

CHAPTER 17.08

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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
 - PLI----- 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 453 June 7, 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

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	R-3 Residential Multi-Unit Household, High Density
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	PLI Public Lands & Institutions
F Agricultural & Commercial	AG Agricultural

None

AD Adult Activities

None

HMU Historic Mixed Use Overlay

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

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