 square feet.

**11-4-5 TYPES OF PERMITS:**

These regulations establish two types of permits: discretionary and zoning. Discretionary permits are reviewed and acted upon by the PBZC and City Council. Zoning permits are approved or rejected by Staff.

- A. Discretionary permits are required for any land division that is not exempted by state law and for the conditional uses that are allowed in some zoning districts or by Section 11-2-7.B for changes in nonconforming buildings, structures, and uses. Please see Chapters 11-6 and 11-8 for the application, review, and appeal procedures for discretionary permits.
- B. A zoning permit is required for all development that is not exempted by Section 11-4-4. Application, review, and appeal procedures for zoning permits may be found in Chapter 11-5.

#### **11-4-6: PERMIT FEES:**

Non-refundable permit application fees are established by the City Council as provided in Section 11-3-5.D. The required fee must accompany the application for a permit. Note also that impact fees required by Section 3-6-1, et seq of this code must be paid before a zoning permit is issued.

#### **11-4-7: PERMIT EXPIRATION:**

Please see the chapter establishing each type of permit.