

## **CHAPTER 17.60**

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## CHAPTER 17.60

### RESIDENTIAL DISTRICTS/MANUFACTURED HOME COMMUNITY

#### **17.60.010 INTENT AND PURPOSE OF RESIDENTIAL DISTRICTS**

The intent and purpose of the residential zoning districts is to establish areas within the City of Dillon that are primarily **RESIDENTIAL** in **CHARACTER** and to set forth certain minimum standards for development within those areas. The purpose in having more than ONE residential district is to provide opportunities for a variety of housing types and arrangements within the community while providing a basic level of **PREDICTABILITY**. There is a rebuttable presumption that the principal uses set forth in each district will be compatible with each other when the standards in this title are met and any applicable conditions of approval have been satisfied. Additional requirements for development apply within overlay districts shall apply. All developments are subject to 17.04, General Provisions.

- A. The intent of the R-1, Residential District Single-Household, Low Density district is to provide for primarily single-household residential development and related uses within the City at urban densities, and to provide for such community facilities and services as will serve the area's residents while respecting the residential character and quality of the area.
- B. The intent of the R-2, Residential, Medium Density district is to provide for one-and two-household residential development at urban densities within the City, and to provide for such community facilities and services as will serve the area's residents while respecting the residential character and quality of the area. Two-unit household duplexes, two unit household townhouses and two unit household condominiums are permitted in this district.
- C. The intent of the R-3, Residential High Density district is to provide high-density residential development through which provides a variety of housing types within the City with community facilities and services while protecting the principal purpose and use of the district. This district provides for a variety of compatible housing types to serve the varying needs of the community's residents while respecting the residential character and quality of the area. All types of household dwellings are allowed including household condominiums and townhouses.

Multi-Unit Dwellings in clusters of five (5) buildings are limited to 16 units on each floor with a maximum of three (3) floors.

- D. The intent of the Residential Manufactured Home Community district (RMH) is to provide for manufactured home community development and directly related complementary uses within the City at a density and character compatible with adjacent development. The district is intended to be residential in character and consistent with the standards for other forms of residential development permitted by this title.

Enc Ord 433 December 5, 2012

#### **17.60.020 LOT COVERAGE**

- A. Maximum lot coverage by principal and accessory buildings shall be:

1. Not more than 35 percent of the lot area in R-1 and R-2.
  2. Not more than 50 percent of the lot area in R-3 and RMH.
- B. Minimum floor area requirements for each dwelling in all districts shall be that area required by the City’s International Building Code.

Enc Ord 433 December 5, 2012

**17.60.030 LOT AREA AND WIDTH**

**Table 60-1**

Lot Area Table	Minimum Lot Area in Square Feet			
	R-1	R-2	R-3	RMH
Single-household dwelling	5,000	5,000	5,000	5,000

Enc Ord 433 December 5, 2012

**17.60.040 HEIGHT**

The maximum building height in R-1 and R-2 districts is 35 feet as measured from grade to outside edge of roof pitch.

Enc Ord 433 December 5, 2012

**17.60.050 YARDS**

Minimum yards required for the R-1, R-2, R-3, and RMH districts are:

Front yard: In R-1, R-2, R-3, and RMH districts, the minimum required front setbacks are twenty-five (25) feet as defined in this title, Section 17.108.010, subject to exceptions specified in Section 17.12.100.

Side: In R-1, R-2, R-3, and RMH districts, minimum required side setbacks are ten (10) feet on each side as defined in this title, Section 17.108.010, subject to exceptions specified in Section 17.12.100.

Rear: In R-1, R-2, R-3, and RMH districts, the minimum required rear set back is ten (10) feet as defined in this title, Section 17.108.010, subject to exceptions specified in Section 17.12.100.

Corner Setback. At intersection corners, the minimum required side setback will be as defined in this title Chapter 17.12, General Land Use Standards and Requirements.

When a lot has one (1) or more principal building which is oriented to place the functional rear of a building adjacent to a side lot line, a setback from the property line equal to that for a rear yard shall be provided.

Enc Ord 433 December 5, 2012, Revised Ord 446 March 23, 2016, Revised Ord 448 October 11, 2016

**17.60.070 STREET VISION TRIANGLE**

On corner lots in residential districts, no fences, wall or planting in excess of 36 inches above the street centerline grade shall be permitted within a triangular area defined in Chapter 17.12, General Land Use Standards and Requirements.

Enc Ord 433 December 5, 2012

**17.60.080 SIGNS**

No advertising signs are allowed in any residential or RMH district. No advertising signs promoting off site activities are allowed in any residential district.

Enc Ord 433 December 5, 2012

**17.60.090 RECREATIONAL MOBILE HOMES, PARK TRAILERS, MOTOR HOMES**

No mobile home constructed prior to 1976 shall be permitted on any individual lot. No units defined as recreational shall be permitted on any individual lot.

Enc Ord 433 December 5, 2012

**17.60.100 GARAGES**

Attached residential garages shall not obscure the entrance to the dwelling and must subordinate to the dwelling. A garage is subordinate to the dwelling where:

1. The principal façade of the dwelling has been emphasized through the use of architectural features such as, but not limited to, porches, fenestration treatment, architectural details, height, orientation of vehicles so that the non-garage and garage portion of the residence is visually compatible; or
2. The area of the garage vehicle door(s) comprise 35 percent or less of the total square footage, exclusive of any exposed roof area, of the principal facade of the dwelling. Principal facade shall include all wall areas parallel to the garage door(s).

Alternative means of addressing the intent of this section will be considered and encouraged when compatible with the existing neighborhood development pattern. Garage access on non-principal facades and/or alleys is also encouraged.

Enc Ord 433 December 5, 2012

**17.60.110 ACCESSORY DWELLING UNITS R-2 AND R-3 DISTRICTS**

- A. An owner of real property may establish and maintain an accessory dwelling unit, either within a detached single-household dwelling or a detached garage which is accessory to the detached single-household dwelling, in the R-2 and R-3 districts. All of the following conditions shall be satisfied at all times that the accessory dwelling unit is used:
1. In addition to the parking required for the principal residence, one paved parking space on the lot is provided for the exclusive use of the accessory dwelling unit.
  2. Garages shall not be converted for use as accessory dwelling units. Accessory dwelling units may be permitted to be placed above garages.
  3. No permit for an accessory dwelling unit shall be granted unless the lot has been configured to accept an accessory dwelling unit with adequate lot area, utility services, and compliance with setbacks and height standards.
  4. The method of calculating the maximum square footage for the “living area” is defined as “all floor area exclusive of areas with a sloped ceiling less than five (5)

feet in height, stairwells, and exterior decks.” Bedrooms, living rooms, kitchens, casework, interior walls, hallways, closets, bathrooms, and any other living space shall be included in the maximum square footage calculation.

5. Second story additions on detached garages shall be approved only if found compatible and consistent with the character and fabric of mixed single and two story dwellings within the neighborhood.
6. Only one accessory dwelling unit may be created per lot; and if the accessory dwelling unit is a part of the principal dwelling unit, an accessory dwelling unit shall be clearly incidental to the principal dwelling unit and shall meet the criteria stated below. The method of calculating the maximum square footage will be “living area” defined as “all floor area exclusive of areas with sloped ceiling less than five (5) feet in height, stairwells, and exterior decks.” Bedrooms, living rooms, kitchens, casework, interior walls, hallways, closets, bathrooms, and any other living space shall be included in the maximum square footage calculation.
  - a. The accessory dwelling unit is created only in a single-household detached dwelling unit on a lot.
  - b. The accessory dwelling unit does not exceed one-third of the total area of the principal structure.
  - c. The accessory dwelling unit is created only through internal conversion of the principal structure or constructed above a garage. Minor exterior changes may be made on the building, if the square footage added constitutes no more than ten (10) percent of the principal structure’s existing living area (exclusive of the garage).
  - d. No zoning variances shall be granted to lot area requirements or parking requirements to allow the establishment of an accessory dwelling unit. In no case more than a total of two zoning variances may be granted to allow the establishment of a accessory dwelling unit.
  - e. If the entrance for the accessory dwelling unit is separate from the entrance of the principal structure the entrance shall only be located in the rear or side yards.

Enc Ord 433 December 5, 2012

**17.60.120 HOME OFFICE USE**

Home office use is permitted as an accessory use in R-1, R-2, R-3 and RMH districts provided that no increase in traffic or parking is created.

**A. Home Office**

A home office is allowed in a dwelling unit. A home office is an accessory use within a residential structure in which work for compensation is undertaken, including but not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mails, preparing or maintaining business records, word processing, and telephone, mail order and off-premises sales.

Enc Ord 433 December 5, 2012

**17.60.130 HOME BASED OCCUPATIONS/BUSINESSES**

- A. Generally. A home based business is a use that is considered accessory to a dwelling unit. Buildings combining live/work arrangements located in districts where both the residential and nonresidential uses to be combined are permitted are subject to the requirements of this Section.
  
- B. Home Based Business as Accessory Use
  - 1. The use shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the dwelling or adversely affect the uses permitted in the residential district of which it is a part. The home based business may not be conducted in an accessory structure, and shall comply with the standards of section C of this Chapter.
  
  - 2. Purpose. It is the intent of this section to eliminate as accessory home based businesses for all uses except those that conform to the standards set forth in this section. In general, an accessory home based business is a use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence with the exception of permitted signage as allowed by Chapter 17.52, Signs.
  
  - 3. The standards for home based businesses included in this section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood. A clearly accessory or incidental status in relation to the residential use of the main building is the criteria for determining whether a proposed accessory use qualifies as a home based business.
  
  - 4. Necessary Conditions for Accessory Use. Accessory home based businesses are permitted accessory uses in residential districts only so long as the following conditions are satisfied :
    - a. Such home based business shall be conducted by resident occupants in their residence with not more than one (1) on-premises halftime nonresident employee;
  
    - b. No more than fifteen (15%) percent of the gross area of all structures shall be used for such purpose;
  
    - c. No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure;
  
    - d. No home based business shall cause an increase in the use of any one or more utilities (water, sewer, garbage, etc.) so that the combined total use for dwelling and home based business purposes exceeds the average for residences in the neighborhood;
  
    - e. There shall be no outside storage of any kind related to the home based business;
  
    - f. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. Depending on the individual

circumstances of each application, and additional off-street paved parking space may be required;

- g. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home based business exists; and
- h. No business signs permitted in R-1, R-2, R-3 or RMH districts.

- 5. Notice of Intent to Operate an Accessory Home Based Business. Any individual applying for a home business permit with the intent of operating the business from his/her home shall acknowledge by signature his/her understanding of the requirements and conditions of this title.

C. Home Based Business as Conditional Use

- 1. Purpose. The use shall be secondary to the use of the lot for residential purposes and shall not be incompatible with the character of the district thereof or adversely affect the principal uses permitted in the residential district of which it is a part. When a home based business has been established through the conditional use permit process, it means that the owner, lessee or other persons who has a legal right to the use of the dwelling has the right to conduct the home based business in the principal or an accessory structure. The home based business shall comply with the standards of this chapter.
- 2. Conditional Use. It is the intent of this section to provide, through the Conditional Use process established in Chapter 17.32, Definitions, opportunities for home based businesses which are more intensive in nature than those which would be allowed as an accessory use. In general, a home based business approved through the Conditional Use process is an accessory use which complies with the requirements of this title and is subordinate to the primary use of the particular lot for residential purposes. The standards for home based businesses included in this section are intended to ensure compatibility with other permitted uses and with the residential character of neighborhood. A secondary, but not incidental, status in relation to the residential use of the main building is the criteria for determining whether a proposed use may, under certain circumstances, qualify as a home based business which may be approved by the Conditional Use process. As stated in 17.108, Definitions, Conditional Uses start from the presumption that they are incompatible with the district but may under specific and limited conditions become compatible. Unless such conditions are satisfied, a home based business may not be located on the lot.
- 3. Necessary Conditions for Conditional Use. Home based businesses permitted through the Conditional Use permit process are allowed in residential districts only so long as all of the following conditions are observed:
  - a. The home based business shall be conducted by resident occupants with not more than one (1) on-premises halftime nonresident employee;



- b. No more than fifteen (15%) percent of the gross area of all structures shall be used for such purpose;
  - c. No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure beyond that allowed in a residential use;
  - d. No home based business shall cause an increase in the use of any one or more utilities operated by the City of Dillon so that the combined total use for dwelling and home based business purposes exceeds the average for residences in the neighborhood.
  - e. There shall be no outside storage of any kind related to the home-based business;
  - f. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than allowed by this title.
  - g. Home based business by Conditional Use permit may only be allowed on lots occupied by single-household detached dwellings;
  - h. Such Conditional Use shall be subject to all conditions set forth in this title except provisions of 17.40, Landscaping and City Beautification; and
  - i. All permits required by the City, including, but not limited to, a building permit shall be received prior to establishing the home based business.
4. Home Based Business Allowed Through a Conditional Use Permit. Any person seeking to operate a home based business, that is greater in scope than that allowed for an accessory home based business, shall make application for a Conditional Use permit under this Chapter. The Administrative Official shall determine when the application is complete and review it with the Zoning Commission. Public hearings shall be held as required by 17.100, Noticing and Hearing Procedure. A written report from the Zoning Commission will be provided to the City Council for consideration and action. A copy of the report will be provided to the applicant.

D. Complaints. Complaints may be cause for termination of the home based business. However, should such complaint be filed, the Administrative Official will conduct an investigation and determine if complaint can be resolved or use of the lot for the home based business should discontinue. In the event that the Administrative Official determines that the use of the lot for a home based business should discontinue, the person operating the home based business may appeal the decision to the City Council within 10 days after receipt of the decision from the Administrative Official. The City Council shall determine whether or not the filed complaint identifies sufficient violation of this title to warrant termination or modification of the home based business.

E. Uses That Are Prohibited. The following uses, by the nature of their character or the investment of operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home based businesses and thereby impair the use and

value of residentially zoned area for residential purposes and shall not be permitted as home based businesses:

Adult businesses, any type of auto operation, all types of construction contractors, major carpentry work; dance instruction; dental offices; medical offices; mobile oil and lube services; painting of trailers or boats; private schools with organized classes; appliances, radio or television repair; and furniture or auto upholstering massage therapy, marijuana sales or growing.

Enc Ord 433 December 5, 2012, Revised Ord 448 October 11, 2016

**17.60.140 MANUFACTURED HOME COMMUNITIES**

Manufactured home communities are included in the state classification of land subdivisions by rent or lease. Therefore, applicants for such developments shall apply for and be reviewed under both development plan 17.68 and Title 16, Subdivision Regulations of the City of Dillon. These will be reviewed concurrently when appropriate. All standards of this title are applicable unless waived in writing.

- A. State of Montana Requirements. All manufactured home communities developed under this section shall comply with Montana State Department of Public Health and Human Services, Department of Environmental Quality and any other applicable state statutes and regulations. Prior to final approval for a manufactured home community, copies of approval letters from relevant state agencies shall be submitted or compliance with all applicable regulations shall be certified by a professional civil engineer licensed in the State of Montana.
- B. Lot Improvements. See the most current adopted Title 16 Subdivision Regulations.
- C. Residential Manufactured Home Community (RMH District)
  - 1. Utility Hookup. Every manufactured home shall be permanently connected to electric power, water supply, sewage disposal, gas and telephone service lines in compliance with applicable City codes, and all utility distribution and service lines shall be installed underground.
  - 2. A permanent enclosure for temporary storage of garbage, refuse and other waste material shall be provided for every manufactured home space. If trash dumpsters are to be used, they shall be centrally and conveniently located, shall not be located in any front yard, and shall otherwise comply with requirements of this title.
  - 3. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies. Accessory structures (storage sheds etc.) shall not be located within five (5) feet of the manufactured home or its attached structures.
  - 4. A manufactured home that is abandoned and in a state of disrepair, burned or wrecked must be secured against entry as directed by the Fire Marshall/Fire Chief and may not be kept on a lot for more than forty-five (45) days.
  - 5. Each manufactured home must bear an insignia which attests that the construction of the manufactured home meets regulation A 119.1 of the American National

Standards Institute (adopted by the U.S. Department of Housing and Urban Development and Safety Standards of the U.S. Department of Housing and Urban Development).

6. Within thirty (30) days of placement, standard manufactured home skirting of fire-resistive material similar in character of that of the manufactured home must be provided around the entire perimeter of the manufactured home between the bottom of the body of the manufactured home and the ground, except where the running gear has been removed and manufactured home itself is attached to the permanent foundation.
7. All private recreation areas utilized by the occupants of the manufactured home community not devoted to buildings, structures, surfaced courts, sand boxes, etc shall be landscaped and irrigated.
8. Landscaping shall be completed within six (6) months of completion of set up of the manufactured home unless prevented by winter conditions which shall stop the running of the six (6) month period until weather returns allowing the landscaping to be completed.
9. Clustered mail-boxes with adequate parking space for delivery and pick-up may be required.

D. Permits and Inspections

1. Owner's and Agent's Responsibility. It shall be the responsibility of the individual property owner or, in the case of a rental community, the manager of the rental community to enforce compliance with this chapter, including requirements relative to placement of manufactured homes, and all required permits.
2. Move In Permit Required. All manufactured homes moved into the City must be issued a move-in permit, pursuant to this chapter by the Administrative Official. A copy of the original sales contract shall be available for permit informational purposes.
3. City Inspection Required.
  - a. The required inspections for manufactured homes shall include: onsite utilities requirements including gas, electric, sewer and water; setback requirements; and off-street parking requirements. Fees for these have been established by the City Council by the most current adopted resolution setting fees.
  - b. It is unlawful for any person, firm, corporation or agency to turn on, or allow to be turned on, any gas or electric service without an inspection and clearance from the City.
4. Non-Manufactured Home Improvements Subject to the International Building Code.

Building Permits shall be obtained for additions, alterations, canopies, carports, sheds, storage areas and detached refrigeration units that were not included in the

original sale of the manufactured home unit, standards for which are set by the International Building Code and Uniform Mechanical Code.

Enc Ord 433 December 5, 2012

**17.60.150 ADDITIONAL RMH DISTRICT PERFORMANCE STANDARDS**

Developments of any parcel of land within the RMH district shall be subject to all applicable requirements of Subdivision Regulations.

Enc Ord 433 December 5, 2012

**17.60.160 AUTHORIZED USES**

Uses in the various residential districts are depicted in Table 60-2 below. Principal Uses are indicated with a “P”, conditional uses are indicated with a “C”, accessory uses are indicated with an “A” and uses which are not permitted within the district are indicated by “-”.

Table 60-2

<b>DESCRIPTION</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RMH</b>
Accessory Dwelling Units	-	P	P	
Animal Shelter or Kennels, Public or Private	-	C	C	-
Apartments	-	-	P	-
Assisted Living Facility	P	P	P	-
Bed & Breakfast Inn	-	-	P	-
Charitable Use	-	-	P	-
Child Care Facilities/Day Care	P	P	P	P
Church/Place of Worship	P	P	P	P
Civic Use	C	P	P	-
Club, Fraternal, Lodges, Private	-	-	C	-
Community Center	C	C	P	C
Community Residential Group Home Facility	P	P	P	P
Condominiums - 2 to 4 Attached Units	-	-	P	-
Condominiums – 5 or More Attached Units	-	-	P	-
Condominium, Dwelling 2 Units	-	-	C	-
Cooperative Household	P	P	P	P
Country Club	C	C	C	C
Day Care Center or Group	P	P	P	P
Dwelling, Single Household	P	P	P	P
Dwelling, Apartment	-	-	P	-

<b>DESCRIPTION</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RMH</b>
Dwelling, Accessory	-	P	P	-
Dwelling, Cluster	-	-	P	-
Dwelling, Cottage	-	P	P	-
Dwelling, Duplex	-	P	P	-
Dwelling, Guest House	-	C	P	-
Dwelling, Multi-Household	-	C	P	-
Dwelling, Patio Home	P	P	P	-
Dwelling, Seasonal	C	C	P	P
Dwelling, Single Semi-detached	-	P	P	-
Dwelling, Townhouse, Two Units	-	P	P	-
Dwelling, Townhouse Cluster, Five Units	-	-	P	-
Dwelling, Triplex	-	-	P	-
Dwelling, Two Household	-	P	P	-
Dwelling Unit	C	C	P	C
Dwelling, Unit Efficiency	-	C	P	P
Essential Services Type I	P	P	P	P
Extended Stay Lodging	-	C	P	P
Fences	A	A	A	A
Garage, Attached	P	P	P	P
Garage, Private Residential	P	P	P	P
Golf Course	C	C	P	P
Greenhouse, Private	A	A	A	C
Guesthouses	A/C	A/C	A/C	-
Hazardous Use	-	-	-	-
Health and Exercise Establishments	-	C	C	-
Home Based Business	A/C	A/C	A/C	A/C
Home Occupation	C	C	C	C
Home Based Office	A/C	A/C	A/C	A/C
Household Day Care	P	P	P	P
Lodging House/Boarding House	-	-	C	C

<b>DESCRIPTION</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RMH</b>
Manufactured Home on Permanent Foundation	P	P	P	P
Manufactured Home Community	-	-	C	P
Mobile Home	-	-	P	C
Modular/Sectional Home	P	P	P	-
Neighborhood Convenience Services	-	C	C	-
Other Structures or Buildings Typical to Authorized Use	A	A	A	A
Parking, Private	-	-	P	P
Pathway/Trail	P	P	P	P
Private Gardens	A	A	A	A
Private Recreational Facilities	C	C	C	P
Private Stormwater Facilities	A	A	A	A
Private Parks	P	P	P	P
Private Vehicle & Boat Storage	C	C	P	P
Public Housing	-	-	P	-
Recreational Vehicle Parks/Campgrounds	-	-	P	P
Recycling Collection Point	A	A	A	A
Refuse and Recycling Containers	A	A	A	A
School	P	P	P	P
Tool Sheds for Domestic Supplies	A	A	A	A

Enc Ord 433 December 5, 2012, Revised Ord 446 March 23, 2016, Revised Ord 453 June 7, 2017