

## CHAPTER 17.04

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**CHAPTER 17.04**  
**GENERAL PROVISIONS**

**17.04.010 CITATION**

Chapter 17.04 through Chapter 17.108 shall be known and cited as the Unified Principal Use and Development Ordinance (the “Ordinance”) of the City of Dillon (the “City”). The Ordinance may also be referred to as this “title” and cited as D.M.C. § 17.

Enc Ord 433 December 5, 2012

**17.04.020 AUTHORITY**

This title is adopted by authority of Mont. Code Ann. § 7-3-701 (MCA). Additional City authority is granted by various other sections of state law and the authority granted by those sections is incorporated as if set forth herein.

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**17.04.030 JURISDICTIONAL AREA AND APPLICATION**

These regulations govern the development and use of land within the limits of the City. These regulations shall apply to all private and public lands, all uses thereon, and structures and buildings over which the City has jurisdiction under the constitution and laws of the State of Montana or pursuant to the City’s powers. Annexation goals and policies stated in the Growth Policy of the City of Dillon (the “Growth Policy”) will guide potential future annexation and zoning. This will achieve orderly growth and provide methods to prepare for future infrastructure needs.

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**17.04.040 INTENT AND PURPOSE OF ORDINANCE**

- A. The intent of this Ordinance is (1) to protect the public health, safety and general welfare of the residents of the City; (2) to implement the Growth Policy, as amended, and to meet the requirements of state law; and (3) to recognize and balance the various rights and responsibilities relating to land ownership, use, and development as required by applicable law.
- B. In accordance with the Growth Policy, this Ordinance is intended to promote:
  - 1. Orderly development of the City;
  - 2. Coordination of streets within subdivided land with other streets and roads, both existing and planned developments;
  - 3. Dedication of land for streets and roadways and for public utility easements;
  - 4. Adequate open spaces for travel, light, air and recreation;
  - 5. Adequate transportation, water, drainage and sanitary facilities;
  - 6. Avoidance or minimization of congestion;
  - 7. Avoidance of unnecessary environmental degradation;
  - 8. Encouragement of development in harmony with the natural environment;

9. Avoidance of danger or injury to health, safety or general welfare by reason of natural hazard or the lack of water, sewer, drainage, access, transportation or other public services;
10. Avoidance of excessive expenditure of public funds for the provision of public services;
11. Division of the City into districts with applicable standards for development within each district;
12. Establishment of standards for the development and use of land;
13. Establish procedures for the review and approval for the development and use of land; and
14. Establishment of all other requirements necessary to satisfy the purposes of this title.

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**17.04.050 DEFINITION OF TERMS AND INTERPRETATION OF LANGUAGE**

- A. The following terms are defined as follows:
  1. Words used in the **present** tense include the **future** tense;
  2. Words used in the **singular** include the **plural**;
  3. The word “**SHALL**” is always mandatory;
  4. The word “**MAY**” is permissive;
  5. The word “**SHOULD**” is a preferred alternative;
  6. The word “**PERSON**” includes a firm, association, organization, partnership, trust, corporation or company, or other legal entity, as well as the individual;
  7. The word “**LOT**” includes the words “**PLOT**” or “**PARCEL**”;
  8. The word “**BUILDING**” includes the word “**STRUCTURE**” and vice versa;
  9. The word “**USED**” or “**OCCUPIED,**” shall be construed to include the word “arranged, or designed to be used or occupied”;  
 The word “**USED**” shall include “arranged, designed, constructed, altered, converted, rented, leased” or “intended” to be used;
  10. The words “**MAP**” or “**ZONING MAP**” mean the zoning map(s) of the City that delineate the area to be governed by these regulations;
  11. The word “**LAND**” means ground, soil, or earth, and land includes structures on, above or below the surface;
  12. The word “**DEVELOPMENT**” means land used for construction, reconstruction, conversion, structural alteration, enlargement or other use of land.
- B. “**PRINCIPAL USE**” means a use or structure which determines the predominant or major use of the lot on which it is located. The principal use shall be that use which establishes the character of the property relative to surrounding or adjacent properties.

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**17.04.060 INTERPRETATION AS MINIMUM REQUIREMENTS**

- A. In its interpretation and application, this title shall be held to be minimum requirements adopted for the promotion of the health, safety and general welfare of the community. Wherever this title is at variance with the requirements of any other lawfully adopted ordinance, or wherever there is an internal conflict within this title, the most restrictive regulation, or that imposing the higher standard, shall govern.
- B. The captions or headings for each section are for convenience only and shall not be included in the interpretation of the section.
- C. When interpreting the meaning of this title, sections or subsections of the Ordinance shall be construed when possible in a manner that will give effect to the Ordinance as a whole.
- D. These regulations shall apply uniformly within each zoning district to each class or kind of structure, land or development as set forth in this title.

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**17.04.070 COMPLIANCE WITH REGULATIONS REQUIRED**

- A. No land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, and no principal use shall commence unless it is in conformity with this title.
- B. To the extent reasonable, all City-owned land shall be subject to applicable regulations of the underlying zoning district. Development of such land shall be subject to approval by the City Council upon review of the Planning Board and other review bodies as may be required.

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**17.04.080 DEVELOPMENTS THAT LIE WITHIN MULTIPLE JURISDICTIONS**

If a proposed principal use lies partly within the City and partly outside the City limits the project shall be submitted by the applicant to the City Planning Board, Zoning Commission, Beaverhead County Planning Board and the Beaverhead County Commissioners. The City and County shall review and submit comments to each entity and the applicant to identify and resolve any jurisdiction and infrastructure issues.

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**17.04.090 PRIVATE RESTRICTIONS**

This title is not intended to affect any existing private restrictions on land use which are filed in the public records of Beaverhead County. If any provision of this title is more restrictive or imposes a higher standard than any such private restriction, the requirements of this title shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this title, the City has no duty to enforce such private restrictions or advise of their existence. The City may enforce a private restriction if the City is a party to such private restriction or if the private restriction was required by the City. The City may prohibit private restrictions from being filed in the public records that violate the law or compliance with the provisions of this title.

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**17.04.100 SEVERABILITY**

Where any word, phrase, clause, sentence, paragraph, or section or other part of these regulations is held invalid by a court of competent jurisdiction by express inclusion in the decision to be invalid, such judgment shall affect only that part held invalid and such judgment shall not affect, impair or nullify this title as a whole or any other part thereof. Insofar as these regulations are more restrictive than any other local law, these regulations shall be controlling, and if any other applicable law is more restrictive, the other law shall take precedence over these regulations.

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