

ORDINANCE NO. _____

AN ORDINANCE AMENDING DMC TITLE 17 TO REVISE CHAPTERS 08-ZONING DISTRICTS AND ZONING MAP, 12-GENERAL LAND USE STANDARDS AND REQUIREMENTS, 16-STANDARDS FOR SPECIFIC USES, 48-PARKING, 60-RESIDENTIAL DISTRICTS/MANUFACTURED HOME COMMUNITY, 64-COMMERCIAL BUSINESS DISTRICTS, 72- PUBLIC LANDS AND INSTITUTIONS DISTRICTS, 76- AGRICULTURAL DISTRICT, AND 108-DEFINITIONS

WHEREAS, Dillon Municipal Code (“DMC” hereinafter) Title 17 contains ordinances applicable to Zoning, and

WHEREAS, it is desirable to utilize the Land Resources and Use requirements code as stated in Montana Code Annotated Title 76, Chapter 2, Part 3, and

WHEREAS, the City Council completed a major revision on the Zoning Requirements in December, 2012 and revised the requirements earlier in March, 2016 and October, 2016, and

WHEREAS, the revised Zoning Ordinance has several conflicts, is confusing in places, and requires additional requirements that the City Council wishes to correct, and

WHEREAS, the City of Dillon Zoning Commission has properly noticed and advertised for a public hearing in the Dillon Tribune on ##### ##, 2017 and ##### ##, 2017, and;

WHEREAS, the City of Dillon Zoning Commission has held the noticed public hearing and obtained comments on the proposed changes to DMC, Title 17 on ##### ##, 2017 and then at a properly noticed meeting on ##### ##, 2017 voted to recommend to the City Council the proposed changes to DMC, Title 17, and;

WHEREAS, the City Council has properly noticed and advertized for a public hearing in the Dillon Tribune on ##### ##, 2017 and ##### ##, 2017, and;

WHEREAS, the City Council has held the noticed public hearing and obtained comments both pro and con on the proposed changes to DMC, Title 17 on ##### ##, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL THAT TITLE 17 OF THE DILLON MUNICIPAL CODE (“DMC” hereinafter) IS AMENDED AS FOLLOWS:

Preparer’s remark: The language proposed to be added by this ordinance is underlined. The language proposed to be removed by this ordinance is struck through. The below

listing does not include the complete current Zoning Ordinance but only the Chapters to be changed.

CHAPTER 17.08

ZONING DISTRICTS AND ZONING MAP

17.08.010 USE DISTRICTS DESIGNATED

- A. The City is divided into districts, as shown on the official zoning map(s) which together with all explanatory matter thereon, are adopted by this reference and declared to be part of this title. For the purpose of this title, the City is divided and classified into the following districts:

R-1 -----Residential Single Household, Low Density District
R-2 -----Residential Two Household, Medium Density District
R-3 -----Residential Multi-Unit Household, High Density District
RMH---Residential Manufactured Home Community

C-1 -----Community Business District
C-2 -----Commercial Business District
C-3 -----Central Business District

B-P-----Business Park

M-1 ----Light Manufacturing/Industrial District
M-2 ----Heavy Manufacturing/Industrial District

P+LI---Public Lands and Institutions
AG -----Agricultural District

AD -----Adult Activities Overlay District
HMU---Historic Mixed Use Overlay District

- B. Placement of any given district on an area depicted on the zoning map indicates a judgment on the part of the City that the range of uses allowed within that district are generally acceptable in that location. It is not a guarantee of approval for any given use prior to the completion of the appropriate review procedure and compliance with all of the applicable requirements and development standards of this title. It is also not a guarantee of immediate infrastructure availability or a commitment on the part of the City to bear the cost of extending services.
- C. Individual districts are adopted for the purposes described in Chapter 17.04, General Provisions of this title. A variety of districts are established to provide locations for the many uses needed within a healthy and dynamic community. Each district, in conjunction with other standards incorporated in this title,

establish allowable uses of land. This provides predictability, investment protection, continuity and reasonable expectation for the use of land within a specific district.

| Enc Ord 433 December 5, 2012, Revised Ord ### ##### ##, 2017

17.08.020 OFFICIAL MAP

- A. The official zoning map shall be available in City Hall and shall bear a certificate with the signature of the Mayor attested by the Clerk of City and the date of adoption of the ordinance codified in this title.
- B. The certificate should read as follows:

This is to certify that this is an Official Zoning Map referred to in section 17.08.020 of Ordinance Number 433 of the City of Dillon, Montana.

Mayor Attested	Attested Date of Adoption
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- C. Regardless of the existence of purported copies of the official zoning maps, which may from time to time be made or published, the official zoning map kept at City Hall shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

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

17.08.030 OFFICIAL ZONING MAP REPLACEMENT CONDITIONS

- A. In the event that the official zoning maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions thereto, the City Council may adopt and certify new official zoning maps which shall supersede the prior official zoning maps.
- B. If any changes to the map are made by amendment of this title in accordance with Chapter 17.28, Zoning Map Amendments of this title, such changes shall be made to the official zoning maps and signed, dated and certified upon the map or upon the material attached thereto.
- C. The new official zoning maps shall be identified by signature of the Mayor or attested by Clerk of the City. The certification should read as follows:

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance Number 433 of the City of Dillon, Montana.

Mayor

Attested
Date of Adoption

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

17.08.040 BOUNDARY INTERPRETATION GUIDELINES

- A. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown:
1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines;
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 3. Boundaries indicated as approximately following City limits shall be construed following such City limits;
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s);
 5. Boundaries indicated as following the centerline of streams, rivers, canals or ditches shall be construed to follow such centerlines; and
 6. Boundaries indicated as parallel to or extensions of features indicated on the map shall be determined by the scale of the map.
- B. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or where other circumstances or controversies arise over district boundaries, the Zoning Commission shall interpret the district boundary. Such interpretation may be subject to appeal to the City Council.
- C. Where district boundaries divide a lot or parcel into two or more districts, the entire lot or parcel shall be deemed to have only the characteristics and uses of the most restrictive district that any part of the lot or parcel rests within. However, for properties which lie partially within a specified overlay district, the Zoning Commission may determine that overlay district regulations shall apply only to that portion of the property within the specified overlay district. The criteria for making such a determination shall include an evaluation of site topography and the degree to which the development portion of the property lying outside of the

overlay district is integrated with the development lying within the overlay district.

Enc Ord 433 December 5, 2012

17.08.050 CLASSIFICATION OF PARTICULAR USES-ZONING COMMISSION AND ADMINISTRATIVE OFFICIAL

- A. The Zoning Commission and Administrative Official shall determine the appropriate classification of a particular use. They shall determine whether:
 - 1. The proposed use is the same as one or more uses permitted in the district where it is proposed to be located; or
 - 2. The proposed use is so similar to one or more uses permitted in the district where it is proposed to be located as to be interpreted as the same, so long as:
 - a. The use and its operation are compatible with the uses permitted in the district where the use is proposed to be located;
 - b. The use will not cause substantial injury to property values in the neighborhood or district where it is proposed to be located; and
 - c. The proposed use is consistent with this title.
- B. A person aggrieved by the decision of the Zoning Commission and the Administrative Official relating to the classification of a particular use has the right to appeal the decision to the City Council and has the burden of proof to establish that the decision was clearly erroneous.
- C. Instead of determining the appropriate classification of a particular use, the Zoning Commission may submit the issue to the City Council for determination. In making the determination, the criteria set forth in this Chapter shall apply.
- D. If a specific use is not listed in the Ordinance and cannot be interpreted to be the same, or so similar so as to be interpreted the same, as a listed principal, accessory, or conditional use, the use shall not be allowed. However, an amendment to this title may be submitted for review and approval pursuant to the requirements of this title to allow such use as a listed principal accessory or conditional use.

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

17.08.060 ZONING OF ANNEXED LAND

All land which may hereafter be annexed into the City shall, in conjunction with the annexation, be the subject of a zoning map amendment in order to be designated and assigned to a City district. Areas of annexed public right-of-way(s) shall be considered to be zoned according to the provisions of 17.16, Standards for Specific Uses of this title. The Zoning Commission shall review the appropriate zoning of any and all areas to be annexed and make recommendations to City Council for final approval. Any evaluation will include a statement based on the review of the Growth Policy and how the zoning of the annexed property fits the overall development of the community.
 Enc Ord 433 December 5, 2012

17.08.070 ZONING DISTRICT NAME CONVERSIONS

The zoning district names and map symbols in effect before December, 2012 will be converted as follows:

TRANSITION CHART

<u>Previous Name</u>	<u>New Name</u>
R-1 Restricted Residential	R-1 Residential Single Household, Low Density
A Low Density Residential	R-2 Residential Two Household, Medium Density
B Medium Density Residential Density	R-3 Residential Multi-Unit Household, High
None	RMH Residential Manufactured Home Community
None	C-1 Community Business
H Highway	C-2 Commercial Business
C Central Business	C-3 Central Business
I Industrial	M-1 Light Manufacturing/Industrial
None	M-2 Heavy Manufacturing/Industrial
PL Public Lands	P- LI Public Lands & Institutions
F Agricultural & Commercial	AG Agricultural
None	AD Adult Activities
None	HMU Historic Mixed Use Overlay

CHAPTER 17.12

GENERAL LAND USE STANDARDS AND REQUIREMENTS

17.12.010 GENERAL STANDARDS

- A. Conformance. The design and development of land uses shall conform to this title, the Growth Policy, any relevant adopted plan, and other resolutions and regulations, including any and all amendments thereto.
- B. Land Unsuitable for Development. Land which the Planning Board, Zoning Commission and City Council have found to be unsuitable for development because of potential hazards such as flooding, landslides, excessive slope, rock falls, subsidence, high water table, presence of wetlands, or because of unreasonable burdens on the general public such as requirements for the excessive expenditure of public funds, environmental degradation, or congestion in the streets or roads, shall not be used for building or residential purposes unless the hazards of excessive public burdens are eliminated or will be overcome by appropriate design and construction plans. Slopes of 25 percent or greater shall be presumed unbuildable unless proven otherwise by the developer. Land located on an established earthquake line may be presumed unbuildable unless proven otherwise by the developer.

Enc Ord 433 December 5, 2012

17.12.020 LOT

- A. Dimensions and Orientation. Lot size and orientation shall be appropriate for the location and contemplated use of the lot. In residential districts, a variety of lot sizes shall be provided to facilitate housing diversity and choice, and meet the requirements of people with different housing needs. Each lot shall contain a satisfactory building site adequate for the use permitted in its zoning district. Each lot shall conform to this title, the Growth Policy, any other relevant plans officially adopted, and to any other applicable regulations.
- B. Corner Lots. Corner lots shall have sufficient width to permit appropriate building setbacks from both streets and provide acceptable visibility for safety of traffic.
- C. Width. Lots shall have a width sufficient to allow normal construction without the construction encroaching on property lines, and shall comply with the building setback requirements of this title.

- D. Depth. Lots shall not have a depth greater than three times its width.
- E. Side Lot Lines. Side lot lines shall be substantially right angles to street or road lines and radial to curved street or road lines.
- F. Frontage. Every principal building hereafter erected or moved shall have access to a public street or an approved private street. Alleys may not be used to provide primary access to a lot.
- G. Civic Uses. Lots may be reserved or identified for civic uses by resolution of the City Council.
- H. Exemption. Lots used for accessory uses (i.e., storm-water management, open space, utilities) are exempt from the provisions of this section 17.12.020.

Enc Ord 433 December 5, 2012

17.12.030 ACCESSORY BUILDING, USES AND EQUIPMENT

- A. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a common wall for not less than five(5) feet.
- B. Accessory buildings, garages, and swimming pools shall not be stored or constructed between the front lot line and required front building line or within the side lot line or side building line.
- C. Accessory buildings and garages shall not be located within a utility easement without written approval of the easement holder.
- D. Accessory buildings in any commercial or industrial district may be located only to the rear of the front line of the principal building.
- E. No accessory building shall exceed the footprint of the principal building unless such accessory building has been otherwise approved under this title. The height of an accessory building between finished floor to finished floor shall not exceed 12 feet in residential districts. A greater height between finished floors may be approved in non-residential districts if the other requirements of this title are met; and an accessory building shall not:
 - 1. Exceed the height of the principal building unless such accessory building has been otherwise approved under this title; or
 - 2. Within a residential district, exceed a height of one and a half stories, where a half story is established by a side wall, under a sloped roof, of

three feet in height or less above the floor level within space allowed to be occupied by persons by applicable law.

Enc Ord 433 December 5, 2012

17.12.040 ANIMALS, DOMESTIC AND HOUSEHOLD PETS

Domestic and Household Pets are permitted in all districts.

Enc Ord 433 December 5, 2012

17.12.050 ANIMALS, AGRICULTURAL

All animals are permitted in all areas designated as agricultural activities.

Enc Ord 433 December 5, 2012

17.12.060 AREA REQUIREMENTS FOR INDIVIDUAL BUILDINGS

No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except provided in 17.48, Parking.

Enc Ord 433 December 5, 2012

17.12.070 YARDS AND LOTS REDUCTION PROHIBITED

No yard or lot existing at the time of the effective date of the ordinance shall be reduced in dimension or area below the minimum requirements except as set forth herein. Yards or lots created after the effective date of the Ordinance shall meet at least the minimum requirements established by this title.

Enc Ord 433 December 5, 2012

17.12.080 USE OF LANDS – BUILDING AND STRUCTURES

- A. Only Uses Specifically Identified by This Title to be Built. No building or part thereof shall be erected, altered or enlarged for a use, nor shall any existing building or part thereof, or land, be used for a purpose or in a manner, that is not in conformity with the uses listed as permitted uses for the district in which such buildings, structure or land is situated. In addition, any land, building or structure to be erected or used for a purpose listed as a conditional use in such district shall first be reviewed by the Administrative Official and Zoning Commission who shall submit a report to the City Council. Existing nonconforming uses and structures shall be governed by Chapter 17.20, Nonconforming Situations.

- B. No building, or part thereof, shall be erected, nor shall any existing building be altered, enlarged or rebuilt, or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard and setback regulations designed for the district in which such building or open space is located, except as otherwise provided in this title.
- C. Quonset hut type of structures of any type of material are not permitted in any district except upon approval of a Conditional Use Permit in M-1 or M-2 districts with specific conditions.
- D. Recreational Vehicle Parking on Residential Lot. Except as provided in D.1 and D.4 of this section, no person may occupy any recreational vehicle or mobile home on a lot located outside an approved manufactured home community or recreational vehicle park. The parking of one unoccupied recreational vehicle in any accessory private garage, access driveway, side-yard, or in a rear yard in any district is permitted, provided no living quarters shall be maintained or any business practiced in recreational vehicle so parked or stored. An unoccupied recreational vehicle may be parked or stored on a side yard provided that there is a space of 10 feet from the property line to the outside of the recreational vehicle so as to not interfere with pedestrians or vehicle traffic for public safety. Recreational vehicles may not be parked on intersection side-yards at any time.
1. Temporary Use on Residential Premises. Recreational vehicles may be used for house guests for no longer than a continuous fourteen (14) day period of time while parked on a lot located outside a manufactured home community.
 2. Parking on Public Streets. For the public safety and general welfare of the community, recreational vehicles, mobile homes, snowmobiles and trailers, boats and boat trailers, travel trailers, camp trailers, pickup camper tops, tent trailers or any motorized or non-motorized trailer of any description, operable or non-operable shall be parked on the occupied lot and not on public streets to clear streets from congestion that impacts vehicle circulation and emergency vehicle ingress and egress.

Provided, however, a unit described herein may be parked on a street for a period not to exceed five (5) consecutive days but the unit should be parked in front of the owner's occupied building so as to avoid additional congestion in the neighborhood. At no time shall such a unit be parked or placed in the sight vision triangle at intersections.
 3. No vehicle over 26,000 lbs. can be parked in a residential district except for the time required to make deliveries or provide services to a location.

4. In the event of hardship, temporary use permits may be granted for occupying such recreational vehicles motor homes or house trailers.

Enc Ord 433 December 5, 2012

17.12.090 DWELLING UNIT RESTRICTIONS

- A. No Use of Unfinished Structures. No cellar, garage, tent, tepee, yurt, basement with unfinished structure above, accessory building, or vehicle or any manufactured home or recreational vehicle outside of an approved manufactured home community, recreational vehicle park, or approved individual lot, shall at any time be used as a dwelling unit, unless approved for the use as a temporary dwelling unit under 17.16, Standards for Specific Uses of this title.
- B. Manufactured Homes. Manufactured homes that are manufactured after June 15, 1976, and comply with the National Manufacturing Housing Construction and Safety Standards Act of 1974 and bear the insignia which attests that the construction meets regulation A 119.1 of the American National Standards Institute are permitted under this title.
- C. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of a mobile home or part thereof declared to be unsafe for occupancy by the Administrative Official and/or Fire Marshall/Fire Chief.
- D. An abandoned, burned or wrecked manufactured home or mobile home must be secured immediately against entry as directed by the Fire Marshall/Fire Chief and/or Administrative Official and may not be kept on a lot for more than forty-five (45) days.
- E. In a district where mobile homes are not allowed, following the effective date of this title, the following provisions shall apply:
 1. A mobile home built prior to 1976 shall not be enlarged or altered in a way which increases its nonconformity.
 2. Should a mobile home built prior to 1976 be damaged to an extent rendering it uninhabitable, it shall be removed within forty-five (45) days and any new structure must be conforming.
 3. Any mobile home declared to be unsafe by the Administrative Official and/or Fire Marshall/Fire Chief shall not be moved to any site within the City.
- F. Mechanical Equipment Screening.

1. Rooftop mechanical equipment which does not include solar or wind energy collection devices must be screened with the screening incorporated into the roof form.
2. Ground mounted mechanical equipment shall be screened from public right-of-way with walls, fencing or evergreen plant materials. Mechanical equipment shall not encroach into required setbacks.

G. Detached Structures Setback Requirements.

1. Accessory structures less than or equal to 120 square feet in footprint shall not be located in any front, side, or corner-side yard and shall maintain a minimum setback of five (5) feet in the rear yard.
2. Accessory structures greater than 120 square feet but less than or equal to 600 square feet in footprint shall not be located in any corner-side yard. The accessory structure shall maintain a minimum setback of either six (6) feet, or when parking is provided between the structure and the rear property line, twenty-five (25) feet except when required parking spaces need a greater setback for back-up maneuverability.
3. Accessory structures greater than 600 square feet in footprint shall not be located in any required front, or side yard and shall provide adequate back maneuverability for required parking spaces.

H. Accessory structures may occupy not more than twenty (20) percent of the area of the lot located to the rear of the principal building(s).

I. All structures located within the historic overlay district require a Certificate of Appropriateness.

J. More than two zoning variances shall not be granted for any accessory structure.

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

17.12.100 YARD AND HEIGHT ENCROACHMENTS, LIMITATIONS AND EXCEPTIONS

A. Permitted Encroachments Into Yards. The following shall be permitted encroachments into required yards, subject to the International Building Code requirements:

1. Architectural features, which do not add usable area to a structure, such as chimneys, balconies, stairways, wing walls, bay windows, sills, pilasters, lintels, eaves, gutters, cornices, awnings, window wells and steps,

provided such architectural features do not extend more than five (5) feet into any required front or rear yard or two (2) feet into any required side yard;

2. Terraces and patios, uncovered decks and stoops or similar features, provided that such features shall not extend above the height of the ground floor level of the principal structure nor more than five (5) feet into any required front or rear yard or two (2) feet into any required side yard;
 3. Where porches, covered terraces and covered decks occupy not more than one-third of the length of the building wall, excluding the width of the garage if applicable they may encroach:
 - a. where the required front yard is greater than fifteen (15) feet, not more than five (5) feet into any required front yard,
 - b. not more than five (5) feet into a required rear yard, and
 - c. not more than two (2) feet into any required side yard.
 4. Fire escapes may be permitted in required side or rear yards only;
 5. Wheelchair ramps may encroach into any required yard, but shall not be located closer than three (3) feet from any property line; and
 6. Flag poles, ornamental features, trees, shrubs, walkways, and nameplate signs may be located within a required yard provided that they comply with street vision triangle requirements.
- B. Zero Lot Line Conditions. In districts where zero side yard setbacks are not otherwise allowed, where an individual owns two or more adjoining lots, or where the owners of two or more adjoining lots enter into an enforceable written agreement, recorded at the Beaverhead County Clerk and Recorder, a zero lot line concept may be used for commercial or single-household dwelling unit developments. In residential districts this may result in the creation of a two-household residential structure, only in those districts permitting such a structure, or the creation of townhouse clusters in districts permitting such structures. In all such cases in residential districts, a minimum ten (10) foot side yard shall be maintained adjacent to the exterior side, or nonzero line side, of the structure.
- C. Special Yard Setbacks. Where the required setback is greater than fifteen (15) feet, the corner side yard for any corner lot not located on an arterial street may be fifteen (15) feet. However, where the vehicular access to a garage is located on the frontage of the corner side yard, the portion accessible to vehicles shall maintain at least a twenty (20) foot setback.

D. Street Vision Triangle.

1. For public safety, on corner lots in all districts, nothing shall be erected, placed, planted or allowed to grow in excess of thirty-six (36) inches above the street centerline grade within a triangular area defined as follows: beginning at the intersection of the projected curb lines of two intersecting streets, thence a prescribed distance along one curb line, thence diagonally to the point located the same distance from the point of beginning on the other curb-line, then to the point of beginning. Prescribed distances are:
 1. Collector and local intersections thirty (30) feet
 2. Arterial intersections fifty (50) feet
 3. Intersections to State Highways and County Roads, fifty (50) feet

See Figure 17.12.100.D.1 in Appendix One for an illustration of this requirement.

2. Driveways and Alleys. At the intersection of each driveway or alley with a street, nothing shall be erected, placed, planted, or allowed to grow in excess of thirty-six (36) inches above the street centerline grade within a triangular area with corners defined by two points on the street right-of-way. Fifteen (15) feet of each side of the centerline of the driveway or alley and a point on centerline ten (10) feet inside the right-of-way. Any driveway or alley wider than thirty (30) feet curb to curb at the right-of-way line shall use the vision triangle standard for local streets when intersecting local, collector, or arterial streets.

See Figure 17.12.100.D.2 in Appendix One for an illustration of this requirement.

E. Building Height Definition

1. The vertical distance is measured from grade as defined in this section to the highest point on the roof or parapet wall. Where a building utilizes multiple roof styles or pitches, the highest point of each roof or parapet wall shall be in conformance with the applicable height regulations as established for the respective roof pitches in each district. Where the vertical difference between grade as defined in this section is greater than two (2) feet between opposite elevations of the building, the height of the building may be increased by one (1) foot for every one (1) foot of grade difference up to maximum of six (6) additional feet.

F. Height Limitation Exceptions.

1. Non-Specific Exceptions. No building, or part thereof, or structure shall be erected, reconstructed or structurally altered to exceed in height the limit herein designated for the district in which such building is located,

except as is specified in Chapter 17.12. Any approved exception must include the approval of the City Fire Marshall or Fire Chief.

2. Specific Exceptions.

- a. Height limitations shall not apply to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles, public and private utility facilities; parapet walls extending no more than four (4) feet above the limiting height of the building except as hereinafter provided; amateur radio antennae; solar energy collectors; and building mounted horizontal and vertical axis wind energy collectors under fifteen (15) feet in height from the building mounting surface and equipment used for the mounting or operation of such collectors.
- b. Places of public assembly in churches, schools and other permitted public buildings may exceed height limitations otherwise established by this title, provided that:
 1. That for each one (1) foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional one (1) foot over the side and rear yards required in the district.
 - a. Elevator and stair penthouses, water tanks, monitors and scenery lofts are exempt from height limitations otherwise established in this title, provided that no linear dimension of any such structure exceed fifty (50) percent of the corresponding street frontage line.
 - b. Towers and monuments, cooling towers, gas holders or other structures, where the manufacturing process requires a greater height, and grain elevators and silos are exempt from this title, providing that any structure above the height otherwise permitted in the district shall occupy no more than twenty-five (25) feet from every lot line.
 - c. All plans will be reviewed by the Fire Marshall/Fire Chief and inspections will be done before construction completed.

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

17.12.110 RIDGELINES AND VIEWSHEDS

For the purpose of having structures blend more naturally into landscape rather than being a prominent focal point, ridgeline protection areas are established. These areas are defined in Chapter 17.108, Definitions, and are identified and designated based on topographic characteristics. The City of Dillon Ridgeline Map identifies areas with a high likelihood of meeting the standards of ridgelines.

- A. All structures located within a ridgeline protection area shall be set back from the ridgeline a distance not less than three (3) times its height above grade. The distance of the setback shall be measured perpendicular from the ridgeline.

Enc Ord 433 December 5, 2012

17.12.120 FENCES, WALLS, HEDGES

A permit is required prior to construction of any fence. Fences, walls and hedges in all districts shall meet the requirements of this section:

- A. Location and Height. Fences, walls and hedges, in any district may be located on lot lines provided such fences, walls and hedges comply with the following requirements:
 - 1. Visibility. For public safety nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede the vision sight triangle for traffic or pedestrian circulation on any city street or pedestrian walkway.
 - 2. Shall not exceed six (6) feet in height in any required rear or required side yard requirements of the district. Decorative post caps may exceed the height limit by no more than twelve (12) inches.
 - 3. A fence, wall or hedge in excess of six (6) feet in height (excluding post caps) in a residential district requires approval and a building permit before installation can start. At no time may a fence exceed including post caps exceed eight (8) feet except in a Commercial or Industrial area.
 - 4. A fence, wall or hedge shall not exceed three (3) feet in any required front yard or any portion of a required corner side yard that is forward of the rear edge of the building façade nearest the corner side yard.
 - 5. Fences in an agricultural district shall be built adequate to retain stock animals for public safety.
- B. Construction and Maintenance. Every fence or wall shall be constructed in a substantial workman-like manner and of substantial material reasonably suited for

the purpose for which the fence or wall is proposed to be used. Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage or unsightliness or constitute a public or private nuisance. Any such fence or wall which is, or has become dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the City shall commence proper proceedings for the abatement thereof.

C. Barbed Wire and Electric Fences.

1. No barbed wire or similar sharp fencing or electric fences shall be permitted except that barbed wire or other similar sharp fencing material may be used on the top of security fences in M-1 and M-2 districts or in agricultural operations.
2. When electrically charged fences are used in a district, such fences shall be posted with warning signs at intervals not to exceed one hundred fifty (150) feet where such fences are adjacent to public right-of-way.

D. Measuring Fence and Wall Height. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

E. Finished Side Out. Any fence or wall constructed so as to have only one elevation “finished” which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the street.

F. Fencing of Utilities and Outdoor Storage Areas.

1. All utility substations, wells, storage facilities or other utilities shall be screened from view by a wall, fence, hedge or landscape screen.
2. All storage for commercial operations shall be conducted within a completely enclosed building or within an area completely enclosed, except at access points, by a wall, fence, hedge or landscape screen at least six (6) feet in height.

Enc Ord 433 December 5, 2012

17.12.130 OFF-STREET LOADING BERTH REQUIREMENTS

A. Affected Uses. Every hotel/motel with restaurant, conference center, department store, freight terminal or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, and all other structures devoted to similar mercantile or

industrial pursuits, shall provide off-street truck loading or unloading berths in accordance with table.

Table 12-1

Square Feet of Aggregate Gross Floor Area	Devoted to Such Use
15,000 square feet up to and including 45,000	1
45,000 square feet up	2
For each additional 100,000 square feet	1 additional

B. Standards for Off-Street Loading Facilities. All off-street loading facilities shall conform to the following standards

1. Such space may occupy all or any part of any required yard space, except front and exterior side yards, and shall not be located closer than fifty (50) feet to any lot in a residential district unless separated from such district, except at the accesses, by screening not less than eight (8) feet in height.
2. Each loading berth shall be accessible from a street or alley or from an aisle or drive connecting with a street or alley, without traversing a residential district.
3. The loading area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties, streets or alleys.
4. No regular repair work or servicing of vehicles shall be conducted in a loading area.
5. Off-street loading facilities shall be located on the same site with the use for which the berths are required.
6. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this title for each use. If more than one use is located on a site, and the gross floor area is greater than the minimum for which loading berths are required, but the aggregate gross floor area is greater than the minimum or which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.

7. Establishments not requiring berths shall provide a paved area upon premises for deliveries and loading and unloading of light materials.
8. Off-street loading facilities for a single use shall not be considered as providing required off-street facilities for any other use.
9. At the time of initial occupancy, major alterations or enlargement of a lot or completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading berth requirements complying with this title. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to alteration or enlargement.

Enc Ord 433 December 5, 2012

17.12.140 TRASH AND GARBAGE ENCLOSURES

A permanent enclosure for temporary storage of garbage, refuse and other waste materials shall be provided for every use, other than single-household dwellings or duplexes. All other residential households including townhouses and condominium units shall provide a screened area for large containers in every district, except where a property is entirely surrounded by screen, wall or building. Other trash enclosures shall comply with the following regulations:

- A. Location. Trash enclosures, surrounding standard steel bins (dumpsters), shall be located on the site for convenient pickup service, and the location shall be shown on required use plans. Trash enclosures shall not be located in required front yards, and shall be situated so that containers can be pulled straight out of the enclosure or so the sanitation truck can back straight to it. The location of all trash enclosures shall be subject to review and approval by the City.
- B. Construction. Trash enclosures shall be constructed of solid or ornamental pierced masonry walls or other appropriate materials, with a solid concrete floor sloped for drainage and maintenance of sanitary conditions. Enclosures shall be of sufficient height to conceal contents, including containers, but in no case shall be less than four (4) feet in height above grade.
- C. Exception. A garbage enclosure is not required for containers or dumpsters accessed via an alley.

Enc Ord 433 December 5, 2012

17.12.150 STANDARDS FOR SPECIFIC IMPACTS AND ELEMENTS

- A. A Surface-Water Ponding. Natural pondings area shall be retained as much as possible or, if necessary enlarged or modified as directed by the City's stormwater drainage requirements.
- B. Trash and Garbage Incineration. No incineration of materials is permitted within the City.
- C. Smoke, Dust and Other Particulate Matter. The emission of smoke or other particulates from any point source shall not exceed a density greater than that permitted by applicable law. Dirt, dust, fly ash and other forms of particulate matter shall not be emitted beyond the property lines of the use creating the particulate matter.
- D. Bulk Storage (Liquid). All uses associated with bulk storage of all gasoline, liquid fertilizer, chemicals, flammable and similar liquids and biofuel production shall comply with the International Building and Fire Codes and are permitted uses only in specific districts.
- E. Water Quality, Hazardous Wastes and Wastewater. Discharge of hazardous waste, chemicals or wastewater will be subject to Montana Department of Environmental Quality standards and permitting processes. But in no case shall hazardous waste, hazardous chemicals or hazardous wastewater be discharged into any perennial stream, canal or ditch within the City.
- F. Noise. No noise shall be produced that cause a violation of this title or City regulations regarding disturbance of the peace or create a nuisance.
- G. Vibrations. No ground vibrations as related to the general use of the property, except for those only perceptible with the use of instruments, shall be permitted beyond the property lines of the use generating the ground vibrations.
- H. Electrical Disturbance. No activity shall be permitted which causes electrical disturbances affecting the operation of any equipment located beyond the property line of the activity. This paragraph does not apply to use which are regulated by and are in compliance with federal agencies or law.
- I. Glare and Heat. Any use producing intense glare or heat shall be conducted so that the glare is effectively screened from view at any point on the lot in which the use is located. Any heat will be dissipated so that it is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
- J. Fire and Explosive Hazards. Any use or activity involving the use or storage of combustible, flammable or explosive materials shall be in compliance with the most current adopted International Fire Code by the City and permitted only in specific districts.

- K. Liquid or Solid Waste. No materials, compounds or chemicals, which can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause emissions of elements which are offensive or hazardous to the public health, safety and general welfare shall be discharged at any point into any public sewer, private sewage disposal system or stream which violate the administrative rules or regulations of the Montana State Department of Environmental Quality or any other governmental agency with jurisdiction over such activities.
- L. Fissionable, Radioactivity or Electromagnetic Disturbance. No activities shall be permitted which utilize fissionable or radioactive materials if, at any time, their use results in the release or emission of any fissionable or radioactive material into the atmosphere, ground or sewerage system. No activities or devices shall be permitted which at any time emit radio-frequency energy affecting any activity or the operation of any equipment beyond the site property line. Radio-frequency energy shall be considered as being electromagnetic energy at any frequency in the radio spectrum between ten (10) kilocycles and three (3) million megacycles. This limitation on radio-frequency interference does not apply to those uses and circumstances falling under the jurisdiction of the FCC.
- M. Medical Marijuana Business. The cultivation, growing and/or harvesting of medical marijuana for retail and/or wholesale business purposes is not permitted within the City. Packaging and/or sale of medical marijuana for retail and/or wholesale business purposes is prohibited in any residential (R1, R2, R3, RMH), C1 or C3 zoning district.

Enc Ord 433 December 5, 2012, Revised Ord ### ##### ##, 2017

17.12.160 SPECIAL TEMPORARY USE PERMIT

- A. Generally. Uses permitted subject to a special temporary use permit are those temporary uses which are required for the proper function of the community or are temporarily required in the process of establishing a permitted use, constructing a public facility or providing for response to an emergency. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community. Uses permitted subject to a special temporary use permit may include:
1. Carnivals, circuses, special events of not over seventy-two consecutive hours;
 2. Tent revival meetings;
 3. Swap meets; or

4. Such other uses as the Administrative Official may deem to be within the intent and purpose of this section.
- B. Application and Filing Fee. Application for a special temporary use permit may be made by a property owner or his authorized agent. A copy of the fees are available at City Hall. Such application shall be filed with the Administrative - Official who shall charge and collect a filing fee for each such application. The Administrative Official may also require any information deemed necessary to support the approval of a special temporary use permit.
 - C. Decision. Application for a special temporary use permit shall be reviewed by the Administrative Official with assistance from the Police Chief and Fire Marshall/Fire Chief. The Administrative Official shall approve, conditionally approve or disapprove such application. Approval or conditional approval shall be given only when in the judgment of the Administrative Official such approval is within the intent to protect public safety.
 - D. Conditions. In approving such a permit, the approval shall be made subject to a time limit and other conditions deemed necessary to assure that there will be no adverse effect upon adjacent properties. Such conditions may include, but are not limited, to the following:
 1. Regulation of parking;
 2. Regulation of hours;
 3. Regulation of noise;
 4. Regulation of lights;
 5. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and/or
 6. Such other conditions deemed necessary to carry out the intent and purpose of this section.
 - E. A Special Temporary Use Permit for Portable Carry-Out Food and Beverage trailers or buses shall be valid for a period of seven (7) continuous days.
 - F. Operations shall be subject to all licensing requirements of the State and Beaverhead County. Documentation of such licensing, including copy of plans for water supply and disposal, shall be provided to the City prior to permitting.
 - G. Portable food and beverage buildings as described herein shall be subject to Certificate of Appropriateness requirements in historic overlay district.

Enc Ord 433 December 5, 2012

CHAPTER 17.16

STANDARDS FOR SPECIFIC USES

17.16.010 PURPOSE

The purpose of this Chapter is to further describe the standards and conditions under which certain uses may be permitted as principal or conditional uses in specific districts.

Enc Ord 433 December 5, 2012

17.16.020 APPLICABILITY

All uses in this chapter shall comply with all conditions listed in 17.12, General Land Use Standards and Requirements. All uses listed in this chapter shall be subject to the specific standards described for each use, in addition to all other applicable standards.

Enc Ord 433 December 5, 2012

17.16.030 ANIMAL SERVICES

Agriculture is the economic foundation of the existence of the City and services unique to provide for agricultural animal needs is essential for the economic health and future of the community. To provide for the medical and health needs of agricultural animals, it may be required for the animals to be within the city limits temporarily to receive care and services. Most services can be provided within daytime business hours but on occasion medical care may require longer and may continue until the medical need is resolved. But in no event should it exceed thirty (30) days. No killing of animals is allowed within the city limits except for medical reasons determined and carried out by a professional veterinary clinic.

Enc Ord 433 December 5, 2012

17.16.040 ANIMAL SHELTERS

The operation of Animal Shelters can have significant impact on adjacent districts due to noise, odor and other conditions and can impact public health, safety, general welfare and the quiet enjoyment of property. Shelters can have a negative impact on other uses and affect property investment values. To protect the general welfare of the community, animal shelters shall not be located adjacent to residential districts. Animal Shelters shall be reviewed as a Conditional Use and only permitted in Industrial Districts. The site shall provide an appropriate transition zone between other uses and districts. Specific conditions will be required to mitigate noise and odor from the premises and shall be

screened from view by fences or landscaping. To control disease between animals and the public, clean, healthy premises shall be maintained at all times.

Enc Ord 433 December 5, 2012

17.16.050 AUTOMOBILE REPAIR/SERVICE STATION

In addition to the requirements to be followed for all convenience uses as defined in this title, and provided in 17.16.100 of this chapter, the following requirements shall apply to all service station and automobile uses as listed below. Compliance with all criteria listed below does not necessarily guarantee approval by the City.

- A. Gas pump and pump island canopies are to be located not closer than ten (10) feet to any side or rear property line. Design of the canopy shall architecturally match the design of the main building. All canopies shall be connected to the roof of the main structure unless otherwise approved. All lighting shall meet the lighting standards of this title. The maximum height of the canopy shall not exceed eighteen (18) feet. All signs must conform to the sign regulations of Chapter 17.52.
- B. All on-site activities related to auto maintenance or repair, except those normally performed at the fuel pumps, are to be performed within a completely enclosed building.
- C. Where towing service is to be provided, a parking bay for the towing vehicle is to be provided. Vehicles that are either under repair or vehicles that have been repaired may be stored on a temporary basis, not to exceed thirty (30) days.
- D. All lighting shall conform to Chapter 17.44, Lighting.
- E. All structures approved under these standards shall be of a design character that is appropriate to the area in which they are to be constructed. Color renderings of buildings shall accompany each application and construction shall be in conformity thereto. Architectural detailing shall be consistent on all four sides of the building,
- F. All restroom entrances shall be screened from view of adjacent properties or street rights-of-way by a decorative wall or landscaping, or shall be accessed from the inside of the main entrance to the building.
- G. No outside storage of, and no sale, lease or rental of trailers, trucks or similar equipment shall be permitted except as may be specifically allowed in that district.
- H. Parking space for each service stall in the station shall be provided. Pump islands shall not be considered service bays. Standing areas at pump islands and interior

circulation areas shall not be used as parking areas in calculating required parking spaces; and

Automotive Repair Facilities

1. All repairs, detailing, or painting shall be performed within a building;
2. No lot plan shall be approved which exposes unassembled vehicles, auto repair activities or auto parts to any street or residential district;
3. Any facility shall be designed to contain and minimize noise and odors; and
4. All facilities shall have a water quality facility (oil / water separator) as part of the water quality design for storm water runoff.

Enc Ord 433 December 5, 2012

17.16.060 AUTOMOBILE WASHING ESTABLISHMENT

In addition to the requirements to be followed for all convenience uses, the following requirements shall apply to all auto washing establishments as listed below.

- A. All detergents must be biodegradable.
- B. Building surfaces shall be faced with masonry, brick, stucco, wood or some other permanent looking material.
- C. Canopies are to be located not closer than ten (10) feet to any side or rear property line. Design of the canopy shall architecturally match the design of the main building. All lighting shall conform to Chapter 17.44, Lighting. The maximum height of the canopy shall not exceed eighteen (18) feet. All signs must conform to the sign regulations of Chapter 17.52, Signs.

Enc Ord 433 December 5, 2012

17.16.070 CEMETERIES

- A. The cemetery may include accessory uses such as a chapel, mortuary, crematorium, business office, mausoleum storage and those industrial uses which are incidental to the operation of a cemetery. Industrial uses may include such things as the manufacture of burial vaults and headstone foundations, provided all of the products are used on the site and are not offered for sale and use elsewhere. The cemetery shall not include uses of an industrial nature other than those stated in this section. The sale of plots or crematorium niches are included in this use.

Enc Ord 433 December 5, 2012

17.16.080 COMMUNITY CENTER

- A. Community Centers located within residential districts shall, when any individual structure exceeds five thousand (5000) square feet in gross floor area or exceeds the district's allowed maximum height, provide a twenty (20) foot landscaped yard between building and adjacent residential uses. A structure separated from the adjacent residential use by a parking lot, public street, watercourse, public open space, or similar separation is exempt from the additional yard width requirement.
- B. Each community center site with more than forty (40) parking spaces shall provide a minimum of two (2) ingress/egress points.
- C. There shall be a landscaped fifty (50) foot buffer strip adjacent to any residential zoning district.

Enc Ord 433 December 5, 2012

17.16.090 CONDOMINIUMS

- A. Unit Ownership Act. Condominium developments shall comply with all provisions of the Unit Ownership Act 70-23-102, et seq., MCA, and all regulations adopted thereto.
- B. Condominium Association. A condominium association shall be established for each condominium development. The developer or property owners shall prepare bylaws for the condominium association, a well as covenants, conditions and restrictions for the condominium development. The bylaws, covenants, conditions and restrictions shall be submitted to the City for review for compliance to the Unit Ownership Act prior to the granting of final site plan approval or approval for condominiumization of existing development.
- C. Condominiums are subject to Chapter 17.04, General Provisions and a condominium can be for business or residential use as appropriate for the district in which it is located.

Enc Ord 433 December 5, 2012

17.16.100 CONVENIENCE USES AND DRIVE THROUGH/DRIVE IN RESTAURANTS

- A. Architectural Guidelines.

1. All convenience uses shall be designed with an architectural and design character that is appropriate for and compatible with the district and shall also comply with applicable use standards.
 2. The use of two (2) standardized corporate identification themes integrated into the architectural design is acceptable.
 3. When located in shopping centers, the architectural character of the building shall be integrated with the design theme of the center through the use of the same building materials, shapes and details. The effect of color in creating a design character that is appropriate for and compatible with the area will be considered. All parking, circulation, driveways, setbacks and signage shall be integrated with the entire design theme of the project.
 4. The elevation design of the building shall provide design character and detailing on all four sides.
- B. Noise from drive through speakers shall not be audible from adjacent residential districts.

Enc Ord 433 December 5, 2012

17.16.110 CREMATORIUMS

- A. Crematoriums may include accessory uses such as a chapel, mortuary, business office, mausoleum and those industrial uses which are incidental to the operation of a crematorium. Industrial uses may include such things as the manufacture of burial vaults and headstone foundations. The crematorium shall not include uses of an industrial nature other than those stated in this section.
- B. Crematoriums for domestic animals may include accessory uses described above.

Enc Ord 433 December 5, 2012

17.16.120 EXTRACTIVE OPERATIONS

Extractive operations are intense and can affect the public health, safety and general welfare of a community. All Extractive Industries as defined in 17.108, Definitions, will be reviewed as Conditional Uses and only be considered if not adjacent to residential districts. Fencing or screening shall be required. Conditions shall be required that guarantee an appropriate transitional area between use and residential districts. No use shall contaminate soil, ground water resources or public water, wastewater and sewer systems and systems shall be required to mitigate any impact. The use shall not create dust, air pollution, odors, noise, vibration, or glare that would impact the public health, safety and general welfare, and the character and investment value of adjacent property.

Enc Ord 433 December 5, 2012

17.16.130 FOOD PROCESSING

Food processing or manufacturing involving food products shall be located in Heavy Manufacturing Industrial Districts and shall be reviewed as a Conditional Use in those districts. No food processing or manufacturing involving food products shall involve keeping, housing, feeding, storing or killing of animals or poultry. Conditions shall be required that guarantee an appropriate transitional area to adjacent residential districts. Fencing or screening shall be required between industrial and residential districts. No use shall contaminate soil, ground water resources or public water, wastewater and sewer systems and systems to mitigate shall be a required condition. The use shall not create dust, air pollution, odors, noise, vibration, or glare that would impact the public health safety and general welfare, and impact the character and investment value of adjacent properties.

Enc Ord 433 December 5, 2012

17.16.140 GOLF COURSES

- A. A golf course is compatible with any adjacent neighborhood, subject to conditions established in this title.
- B. Perimeter fencing of the site may be required.
- C. When the golf course is located within a residential district, there shall be no shows, tournaments or other activity which would generate more traffic than is normal to a residential area, unless access is provided from an arterial street as set forth in the Growth Policy or unless permission is granted by the City Council. If access is not provided from an arterial street, permission for such shows and activities shall be requested. Permission shall be requested in a letter to the City Council with a site sketch that explains the nature and duration of the activity and accommodations for spectators, additional parking and traffic control.
- D. There shall be a landscaped fifty (50) foot buffer strip adjacent to any residential zoning district, or as otherwise determined by the Zoning Commission.
- E. Where applicable, driving ranges shall have a net at the end of the driving range no less than fifty (50) feet in height.

Enc Ord 433 December 5, 2012

17.16.150 JUNKYARD OR SALVAGE YARD

All sites will comply with all Montana Dept of Environmental Quality controls to prevent any environmental damage. All sites will follow the International Fire Code to prevent any potential for fire or explosion to protect public health, safety and welfare in the community. Sites will be screened or shielded in a manner that prevents view of premises from center of streets or roads adjacent to premises and safety controls to prevent unauthorized access to the premises.

Enc Ord 433 December 5, 2012

17.16.160 LARGER SCALE RETAIL, DEVELOPMENT GUIDELINES AND REQUIREMENTS

A. Purpose.

1. The purpose of this section is to establish general use standards for larger scale retail developments. These standards are intended and designed to assure compatibility of use; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents living in the City of Dillon.
2. These standards are also intended to be used as guidelines for evaluating and assessing the quality and design of proposed large scale retail developments. Any large scale retail development will be evaluated against the standards stated in this chapter. It is expected that the quality and design of the large scale retail developments shall meet the minimum standards.
3. Applicability. All uses listed in this chapter shall be subject to the specific standards described for each use, in addition to all other applicable standards which may apply.
4. Development and Site Plan Review. Alterations, remodels, new construction or change of use shall require review by the Administrative Official, and Planning Board.

B. Limitations of Retail Stores.

1. The area of the retail portion of any building, utilized by a single entity, shall not exceed forty-five thousand (45,000) square feet provided that the retail portion of a building shall not include warehouse/storage space, repair shop or vehicle service bays.
2. Any retail store may offer for the direct sale to the public merchandise, which is displayed outdoors, but the area occupied by such outdoor sales and storage, exclusive of warehouses, shall not exceed fifty (50) percent of

the total square footage of the retail building and shall comply with 17.16, Standards for Specific Uses.

3. A retail building in existence as of the effective date of this title shall be considered a nonconforming structure. Such building may be structurally altered, repaired or reconstructed so long as it is not increased, extended or enlarged beyond the gross floor area of the building that existed on the date of adoption of this title. This section shall be applied to any alteration, reconstruction or repair that takes place after the effective date of this title.

C. Principal Use Plan Review.

1. Retail development consisting of a single tenant building shall be subject to review by the Administrative Official, Planning Board and Zoning Commission for development and use standards contained in subsections 4 and 5 below. These standards shall also be applied as part of the review and approval process for use permits for developments in the historic overlay district. If there is any conflict between these standards and standards relating to the historic overlay district, the more restrictive guideline shall apply.
2. Intent and Purpose. All new construction of retail buildings described in this chapter will be subject to review. It is the intent and purpose of this section to ensure the quality of retail development that will enhance retail development. It is further the intent of this chapter to establish standards and review procedures that will assist the developer and the City and its boards and committees to review and direct, in a fair and equitable manner, the development and redevelopment of future and existing properties and facilities governed in this chapter.
3. Certificate of Appropriateness. A certificate of appropriateness, reviewed by the Zoning Commission shall be required as a condition of use plan approval for any development governed by this section. Application, review and public notice procedures for proposals governed by this section are set forth in Chapter 17.100, Noticing and Hearing Procedure. The Zoning Commission will provide a written report to the City Council with its recommendations and the certificate of appropriateness will be placed on the agenda of the City Council for final action.
4. Use Criteria Standards. In addition to all other applicable review procedures, proposed uses governed by this section shall meet the standards contained in Chapter 17.80, Requirements for Creation of a Historic Mixed Use District, and Chapter 17.84, Adult Activities Overlay District. Said criteria and standards may include additional architectural detailing, exceptional landscape design, improved public spaces, use of

renewable energy and /or recycled construction materials, and provisions for alternative modes of transportation.

5. Adaptability for Reuse/Compartmentalization. The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalization construction, including plumbing, electrical service, heating, ventilation and air conditioning. The building design shall also allow for:
 - a. The interior division of structure into separate tenancies;
 - b. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;
 - c. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections;
 - d. Landscaping schemes that complement the multiple entrance design; and
 - e. Other elements of design which facilitate the multi-tenant reuse of the building and site.

6. Many principal uses can be of intensive nature and have significant impact on a small community. The following uses can be offensive and unwholesome establishments within a city and should be reviewed carefully and impacts evaluated so use is compatible with the community and does not adversely affect adjacent property investment and protects the general health, welfare and safety of the entire community as a whole. If appropriate conditions shall be met to mitigate any offensive or dangerous use, a Conditional Use Permit may be approved.
 - a. Breweries, distilleries, micro wine or beer factories;
 - b. Foundries, blacksmith shops;
 - c. Planing mills;
 - d. Soap factories;
 - e. Tanneries, rendering;
 - f. Steam boilers, or bulk fuel factories; or
 - g. Secondhand, junk and pawn shops.

17.16.170 MANUFACTURED HOMES ON INDIVIDUAL LOTS

- A. Intent. It is the intent of this section to allow manufactured homes, as defined in Chapter 17.108, Definitions in specified zoning districts in which similar single-household dwellings constructed on the site are permitted. The minimum square feet for a manufactured dwelling shall be one thousand (1000) square feet. All dwellings are subject to requirements and procedures set forth herein to assure acceptable similarity in exterior appearances between such manufactured homes and dwellings that have been or might be constructed under these and other regulations on adjacent lots in the same district or area. It is the intent of this section to permit only those manufactured homes certified as satisfying the Safety Standards established by the U.S. Department of Housing and Urban Development in its regulations first promulgated in 1976.
- B. Application, Material to be Supplied. One copy of the application for location of the proposed manufactured home on the individual building lot shall be submitted to the City in conjunction with the application for a building permit for the building foundation. The application shall include all information as deemed necessary by the City to determine compliance with subsection C of this section. The application shall include color photographs of all sides of the manufactured home, nearest existing residences or other grounds or buildings on each side of the proposed site and opposite thereto, and also including those within two hundred (200) feet of each corner of the proposed site. As a minimum requirement, the application shall also include a description of siding and roofing material in sufficient detail as to make possible determination as to its appearance and durability.
- C. Standards for Determination of Acceptable Similarity in Exterior Appearance and Construction.

The following standards shall be used in the determination of acceptable similarity in appearance and construction between manufactured homes with permanent foundation and residences located near the site to assure that such manufactured homes will be compatible in appearance with site built housing that has been or may be constructed in adjacent or nearby locations:

1. No manufactured homes shall have fenestration (windows or other openings) or other features that will be incompatible in the residential neighborhood.
2. The roof shall have sloping lines with eaves, such as gable, mansard and shed style roofs or shall be compatible with conventionally built homes in the surrounding areas. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run. The minimum

length of the roof panel surface from the eave to the ridge shall be ten (10) feet.

3. The roofing material shall be shake, tile, composition shingle, or other materials commonly found on conventionally built homes in the surrounding area.
4. The exterior covering material shall be similar or closely compatible to that found on conventionally built residential structures in the surrounding area. Reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.
5. The exterior covering material shall extend below the top of the foundation.
6. A solid concrete or masonry perimeter foundation shall be used.
7. The exterior covering and roofing materials of the garage(s), carport(s) and accessory buildings shall be compatible with the materials on the manufactured home.
8. The finished floor shall be a maximum of twenty-four (24) inches above the exterior finished grade of the lot, or similar to the conventionally built homes in the surrounding area.
9. The manufactured home shall be located on the lot so that the home presents a primary entrance to the principal street frontage. Such primary entrance may be established by the presence of porches, overhanging gables, and similar architectural features consistent with the character of site built homes in the near vicinity.
10. Manufactured homes on permanent foundations shall meet the property standards for the district in which they shall be located. These standards include, but are not limited to: lot area and dimension; area per dwelling unit; front, rear and side yard setbacks; building height, lot coverage, location of accessory buildings; and off street parking. 76-2-302, MCA.

~~D. — Actions by Administrative Official(s). — Upon receipt of a permit application as required by subsection B of this section, the Administrative Official shall make a decision to approve, approve with conditions or deny the application within fifteen (15) business days. If the applicant disagrees with the decision, the applicant may appeal to the Zoning Commission. The Zoning Commission shall hold a public hearing to consider the appeal. Notice shall follow 17.100, Noticing and Hearing Procedure. The Zoning Commission will prepare a written report recommending the approval, approval e with conditions, or denial of the permit~~

~~application and submit the report to the Council for final determination. A copy of the report will be provided the applicant.~~

Enc Ord 433 December 5, 2012, Revised Ord ### ##### ##, 2017

17.16.180 MINI WAREHOUSES

A. On-Site Circulation, Drives and Parking

1. Each mini warehouse site shall provide a minimum of two (2) exits unless otherwise approved;
2. All one-way driveways shall be paved and provide for one ten (10) foot parking lane and one twelve (12) foot travel lane. Traffic direction and parking shall be designated by signage or painting;
3. The parking lanes may be eliminated when the driveway does not serve storage cubicles;
4. A single household dwelling may be permitted to provide services and security on the premises.
5. Fencing or landscape screening shall be required between adjacent residential districts and meet standards of 17.40, Landscaping and City Beautification, and 17.12, General Land Use Standards and Requirements.
6. All lighting shall meet requirements of 17.44, Lighting.

Enc Ord 433 December 5, 2012

17.16.190 OUTDOOR SALES AND DISPLAY

- A. Merchandise which is offered for direct sale, rental or lease to the ultimate consumer or user may be displayed beyond the confines of a building in any commercial district, but the area occupied by such outdoor display shall not constitute a greater number of square feet than twenty-five (25) percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies. In such cases, the maximum area for outdoor sales and display shall not exceed seventy-five (75%) percent of the total lot area.
- B. Outdoor sales and display areas shall not be located in any required yard or parking area.
- C. A special temporary permit for trailers or buses for sales of merchandise shall be valid for seven (7) continuous days.

Enc Ord 433 December 5, 2012

17.16.200 OUTDOOR STORAGE

- A. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a one hundred (100) percent opaque wall or fence not less than six (6) feet tall.
- B. No storage of any type shall be permitted within any required yard, and shall be subject to 17.16, Standards for Specific Uses.
- C. All areas designated for vehicle and equipment storage shall be screened from view from the street and adjacent properties as stated in subsection "A" above. Vehicle and equipment storage shall not be subject to parking lot paving or landscape requirements, but shall be subject to drainage retention requirements and appropriate dust control requirements.

Enc Ord 433 December 5, 2012

17.16.210 PORTABLE CARRY – OUT FOOD AND BEVERAGE STRUCTURES

- A. Electrical service must be installed underground, in compliance with all electrical service codes, subject to approval by the City.
- B. Structures shall not exceed one thousand (1,000) square feet in size. All structures must be on an improved asphalt or concrete surface, be anchored to resist accidental movement, be placed upon approved footings and have a fully electrically bonded frame. No structure shall have an axle. Enclosed trailers and buses must remove the axle, be secured to resist accidental movement, with all related supports cosmetically covered with an approved material including skirting around all sides. All sites will comply with garbage and trash requirements of 17.04, General Land Use. Restrooms will be screened from public view.
- C. Not more than one portable structure may be placed on a zone lot (individual property or contiguous properties held in common ownership). Portable structures shall be placed in a manner so as not to interfere with normal vehicle and pedestrian circulation patterns or required emergency access. Nor shall such structures be placed in a manner that eliminates or interferes with the use of required parking spaces.

Enc Ord 433 December 5, 2012

17.16.220 RECREATIONAL VEHICLE PARK AND OVERNIGHT CAMPGROUNDS

- A. Recreational vehicle parks and overnight campgrounds 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 and Site Plans and Title 16, Subdivision Regulations, Multiple Spaces.
- B. Land proposed for use for a recreational vehicle park must have RMH Residential Manufactured Home Community District zoning classification. Recreational vehicle parks are a principal use in RMH Districts.
 - 1. Recreational vehicle parks shall be screened from view of any adjacent residential development.
 - 2. Internal circulation roads shall be paved with a concrete or asphaltic concrete surface.
 - 3. Individual recreational vehicle parking pads shall be plainly marked and maintained with a dust free surface.
 - 4. Individual recreational vehicle parking pads shall be set back at least thirty (30) feet from the perimeter of the park and thirty (30) feet from any public street right-of-way.
 - 5. Approved trash disposal, bathroom and laundry facilities, including facilities for the handicapped, shall be provided for use of overnight campers.
 - 6. Recreational vehicle spaces shall be separated by no less than fifteen (15) feet and shall be no less than 1,500 square feet in area.
 - 7. Recreational vehicles occupied continuously for over ninety (90) days are considered a permanent residence and shall be connected to electric power, water supply, sewage disposal, gas and telephone service lines in compliance with applicable City codes and all service lines shall be installed underground.

Enc Ord 433 December 5, 2012

17.16.230 RECYCLING COLLECTION POINTS

Collection points may be a requirement in large developments and shall be maintained in a clean and safe condition and checked daily for trash and other debris. Collection points managed by the City and Beaverhead County shall maintain the same standards.

17.16.240 STABLE COMMERCIAL STABLE OF ANIMALS

- A. The minimum property size shall be ten acres.
- B. Structures or facilities used for commercial stabling, storing, showing or training of animals shall be set back a minimum of one hundred (100) feet from any adjacent property. Dwelling units, accessory structures incidental to dwelling units and irrigated pasturage are not subject to this one hundred (100) foot setback area but subject to the minimum setback requirements of the applicable zoning district.
- C. There shall be no shows or other activities which would generate more traffic than is normal to a residential area, unless the proposed site has direct access from an arterial street as set forth in the Dillon Growth Policy. Permission for such shows and activities shall be obtained from the City. Notification shall be provided in a letter that explains the nature and duration of the activity, and accommodations for spectators, traffic control and additional parking for cars and trailers. This letter shall be submitted to the Administrative Official at least one month prior to the date of the show or activity.
- D. All pasture and animal storage areas shall be enclosed with fences or walls of a minimum of four (4) feet, and maximum of six (6) feet in height. The design of these enclosures shall be shown on drawings submitted with the Conditional Use permit.
- E. All pasture applicable to the public health and appropriate care of animals must be complied with for the entire period of operation of the stable.
- F. All activity and pasture areas that are not grassed shall be treated for dust control as approved by the Administrative Official.
- G. Adequate parking for daily activities shall be shown on the site plan and improved to City parking standards. Additional parking, improved as determined by the Administrative Official, shall be provided for shows or other special events.

17.16.250 STABLE--PRIVATE STABLES

Private stables used for stabling, storing, showing or training of animals is a Conditional Use and shall require setbacks of one hundred (100) feet and meet the same standards as Commercial Stables. Special conditions may be required with approval of the Conditional Use.

CHAPTER 17.48

PARKING

17.48.010 GENERAL PROVISIONS

The purpose of these standards is to provide functional parking areas adequate to the needs of users, create shaded areas within parking lots, reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns and enhance the visual environment. In achieving these purposes this Chapter interacts with the requirements of 17.40, Landscaping and City Beautification. The design of off-street parking shall primarily be the responsibility of the property owner and shall consider traffic circulation, required landscaping, pedestrian access and circulation, and other purposes of this title. The property owner shall also be responsible for certifying information upon which parking requirements may be based, such as seats, and number of employees on maximum working shift.

- A. Where applicable, the number of spaces required in this chapter will be the total of the spaces required for the component activities of certain uses, each calculated separately.
- B. Change of Use or Occupancy of Buildings. With any change of use or occupancy of any building or buildings, including additions to buildings, that may require more parking, an occupancy permit is required and shall not be issued until such additional parking spaces, as required by this title, are provided for.
- C. Improvements. All parking area improvements to include surfacing, drainage, walkways, lighting, landscaping, screening, and traffic control.
- D. Stacking of Off-Street Parking Spaces. Required parking spaces shall be located to preclude stacking of off-street parking spaces. Physical separation is provided when at least one of these options are provided: individual garage doors for each interior parking space, a vegetated planter not less than four feet in width between the parking spaces in the driveway area, or a wall not less than four feet in height and length is provided between the parking area in the driveway and dividing the garage entrance.
- E. No Parking Permitted in Required Front Yards. Required parking spaces shall not be located in any required front yard, except in an area improved for parking in a driveway ~~area for each~~ from a street or road leading to one or more parking spaces that is not a fire-access driveway.
- F. Parking is permitted within required rear yards but shall be screened from view from the center of adjacent street.

17.48.020 STALL, AISLE AND DRIVEWAY DESIGN

All parking plans will be reviewed by the Fire Marshall/Fire Chief and Police Chief to determine if plans meet the standards of this title and provide adequate space and maneuverability for emergency services.

- A. Parking Dimensions. The following shall be the minimum parking space dimensions. Parking spaces shall be ten (10) feet in width and twenty (20) feet in length. Compact spaces shall be eight (8) feet by sixteen (16) feet.

- B. Within Structures. The off-street parking requirements may be furnished by providing parking spaces so designated within the principal building or accessory parking structure. However, no building permit shall be used to convert the parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this title.

- C. Surfacing.
 - 1. All areas intended to be utilized for permanent parking space and driveways from a street or road in non-residential districts and for structures in residential districts (R1, R2, R3, and RMH) requiring more than four (4) parking spaces shall be paved with asphalt, concrete, or asphaltic concrete or approved pavers, to control dust and drainage. All proposed parking areas and driveway improvements shall require a grading and drainage plan approved by the City of Dillon. The applicant shall enter into an improvement agreement with the City agreeing that the parking areas shall be paved within twelve (12) months of the time of completion of changes or construction.

 - 2. Areas intended to be utilized for permanent parking space for structures in residential districts (R1, R2, R3, RMH) requiring four (4) or fewer parking spaces shall be surfaced with gravel, asphalt, concrete, or asphaltic concrete or approved pavers. Driveways from a street or road in residential districts shall be paved with asphalt, concrete, or asphaltic concrete or approved pavers.

- D. Signs. No sign shall be so located as to restrict the street visibility triangle and orderly operation and traffic movement within any parking area.

- E. Protruding Vehicles. All onsite parking stalls which abut property lines shall be designed and constructed such that parked vehicles shall not protrude over property lines.

- F. Pedestrian Facilities in Parking Lots. Sidewalks a minimum of five (5) feet wide shall be provided between any existing or proposed building and adjacent parking lot. Where sidewalk curbs serve as wheel stops, an additional 2 feet of sidewalk width is required.
- G. Snow Removal Storage Areas. Snow removal storage areas shall be provided sufficient to store snow accumulation on site. Such area shall not cause unsafe ingress/egress to the parking areas, shall not cause snow to be deposited on public right-of-way, shall not include areas provided for required parking access and spaces, and shall not be placed in such a manner as to damage stormwater runoff as directed into landscaped retention/detention and water quality improvement facilities as required by the City.
- H. Parking and Stacking for Drive In/Drive Through Facilities. Required parking and stacking spaces for waiting automobiles shall provide a minimum of 2 stalls and 6 spaces for stacking per lane unless a traffic summary shows that fewer spaces may be required. These spaces shall not in any manner inhibit on-site or off-site vehicular circulation.
- I. Ownership/Leasehold. Required parking lots shall be owned or leased by the owner or lessee of the building or use being served by such parking. Such parking lots shall be maintained as a parking lot so long as the building and/or use served is in operation or until another approved parking area is established.
- J. Storm Water Drainage. Storm water drainage from parking lots shall be directed into landscaped detention/retention facilities and water quality improvement facilities as required by the City.

Enc Ord 433 December 5, 2012, Revised Ord 446 March 23, 2016, Revised Ord ###
#, 2017

17.48.030 MAINTENANCE OF PARKING AREAS

It shall be the joint and separate responsibility of the lessee and owner of the principal use, or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping and required fences or screening.

- A. Use of Required Parking Areas for Parking Only. Required off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles, except when permitted as a temporary use.
- B. Parking Spaces Identified and Maintained. All residential occupancies shall provide required off-street parking spaces. When enclosing a carport or garage for living purposes, an affidavit shall be submitted to the City identifying the required parking spaces necessary to comply with this title.

17.48.040 NUMBER OF PARKING SPACES REQUIRED

The following minimum number of off-street, paved parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of respective uses hereinafter set forth. When calculation of the required parking results in a fraction of a parking space being required, a whole space shall be provided. All site plans submitted for permit purposes shall identify parking space allocations.

A. Residential Uses.

The number of spaces shown in Table 48-1 shall be provided. In addition to the number of spaces required in Table 48-1, the number of disabled parking stalls as required by the applicable law shall also be provided. One space in garage counts in requirement. Regardless of the district in which a residential use is located, all parking spaces must be ten (10) feet wide by twenty (20) feet long.

Residential
Table 48-1

Dwelling Types	Parking Spaces Required per Dwelling
Accessory dwelling unit	1
Efficiency unit/Lodging house	1.25
One-bedroom	1.5
Two-bedroom	2
Three-bedroom	3
Dwellings with more than three bedrooms	4
Group homes and community residential centers	1 space per bedroom
Bed and Breakfast	1 space/rental unit
Manufactured Home in RMH District	1 per bedroom

B. Non-Residential Uses.

The number of spaces shown in Table 48-2 shall be provided. In addition to the number of spaces required in Table 48-2, the number of disabled parking stalls as required by the applicable law shall also be provided. In all non-residential districts, 1% of required parking shall be sized for larger vehicles, trucks, recreational vehicles, etc. Also, 1% of required parking can be eight (8) feet by sixteen (16) feet for compact vehicles.

Table 48-2

Use Type	Off-Street or Off-Road Parking Spaces Required
Automobile sales	1 space per 200 square feet of indoor floor area; plus 1 space per 20 outdoor vehicle display spaces
Automobile service and/or repair station	2 spaces per service stall, but no less than 4 space
Automobile washing establishment a. Automatic drive-through b. Self-service	a. 3 spaces or 1 for each employee on maximum shift; plus stacking space b. 2 spaces per stall not including washing or drying spaces c. 2 spaces per stall
Bank, financial institutions	1 space per 300 square feet of floor area
Bowling alley	2 spaces per alley; plus 2 spaces per billiard table
Church	1 space per six persons of maximum occupancy load (as identified in the International Building Code) for main assembly hall, public assembly areas and classrooms
Community or recreation center	1 space per 200 square feet of floor area
Health and Exercise Establishment	1 space per 200 square feet of floor area; plus 3 spaces per court
Day care centers	1 space per staff member plus 1 space per 15 children permitted
Elderly (senior citizens) housing	1 space per unit
Furniture stores over 20,000 square feet	3 spaces per 1,000 square feet of floor area
Golf courses	1 space per 200 square feet of main building floor area; plus 1 space for every 2 practice tees in driving range; plus 4 spaces per each green in the playing area
Medical and dental offices	4 spaces for each full time equivalent doctor or dentist; plus 1 space for each full time equivalent employee
Manufacturing and industrial uses	1 space per 1,000 square feet of floor area, plus 1 space per 2 employees on maximum working shift
Motels, Hotels a. Restaurants, bars, dining rooms	1.5 spaces per each guest room; plus 1 space per employee on maximum shift; plus spaces for accessory uses as follows: a. 1 space per 60 square feet of floor area

b. Commercial area	b. 1 space per each 400 square feet of floor area
c. Public assembly areas	c. 1 space for each 5 seats based upon design capacity, except that total off-street or off-road parking for public assembly may be reduced by 1 space for every 4 guest rooms
Nursing homes, rest homes or similar uses	4 spaces; plus 1 space for each 3 beds; plus 1 space for each employee on maximum shift
Offices (except medical and dental)	1 space per 250 square feet of floor area
Outdoor sales (plant nurseries, building materials, equipment rental and similar)	1 space per 500 square feet of sales and/or display area. The size of the sales and/or display area shall be determined on a case-by-case basis.
Restaurants, cafes, bars, casinos and similar uses	1 space per 50 square feet of indoor public serving area; plus 1 space per 100 square feet of outdoor (patio) area
Retail store and service establishments	1 space per 300 square feet of floor area
Sales sites; model homes	1 space per 250 square feet of model floor areas; plus 1 space per employee
Schools Elementary and/or Junior High	1.5 spaces for each classroom, library, lecture hall and cafeteria; plus 1 space for each 3 fixed seats in the area of public assembly, or 1 space for each 25 square feet of area available for public assembly if fixed seats are not provided
Schools a. Senior High	a. 1.5 spaces for each classroom or lecture hall; plus 1 space per each 5 students; plus 1 space for each non-teaching employees; plus 1 space per each 3 fixed seats in the area of public assembly, or 1 space per 25 square feet of area available for public assembly if fixed seats are not provided
b. College	b. 1 space for each 1.5 students
Theater, Auditorium or similar	1 space per 4 seats based upon place of assembly design capacity
Warehousing, storage or handling of bulk goods	1 space per 1,000 square feet of floor area devoted to storage of goods; plus appropriate spaces to support accessory office or retail sales facilities at 1 space per 350 square feet of floor area

C. Exceptions to Parking Requirements. Because some situations (i.e., existing lots which have no landscaping, irregular lots, lots with topographic difficulties, etc.) would benefit from an alternative to the required minimum parking areas; because

the community's appearance could benefit from additional landscaping, streetscaping and sculptural elements; and because parking exceptions and/or landscaping would encourage development within existing City boundaries; the following alternatives may be permitted. These alternatives may be proposed by the property owner for review by the Zoning Advisory Commission. Such proposals may be approved based on a determination that such alternatives will meet the requirements of this Chapter and will not create a congested on-street parking situation in the vicinity of the proposal.

D. Disabled Accessible Parking Spaces.

1. Disabled parking spaces shall be provided subject to federal standards enumerated in the American Disabilities Act (ADA). Each disabled parking space shall also be accompanied by a sign stating "Permit Required \$100 Fine".
2. All parking lots and facilities shall be subject to federal standards established in the ADA for accessibility, and shall contain a minimum number of disabled accessible parking spaces.
3. Household occupancies can request one disabled parking designation directly in front of their resident upon application with a current disability license or tag from the state. As necessary, the City will stripe the space and if needed a handicap sign may be posted.

E. Bicycle Racks Required. All sites for development shall provide adequate bicycle parking facilities to accommodate bicycle-riding residents and/or employees and customers of the proposed development. Bicycle parking facilities will be in conformance with standards recommended by the Streets and Alley Committee.

F. Any off-site parking which is used to meet the requirements of this title shall be reviewed by the Administrative Official and recommendation made to the appropriate board for compliance with this title and shall be subject to the conditions below:

1. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this title; reasonable access from off-site parking facilities to the use being served shall be provided;
2. Off-site parking for one-household and two-household dwellings shall not be permitted.

G. Off-site parking for multiple household dwellings shall not be located more than 100 feet from any commonly used entrance of the principal use served.

- H. Any use which depends upon off-site parking to meet the requirements of this title shall maintain ownership or provide evidence of a long-term lease agreement, only revocable with the City Council approval, running with the term of the designated use, for parking utilization of the off-site location.

Enc Ord 433 December 5, 2012, Revised Ord 446 March 23, 2016, Revised Ord ###
#, 2017

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

A. 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 upholstery massage therapy, marijuana sales or growing.

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

DESCRIPTION	R-1	R-2	R-3	RMH
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	-

DESCRIPTION	R-1	R-2	R-3	RMH
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 Family Household	P	P	P	P
Dwelling, Apartment	-	-	P	-
Dwelling, Accessory	-	P	P	-
Dwelling, Cluster	-	-	P	-
Dwelling, Cottage	-	P	P	-
Dwelling, Duplex	-	P	P	-
Dwelling, Guest House	-	C	P	-
Dwelling, Multi- Family 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 Family 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
Family Day Care	P	P	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
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	-

DESCRIPTION	R-1	R-2	R-3	RMH
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 ###
##, 2017](#)

CHAPTER 17.64

COMMERCIAL BUSINESS DISTRICTS

17.64.010 INTENT AND PURPOSE OF COMMERCIAL DISTRICTS

The intent and purposes of the commercial districts are to establish areas within the City of Dillon that are primarily commercial in character and to set forth certain minimum standards for development within those areas. The purpose of having more than one commercial district is to provide opportunities for a variety of employment and community service opportunities within the community, while providing predictability. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other both within the individual districts and to adjoining districts when the standards of this title are met and any applicable conditions of approval have been satisfied. Additional requirements for development may apply within overlay districts. It is the further intent to:

1. Encourage development of vertically oriented mixed-uses, in contrast to single use development distributed along high vehicle capacity roadways;
2. Develop commercial and mixed-use areas that are safe and comfortable, and attractive to pedestrians;
3. Reinforce streets as public places that encourage pedestrian and bicycle travel, and on-street parking;

4. Provide roadway and pedestrian connections to residential areas;
5. Emphasize the need to serve the adjacent, local neighborhood and also the greater downtown area of Dillon;
6. Create central urban gathering places such as community squares or plazas;
7. Facilitate designs of each mixed-use to help ensure long-term financial viability of each mixed-use;
8. Allow for recreational activities consistent with the standards and intent of the this title;
9. To encourage and support the use of quality building practices; and
10. To provide for a broad range of mutually supportive retail and service functions located in clustered areas bordered on one or more sides by limited access arterial streets.

Enc Ord 433 December 5, 2012

17.64.020 DISTRICTS C-1, C-2 AND C-3

- A. The intent of the C-1 neighborhood business district is to provide for smaller scale retail and personal service activities frequently required by neighborhood residents on a day-to-day basis, as well as residential as a secondary purpose, while still maintaining compatibility with adjacent residential land uses. Development scale and pedestrian orientation are important and different types of dwellings could be in this type of area.
- B. The intent of the C-2 community business district is to provide for a broad range of mutually supportive retail and service functions located in clustered areas bordered on one or more sides by limited access arterial streets.
- C. The intent of the C-3 central business district is to provide a central area for the community's business, government service and cultural activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded. It is the intent to provide in appropriate areas for logical and planned expansion of the present district.

It is the intent of this district to encourage high volume, pedestrian-oriented uses in ground floor space in the "core area" of Dillon's central business district. Lower volume pedestrian uses such as professional offices or small retail may locate on ground floor space in the C-3 area.

- D. The intent of the B-P business park district is to provide for high quality settings and facilities for the development of a variety of compatible employment opportunities. These areas should be developed so as to recognize the impact on surrounding or adjacent development and contribute to the overall image of the community. Compatibility with adjacent land uses and zoning is required.

Enc Ord 433 December 5, 2012

17.64.030 LOT COVERAGE

- A. In the C-1, C-2, C-3, and B-P districts, the entire lot, exclusive of required setbacks, yards and parking may be occupied by the principal and accessory buildings. This title provides opportunities for parking to be met by shared off-site parking as allowed in Chapter 17.48, Parking.
- B. In the C-1 district, the footprint of individual buildings shall not exceed 5,000 square feet.

Enc Ord 433 December 5, 2012

17.64.040 LOT AREAS

- A. All newly created lots shall have a minimum area adequate to provide for required yards and parking.
- B. Lot area for all newly created lots shall have a minimum area adequate to provide for required yards and parking but in no case shall they be less than:
 - 1. C-1 = 5,000 square feet
 - 2. C-2 = no minimum size
 - 3. C-3 = no minimum size
 - 4. B-P = no minimum size
- C. Lot width for newly created lots shall not be less than:
 - 1. C-1 = 50 feet
 - 2. C-2 = 100 feet
 - 3. C-3 = no minimum width
 - 4. B-P = 50 feet

17.64.050 YARDS

A. Buildings:

- | Front yard: Minimum required setback = 25 feet
- | Rear yard: Minimum required setback = 10 feet
- | Side yard: Minimum required setback = 5 feet (except zero lot lines as permitted by Chapter 17.12, General Land Use Standards and Requirements.

B. Parking and Loading Areas:

- | Front yard: Minimum required setback = 25 feet
- | Rear yard: Minimum required setback = 10 feet
- | Side yards: Minimum required setback = 10 feet

C. The purpose of differentiated yard setback requirements is to encourage the placement and development of buildings in a manner to address the street and adjacent pedestrian activity and encourage a vigorous and diverse streetscape.

D. All vehicle entrances into garages shall be no closer than 20 feet to a property line, unless explicitly authorized under this title.

E. Rear and side yards adjacent to alleys shall be at least five feet.

F. Minimum yards required:

1. No minimum yards prescribed for the C-3 district except a 10 foot yard shall be required when structure is demolished and new construction required.
2. Where at least 50 percent of a block (from cross-street to cross-street) in the C-3 district is presently used for residential purposes, the minimum yards established in this Chapter shall be required.
3. Rear and side yards adjacent to alleys shall be at least five feet.
4. All yards shall be subject to the provisions of 17.12, General Land Use Standards and Requirements, and 17.40, Landscaping and City Beautification, when applicable.

17.64.060 BUILDING HEIGHT

- A. To comply with this standard the space being claimed as a story must be capable of being occupied for human use and have floor area of not less than 50% of the ground level story.

Maximum Height: Thirty-five (35) feet for occupancy

- B. Maximum height otherwise cumulatively allowed by this section may be increased by 30 percent through the approval of a Conditional Use permit, but only when the additional height is a specifically identified purpose of the review.

Enc Ord 433 December 5, 2012

17.64.070 BICYCLE PARKING

- A. Bicycle parking for a minimum of four (4) bicycles in two different locations shall be provided in all commercial districts by the property owners on each block.

Enc Ord 433 December 5, 2012

17.64.080 AUTHORIZED USES

- A. The uses listed are deliberately broad and some are given special definitions in Chapter 17.108, Definitions. The intent of this method is to provide general guidance for uses while allowing the unique needs and circumstances of each proposal to be specifically addressed through the review process. Some principal uses are the subject of special regulations contained in Chapter 17.16, Standards for Specific Uses. Conditional uses for telecommunications are established in Chapter 17.56, Wireless Communications Structures.
- B. Uses in the various commercial districts are depicted in Table 64-1 below. Principal Uses are indicated with a "P", Conditional Uses are indicated with a "C", accessory uses are indicated with a "A", and uses not permitted within the district are indicated by an "-". A particular proposed development or use may fall under more than one listed category with different review processes. In such cases, the more stringent review process shall apply as required by Chapter 17.16, Standards for Specific Uses.

Table 64-1

DESCRIPTION	C-1	C-2	C-3	B-P
Accessory Building	A	A	A	

DESCRIPTION	C-1	C-2	C-3	B-P
Adult Retirement Community	P	P	P	C
Agricultural Supplies	-	P	P	-
Ambulance	-	P	-	C
Amusement/Recreational Services	-	P	P	C
Animal Hospital/Vet	P	P	P	P
Animal Kennel	-	P	-	C
Apartments	-	C	P	-
Arts and Entertainment	C	P	P	C
Assisted Living Facility	P	P	P	P
Auto Fuel or Sales	P	P	-	P
Auto Parking Lot or Garage	C	P	P	C
Auto Repair Services – Minor	-	P	-	C
Auto Sales or Light Repair	-	P	-	C
Auto Sales and Rental	-	P	-	C
Auto Washing Establishment	-	P	-	C
Banks and Other Financial Institutions	P	P	P	P
Bar (Tavern, Cocktails Lounge, Cabaret)	P	P	P	C
Bed & Breakfast Inn	P	P	P	C
Broadcast Facilities	-	P	-	P
Business Technical Vocational School	-	C	P	P
Bus Terminals	-	p	-	-
Chair Care Facilities/Day Care	P	P	P	P
Civic Use	-	P	C	C
Clubs, Fraternal Lodges – Private	-	P	C	C
Community Centers	P	P	P	C
Community Residential Home (Group Home)	P	P	P	P
Condominium	P	P	P	P
Condominiums, 2 to 4 Attached Units Business or Dwelling	P	P	P	C
Condominiums, More Than 5 Attached Units Business or Dwelling	P	P	P	C
Construction Contractors	-	P	C	-
Continuing Care Retirement Community	P	P	P	P
Convenience Center Including Drive Through	C	P	P	C
Convenience Use Restaurants	C	P	P	P
Continuing Care Retirement Community	P	P	P	P
Contractors Yard	-	P	C	C
Convenience Food/Private or Restaurants	-	P	C	C
Convenience Use	-	P	C	C
Cooperative Household	P	P	P	-
Country Club	-	P	-	C
Day Care Center or Group	P	P	P	P
Drive Inn Business	P	P	P	P
Dry Cleaners	C	P	P	P

DESCRIPTION	C-1	C-2	C-3	B-P
Dwelling, Single <u>FamilyHousehold</u>	P	P	P	-
Dwelling, Apartment	P	P	P	P
Dwelling, Accessory	P	P	P	-
Dwelling, Cluster	P	P	P	-
Dwelling, Cottage	P	P	P	-
Dwelling, Duplex	P	P	P	-
Dwelling, Guesthouse	P	P	P	-
Dwelling, Multi- <u>familyhousehold</u>	P	P	P	-
Dwelling, Patio Home	P	P	P	-
Dwelling, Seasonal	P	P	P	-
Dwelling, Single Semi-detached	P	P	P	-
Dwelling, 2 Unit Townhouse	P	P	P	-
Dwelling, 5 Unit Townhouse	P	P	P	-
Dwelling, Triplex	P	P	P	-
Dwelling Unit	P	P	P	-
Dwelling Unit, Efficiency	P	P	P	-
Essential Services, Type I	P	P	P	P
Essential Services, Type II	C	C	C	C
Extended Stay Lodging (Hotel, Motel)	C	P	P	C
Farmers Market	C	P	P	-
Fences	A	A	A	A
Financial, Insurance, Real Estate Services	P	P	P	P
Food Processing Center	-	P	C	C
Funeral Home/Mortuary	-	P	C	C
Garage, Parking Private	-	P	P	C
Garage, Public	-	P	-	C
Golf Course	-	P	-	-
Greenhouse, Commercial/Private	-	P	P	C
Hazardous Use	-	-	-	-
Health & Exercise Establishments	P	P	P	P
Home Business/Occupation	-	P	P	-
Home Office	P	P	P	-
Hospitals	-	-	-	P
Industry, Light	-	P	C	-
Institutional Use	C	P	C	C
Junkyard	-	-	-	-
Laboratories, Diagnostic or Research	-	C	C	P
Laundry, Self Serve	P	P	P	C
Library	P	P	P	P
Light Goods and Repair	C	P	P	C
Lodging House/Boarding House	-	P	P	-
Manufacturing Home Community	-	P	-	-
Manufacturing, Light	-	P	P	C
Medical and Dental Offices, Clinics	C	P	P	P

DESCRIPTION	C-1	C-2	C-3	B-P
Meeting Hall	-	P	P	-
Mini-Warehouse Residential	P	P	P	P
Modular/Sectional Home	P	P	P	-
Mortuary/Crematory	-	P	P	C
Neighborhood Personal and Convenience Services	P	P	P	P
Offices	P	P	P	P
Offices, Professional	C	P	P	P
Other Structures or Buildings Typical to Authorized Use	A	A	A	A
Outdoor Storage	-	P	-	-
Park	A	A	A	A
Park, Private	P	P	P	P
Parking Area	P	P	P	P
Parking Area, Private	P	P	P	P
Parking Facilities	C	P	P	P
Parks/Outdoor Theatrical Performances	C	P	P	C
Pathway/Trail	P	P	P	P
Pet Grooming	P	P	P	P
Places of Worship/Church	P	P	P	P
Printing and Publishing	-	P	P	C
Private Clubs	-	P	P	P
Public Building/Parks	P	P	P	P
Recycling Collection Point	P	P	P	P
Public Housing	P	P	P	P
Quasi – Public Use	P	P	P	P
Restaurant, No Drive-thru	P	P	P	P
Retail, Food	C	P	P	P
Retail, Food Mobile	-	P	-	-
Retail, Large Scale	P	P	P	P
Retail, Sales	C	P	P	P
Retail Sales, Outdoor	-	P	P	C
Retail, Small Scale	P	P	P	P
Retail, Warehouse Outlet	-	P	-	C
Schools	P	P	P	P
Services	C	P	P	C
Sidewalk Sales	C	C	C	C
Signs, Painting or Assembly	-	P	-	C
Temporary Buildings and Yards Incidental to Construction	A	A	A	A
Trash Enclosure	A	A	A	A
Upholstery, Furniture	P	P	P	P
Veterinary, Large Animal	-	P	-	-
Veterinary, Small Animal	P	P	P	P
Warehouse, Mini	C	C	C	C

DESCRIPTION	C-1	C-2	C-3	B-P
Wholesale Warehouse (Samples on Premises)	-	P	P	-
Wholesale, Nursery and Retail	-	P	C	C
Wireless Telecommunications	C	C	C	C

Enc Ord 433 December 5, 2012, [Revised Ord ### ##### ##, 2017](#)

CHAPTER 17.72

PUBLIC LANDS AND INSTITUTIONS DISTRICT

17.72.010 INTENT

The intent of the **P-4PLI** lands and institutions district is to provide for major public and quasi-public uses outside of other districts. Not all public and quasi-public uses need to be classified **P-4PLI**. Some may fit within another district, however larger areas will be designated **P-4PLI**.

Enc Ord 433 December 5, 2012, [Revised Ord ### ##### ##, 2017](#)

17.72.020 APPLICABILITY

To the maximum extent allowed by state law, all **P-4PLI** developments shall be subject to review and approval as provided for by this title.

Enc Ord 433 December 5, 2012, [Revised Ord ### ##### ##, 2017](#)

17.72.030 AUTHORIZED USES

Authorized uses in the **P-4PLI** district are as follows:

A. Permitted uses:

Ambulance service;

Cemeteries;

Essential services (Type I);

Museums, zoos, historic and cultural facilities and exhibits;

Other public buildings, e.g., fire and police stations and municipal buildings;

Public and nonprofit quasi-public institutions, e.g. universities, elementary, junior and senior high schools, and hospitals;

Publicly owned land used for parks, playgrounds and open space; and
Publicly owned community centers.

B. Conditional uses:

Assisted Living Centers; and

Other buildings and structures accessory to permitted uses.

| Enc Ord 433 December 5, 2012, [Revised Ord ### ##### ##, 2017](#)

17.72.040 LOT AREA AND WIDTH

| The lot area and width requirement of the [P-4PLI](#) district is as follows:

1. No requirement

| Enc Ord 433 December 5, 2012, [Revised Ord ### ##### ##, 2017](#)

17.72.050 BUILDING HEIGHT

Maximum height in the public district shall be as follows but should be compatible with adjacent Districts.

A. In all districts

1. Maximum thirty-five (35) feet of occupied floors.

Enc Ord 433 December 5, 2012

17.72.060 LOT COVERAGE

| In the [P-4PLI](#) district, the entire lot, exclusive of required yards, parking, and landscaping may be occupied by the principal and accessory buildings.

| Enc Ord 433 December 5, 2012, [Revised Ord ### ##### ##, 2017](#)

17.72.070 PARKING

A. Parking requirements for medical facilities are unique as the need is more complex than just square footage or customers. Therefore specific requirements are as follows:

B. Handicapped Parking will follow the rules and guidelines set by the American Disability Act. All other parking will be as stated.

1. 4 parking spaces per physician
1 parking space per employee
2. Spaces per bed 1.79 spaces per bed
3. Medical Outpatient 4.11 spaces per physician

Enc Ord 433 December 5, 2012

17.72.080 YARDS

In the ~~P-1~~**P-1**PLI district, the minimum yard requirement is 50 feet front setback, 25 feet side and rear setbacks - except when the yard is adjacent to another district, then, in such case, the minimum yard requirement shall be the same or in excess of minimum requirements, for districts.

Enc Ord 433 December 5, 2012, Revised Ord ### ##### ##, 2017

17.72.90 AUTHORIZED USES

Uses in the Public Lands and Institutions district are depicted in Table 72-1 below. Principal Uses are indicated with a “P,” Conditional Uses are indicated by a “C,” accessory uses are indicated with an “A,” and uses not permitted within the district are indicated by an “-.” A particular proposed development or use may fall under more than one listed category with different review processes. In such cases, the more stringent review process shall apply as required by Chapter 17.16, Standards for Specific Uses.

Table 72-1

DESCRIPTION	P- P-1 PLI			
Accessory Building	A			
Accessory Uses to Principal Use	A			
All Government Facilities and Land	P			
Ambulance	C			
Animal Events	C			
Animal Shelters	C			
Cemetery/Crematory/Funeral Home	P			
Civic Use	P			
Community Centers	P			
Cultural Facilities	P			
Essential Services I and II	P			
Hospital/Health Care Facilities	P			
Historic Sites	P			
Institutional Use	P			
Offices, Government	P			

DESCRIPTION	P- P-1PL1			
Outdoor Entertainment and Recreational Parks	C			
Parking Areas	P			
Parks	P			
Preschool Through College	P			
Protective Services	P			
Public Housing	C			
Recreational Facilities	P			
Refuse and Recycling Containers	P			
Other Structures or Buildings Typical to Authorized Use	A			

Enc Ord 433 December 5, 2012, [Revised Ord ### ##### ##, 2017](#)

CHAPTER 17.76

AGRICULTURAL DISTRICT

17.76.010 INTENT AND PURPOSE

The agricultural district is established to provide for areas within the City and future to areas annexed into the City that meet the definition of agricultural use and will continue in agricultural use.

Enc Ord 433 December 5, 2012

17.76.020 TEMPORARY USES

Temporary uses or structures used for storage of construction material, grading operations, or use for meetings, Christmas trees, baked goods, or sale of agricultural products is permitted as a temporary use to not exceed sixty (60) days.

Enc Ord 433 December 5, 2012

17.76.030 MINIMUM LOT SIZE

The minimum lot size in this district is one (1) acre.

Enc Ord 433 December 5, 2012

17.76.040 YARD SIZE

For the purpose of measuring the depth of required yards, the measurement will start at the maximum protruding point of any structure upon the area. Buffers and screening

shall be provided in compliance with this title. No accessory structure shall be erected in a required yard or within five (5) feet of any other structure.

1. Front Yard: Forty (40) feet
2. Side Yard: Twenty (20) feet
3. Rear Yard: Forty (40) feet

Enc Ord 433 December 5, 2012

17.76.050 FENCING

Fencing shall comply with requirements of Chapter 17.12, General Land Use Standards and Requirements of this title.

Enc Ord 433 December 5, 2012

17.76.060 LANDSCAPING

Landscaping shall not be required for agricultural uses except structures used for residential uses shall comply with Chapter 17.40, Landscaping and City Beautification.

Enc Ord 433 December 5, 2012

17.76.070 LIGHTING

Lighting shall comply with requirements of Chapter 17.44, of this title.

Enc Ord 433 December 5, 2012

17.76.080 PARKING

All vehicle or equipment parking shall comply with the requirements of Chapter 17.48, Parking.

Enc Ord 433 December 5, 2012

17.76.090 SIGNS

All signs shall comply with the requirements of Chapter 17.52, Signs.

Enc Ord 433 December 5, 2012

17.76.100 WIRELESS COMMUNICATION STRUCTURES

All wireless communication shall comply with Chapter 17.56, Wireless Communications Structures.

Enc Ord 433 December 5, 2012

17.76.110 AGRICULTURAL ACTIVITIES

- A. The legislature finds that agricultural lands and the ability and rights of farmers and ranchers to produce a safe, abundant and secure food and fiber supply have been the basis of economic growth and development of all sectors of Montana’s economy. In order to sustain Montana’s valuable farm economy and land bases associated with it, farmers and ranchers must be encouraged and have the right to stay in farming
- B. It is therefore the intent of legislature to protect agricultural activities from governmental zoning and nuisance ordinances.
- C. Agricultural activities means a condition that provides an annual gross income of not less than \$1,500.00 or that occurs on land classified as agricultural for tax purposes.

Enc Ord 433 December 5, 2012

17.76.120 AUTHORIZED USES

Uses in the agricultural districts are depicted in Table 76-1 below, Principal Uses are indicated with a “P,” Conditional Uses are indicated by a “C,” Accessory Uses are indicated with an “A,” and uses not permitted within the district are indicated by an “-.” A particular proposed development or use may fall under more than one listed category with different review processes. In such cases, the more stringent review process shall apply and required by Chapter 17.16, Standards for Specific Uses.

Table 76-1

DESCRIPTION	AG			
Accessory Business Operations Related to Agricultural Operation	P			
Agricultural Commodity and Storage	P			
Agricultural Home Stand	P			
Agricultural Supplies	P			
Agricultural Water Use	P			
All Agricultural Land in Use or Vacant and Unimproved	P			
Animal Kennels	P			
Animal Services	P			
Composting	P			
Essential Services Types I and II	P			
Family Day Care	P			
Farm and Ranch Operation	P			

DESCRIPTION	AG			
Farmers Market	P			
Farm Stand	P			
Fences	A			
Greenhouse, Nursery – Commercial	P			
Home Based Business/Occupation	P			
Home Office	P			
Homes, Single Family	P			
Horticulture	P			
<u>Household Day Care</u>	<u>P</u>			
Other Building and Structures Accessory to Principal Use	A			
Outdoor Storage	P			
Recycling Collection Point	P			
Residences Required for Agricultural Operations	P			
Stables, Commercial	P			
Stables, Private	P			

Enc Ord 433 December 5, 2012, Revised Ord ### ##### ##, 2017

NOTE: The following code has only the changes to the Chapter shown and not the complete Chapter.

CHAPTER 17.108

DEFINITIONS

17.108.010 DEFINITION OF TERMS AND INTERPRETATION OF LANGUAGE

- A. The following terms shall be defined as stated herein. If a term is not defined in this Chapter, it shall have the definition as stated in ‘The Complete Illustrated Book of Development Definitions’ by Harvey S. Moskowitz and Carl G. Lindbloom, et. al., 4th edition, March 1, 2015 and all subsequent editions.
- B. For the purposes of this title certain words and terms used herein are defined as follows:

ACCESSORY BUILDING

A subordinate building, or portion of the principal building, located on the same lot as the principal building, or a subordinate use of land, either of which is customarily incidental to the principal or to the principal use of land. Where part of an accessory building is connected to part of the principal building by a common wall, such accessory building shall be counted as part of the principal building. Individual public utility installations above ground are considered accessory buildings. A dwelling unit either attached to a

single-~~familyhousehold~~ principal dwelling or located on the same lot and having an independent means of access is considered an accessory building.

CHURCH/PLACE OF WORSHIP

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

1. Clergy Residence: The home of a member of the clergy and located on the same parcel as the house of worship as an accessory use.
2. When located on separate lot it is a single-~~familyhousehold~~ home and can be used in accessory uses as when on same lot.

DWELLING, APARTMENT

“Apartment” means a habitable room or suite or two or more habitable rooms meeting the requirement of the City’s most recent adopted International Building Code, located in an multi-~~familyhousehold~~ building arranged and intended for a place of residence for a single ~~family or a group of individuals living together as a single housekeeping unit~~~~household~~. Or a building used for residential purposes within nonresidential districts, as specified in this title. Efficiency units shall qualify as an apartment under this definition.

DWELLING, ACCESSORY

An independent dwelling unit that has been added onto or created within a single-~~familyhousehold~~ house.

DWELLING, ATTACHED

A ~~one family~~~~single-household~~ dwelling with ground floor outside access, attached to two or more ~~one family~~~~single-household~~ dwellings by common vertical walls without openings.

DWELLING, DUPLEX

A building containing two single-~~familyhousehold~~ dwelling units totally separated from each other by an unpierced wall extending from basement to roof.

DWELLING, MULTIFAMILYHOUSEHOLD

A building containing three or more dwelling units, including units that are located one over another.

DWELLING, SINGLE-~~FAMILY~~HOUSEHOLD SEMIDETACHED

A ~~one family~~single-household dwelling attached to one other ~~one family~~single-household dwelling by a common vertical wall, with each dwelling located on a separate lot.

DWELLING, TOWNHOUSE

A ~~one family~~single-household dwelling in a row of at least two such units in which each unit has ~~its own front and rear access to the outside~~one primary access to the front, and a secondary point of access meeting the provisions of this title to the side and/or rear, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Individuals own their own units and hold separate title to the land beneath the unit.

DWELLING, TWO ~~FAMILY~~HOUSEHOLD

A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT

One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single familyhousehold maintaining a household.

GARAGE, PRIVATE RESIDENTIAL

A structure that is accessory to a single-or two-familyhousehold dwelling, is used for parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public. Designed or primarily used by the occupants of the premises for the storage of self-propelled passenger vehicles or trailers for the household housed in the building to which such garage is accessory.

HOME OCCUPATION

“Home occupation” means an occupation carried on entirely within residence by members of the familyhousehold who reside on the premises and one employee in addition to members of the familyhousehold involved in the occupation and in any case no more than two persons in any dwelling unit, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, and does not infringe

upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which the purpose the residential zone was created and primarily intended.

Enc Ord 433 December 5, 2012, Revised Ord 446 March 23, 2016, Revised Ord 448
October 11, 2016, Revised Ord ### ##### ##, 2017

EFFECTIVE DATE: This ordinance shall take effect and be in force 30 days from and after its passage according to law.

Passed by the City Council of the City of Dillon on first reading ##### ##, 2017.

Adopted on second reading by the City Council of the City of Dillon at a meeting ##### ##, 2017.

Approved by the Mayor of the City of Dillon on the ##th day of #####, 2017.

Michael Klakken, Mayor

ATTESTED:

Jani Olsen, City Clerk