

**SECTION 27-1801 TERMS, CONSTRUCTION, AND INTERPRETATION****A. TERM INCLUSIONS**

1. The term “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual.
2. The term “used” or “occupied” includes the words “intended, designated, or arranged to be used or occupied.”
3. The term “lot” includes the words “plot,” “tract,” or “parcel.”
4. The term “building” includes the term “structure.”
5. The term zone means zone or zoning district.
6. The term County means Yellowstone County, Montana.
7. The term City means the City of Billings, Montana.

**B. RULES OF CONSTRUCTION**

The following words, terms and phrases, when used in this Zoning Code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

**1. Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this Zoning Code shall be construed according to this Zoning Code's stated purpose and intent. All provisions, terms, phrases, and expressions contained in this Zoning Code shall be construed according to the general and specific purpose statements set forth throughout this Zoning Code. When, in a specific section of this Zoning Code, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

**2. Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this Zoning Code and any heading, caption, figure, illustration, table, or map, the text shall control.

**3. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

**4. Computation of Time**

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

**5. References to Other Regulations/Publications**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

**6. Delegation of Authority**

Any act authorized by this Zoning Code to be carried out by a specific city official or staff member may be carried out by a designee of such official. For example, the planning director may delegate the preparation of a staff report to a member of the planning division staff.

**7. Technical and Nontechnical Terms**

Words and phrases not otherwise defined in this Zoning Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Zoning Code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

**C. RULES OF INTERPRETATION****1. Mandatory and Discretionary Terms**

The words "shall," "must," or "will" are always mandatory, and the words "may" or "should" are always discretionary.

**2. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (a) "And" indicates that all connected items, conditions, provisions, or events shall apply; and
- (b) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**3. Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**4. Interpretation**

The planning director has authority to determine the interpretation or usage of terms used in this Zoning Code. Appeal of an interpretation made by the planning director shall be to the Board of Adjustment.

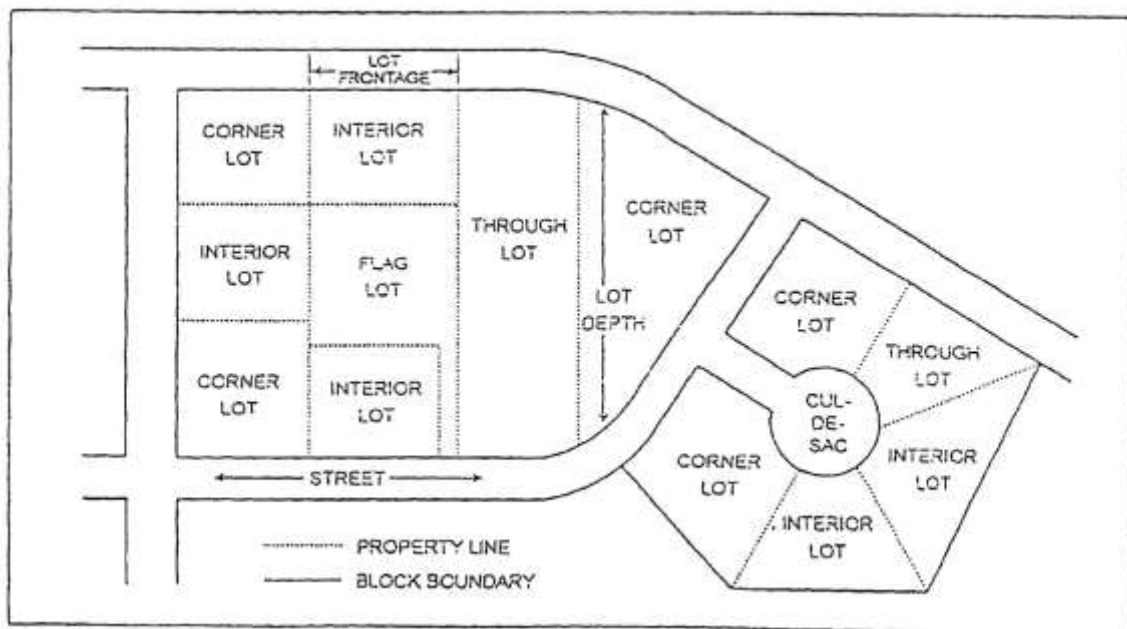
**5. Undefined Terms**

The planning director has the authority to provide the definition for a term where it is not defined in this Zoning Code. Appeal of a definition provided by the planning director shall be to the Board of Adjustment.

## SECTION 27-1802 MEASUREMENTS AND ASSOCIATED TERMS

## A. LOT AND STREET MEASUREMENTS AND TERMS

1. Lot: A tract of land, no matter how legally described whether by metes and bounds, Certificate of Survey and/or by lots and block designation as in a recorded plat.
2. Lot area: The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot extends into a public street right-of-way and/or easement, then the lot boundary for purposes of computing the lot area shall be the street right-of-way.
3. Lot line: A line of record bounding a lot that divides one lot from another lot or from a public or private street, alley or other public space.
  - (a) Front Lot Line: The lot line abutting a public or private front street.
  - (b) Rear Lot Line: The lot line not intersecting a front lot line that is most distant from and most clearly parallel to the front lot line.
  - (c) Side Lot Line: Any lot line that is not a front, street-side, or a rear lot line abutting an interior lot.
  - (d) Street-Side Lot Line: The lot line abutting a public or private side or non-front street.
4. Lot types:
  - (a) Corner Lot: A lot located at the intersection of two or more streets.
  - (b) Interior Lot: A lot, other than a corner lot, with only one frontage on a street other than an alley.
  - (c) Through Lot or Double Frontage Lot: A lot other than a corner lot with frontage on more than one street other than an alley.



5. Lot Width: Lot widths are measured along the minimum setback or minimum build-to line.

6. *Street*. A dedicated public or a private right-of-way (or portion thereof) intended for general public use to provide access through the area and to buildings and sites within the area. For the purposes of this zoning code, an alley is not a street.
  - (a) *Street, Front*. On interior lots, the street abutting the lot; on corner lots, the street with more front doors and/or buildings fronting the street. Front streets are typically the streets along the longer faces of a block with multiple front entrances. Front streets receive priority over other streets in terms of setting front lot lines and locating building entrances.
  - (b) *Street, Side or Non-Front*. The street abutting a lot that is not considered a front street.
7. *Yard*: An open space about a building, other than a courtyard, unoccupied and unobstructed from the ground to the sky, except as otherwise specifically provided in this zoning code.
  - (a) *Front Yard*: A yard extending along the full length of the front lot line or lines and which is situated between a principal building and the front lot line or lines.
  - (b) *Rear Yard*: A yard extending from the rear-building facade to the rear lot line between the side yards or, on a corner lot, the street-side and side yards.
  - (c) *Side Yard*: A yard extending from the side-building facade along a side lot line between the front lot line and rear lot line. Also called an interior side yard.
  - (d) *Yard, Street-Side*: A yard extending from the building facade along a side street lot line between the front yard and rear lot line.

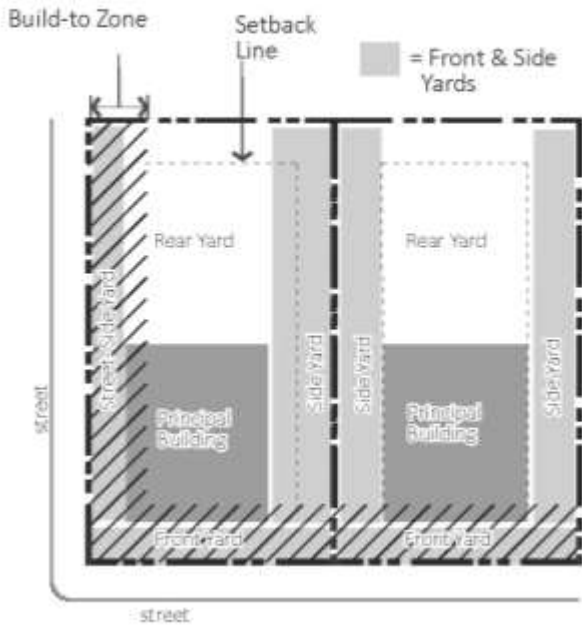


Figure 27-1800-2: Illustration of Yards

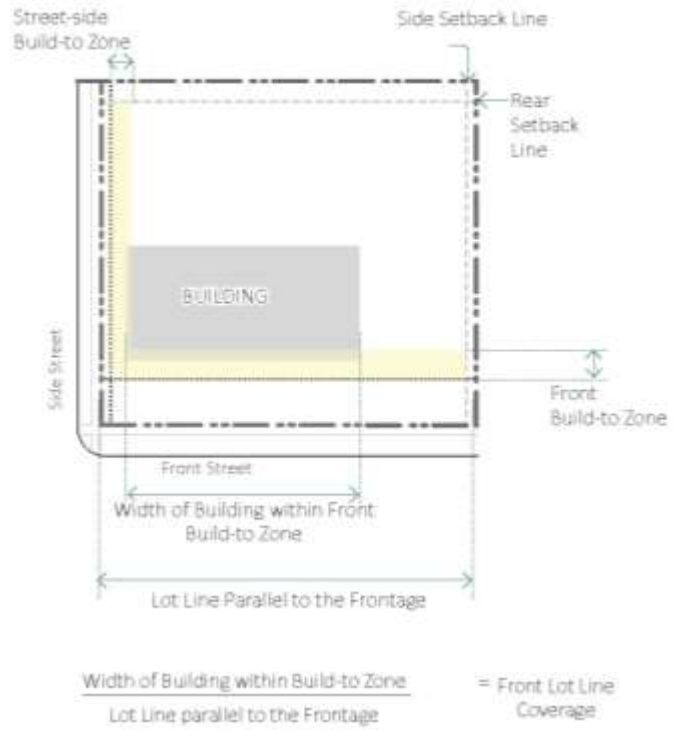


Figure 27-1800-4: Measuring Front Lot Line



Figure 27-1800-3: Illustration of Build-to Zones



Figure 27-1800-5: Measuring Building Height

**B. BUILDING AND PARKING SITING MEASUREMENTS AND TERMS****1. Building Coverage, Maximum**

The maximum percentage of a yard or lot permitted to be covered by building and any other structures with a roof.

**2. Build to Corner**

Buildings are required to be located within the intersection of the front and street-side build-to zones at street corners.

**3. Build-to Zones**

The build-to zone, when required, is designated separately for each street frontage, front and street-side, in the site and structure regulations table for each district.

(a) Definition: An area in which the front or street side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 27-1800-3.

(b) Measurement. The build-to zone for all frontages is measured from the lot line parallel to the frontage, unless otherwise stated in the building and site regulations. When additional streetscape area is required per the building and site regulations, the build-to zone is measured from the edge of the required streetscape onto the site.

(c) Height. The building located in the build-to zone must meet the minimum building heights. For example, if the minimum height of the building is two stories, then, at a minimum, the first two stories of the building from the ground up must be located within the build-to zone on the same vertical plane.

(d) Build-to Zone (BTZ) Averaging. The front setback average shall be calculated as follows:

(1) Measurement. The average of the front setbacks of the next two lots on each side of the lot on the same side of the street. If any applicable lots are vacant, the minimum front setback or build-to zone from the site and structure regulations of the district shall be used in the calculation.

(2) Corner Lots. For corner lots, the average of the front setbacks of the next two lots adjacent to the lot with the same street frontage as the lot in question. If any applicable lots are vacant, the minimum front build-to zone shall be used in the calculation.

**4. Front Lot Line Coverage, Minimum.**

(a) Definition. The minimum percentage of building facade along the front of a lot as designated in the site and structure regulations table for each district.

(b) Measurement. The width of the principal building, as measured within the build-to zone along the front lot line, is divided by the length of the frontage parallel to the front lot. Side yard and street-side yards are not included in the build-to zone area. Refer to Figure 27-1800-4. Minimum Front Lot Line Coverage.

(c) Courtyards. Where noted in the site and structure regulations for each district, courtyards, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum front lot line coverage. The courtyard must be treated with landscape, patio, or sidewalk; no vehicular access or motor vehicle parking area is permitted in any courtyard.

- (d) Parking and Driveways. Parking and driveways do not count towards the minimum front lot line coverage, unless otherwise stated.

**5. Setback**

- (a) Definition. That distance measured from the lot or property line to a supporting point(s) or wall(s) of a structure or building.
- (b) Encroachment or Projection. The distance any part of a structure extends beyond a building setback or a build-to zone. See Section 27-303 for a list of permitted encroachments in neighborhood districts.

**6. Occupied Building Space**

Interior building space regularly occupied by the building users; does not include storage areas, utility space, or parking.

**7. Separation Between Buildings**

Building separation is measured as the horizontal distance between buildings, measured along the shortest line that can be drawn between the exterior walls.

**8. Surface or Accessory Parking Yard Locations**

Surface parking lots and accessory parking structures or buildings are allowed in different yards per the site and structure regulations for each district. Limited parking for different yards is defined as follows:

- (a) Limited Side Yard Parking. Where allowed, limited side yard parking is one double-loaded aisle of surface parking, perpendicular to the front lot line, with a maximum paving width of 65 feet, located in the side yard of the lot.
- (b) Limited Front Yard Parking. Where allowed, limited front yard parking is one single-loaded aisle of surface parking, parallel to the front lot line, with a maximum paving depth of 40 feet, located in the front yard of the lot. The parking must be located on the building side of the drive and curbed sidewalk is required between the parking and the building.
- (c) Internal Parking Yard. Where multiple principal structures are located on a lot, the area between the buildings in the front portion of the lot and the buildings in the rear portion of the lot is referred to as the “internal yard” for the purposes of locating surface parking.

**C. BUILDING HEIGHT MEASUREMENTS AND TERMS**

**1. General Terms**

- (a) Grade (adjacent ground elevation): The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five feet distance from the wall. In cases where walls are parallel to and within 20 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.
- (b) Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
  - (1) Story, ground: Also referred to as ground floor. The first floor of a building that is a full story typically level to or elevated above the finished grade on the front and corner facades and excluding basements and half stories.

- (2) Story, half: An occupied story either in a visible basement of the building or an occupied story fully within the roof structure.
- (3) Story, upper: Also referred to as upper floor. The floors located above the ground story of a building.
- (c) Basement: If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered a story. Refer to Figure 27-1800-6.
- (d) Visible Basement. A basement that is between 3.5 feet and 6 feet exposed above adjacent finished grade along any street facade. Windows are required for visible basements on street facades. With more than 6 feet exposed, the space shall be considered a story per subsection (c), above.

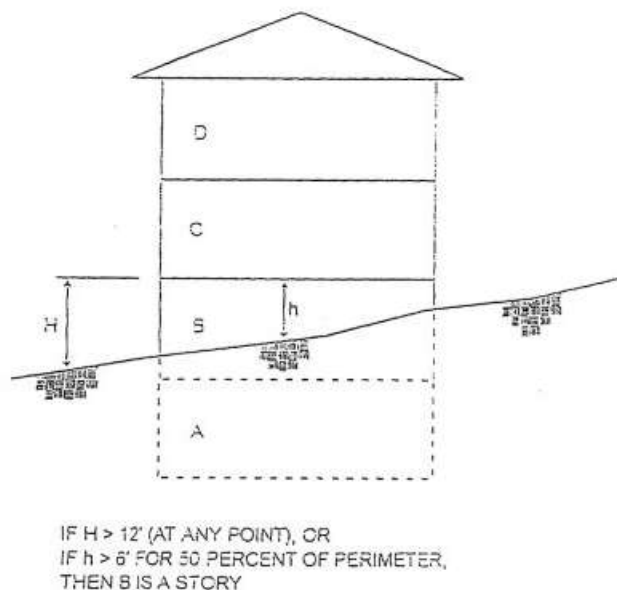


Figure 27-1800-6: Illustration of Basement

## 2. Overall Building Height

Refer to Figure 27-1800-5 Measuring Building Height in Stories and Stories with Floor-to-Floor Height.

- (a) Minimum Overall Height. Minimum heights require a minimum number of stories on the front facades of the building. The building must meet the minimum required height for the first 20 feet of occupied building space measured from the front facade into the building.
- (b) Maximum Overall Height. Maximum heights are specified in number of stories and/or a maximum dimension.
- (1) This requirement applies to the entire building.
- (2) Maximum overall height in feet is measured from grade vertically to the highest point of the structure, excluding any permissible height exceptions per this zoning code.

- (3) Towers. Where allowed, towers may exceed the overall maximum height per 27-1803.E. .
  - (c) Roof Types. Roof heights are measured per 27-1803.E and are additional to the allowable stories and floor-to-floor heights.
  - (d) Two Half Stories. A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.
- 3. Story Heights**
- Where defined in the site and structure regulations tables per district, stories are measured with a range of permitted floor-to-floor heights. Refer to Figure 27-1800-5. Measuring Stories with Floor-to-Floor Height.
- (a) Measurement. Story height is measured in feet between the subfloor of a story to the subfloor of the story above it. Minimum and maximum floor-to-floor heights are required to be met on floors along all front facades. See 27-1803.C.3(d), below, allowance for taller heights for such spaces as stairwells, mezzanines, and lobbies.
  - (b) Top Floor Measurement. For the uppermost story of a multiple story building, floor-to-floor height shall be one foot less than noted per site and structure regulations of the district and measured from the floor of the story to the ceiling, e.g. if the permitted floor-to-floor heights of an upper story range between 9 feet and 14 feet, the range for the topmost story of the building is 8 feet to 13 feet.
  - (c) Mezzanines. Mezzanines may be included within the floor-to-floor height of any story, included in the calculation of stories. Mezzanines occupying more than 30 percent of the floor area below and extending above the story's allowable floor-to-floor height shall count as an additional story.
  - (d) Taller Spaces. With the exception of stair and elevator spaces, spaces exceeding the allowable floor-to-floor heights of the building are not permitted on front facades. These spaces are unlimited on interior facades and non-front facades, but shall be counted as the number of stories that would fit within their height.

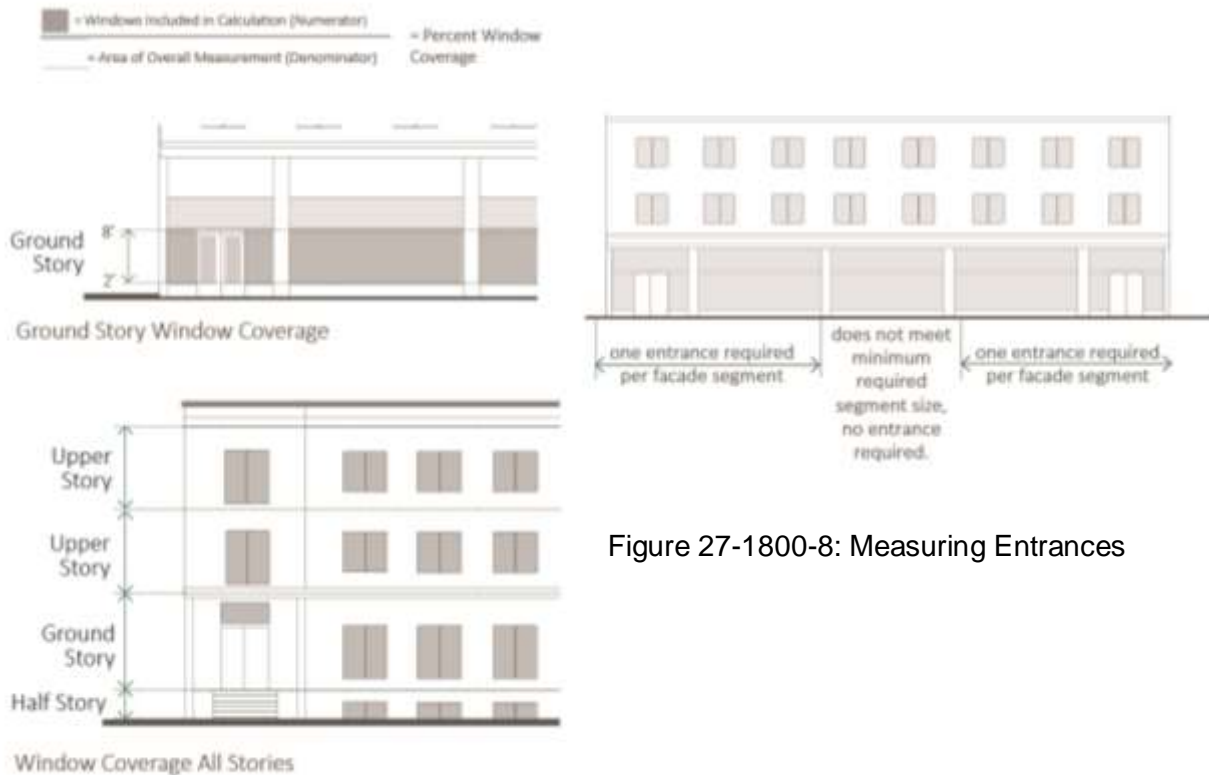


Figure 27-1800-8: Measuring Entrances

Figure 27-1800-7: Measuring Window Coverage

## D. WINDOWS AND DOOR MEASUREMENTS & TERMS

### 1. Window & Door Coverage

The site and structure regulations for each district may define a minimum amount of window and door coverage required for designated facades and stories.

- (a) **Measurement.** Minimum window and door coverage is measured from floor-to-floor of each story separately. Refer to Figure 27-1800-7. Measuring Window Coverage. Window and door coverage includes the area of any gross opening in the façade for a window or doors, but shall not include trim.
- (b) **Blank Wall Segments.** The building regulations designate facades where blank wall limitations apply. Blank wall limitations means no facade section more than 15-foot in width, measured horizontally, and more than 30 percent of any story shall be without windows.
  - (1) **Exception.** When a facade of any story is located within three feet of a parallel building facade, no minimum transparency is required for that story.
- (c) **Minimum Ground Story Window and Door Coverage.** When required separately by the site and structure regulations, ground story window and door coverage shall be measured between 2 feet and 8 feet from the average grade at the base of the facade. Minimum ground story window and door coverage supersedes the overall minimum window coverage required in the site and structure regulations.

- (d) Half Stories. For all mixed-use districts in 27-400, all half stories located within a roof structure or visible basements are required to meet the minimum window and door coverage.

**2. Doors**

Per the site and structure regulations of the districts, where a minimum number of required entrances must be spaced along a façade, the measurement shall be consistent with Figure 27-1800-8 Number of Required Entrances.

- (a) Principal Entrance. A principal entrance is a public entrance, where the general public, residents, visitors, or the like may enter the space, as opposed to a delivery or service entrance where the public is not permitted.
- (b) Entrances-per-Façade-Segment Measurement. When an entrance is required per an increment of façade segment, that façade segment increment must be met before an entrance is required. For example, one principal entrance per every 60 feet of façade means that a façade that is 230 feet in length requires only three entrances (one per each of three 60-foot façade segments, and none required for the remaining 50 feet of façade).



Example of a Parapet e



Parallel Pitched



Pitched Gable Roof

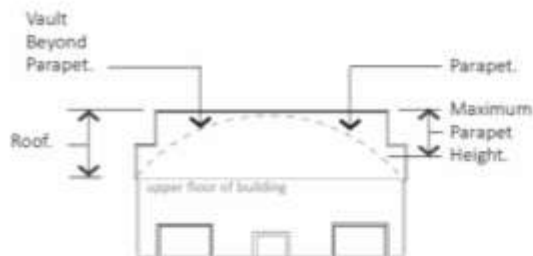
Examples of Pitched Roof



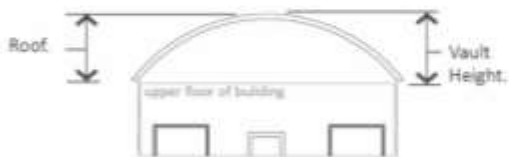
Example of a Flat Roof



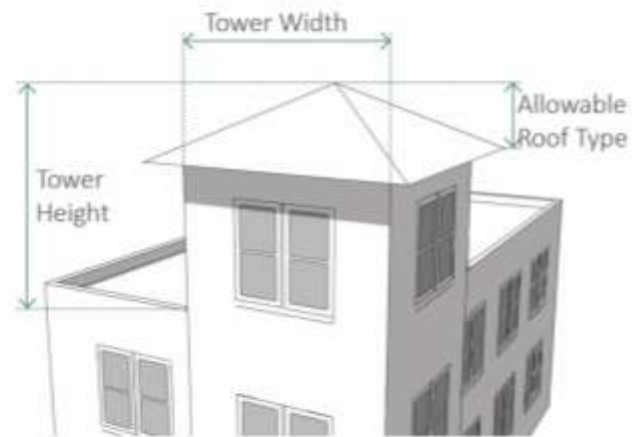
Low Pitched Roof (Hip Roof)



Barrel Roof with parapet.



Barrel Roof without parapet.



Example of a Tower

Figure 27-1800-9: Examples of Roof Types

**E. ROOF MEASUREMENTS AND TERMS**

As required by the site and structure regulations for each district, the major components of any roof shall meet one of the allowed roof types defined below. The roof type is required where the roof is visible from any street. Roofs for bay or bow windows, entrance canopies, and dormers are not required to meet a roof type.

**1. Parapet Roof**

A parapet is a low wall projecting above a building's roof along the perimeter of the building. Refer to Figure 27-1800-9 Example of a Parapet.

- (a) Parapet Height. Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet.
- (b) Occupied Building Space. Space within a parapet roof shall not be enclosed, occupied building space, but any open-air or canopied rooftop spaces are allowed.
- (c) Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located towards the rear or interior of the parapet roof. The parapet shall screen the mechanicals from the elevation of the sidewalk across the street.

**2. Flat Roof**

A flat roof is a visibly flat (may be sloped for drainage) roof with overhanging eaves on all street frontages. Refer to Figure 27-1800-9 Example of a Flat Roof.

- (a) Eaves. Eave depth is measured from the building facade to the outside edge of the eave and shall have a depth of at least 14 inches. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave and shall be a minimum of 6 inches.
- (b) Occupied Building Space. Space within or on a Flat Roof shall not be enclosed or occupied building space, but any open-air or canopied rooftop spaces are allowed.
- (c) Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located a minimum of 20 feet from any street façade and screened from the street per the director.

**3. Pitched Roof**

A sloped or pitched roof, where slope is measured with the vertical rise divided by the horizontal span or run. Refer to Figure 27-1800-9 Example of a Pitched Roof.

- (a) Pitch Measure. The roof may not be sloped less than a 3:12 (rise: run) or more than 14:12.
- (b) Configurations.
  - (1) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
  - (2) Butterfly (inverted gable roof) and shed roofs are permitted with a maximum height of 8 feet, inclusive of overhang.
  - (3) Gambrel and mansard roofs are permitted in the N districts. Minimum slopes apply to the topmost pitch of these roof types. Lower portions of these roof types must be sloped and not vertical. Space below these roofs counts as a full story.
- (c) Parallel Ridge Line. A gabled end or perpendicular ridgeline shall occur at least every 100 feet of roof when the ridgeline runs parallel to the primary frontage.

- (d) **Roof Height.** Roofs without occupied building space and/or dormers shall have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the upper story floor-to-floor height utilized on the building.
  - (e) **Occupied Building Space.** Space may be incorporated within this roof. See definition of half story.
  - (f) **Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances shall be recessed within the pitched roof with no visibility on any street.
4. **Barrel Roof**  
A barrel vaulted roof; may have a parapet on one or more facades. Refer to Figure 27-1800-8 Example of a Barrel Roof.
- (a) **Configuration.** The barrel vault of the roof shall run perpendicular to the front facade. Eaves may or may not be utilized.
  - (b) **Vault Height.** The vault height shall not exceed half the vault width.
  - (c) **Parapet.** When a parapet wall screens the vault from the street, the parapet shall not extend more than six feet above the barrel vault.
  - (d) **Occupied Space.** Space may be incorporated behind this roof. See definition of half story.
5. **Other Roof Types**  
Special roof designs otherwise not defined in this section may be approved through the Administrative Relief process per 27-1600 with the following requirements:
- (a) The roof shall not create additional occupied space beyond that permitted by the site and structure regulations.
  - (b) The scale and type of the roof shall be consistent with the character of city and the area within which it is located.
  - (c) The shape of the roof shall be different from those defined in this section 27-1803.E, such as a dome, spire, or vault, and not a gabled roof, hipped roof, butterfly roof, gambrel roof, mansard roof, roof with parapet, or flat roof.
6. **Towers**  
A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types.
- (a) **Quantity.** One tower is permitted per building in any N district. In all other districts, unless otherwise stated, a maximum of one tower is allowed within the first 30 feet of the front façade. Additional towers may be allowed with Administrative Relief per 27-1600.
  - (b) **Tower Height.** Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.
  - (c) **Tower Width.** Maximum width along all facades is one-third the width of the front facade or thirty feet, whichever is less.
  - (d) **Horizontal Expression Lines.** An expression line shall define the tower from the upper stories, except on single family or attached house residential Frontage Types (refer to BMCC Sec.27-904 for Frontage Types).
  - (e) **Occupied Space.** Towers may be occupied by the same uses allowed in upper stories of the Frontage Type to which it is applied.

- (f) Application. May be combined with all other Roof Types.
- (g) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof Roof Types, or a spire may cap the tower.

#### 7. Spire

A spire is a long, tapering design element that can be attached to a tower or other Roof Type.

- (a) Permitted Location. Spires are permitted only on civic and institutional buildings.
- (b) Spire Height. Spire height is not limited.
- (c) Spire Width. Maximum width, measured at the spire base is one-sixth (1/6) the width of the front facade or fifteen (15) feet, whichever is less. A wider spire base, proportionate in height, is subject to the approval the Zoning Coordinator.
- (d) Occupied Space. Occupied space is not permitted within the spire.
- (e) Application. May be combined with any other roof type.

### F. OTHER GENERAL STRUCTURE MEASUREMENTS & TERMS

*Antenna support structure height:* The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

*Gross floor area:* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

### G. USE AND PROPERTY SEPARATIONS MEASUREMENTS

#### 1. Separation Between Uses

- (a) Use separation is measured from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest property line occupied by a use from which the separation is to be effected or established.
- (b) Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest property line occupied by a use from which the separation is to be effected or established.

#### 2. Separation Between Properties

- (a) Property separation is measured as the horizontal distance between property lines, measured along the shortest line that can be drawn between the subject property lines.
- (b) Property separation along the street is measured as the horizontal distance between property lines, measured along the shortest route that follows the centerline of the street right-of-way between the nearest property lines of the subject properties.

### H. VISIBILITY AT INTERSECTIONS

#### 1. Definition of Clear Vision Area

- (a) Design. Where a clear vision area is required by this section, no fence, hedge, wall, shrub, structure, or vision impediment over 30 inches in height shall be located within the required clear vision triangle except:

- (1) Approved advertising signs, and public use controls and systems may be permitted in clear vision areas.
- (2) Trees with a maximum trunk diameter of one foot measured four feet above the ground line, provided they are trimmed of all branches between the ground line and eight feet in height.
- (b) Measurements and Exceptions. The following measurements shall apply unless provided otherwise in this section:
  - (1) The clear vision triangle shall be formed by the intersecting lines measured along the property lines.
  - (2) Height shall be measured above an established top-of-curb grade.
  - (3) Where there is a curve coming into the intersection or the street alignment near the intersection deviates by more than five degrees from tangent, the site may be subject to increased (additional) restrictions based on technical review by the city traffic engineer.

**2. Clear Vision Areas at Intersections Outside of CBD**

- (a) Controlled Intersections. On corner lots at intersections where one or more approaches are controlled by a stop sign, yield sign, or a traffic signal, a triangular clear vision area shall be provided as defined in Table 27-1802.1.

**Table 27-1802.1: Clear Vision Areas at Controlled Intersections**

Intersection Type	Clear Vision Area Required	Illustrated in Figure(s)
<b>Controlled [1]</b>		
Minor Street Stop [2,3]	Entering a Local Street—10' x 55' (along property lines)	2a
	Entering Collector Street—10' x 75' (along property lines)	
	Entering Arterial Street—10' x 95' (along property lines)	
All-Way Stop	20' x 20' along property lines	2b
Yield	25' x 60' along property lines	2c
Traffic Signal	Same as minor street stop looking toward approaching traffic in nearest travel lanes Same as all-way stop looking opposite direction	2d
<b>Notes</b>		

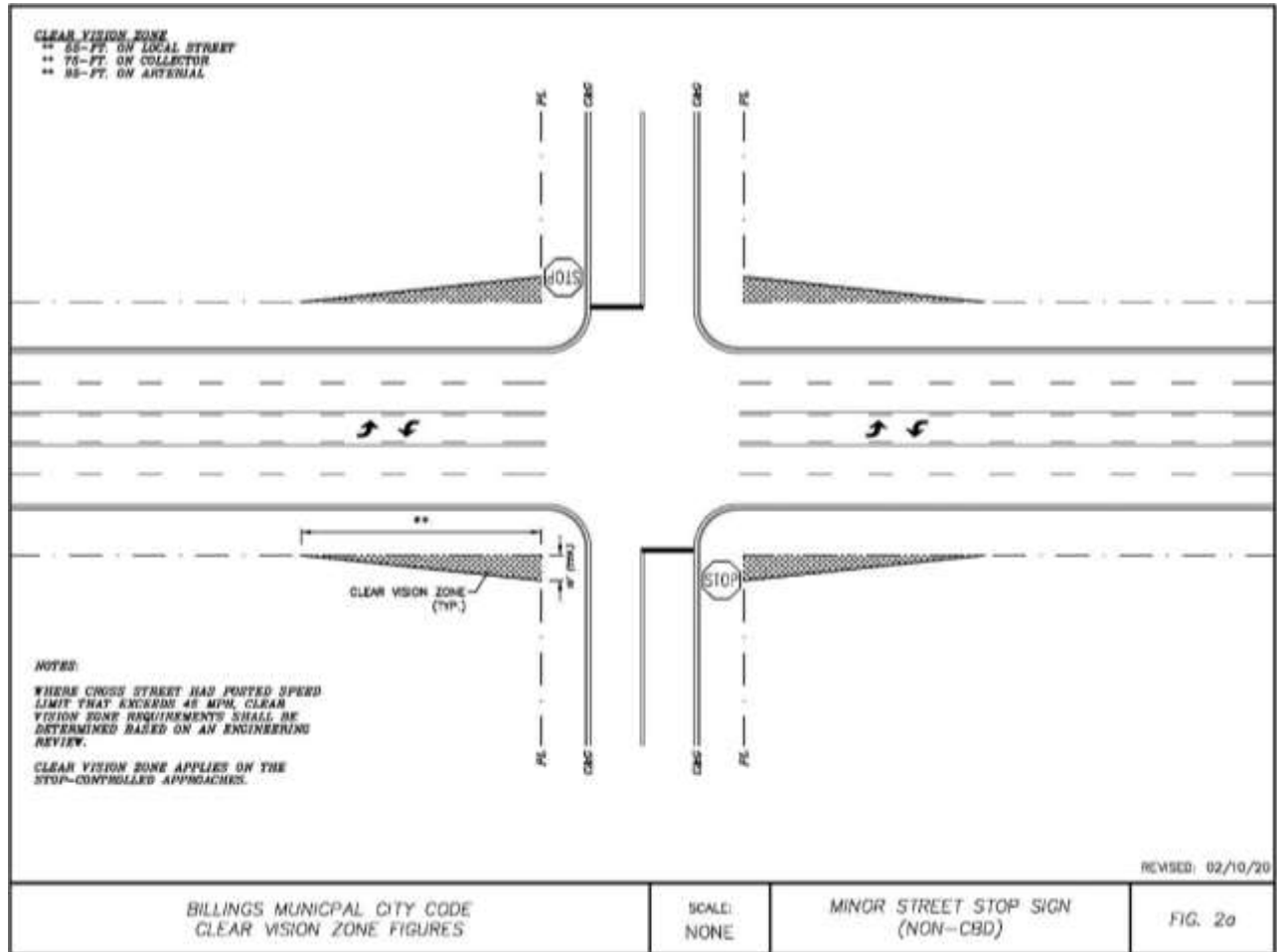
[1] Along private streets where there is no property line, controlled intersection areas shall be measured as though there is a property line 12 feet behind the curblines of the private street.

[2] For minor street stop (case 2a) entering a street with a posted speed limit greater than 45 mph, the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer.

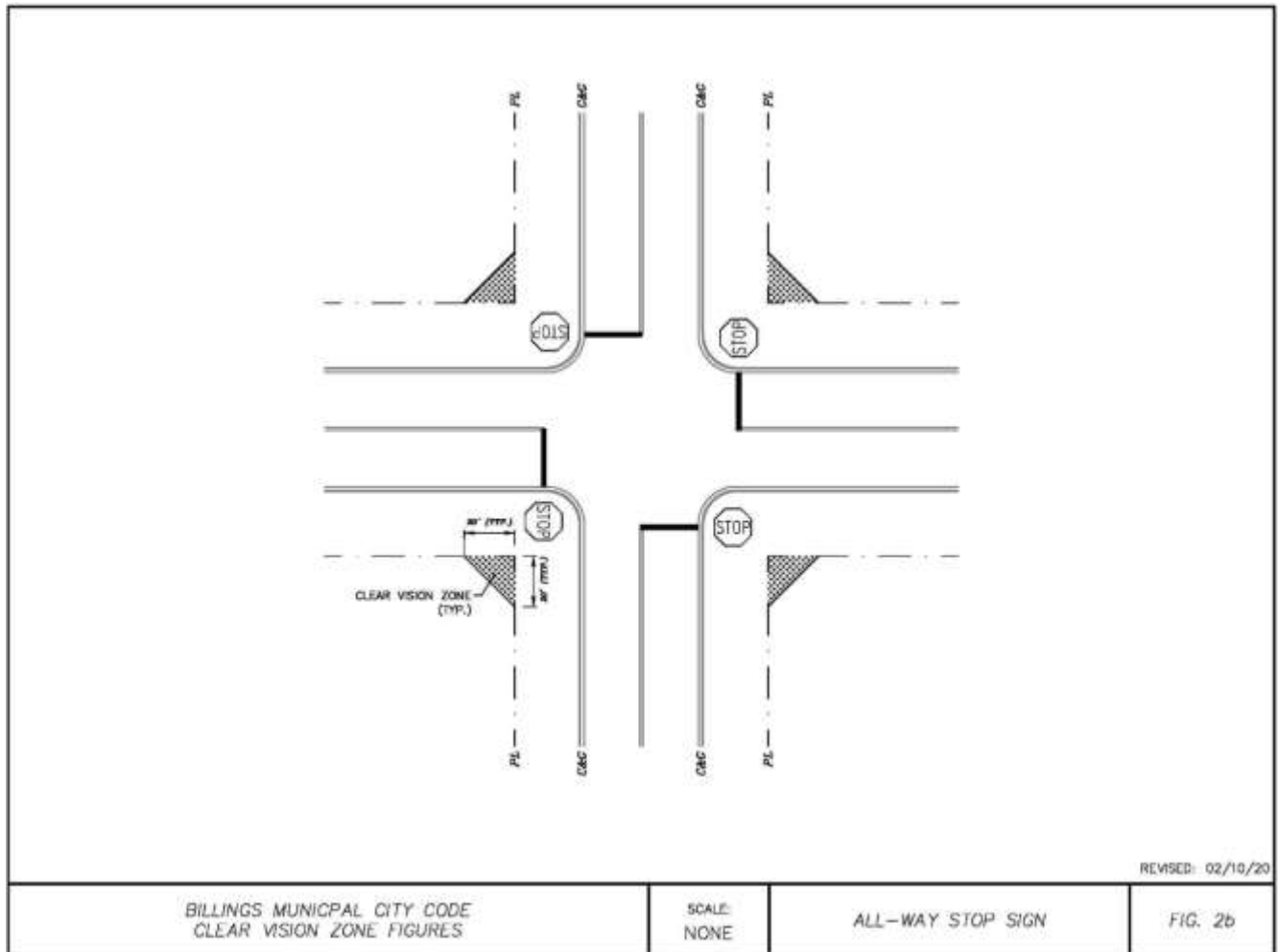
[3] Along arterial and collector streets where the "major" street curblines is more than 20 feet from the property line, the clear vision area may be reduced to that provided for a stop controlled local street intersection.

(b) Controlled intersection types and figures:

- (1) Minor Street Stop Control. Any intersection where one or more approaches is controlled by a stop sign. See Figure 2a

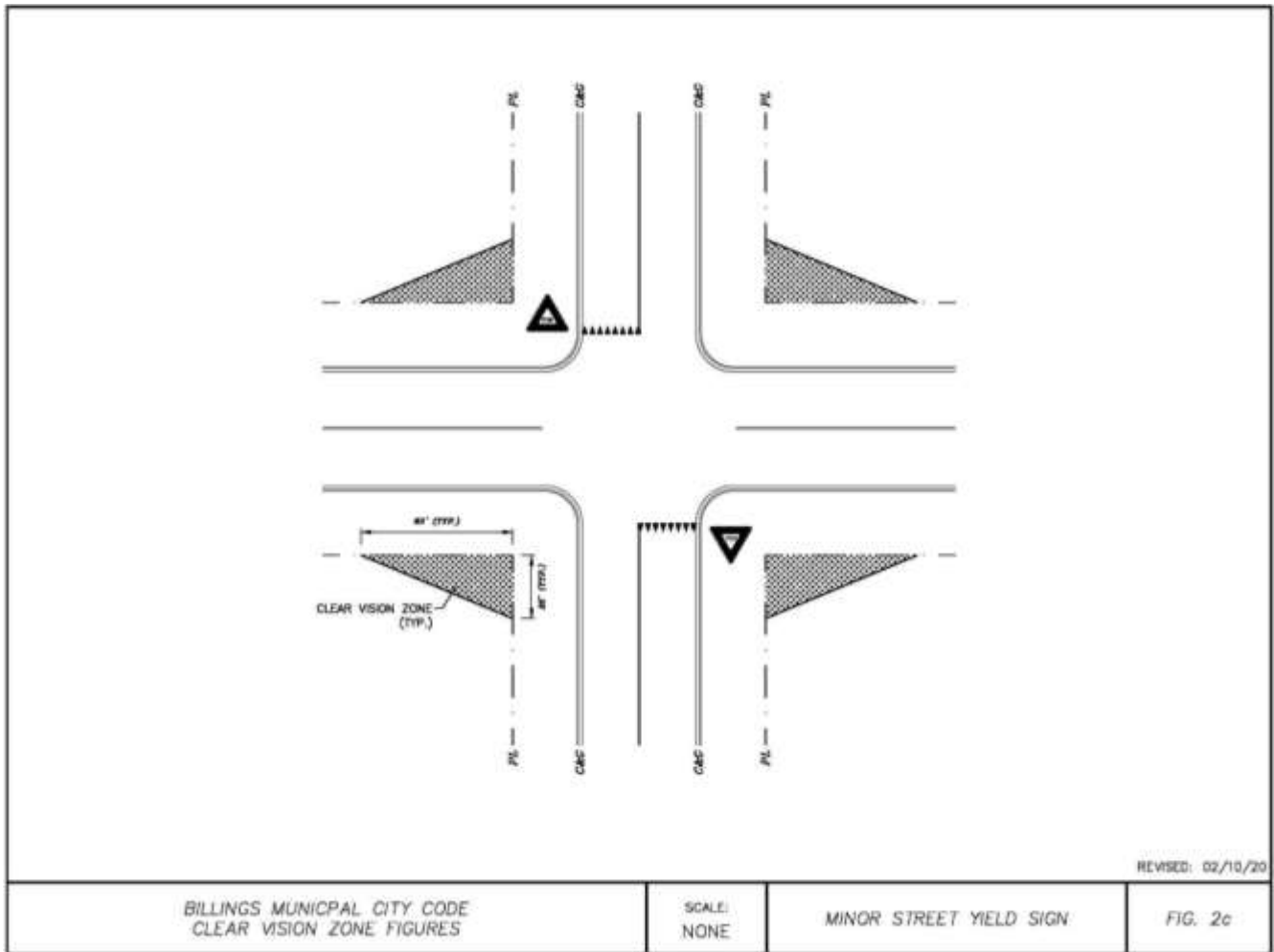


- (2) All Way Stop Control. Any intersection where all approaches are controlled by stop signs. See Figure 2b.



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- (3) Yield Control. Any intersection where one or more approaches is controlled by a yield sign. See Figure 2c.





### 3. Uncontrolled Intersections

On corner lots at the intersection of all streets not regulated by Section 27-1802.H.2, a triangular clear vision area shall be provided as defined in Table 27-1802.2.

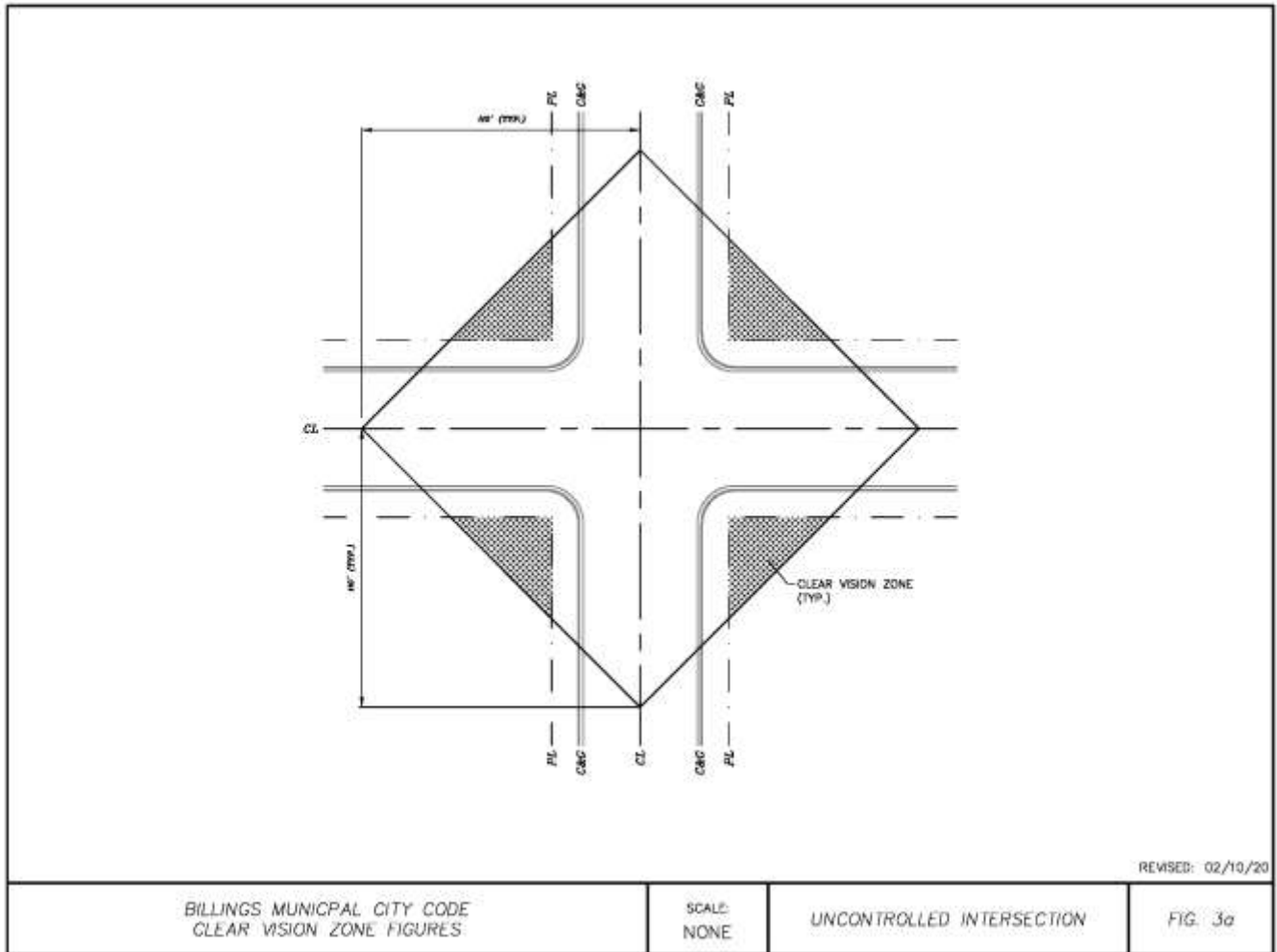
**Table 27-1802.2: Clear Vision Areas at Uncontrolled Intersections**

Intersection Type	Clear Vision Area Required	Illustrated in Figure(s)
<b>Uncontrolled (Open)</b>		
4-Legged	110' × 110' along street centerline	3a
2-legged	80' × 80' along street centerlines (extended)	3b
"T" intersection	25' along stem × 60' along top of "T" measured along property lines	3c
<b>Notes</b>		

- (a) The clear vision triangle shall be formed by the intersecting street centerlines and a straight line joining such intersecting lines at points measured back from the point where the centerlines or the extension of the centerlines intersect a distance as established in Table 27-1802.2.

(b) Uncontrolled intersection types and figures:

- (1) Uncontrolled 4-Legged Intersection. Any intersection where none of the approaches are controlled by a stop sign, yield sign or traffic signal. See Figure 3a.



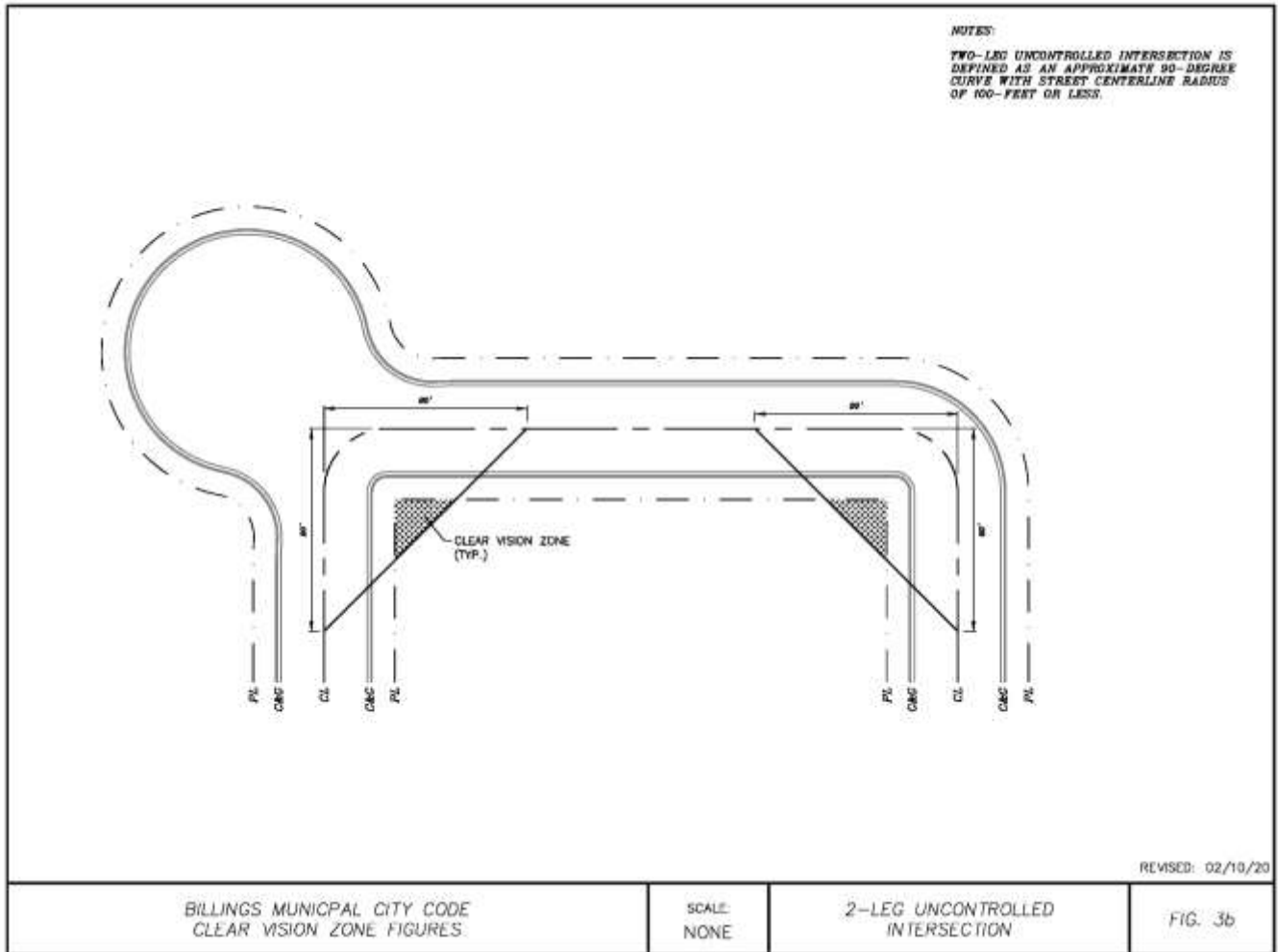
BILLINGS MUNICIPAL CITY CODE  
CLEAR VISION ZONE FIGURES

SCALE:  
NONE

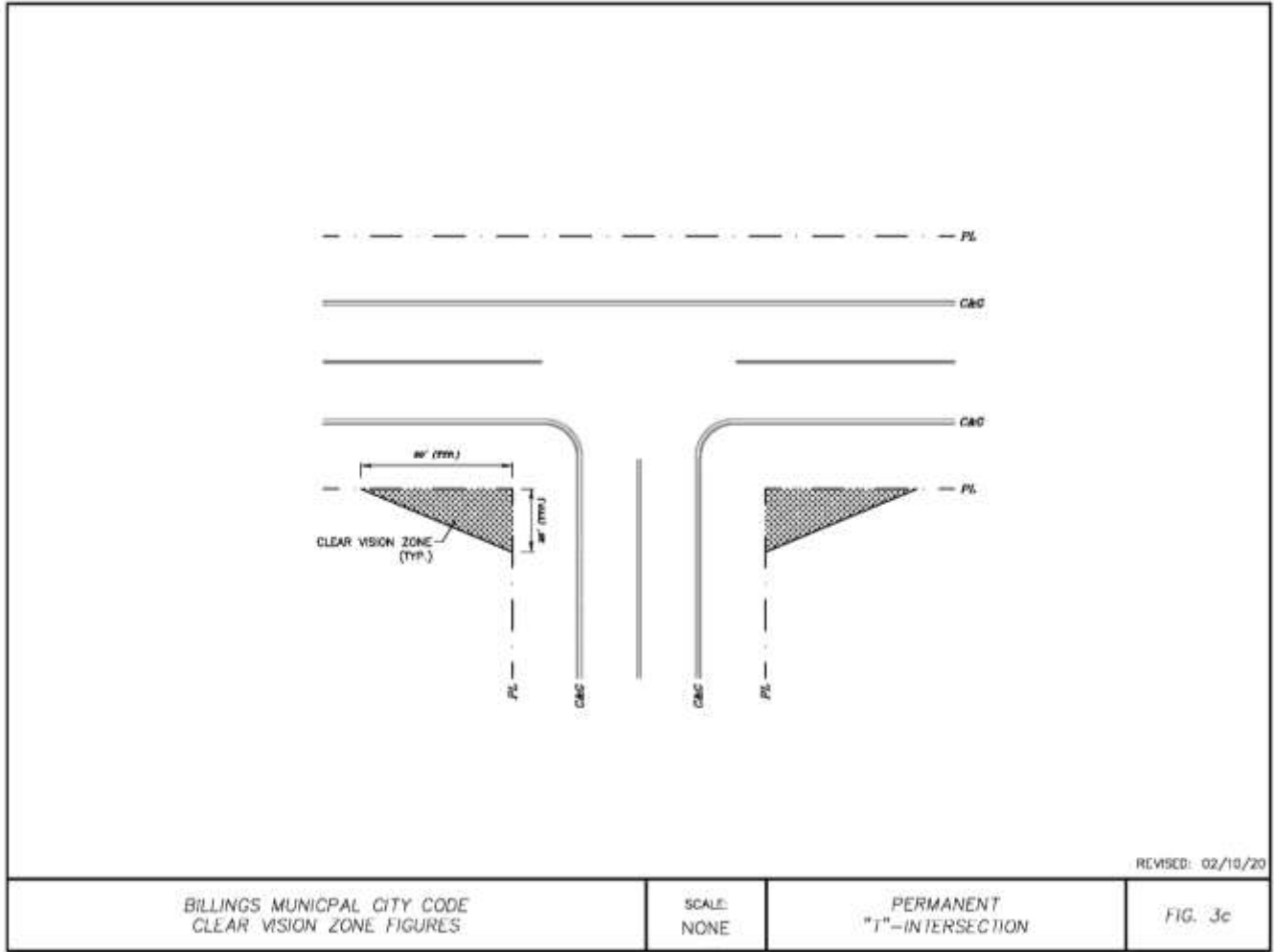
UNCONTROLLED INTERSECTION

FIG. 3a

- (2) Uncontrolled 2-Legged Intersection. Any intersection with a right angle curve with street centerline radius of 100 feet or less. See Figure 3b.



- (3) Uncontrolled "T" Intersection. See Figure 3c. Only applies to "permanent" T-intersections where there is no chance of the street extending through. Intersections where the property along the top of the "T" is not subdivided or is split into lots significantly larger than the majority of lots in the subdivision, or where there is a private street extending into the adjacent property opposite the stem of the "T" will be treated as a four-legged intersection.



4. Clear Vision Area at Driveways and Alley Approaches Outside of CBD

- (a) At the intersection of any alley or any driveway and a public street outside of the central business district, the illustrated clear vision area shall be maintained as defined in Table 27-1802.3.
- (b) If no sidewalk exists, all measurements shall be made from and along the property line.

**Table 27-1802.3: Clear Vision Areas at Driveways and Alleys Outside of CBD**

Clear Vision Area for:	Clear Vision Area Required	Illustrated in Figure(s)
Vehicular Traffic	Entering local street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 175 feet along the curb line or the extension of the curb line on the cross street.	1a
	Entering collector street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 250 feet along the curb line or the extension of the curb line on the cross street.	
	Entering arterial street —Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 315 feet along the curb line or the extension of the curb line on the cross street. [1]	
	For driveways entering a street with a posted speed limit greater than 45 mph, the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer.	
Pedestrian Traffic	Triangle 10 feet from back of walk into property measured along the edge of the drive, and 20 feet along the back of sidewalk measured from the edge of the driveway.	1a
<b>Notes</b>		

[1] For commercial driveways the point of reference for "centerline" shall be the actual marked centerline separating inbound and outbound traffic when there are two or more exit lanes.



5. Central Business District

- (a) Intersections
- (b) On corner lots at intersections within the central business district a triangular clear vision area as defined in Table 27-1802.4.

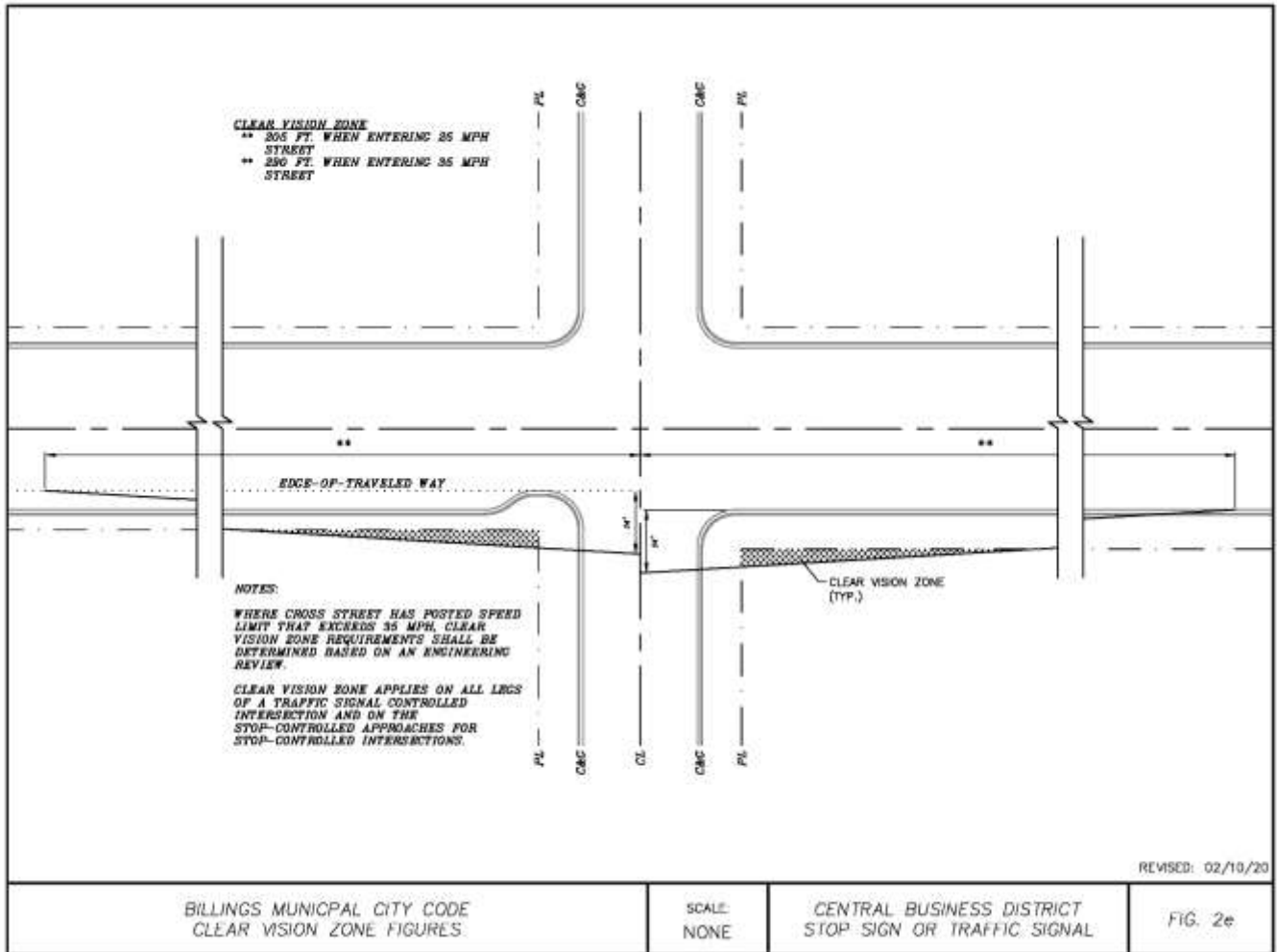
**Table 27-1802.4: CBD Clear Vision Areas at Intersections**

Intersection Type	Clear Vision Area Required	Illustrated in Figure(s)
Stop Sign or Traffic Signal	Entering 25 mph Street—Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 205 feet along the curblines or the extension of the curb on the cross street	2e
	Entering 35 mph Street—Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 290 feet along the curblines or the extension of the curb on the cross street	
	Entering street with speed limit above 35 mph—the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer	
Yield	The required clear vision area will be based on a site specific engineering review subject to approval by the city traffic engineer	None
Uncontrolled/Open	The required clear vision area will be based on a site specific engineering review subject to approval by the city traffic engineer	none
<b>Notes</b>		

- (c) In cases where the clear vision area at intersections extends two feet or less on to private property, the city engineer is authorized to review and may waive the clear vision area.

(d) Intersection Types

- (1) Stop Sign or Traffic Signal. Any intersection within the central business district where traffic is controlled by stop signs or traffic signals See Figure 2e.



- (2) Yield Controlled. Any intersection where one or more approaches is controlled by a yield sign.
- (3) Uncontrolled. Any intersection where none of the approaches are controlled by a stop sign, yield sign or traffic signal.

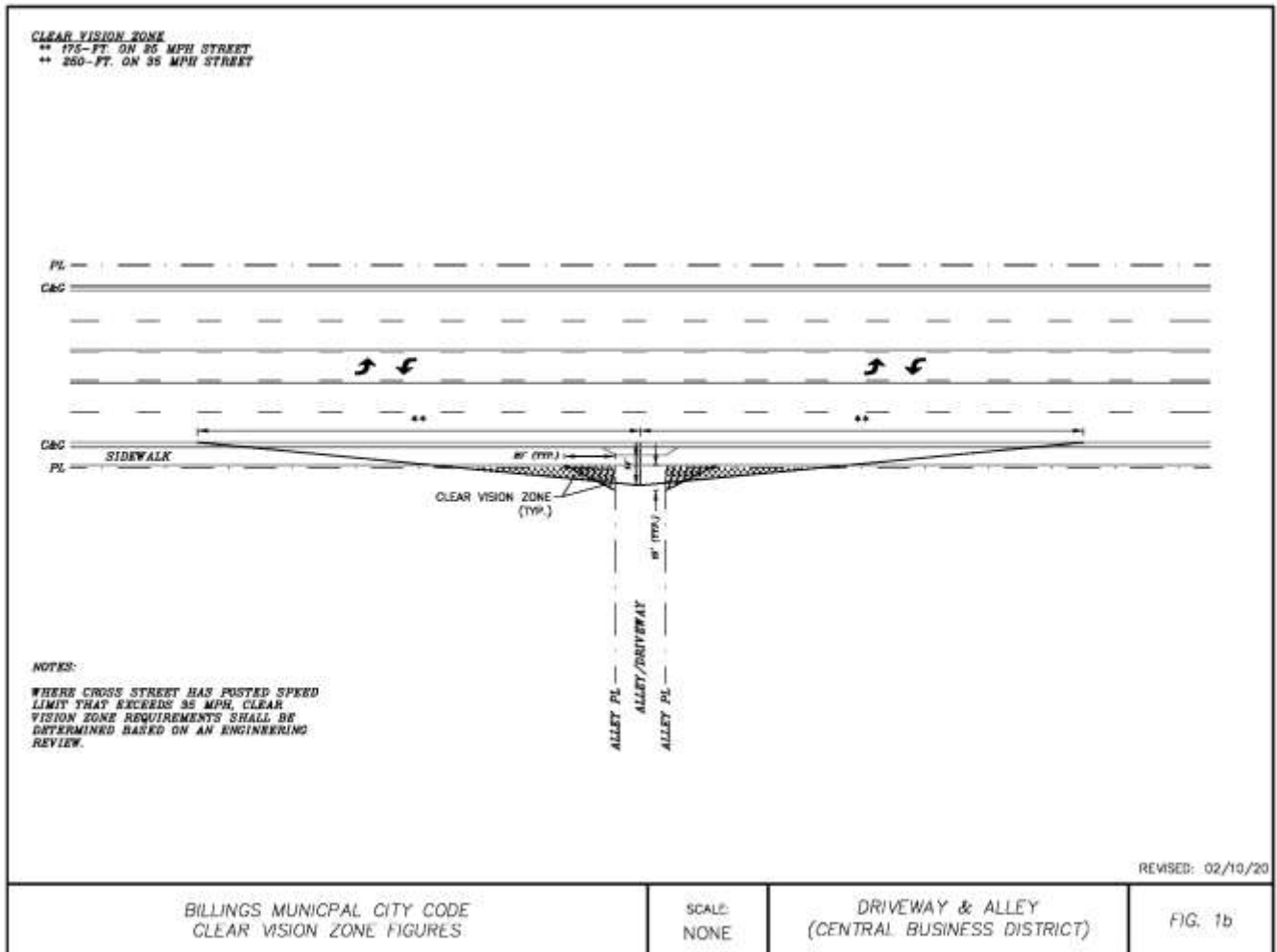
6. Driveway or Alley

- (a) On the street side of all lots within the central business district where an alley or driveway enters the street right-of-way, a vehicular and pedestrian clear vision area shall be maintained as defined in Table 27-1802.5.
- (b) The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the central business district.

Table 27-1802.5: CBD Clear Vision Areas at Driveways and Alleys

Clear Vision Area for:	Clear Vision Area Required	Illustrated in Figure(s)
Vehicular Traffic	Entering 25 mph Street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 175 feet along the curbline or the extension of the curbline on the cross street	1b
	Entering 35 mph Street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 250 feet along the curbline or the extension of the curbline on the cross street	
	Entering street with speed limit above 35 mph—the required clear vision area will be based on an engineering review subject to approval by the city traffic engineer	
Pedestrian Traffic	The clear vision area is defined by a triangle 10 feet along edge of alley or driveway and 20 feet along back of sidewalk	1b
<b>Notes</b>		

(c) Clear vision area figure:





## SECTION 27-1803 DEFINITIONS

## A. A TERMS

*AM:* Amplitude-modulated broadcasting in the frequency band 535-1, 705 Kilohertz.

*Abandoned antenna support structures:* Any antennae or antenna support structures that are not used for the provision of wireless communications services for a continuous period of six months shall be considered abandoned.

*Abandoned Sign:* A sign that meets the criteria for abandonment in Section 27-1411.

*Abut (or Abutting):* To touch or share a contiguous boundary or border.

*Adjacent:* Lying near or in the immediate vicinity, e.g. across a street or alley, or diagonally across from.

*Access Point Sign:* A sign located at a motor vehicle access point to a property.

*Accessory:* A use, building or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage.

*Attached accessory structure:* Any structure or building which has any roof or wall in common with the principal structure. For purposes of zoning, an attached accessory structure is considered part of the principal structure.

*Detached accessory structure:* Any structure or building which does not have any roof or wall in common with any principal structure or building. For purposes of zoning, a detached accessory structure must maintain a minimum distance of six feet from any other building or structure.

*Accessory dwelling unit:* A residential unit that is located on the same lot as a primary residential dwelling unit, either internal to or attached to the primary residential dwelling unit or in a detached structure.

*Accessory Equipment (Wireless Communication Facilities):* Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

*Adult day care center:* An adult day care center is a facility that provides the staff assistance to clients that each requires for activities of daily living, including but not limited to eating, walking, and grooming in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Adult foster family care home:* See Community residential facilities.

*Adult Entertainment Terms:*

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult bookstore or adult video store means a commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

Adult cabaret means a commercial establishment that regularly features:

Persons who appear nude or in a state of nudity or semi-nudity; or

Live performances that are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities;

Adult motel means a hotel, motel, or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis on the depiction or description or "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Religious assembly means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

City means the City of Billings, Montana.

Establishment means and includes any of the following:

The opening or commencement of any sexually oriented business as a new business;

The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

The additions of any sexually oriented business to any other existing sexually oriented business;  
or

The relocation of any sexually oriented business.

Nudity or a state of nudity means:

The appearance of a human bare buttock, anus, genitals, areola or nipple of the female breast,  
or

A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region, or areola or nipple of the female breast.

Sexually oriented business means an adult arcade, adult bookstore, adult cabaret, adult video store, adult motel, or adult motion picture theater.

Specified anatomical area means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, whether actual or simulated, including: intercourse, oral copulation, or sodomy;

Masturbation, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subsections a. through c.

Transfer of ownership or control of sexually oriented business means and includes any of the following:

The sale, lease, or sublease of the business;

The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*Agricultural use:* The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agriculture use shall not include commercial greenhouses and those lands that are used for recreational purposes, suburban residential acreages, rural home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition. This definition shall include equipment and/or facilities necessary to prepare agricultural products for transport to market but shall not include equipment and/or facilities for the processing of a raw agricultural product into a value-added agricultural product.

*Air transportation courier and freight services:* facilities for handling freight, with or without storage and maintenance facilities.

*Alterations:* A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

*Alternative financial services:* The use of a site for the provision of alternative financial services such as vehicle title loans, check cashing, payday advance/payday loan, or money transfer as defined below. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

*Check cashing business.* An establishment that provides one or more of the following:

- a. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
- b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

*Payday advance/loan business.* An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

*Money transfer business.* An establishment that transfers funds for a fee.

*Vehicle title loan business.* An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

*Amateur radio antenna:* A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, 49 CFR § 97 and as designated by the Federal Communications Commission (FCC).

*Amateur radio antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennae. The term includes the structure and any support thereto.

*Ambient light monitor:* A device that is attached to an electronic message display that measures on a continuous basis the brightness of light surrounding the sign. The monitor is connected to the system that controls the brightness of the electronic message display. The brightness is then automatically adjusted based on the measured ambient light.

*Amusement, indoor:* Uses that provide commercial recreation or amusement indoors (except adult entertainment), including but not limited to: bowling alleys and poolrooms; indoor sports arenas, movie theaters and live theaters; indoor skating rinks (ice or roller); video arcades; and shooting arcades

*Amusement, outdoor:* Uses that provide commercial recreation or amusement outdoors (except adult entertainment), including but not limited to: drive-in movie theater; amusement park or theme park; fairgrounds; miniature golf establishments; golf driving ranges; water slides; and batting cages.

*Antenna (Wireless Communication Facilities):* Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as, but not limited to, panels antennas, reflecting discs, microwaves dishes, and satellite dishes, and omni-directional antennae, such as whip antennae, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals, but not including satellite earth stations.

*Animated display sign:* A sign that employs the illusion of motion or light and/or color changes achieved through electronic means. Video display is not included in the activities that create animation.

*Apartment house:* See Dwelling, multiple-family.

*Applicant:* A person who formally requests action pursuant to this Zoning Code. Where the term applicant is used, the applicant's legal agent is also included. For the purposes of wireless communication facilities, applicant means any person that submits an application to the City to site, install, construct, collocate, modify, and/or operate a wireless communications facility.

*Arboretum/botanic gardens/zoo:* a group of uses that provide educational and cultural services to the public as part of their scientific collection and study of the subject that is the purpose of the establishment.

*Area of sign:* The total dimensions of a sign surface used to display information, copy, and/or symbols. See Section 27-1405 for sign measurement regulations.

*Assembly:* A room or place such as a ballroom, auditorium, party room, gaming room, or convention hall that is intended or used to accommodate people in a group and is further divided into the following types:

*Civic:* A building or structure, or group of buildings or structures, that by design and construction are primarily intended for the conducting of organized meetings, or other activities and accessory uses associated therewith, for non-commercial purposes.

*Entertainment and Trade:* A building or portion thereof used for groups of people to gather for an event, or regularly scheduled program. General assembly uses include arenas, auditoriums, banquet facilities, conference and reception centers, concert halls and theaters.

*Religious:* A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other childcare services are not accessory uses and shall require approval as separate principal uses.

*Attached sign:* A sign that is attached or affixed to a building, including awning signs, canopy signs, marquee signs, projecting signs, roof signs, wall signs, and window signs.

*Auction house:* An establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

*Automobile or vehicle salvage or wrecking yard:* The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a salvage or wrecking yard.

*Awning:* A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

*Awning sign:* Any sign that is a part of or attached to any awning.

**B. B TERMS**

*Banner sign:* Any sign made of cloth, paper, or fabric of any kind that is attached any structure, staff, pole, rope, wire, or framing that is anchored on two or more edges or at all four corners. Banners are temporary signs that are used to attract attention, whether or not imprinted with words or characters. Banners do not include flags.

*Bars, taverns:* An establishment where alcoholic beverages are served on the premises and where the total sales of alcohol exceeds the total sales of food.

*Base Station (Wireless Communication Facilities):* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station does include, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City and has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City does not support or house equipment described in paragraphs 1 and 2 above.

*Beacon:* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

*Bed and breakfast inn:* means a private, owner- or manager-occupied residence that is used as a private residence but in which: (a) breakfast is served and is included in the charge for a guest room; and (b) the number of daily guests served does not exceed 18.

*Billboard sign:* A freestanding pole sign with a sign area of 70 square feet or larger that typically advertises products or services not sold or distributed on the premises on which the sign is located.

*Board:* The Board of Adjustment of the City of Billings.

*Boarding, animal:* The feeding, housing, and exercising of animals not owned by the owner of the property and for which the property owner may receive compensation.

*Boarding or lodging house:* Buildings in which separate sleeping rooms are rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility. Boarding houses shall not be construed to mean rest homes or convalescent homes. This definition shall also exclude "Bed and Breakfast Inns".

*Boat sales area:* See Vehicle sales area.

*Broadcast antenna:* A ground-, building- or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:

- (a) Title 47, PART 90 (47 CFR § 90)—Private Land Mobile Radio Services;
- (b) Title 47, PART 73 (47 CFR § 73) Radio Broadcast Services, which includes AM, FM, and Television Services; and
- (c) Title 47, PART 74 (47 CFR § 74) Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services.

*Broadcast antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. In this section, the term applies to land mobile radio service and broadcast radio and television transmission antenna support structures. The term includes the structure and any support thereto.

*Broadcast antenna or tower farm:* A tract of land that contains three (3) or more broadcast or land mobile radio service antenna support structures, any two (2) are spaced no more than seven hundred fifty (750) linear feet of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings and any additions thereto.

*Broadcast facilities:* An unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure and one (1) or more antennae. This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.

*Broadcasting stations or studios:* A building or portion of a building used as a place to create radio, television, or other electronic media programming. A broadcasting studio may contain studios, stages, editing facilities, post-production facilities, and equipment for program distribution via satellite, wire, or fiber optic cable. A broadcasting station or studio does not include a tower.

*Building:* Any structure having a roof, but excluding all forms of vehicles or shipping containers even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this chapter requires that a use shall be within an entirely enclosed building then the term "building" means one so designed and constructed from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

*Building, principal:* The primary building(s) on a lot that accommodates the principal use(s) to which the premises are devoted.

*Bufferyard:* A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

*Bulletin board sign:* A sign composed of a cork, letter board, white board, or comparable surface that is within a secured, weather-resistant enclosure and is used for the display of temporary messages.

*Bus or taxi maintenance and parking shed:* a facility where buses, taxis, and similar modes of transportation are stored and maintained.

*Business service:* Services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

### C. C TERMS

*Cabinet sign:* Sign composed of a frame or external structure with a box-like design that encloses a sign face and other functional elements of the sign, including electrical components.

*Caliper:* A standard for trunk measurement of plant nursery stock.

*Campground, public and private:* Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, travel trailers, recreational vehicles, and other camping outfits.

*Camouflage, Concealment, or Camouflage Design Techniques (Wireless Communication Facilities):* The designing of a WCF to alter its appearance in such a manner as to substantially integrate it into surrounding building designs and/or natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A wireless communication facility utilizes camouflage design techniques when it: (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a utility tower, or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

*Canopy:* An attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material. Permanent, freestanding canopies such as service station canopies are referred to as structural canopies for the purposes of sign regulation.

*Canopy sign:* Any sign that is a part of or attached to a canopy.

*Canopy tree:* A species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

*Carport:* A structure to house or to protect motor vehicles owned or operated by the occupants of the main building and is open on at least one side.

*Car wash:* A building or area that provides facilities for washing and cleaning motor vehicles, excluding semi-tractors and/or semi-trailers, which may use production line methods with a conveyor, blower, other mechanical devices, or hand labor in the cleaning of the vehicle.

*Card game table:* A live card game table as defined in MCA Section 23-5-112.

*Casino:* An establishment where legal gambling is authorized pursuant to MCA Title 23, Chapter 5, Part 1 et seq., either in the form of gambling machines (video poker, keno, etc.), card games or other licensed gambling activity. A casino may have beverage and restaurant facilities as accessory uses. Casinos are classified as follows:

*Accessory Limited:* 1 to 3 gaming machines and one table game located in the structure or on the site.

*Accessory Small:* 4 to 9 gaming machines and one table game located in the structure or on the site.

*Primary/Large:* 10 or more gaming machines and/or more than one table game located in the structure or on the site.

*Cemetery/Crematorium:* A facility or area used or intended to be used for the burial of the dead, including crematories, mausoleums, and mortuaries when operated in conjunction with, and within the boundaries of such cemetery.

*Changeable copy sign:* A sign whose informational content can be manually changed or altered.

*Channel letter:* a three-dimensional letter than may include a light source.

*Chemical dependency facility:* A facility whose function is the treatment, rehabilitation, and prevention of the use of any chemical substance, including alcohol, that creates behavioral or health problems and endangers the health, interpersonal relationships, or economic function of an individual or the public health, welfare, or safety in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Cidery:* A place where alcoholic cider is manufactured, stored, and sold.

*Clearance:* the distance from the bottom of an elevated sign face and the grade below.

*Co-location (Wireless Communication Facilities):* The mounting or installation of transmission equipment on an existing tower or base station; provided that for eligible facilities requests, “co-location” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.

*Commercial speech:* Expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

*Commercial wireless communications services (Wireless Communication Facilities):* Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

*Community garden:* An area managed and maintained by a group of individuals to grow and harvest food crops, or non-food crops, for personal or group consumption, for donation, or for sale that is incidental in nature

*Community group home:* See Community residential facilities.

*Community residential facilities:* Residential occupancy by persons other than a household in any of the following organizations:

*Adult foster family care home:* A private home licensed by the Montana Department of Public Health and Human Services owned by one or more persons 18 years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four.

*Community group home:* A family-oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.

*Halfway house:* A place operated in accordance with the regulations of the Montana Department of Public Health and Human Services for the rehabilitation of alcohol or drug dependent persons.

*Youth foster home:* A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to one to six foster children or youths, other than the foster parents' own children, stepchildren or wards.

*Youth group home:* A youth care facility licensed by the Montana Department of Public Health and Human Services in which substitute care is provided to seven to 12 children or youth.

*Assisted living facility:* An assisted living facility licensed by the Montana Department of Public Health and Human Services in a congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services for persons 18 years old or older.

*Condominium:* Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.

*Coniferous:* A plant with foliage that persists and remains green year-round.

*Consumer maintenance and repair:* A use category that includes uses that provide the repair and maintenance of a wide variety of consumer products.

*Convenience store:* A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Kwik-Way" chains. These stores may also include pumps and/or storage tanks from which fuels are dispensed at retail. No servicing, maintenance or repair work shall be conducted on the business premises. This definition shall exclude truck stops.

*Copy:* The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

*Copy Change:* The replacement or alteration of any portion of a sign that includes copy. This includes any change that alters the script, size, color, or arrangement of copy on a sign face or replacement of a sign face. This does not include any change to manual changeable copy or changes on EMD signs.

*Correctional Facility:* A facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave.

*Courtyard:* An outdoor area enclosed by a building or buildings on at least three sides for at least 75 percent of the length of each side, and open to the sky.

*Craft Alcohol:* The production of small batches of wine, hard cider, beer, or distilled alcoholic beverage as licensed by Montana law.

*Cutoff:* The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

*Cutoff angle:* The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

*Cutoff-type luminaire:* A luminaire with elements such as shields reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

## D. D TERMS

*Dangerous sign:* A sign constituting a hazard to public safety because it no longer complies with some or all requirements of the building code or electrical code.

*Day care:* (or "child care") means care for children provided by an adult, other than a parent of the children or other person living with the children as a parent, on a regular or irregular basis, as applicable, for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours. The term does not include a place where day care is provided if a parent of a child for whom day care is provided remains on the premises.

*Day care facility:* A person, association, or place, incorporated or unincorporated, that provides day care on a regular basis or a place licensed or registered to provide day care on an irregular basis or for children suffering from illness. The term includes a family day-care home, a day-care center, a group day-care home, or a facility providing care in a child's home for the purpose of meeting registration requirements for the receipt of payments. The term does not include: (a) a person who limits care to children who are related to the person by blood or marriage or under the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive payments; or (b) any group facility established chiefly for educational purposes that limits its services to children who are 3 years of age or older.

*Day-care center:* An out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis and which is licensed by the Montana Department of Public Health and Human Services.

*Family day-care home:* A private residence in which day care is provided to three to six children on a regular basis. Such day care home shall be licensed by the Montana Department of Public Health and Human Services.

*Group day-care home:* A private residence or other structure in which day care is provided to 7 to 12 children on a regular basis and which is licensed by the Montana Department of Public Health and Human Services.

*School-age care:* An adult-supervised program that is provided for school-age children during non-school hours.

*Deciduous:* A plant with foliage that is shed annually.

*Director:* The Director of Planning & Community Services and his or her designee.

*Distributed Antenna System (Wireless Communication Facilities):* A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

*Drive-in service:* A use whose character is dependent on a driveway approach, a drive-through and/or parking space for motor vehicles to either serve customers while in the vehicle or permit consumption of food or beverages in a vehicle obtained on the premises.

*Dripline:* A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Drive-through (thru):* The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a service station.

*Drought avoidance:* The ability of a plant, once established, to withstand drought without showing signs of stress.

*Drought tolerance:* The ability of a plant, once established, to withstand drought without dying.

*Duplex:* See Dwelling, two-unit.

*Dwelling:* A building designed exclusively for residential purposes, including single-unit, two-unit, and multiple-unit dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, tourist homes, or travel trailers and/or vehicles.

*Dwelling, attached:* A structure where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway.

*Dwelling, detached:* A dwelling that is free of any shared walls and stands alone

*Dwelling, single-unit:* A building constructed and designed for one dwelling unit.

*Dwelling, two-unit (duplex):* A building constructed and designed for two attached dwelling units,

*Dwelling, multiple-unit:* A building constructed and designed for three or more dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway, excluding common hallways.

*Dwelling unit:* One or more rooms designed for or occupied exclusively by one household.

## E. E TERMS

*Eave.* The edge of a pitched or flat roof; it typically overhangs beyond the side of a building.

*Educational Facility:* A use category for public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools that provide educational instruction to students.

*Electric vehicle charging station:* An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle, and is classified based on the following levels:

Level 1 is considered slow charging, and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.

Level 2 is considered medium charging, and operated on a forty to one hundred amp breaker on a two hundred forty volt AC circuit.

Level 3 is considered fast or rapid charging, and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level three stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

*Electronic message display (EMD):* A sign with a display surface composed of light-emitting diodes (LEDs) or similar light sources that is capable of displaying varying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

*Eligible Support Structure (Wireless Communication Facilities):* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

*Enclosed structure:* A building that protects the contents thereof from the elements, including sight-obscuring walls on all sides and a roof.

*Equipment enclosure (Wireless Communication Facilities):* A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

*Existing (Wireless Communication Facilities):* For purpose of wireless communication facilities and as applied to a tower or base station, existing means and refers to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the City, or under another State, county or local regulatory review process.

*Expression line.* Specific to the EBURD, an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically utilized to delineate the top or bottom of floors or stories of a building.

## F. F TERMS

*FAA:* Federal Aviation Administration

*FCC:* Federal Communications Commission

*Facade.* The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements. The front facade is any building face adjacent to the front lot line.

*Family day care home:* See Child care facilities.

*Farm stand:* A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of agricultural products.

*Fence:* A barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space to separate parcels of land. This term also includes a masonry wall.

*Financial institution:* Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

*Flag:* A flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

*Flashing sign:* An electronic message display, portion thereof, or non-EMD lighting that changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern. Neon and incandescent lamps may flash in the following ways.

1. Alternating: One section comes on as another goes off.
2. Scintillating: Random sections go on and off with part of the lighting on at all times.
3. Chasing: One section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
4. Sweeping (filling): The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.

5. On-off action: Lighting that goes all on and then all off.

*Flutter flags:* A piece of cloth or other similar material, varying in size, color, and design, that is attached to a flexible pole or staff, and may be in the shape of a vertically-oriented rectangle, teardrop, or similar, where typically the cloth or material is supported by wire to maintain the shape of the flag. Also called wind blade, blade, feather, or teardrop flags.

*Fraternity/sorority house:* A dwelling or dwelling unit occupied by and maintained exclusively for fraternity or sorority members, their guests or visitors and affiliated with and acknowledged as a fraternity/sorority house by an academic or professional college or university or other recognized institution of higher learning.

*Freestanding sign:* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including monument and pole signs.

*Fuel sales:* A facility engaged in the storage, distribution, and retail sales of vehicle fuels for personal vehicles, fleet vehicles, and/or trucks.

*Funeral home:* A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in the preparation of the deceased for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies; (d) the storage of funeral vehicles, and(e) facilities for cremation.

## G. G TERMS

*Gambling device:* See MCA Section 23-5-112: A mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

*Gambling:* See MCA Section 23-5-112: Risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise. The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1. The term does not include social card games of bridge, cribbage, hearts, pinochle, pitch, rummy, solo, and whist played solely for prizes of minimal value, as defined by Montana Gambling Control Division rule.

*Garage, residential:* An accessory building or an accessory portion of the main building, enclosed on more than three sides and designed or primarily used only for the shelter or storage of vehicles owned and operated by the occupants of the buildings.

*Ghost signs:* A sign painted on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility, most commonly located on masonry facades and served as advertising of the business within or as a leased area to other businesses.

*Golf course:* A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, golf schools, driving ranges, and accessory uses such as restaurants/bars, pro shops, and related facilities.

*Government offices and buildings:* An office of a governmental agency that provides administrative and/or direct services to the public, including but not limited to, employment offices, public assistance offices, motor vehicle licensing, and registration services.

*Government sign:* Any temporary or permanent sign erected and maintained by the city, county, state, or federal government.

*Grain elevator:* A building for elevating, storing, discharging, and sometimes processing grain.

*Greenhouse:* A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

*Ground cover:* Material planted or placed directly on the horizontal area of a lot at grade to completely open ground. Ground cover is specified as either organic or inorganic landscaping material.

*Ground level (signs):* the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and property line or, when the property line is more than five feet from the sign, between the sign and a line five feet from the sign.

*Group day care home:* See Child care facilities.

## H. H TERMS

*Halfway house:* See Community residential facilities.

*Hazard (sign):* Whenever any portion, support structure, or appurtenance of a sign is likely to fail or to become detached, dislodge, or collapse.

*Heliport:* Any facility whose primary purpose is for the landing or taking-off of helicopters. This would include any accessory uses or structures related to the principal use as a heliport, such as maintenance and overhaul, fueling, service, storage, tie-down areas and hangars.

*Hobby farm:* A small holding or farm maintained without expectation of profit or as a primary source of income. For purposes of these regulations, this definition shall exclude residential structures.

*Home occupation:* An occupation carried on by an occupant of a dwelling, which is located in a residential zoning district, as an accessory and incidental activity to the main residential use of the building.

*Hospice:* A facility where palliative and supportive care are provided to meet the needs of a terminally ill patient and the patient's family according to the requirements of the Montana Department of Public Health and Human Services.

*Hospital* A facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals. Except as otherwise provided by law, services provided must include medical personnel available to provide emergency care onsite 24 hours a day and may include any other service allowed by state licensing authority. A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days a week, and provides 24-hour nursing care by licensed registered nurses. The term includes: (i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients; and (ii) specialty hospitals.

*Hotel:* A building, or portion thereof, designed or used for temporary lodging, being less than 30 days, where lodging with or without meals is provided for compensation. A central dining room, banquet meeting hall, kitchen, plus accessory shops and services catering to the general public can be provided.

Household:

1. A family, including any foster children, plus any number of unrelated persons living together in a single, not-for-profit housekeeping unit sharing one common kitchen facility; or

2. One or more persons occupying a dwelling unit as a single housekeeping unit, subject to a limit of not more than two adult persons per bedroom; or
3. Any group of individuals and caretakers recognized as a household by Montana law.

#### I. I TERMS

*Impervious site coverage (EBURD only).* The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

*Individual business:* One business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership. See also Tenant.

*Industrial sales and service:* A use category of firms that are engaged in the sale, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar users perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

*Inflatable sign:* A sign that is constructed from or attached to an envelope flexible material that is given shape and / or movement by inflation. The phrase inflatable sign does not include balloons that are less than 18 inches in all dimensions. Inflatable signs do not include hot air balloons used for air travel.

*Inoperable vehicle:* Any vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes or any vehicle not having current license plates lawfully affixed thereto.

*Interstate corridor:* The area of the city which is within 660 feet of the nearest edge of the right-of-way of a designated interstate highway and which area is not in a neighborhood residential zone or used for residential purposes.

*Invasive Species:* An alien (non-naturalized) species whose introduction does or is likely to cause economic or environmental harm or harm to human health and which tends to disrupt natural ecosystems by displacing naturalized species.

*Irrigation system:* An artificial watering system designed to transport and distribute water to plants.

#### J. J TERMS

*Junk:* Any worn out cast off or discarded article or material that is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to, old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

*Junkyard:* An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed or handled, which are not intended to be recycled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

#### K. K TERMS

*Kennel, commercial:* Any lot, building, structure or premises where more than two dogs or cats over the age of six months, other than those owned by the kennel owner are kept or maintained for boarding, training, breeding or selling, exclusive of medical care or for quarantine purposes in excess of 24 hours. Female dogs bred for the sole purpose of the sale of puppies for profit, and female dogs numbering more than three constitute a Commercial Kennel.

*Kennel, noncommercial:* A kennel at, in, or adjoining a private residence where more than two dogs or cats are kept for the hobby of the householder in using them in shows or obedience trials, personal pleasure or for the guarding or protecting of the householder's property. The occasional raising of a litter of puppies or kittens at the kennel and the occasional sale of puppies or kittens by the keeper of a noncommercial kennel should in no way change the character of the residential property.

#### L. L TERMS

*Land mobile radio service (LMRS):* A mobile service between base stations and land mobile stations or between land mobile stations as defined in Title 47, PART 90 (47 CFR § 90)—Private Land Mobile Radio Services.

*Landscape architect:* A person who holds a license to practice landscape architecture in the State of Montana.

*Landscaping:* To change the natural features of a plot of ground by combination of organic and inorganic elements, as further described in sections 27-1201, et seq.

*Landscaping material, inorganic:* Material such as rock, stone, flower tubs, fountains, outdoor plazas or other amenities.

*Landscaping material, organic:* Any material that is or is derived from living plants, such as trees, shrubs, vines, turf, and flowerbeds, bark chips, or mulch.

*Livestock and fowl:* Livestock shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. Fowl shall include chickens, geese, ducks, turkeys and other poultry.

*Long-term care facility:* a facility or part of a facility that provides skilled nursing care, residential care, intermediate nursing care, or intermediate developmental disability care to a total of two or more individuals or that provides personal care in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Long-Term Tenant:* A person who occupies land or property rented from a property owner for 30 days or longer.

*Luminaire:* A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

#### M. M TERMS

*Maintenance (sign):* The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign. Replacement of a static sign with an EMD is considered a sign change that requires a permit.

*Manufactured home:* (See MCA 15-1-101(m)) A home built on a non-removable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufactured Home Construction and Safety Standards (HUD Code). A manufactured home does not include a mobile home or house-trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. Manufactured homes are classified as Type 1, homes that were certified on or after January 1, 1990; and Type 2, homes that were certified prior to January 1, 1990.

*Manufactured home park:* A residential use in which more than one manufactured home is located on a single lot. This term does not include a parcel composed of individually platted lots, each lot of which is filed with the Yellowstone County clerk and recorder, which contain only one manufactured home per lot.

*Manufacturing:* Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

*Artisan:* Spaces used by artists for the creation of art or the practice of their artistic endeavors.

*Limited:* The creation of a unique or customized product, such as hats, boots, or knives, in fulfillment of a customer order.

*Light:* An establishment engaged in fabrication, assembly, processing, or manufacturing that generally do not create significant impacts on surrounding areas.

*Heavy:* An establishment engaged in fabrication, assembly, processing, or manufacturing that have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors.

*Marquee:* A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a façade of a building.

*Marquee sign:* A sign attached to a marquee.

*Mechanical motion sign:* Signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced mean.

*Medical Structures:* Any structure on a P3 Medical Campus that is used for the provision or support of healthcare services and/or patient care including, but not limited to, a hospital, clinic, medical building, emergency room, trauma center, urgent care facility, surgery center, dialysis or infusion center, medical research center, home oxygen service, pharmacy and any parking associated with and/or used by the occupants of or visitors to those structures. All other structures on a P3 Medical Campus and their associated parking are considered non-medical.

*Mental health center:* A facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients, the rehabilitation of mentally ill individuals, or any combination of these services in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Merchandise:* All items of movable personal property offered for sale to the public for which no title is required to be registered with or issued by the state.

*Message hold time:* The time interval a static message must remain on an electronic message display sign before transitioning to another message.

*Micro Cell Facility (Wireless Communication Facilities):* A small wireless facility that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, that is no more than eleven inches in length.

*Microbrewery (craft brewery, brew pub):* A facility for the production and packaging of up to 10,000 barrels a year of malt beverages of alcoholic content for on or off premises distribution, retail or wholesale in conformance with Montana State law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as growlers, T-shirts, and hats.

*Microdistillery:* A facility for the limited production of distilled spirits, making up to 25,000 gallons per year, for on or off premises distribution, retail, or wholesale in conformance with Montana State law. The facilities typically include a tasting room and may include accessory food preparation and sales, as well as sales of promotional merchandise such as T-shirts and hats.

*Micro-irrigation:* The frequent application of small quantities of water directly on or beneath the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the lateral water delivery pipes. Micro-irrigation includes drip, subsurface, bubbler, and spray irrigation and may be referred to as trickle irrigation, low volume, or low flow irrigation.

*Mobile home:* (See MCA 15-1-101(o)) Forms of housing known as "trailers", "house-trailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house-trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

*Modular home:* (See ARM 42.4.201(14)) A home built in a factory setting in units, transported to the home site, placed on a permanent foundation, and joined. Modular homes are required to meet the Building Code adopted by the State of Montana.

*Monopole (Wireless Communication Facilities):* A single, freestanding pole-type structure supporting one or more antennas.

*Monument sign:* A sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass. A multitenant monument sign is a monument sign permitted for a property with three or more tenants, as identified by individual tenant addresses.

*Motor vehicle:* A two or more wheeled or track vehicle designed to transport one or more persons or properties from one location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

*Moving billboard sign:* A sign attached in any way to a vehicle operating in the public right-of-way, that is used for the primary purpose of advertising, and where the vehicle is either: (1) not used primarily for the transportation of passengers for hire or goods, or (2) is not designed for the transportation of passengers for hire or goods.

*Multiple businesses (signs):* Businesses that may be located in a single building or in multiple buildings on a single site.

*Multi-unit developments:*

- (1) Condominium, townhome, townhouse or commercial development projects that include common, private facilities shared by two or more buildings or lots.
- (2) Residential developments that have more than two dwelling units and include common, private facilities shared by two or more buildings or lots.

## N. N TERMS

*Native plant:* Plant species occurring naturally and native to a given ecosystem or plant community that is suited to the soil, topography, hydrology, and wildfire risk of a particular site.

*Naturalized plant:* A plant species that has become established in an area where it is not native.

*Neighborhood watch sign:* A sign obtained through the local law enforcement agency as part of a neighborhood watch program.

*New Wireless Communication Facility:* The establishment of a telecommunications facility on a tower, building or other support structure where no such facility presently exists.

## **O. 0 TERMS**

*Occupied:* Includes the words intended, designated or arranged to be occupied.

*Occupied space:* Interior building space occupied by the building users. It does not include storage areas, utility space, or parking.

*Off-premises sign:* A sign or billboard that is used or intended for use to advertise, identify, direct or attract the attention of the public to a business, institution, product, organization, event or location offered or existing elsewhere than upon the same lot, tract or parcel of land where such sign or billboard is displayed.

*Office, business and professional:* A category of establishments in which services are performed involving administrative, professional, business, or clerical operations. This use includes contractors and others who perform services off-site only if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on the site.

*On-premises sign:* means any sign identifying or advertising a business, activity, goods, products or services located on the premises where the sign is installed and maintained.

*On-vehicle sign:* Any magnetic sign(s), signs painted or wrapped on, adhesive vinyl film affixed to a window, or sign attached by other temporary or permanent means to a vehicle, where the vehicle is owned by the business, is operable and properly licensed, and the vehicle is regularly and consistently used in the normal daily conduct of the business, such as delivering or transporting goods or providing services related to the business.

*Open storage:* The storage for a period of five consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

*Outdoor sales lot:* Use of land for retail product sales where the majority of the goods are stored or displayed outside during both business and non-business hours. Outdoor sales lots include automobile and truck sales and rental; boat and recreational vehicle sales and rental; and manufactured home dealerships.

*Outpatient center for surgical services:* A clinic, infirmary, or other institution or organization that is specifically designed and operated to provide surgical services to patients not requiring hospitalization and that may include recovery care beds in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Over the Air Receiving Device:* An antenna used to receive video programming from direct broadcast satellites, broadband radio services and television broadcast stations, but shall not include antennas used for AM/FM radio, amateur (“ham”) radio, CB radio, digital audio radio services or antennas used as part of a hub to relay signals among multiple locations.

*Owner:* A person recorded as such on official records and including duly authorized agent.

*Owner-occupied:* For the purposes of short-term rentals, a residence that is lived in by the owner or a long-term tenant for the majority of a calendar year.

## P. P TERMS

*Parcel:* A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

*Passenger terminal:* Premises used for the boarding or discharge of people being transported.

*Pedestrianway:* A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

*Pennant:* A piece of fabric, plastic or other flexible medium that may be in the shape of a triangle, rectangle or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity and spaced along the cord or rope.

*Permanent sign:* A sign constructed of materials that are weather resistant for multiple years without significant deterioration from exposure to the elements or wear and tear.

*Permanent tree protection devices:* Structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root system throughout its lifetime.

*Personal service:* A use category for establishments providing non-medical services to individuals as a primary use.

*Pervious surface:* Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

*Parking, commercial:* A use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

*Personal self-service storage:* Real property designed and used for the purpose of renting or leasing individual storage space to tenants with access to such spaces for the purpose of storing and removing personal property.

*Pole-Mounted Small Cell Wireless Facility:* A small cell facility with antenna that are mounted and supported on an alternative tower structure, which includes a replacement pole.

*Pole sign:* A sign that is supported by one or more uprights, poles, or braces affixed to the ground, and not attached to a building or structure.

*Portable sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*Premises:* An area of land with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*Primary public entrance:* An entrance to a business that is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

*Principal building:*

1. A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings. A campus may also have more than one principal building or principal use. Campuses may include buildings or uses that would be principal if located off-campus, but which are accessory to the principal use of the campus.

2. The building in a multi-unit multifamily development located at the main access to the complex or where the office functions are provided for the complex.

*Principal building entrance:* A street-level primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

*Principal use:* The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

*Private:* In reference to a building, structure, utility, facility or use, "private" means owned by someone other than a unit of government, or an agency of a government, unless the context clearly indicates that "private" is being used in the broader sense of something not available to the general populace.

*Projected light sign:* Any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the premises.

*Projecting sign:* A sign, other than a flat wall sign, that is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Projecting signs include architectural blade signs.

*Proposed Facilities Modification (Wireless Communication Facilities):* A proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act (minor modification), and involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

*Public:* In reference to a building, structure, utility, facility, or use, "public" means owned and/or operated by a unit of government or an agency of a unit of government, unless the context clearly indicates that "public" is being used in the broader sense of something available to the general populace.

*Public recreation facility:* Facilities or equipment that are used for public recreational or natural resource purposes that have a relatively low flood damage potential, and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths, benches, ball fields, tennis and basketball courts, interpretive facilities, and golf courses.

*Public right-of-way width:* The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the city engineer.

## Q. Q TERMS

[Reserved]

## R. R TERMS

*Radio Frequency Emissions Letter (Wireless Communication Facilities):* A letter from the applicant certifying all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

*Ranch:* A ranch is an area of land that usually serves as a place to raise grazing livestock including sheep, cattle, and lesser-known livestock such as ostrich, elk, American bison, or emu.

*Recreational vehicle:* A motor home, travel trailer, or camper, all as defined in MCA 61-1-101.

*Recreational vehicle park:* Any area or tract of land designed or used that contains two or more spaces that are available for rent to the general public for parking or placement of temporary recreational vehicles. This term does not include a parcel composed of individually platted lots.

*Recycling processing facility:* A facility that is not a junkyard and in which recoverable resources, such as newspaper, glassware and metal cans are collected, stored, flattened, crushed or bundled. This term does not include automobile or vehicle salvage or wrecking yards.

*Re-facing:* Any alteration to the face of a sign involving the replacement of materials. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.

*Replacement Pole (Wireless Communication Facilities):* An alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or micro cell facility or to accommodate collocation and replaces a pre-existing pole or structure.

*Research and testing laboratory:* A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

*Residential treatment facility:* A facility operated for the primary purpose of providing residential psychiatric care to individuals under 21 years of age in accordance with the requirements of the Montana Department of Public Health and Human Services.

*Residential care facility:* An adult day-care center, an adult foster care home, an assisted living facility, or a retirement home.

*Restaurant:* An establishment where food and drinks are available to the general public, primarily for consumption within a structure on the premises where the total sales of food and non-alcoholic beverages exceeds the total sales of alcoholic beverages.

*Retail sales:* A use category for businesses involved in the sale, lease, or rental of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for on-site sale.

*Agricultural retail:* Retail outlets that sell farm, ranch, and agricultural supplies but may include other merchandise.

*General retail:* An establishment engaged in the sale of good to the public at retail and that have the potential to create impacts on surrounding residential areas due to the scale of the building, hours of operations, volumes of automobile or truck traffic, or other factors.

*Large-format retail:* A physically large retail store that is typically part of a retail chain. A large-format store is characterized by a large amount of floor space (generally more than 50,000 square feet) and a wide array of items available for sale, either as general merchandise or in a specialty category such as books or consumer electronics,

*Limited retail:* An establishment engaged in the retail sales of convenience goods and other goods serving the day to day needs of the immediate neighborhood within one half (1/2) mile of the site, and not including major purchase items, and that generally do not create significant impacts on surrounding residential areas due to the small size of the establishment and more limited automobile and/or truck traffic.

*Retirement home or village:* A building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence.

*Required sign:* A sign that is required by an applicable building code (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act (“OSHA”)) or other laws or regulations, whether such sign is temporary or permanent.

*Right-of-way:* A strip of land dedicated or acquired for use as a public way, or that is acquired through an easement.

*Rider (sign):* A subordinate sign panel that is attached to a swing sign, either above the horizontal member or below the principal sign face. To illustrate, but without limiting the range of messages that a rider may convey, if the swing sign is used to advertise a property as “for sale,” a rider is often used to convey a related message such as “contract pending.”

*Roof sign:* A sign erected, constructed and maintained upon, or connected to any roof of any building with the principal support on the roof structure. This definition excludes architectural blade signs.

1. Roof sign, above-peak: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
2. Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

*Runoff:* Water or liquid that is not absorbed by the soil or landscape to which it is applied and flows from the area.

## S. S TERMS

*Salvage yard:* A lot or portion of a lot where junk, waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. This definition includes junkyard.

*Satellite dish antenna:* A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), direct satellite systems (D.S.S.) and satellite microwave antennas.

*Satellite signal, usable:* That level of signal received via the satellite dish antenna, which will run the television and/or radio with a minimum level of distortion, a distortion level that is barely discernible to the naked eye and a picture quality consistent with other reception in the area.

*School, college or university:* A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Montana Department of Education or a national collegiate or university accreditation agency. This definition also includes higher learning facilities for religious institutions.

*School:* An institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education; includes public, private and parochial schools.

*School, trade, business, technology, or vocational:* A vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction

*Seasonal decorations:* Decorations and temporary signs that are clearly incidental, customary, and commonly associated with a holiday, birthday, anniversary, graduation or similar occasion.

*Semi-pervious surface (EBURD only):* Also referred to as semi-pervious material. A material that allows for at least 40 percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

*Shelter, Animal:* A facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit corporation for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them.

*Shopping center or mall:* A shopping center is a mix of retailing land and service uses offering both essential and nonessential goods and services, with at least 100,000 square feet of structure footprint, and that attracts consumers from a region-wide market area.

*Short-Term Rental:* The renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of less than 30 consecutive days to a transient guest or guests. See also Tourist Home.

*Short-Term Rental Unit:* A residential dwelling unit, or portion of such a unit, that is rented for compensation or consideration for less than 30 days at a time; does not include dwelling units owned by the federal government, state, or city, or any of their agencies, or facilities licensed by the state as health care facilities.

*Shrub:* A woody plant that usually remains low and produces shoots or stems from the base and is not usually tree-like or single stemmed.

*Sign:* Any writing (including letter, word or number), pictorial representation (including illustration or declaration), product, form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction) or any other figure of similar character that is a structure or any part thereof, or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on or near a building, board, plate, or upon any material object or device whatsoever, that by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to

attract attention to the subject or to the property upon which it is situated, or is used as a means of identification, advertisement, or announcement. The term sign shall not include the following:

- (1) Art that does not include commercial speech; or
- (2) Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials.

*Sign administrator:* The zoning coordinator.

*Sign area:* The total dimensions of a sign surface used to display information including text, symbols, or images. The sign area includes nonstructural trim, but does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. The sign area can be smaller than the sign face.

*Sign Face:* The surface area of the sign that is designed for the placement of text, symbols, or images. For the purposes of measurement, sign faces are defined as follows:

1. Single-sided sign: A sign with only one face plane.
2. Two-sided (also referred to as double-faced or “V” sign): A sign with back-to-back face planes that are parallel or within 30° of parallel.
3. Three-sided sign: A sign with three face planes.
4. Three-dimensional sign: A sign that is sculptural or three-dimensional in form.

*Sign structure(s):* The base, footer, support poles, framing, and all other parts and components onto which the copy area is resting or attached.

*Sign structure area:* The total surface area of the structure of a monument sign that supports its copy area and contains dimensional or material differences from the plane of the sign face. Architectural embellishments and decorative features that do not contain or support advertising copy shall not be included in the sign structure area.

*Sign walker:* A person who carries a sign that is worn, held, or balanced by that person and is not installed or attached to real property.

*Site (Wireless Communication Facilities):* (other than towers in the right-of-way and eligible support structures): The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

*Small Cell Network (Wireless Communication Facilities):* A collection of interrelated small cell facilities designed to deliver personal wireless services.

*Small Cell Wireless Communication Facility:* A wireless communication facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. the following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to alternate

tower structures, replacement poles, and base stations. The definition of a small cell facility shall also include a micro cell or micro cell facility.

#### Solar Energy Facility (SEF) Standards

*Accessory Use* – An SEF designed primarily for serving on-site needs or a use that is related to the primary use of the property.

*Concentrated Solar Power (CSP)* – An SEF that uses mirrors to reflect and concentrate sunlight.

*Photovoltaic (PV)* – An SEF that converts sunlight into electricity through PV cells.

*Practicable* means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

*Primary Use* - An SEF that is devoted to solar electric power generation primarily for use off-site.

*Secondary Use* – An SEF that is not the primary use of the property.

*Solar Energy Facility (SEF)* means a Solar Electric System that satisfies the parameters set out in Section 27-1009.

*Solar Electric System (SES)* means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.

*Solar Thermal System* – Also known as solar hot water systems; an SEF that absorbs solar energy as heat which is then used to heat structures and water.

*Solar Reflectance Index (SRI) (EBURD only)*: A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from zero (0) to one hundred (100) and is defined so that a standard black surface is zero (0) and a standard white surface is one hundred (100). To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

*Solid waste facility*: A facility principally or solely used for the processing or disposal of solid waste and subject to compliance with all applicable federal, state, and local regulations including:

*Transfer Stations*: Facilities at which solid waste collected from any source is temporarily deposited to await transportation to another solid waste facility. All activities associated with a Transfer Station shall be done within an enclosed structure including but not limited to sorting, reducing, compressing, shredding, compacting, composting, and storage of waste materials, equipment or vehicles.

*Solid Waste Processing Facilities*: Facilities where solid waste is sorted, reduced, compressed, shredded, compacted or composted for purposes of volume reduction or preparation for burning or land-filling.

*Waste Burning Facilities*: Any incinerator, boiler, percolator or other solid waste facility at which solid waste, including previously processed solid waste is burned for the purposes of volume and weight reduction or steam heat, power or energy generation.

*Sanitary Landfills*: Facilities employing a method of disposing of solid wastes on or into land by various forms of excavation, placement, burial, compaction, or covering.

*Recycling Processing Facilities*: Facilities at which the primary function is to extract useful materials from the solid waste, and all processing activities are conducted within a completely enclosed building.

*Spectrum Act (Wireless Communication Facilities):* The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

*Stable, private:* A detached accessory building in which horses or other beasts of burden owned by the occupant of the premises are kept, and in which no such animals are kept for hire, remuneration or sale, and are kept for the owner's private use only.

*Stable, commercial:* A stable other than a private stable.

*Stay:* The act of temporarily stopping or suspending an action, such as the processing of a permit application.

*Stealth Communication Facility (Wireless Communication Facilities):* Any WCF that is integrated as an architectural feature of a structure or the landscape so that the facility and its purpose to provide wireless services is not visually apparent or prominent.

*Stormwater best management practices/techniques (EBURD only):* Conservation practices or systems of practices and management measures that control soil loss; reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to chemical, physical, and biological characteristics of wetlands by natural means, including replicating natural systems.

*Stormwater Management Manual:* City of Billings Stormwater Management Manual.

*Streets:*

*Street:* A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines, which includes areas acquired or prescribed through an easement.

*Alley:* A minor way that is used primarily for vehicular service access or for utility lines to the back or the side of properties otherwise abutting on a street.

*Arterial street:* A street which is intended to provide for high operating speeds, high levels of service and to serve longer trips through access management and the interconnection of major development areas such as the central business district, large commercial and industrial developments and major residential areas.

*Collector street:* A street that functions as a link between local streets and arterial streets and provides both access and movement functions within residential, commercial and industrial areas.

*Cul-de-sac:* A street that terminates in a vehicular turnaround.

*Local street:* A street whose primary function is access and whose movement function is incidental and involves traveling to and from a collector. In addition, local streets are characterized by short trip lengths, low traffic volumes, slow speeds and deliberately discouraging through traffic.

*Street face:* The facade of a building that faces a public or private street.

*Street Front Landscaping:* Required landscaping that is placed along the edge of a yard adjacent to a public street or right-of-way.

*Street type (EBURD only):* The permitted and regulated types of streets in this article. Refer to section 27-906, Street type standards for more information and a list of the permitted street types.

*Streetwall (EBURD only):* The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks

*Structural canopy:* See canopy.

*Structure:* Anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground.

*Structure, principal:* A structure accommodating the principal use to which the property is devoted.

*Studio or instruction service:* A small-scale facility for the production of or education in a fine art, dance, fitness, or performance program. Examples of these facilities include individual and group instruction and training in the arts and production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction and fitness centers. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

*Support Structures (Wireless Communication Facilities):* A structure designed to support small cell wireless facilities including, but not limited to, monopoles, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures.

*Suspended sign:* A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. See also Under Canopy Sign.

*Swale:* A shallow channel with gently sloping sides that can be used to manage water runoff, filter pollutants, and increase storm water infiltration.

*Swing sign:* A type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

## T. T TERMS

*Telecommunications Facilities (Wireless Communication Facilities):* Any cables, wires, wave guides, antenna and any other equipment or facilities associated with the transmission or reception of communications services located or installed upon or near a tower or base station. Such communications services include, but are not limited to, cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging and other similar services marketed to the commercial or residential consumers. Telecommunications facilities shall not include:

(1) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned commercial or industrial; and

(2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

*Temporary irrigation:* An irrigation system that is used to establish plants and is removed after the establishment period.

*Temporary sign:* A sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate; or (2) if made of some other material, is neither permanently installed in the ground, nor permanently affixed to a building or structure that is permanently installed.

*Temporary structure:* A structure established for a fixed period of time as established by this chapter.

*Temporary use:* A use established for a fixed period of time as established by this chapter.

*Tenant:* A single incorporated use of a premises for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

*Theater:* A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators.

*Toll and Tolling:* To delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

*Tourist Home* means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

*Tower (Wireless Communication Facilities):* Any structure built for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

*Townhome or townhouse:* Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities as provided in MCA Title 70.

*Towing service and storage yard:* Any lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents.

*Transient guest:* A guest for only a brief stay, such as the traveling public.

*Transition (sign):* The time interval between display changes of graphics, text, messages, or images on EMD signs.

*Transmission Equipment (Wireless Communication Facilities):* Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Trash:* Something worth little or nothing.

*Travel trailer:* See Recreational Vehicle.

*Travel trailer park:* See Recreational Vehicle Park.

*Truck, RV, and heavy equipment rental, sales, and service:* A facility or area for the display, sale, and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment not used in offices, such as used in building construction, farming, restaurant, or manufacturing. Sales may either be retail or wholesale.

*Truck stop:* Any occupancy that provides a service for highway travel directly or indirectly related to the servicing, repairing, and/or refueling of semi-trucks (also commonly known as tractors), semi-trailers, and

their components. A truck stop is a point at which semi-trucks may stop for refueling or where truck drivers can park their trucks, trailers and components and seek lodging and/or food services, as well as, other services related to highway trucking needs.

*Truck wash:* A building or area that provides facilities specifically designed for washing and cleaning semi-tractors and/or semi-trailers and recreational vehicles, which may use production line methods with a conveyor, blower or other mechanical devices. This term also includes facilities that require hand labor in the cleaning of the vehicle.

*Turf grass:* Continuous plant coverage consisting of grass species suited to growth in central Montana.

## U. U TERMS

*Under canopy sign:* A sign suspended below the ceiling or roof of a canopy.

*Unlawful sign:* A sign which contravenes this article or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous sign code was not obtained.

*Urban agriculture:* The practice of cultivating, processing, and distributing food in or around urban areas.

*Usable open space:* That space on the same lot and contiguous to the principal building or buildings and which is either landscaped or developed and maintained for recreational purposes and excludes that portion of the lot which is utilized for off-street parking or loading space or for front yard setback requirements. Usable open spaces can be provided within a building or the roof top where facilities are provided for residents of the development.

*Use:* The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

*Used:* Includes the words intended, designated or arranged to be used.

*Utility:* A use category for the use of land for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

*Utilities, major facilities/service yard* means infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities and electric generation plants. This definition also includes service yards for utility providers.

*Utilities, minor facilities/office* means infrastructure facilities and services that need to be located in the area where the service is to be provided such as water and sewer pump stations, electrical transforming substations, wind energy conversion systems, solar collector systems, water conveyance systems or gas regulating stations.

*Utility, public:* A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

## V. V TERMS

*Variance:* See Sections 27-1600, Administrative Procedures.

*Vegetation:* Organic plants, including trees, shrubs, vines, and flowers.

*Vehicle sales and rental:* A facility used primarily for the sale or rental of consumer-oriented motor vehicles, such as automobiles, pick-up trucks, and motorcycles.

*Vehicle maintenance and repair:*

*Major:* Vehicle repair consisting of assembly or disassembly of engine parts, body parts, transmission, chassis, axles, etc. and/or the process of painting or upholstering.

*Minor:* Repairs consisting of a minor nature, such as, tune up, oil change, chassis lubrication, tire change or repair, wheel alignment, muffler repair or installation that meet the following:

- i. Repairs are made in fully enclosed bays; and
- ii. Repairs are of a type that is typically completed in less than eight hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, and comparable services); and
- iii. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors or an enclosed yard that has a sight-obscuring fence.

*Vehicular use area:* The area of a site devoted to vehicular parking and driving aisles.

*Veterinary services:* A facility, including an animal hospital for the diagnosis and treatment of pets and other large or small animals including, but not limited to, dogs, cats, birds, and horses; incidental grooming, boarding, or breeding of animals may also be provided.

*Video:* The display of a succession of single images at a rate greater than 29 frames per second.

*Vine:* A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

## **W. W TERMS**

*Wall sign:* Any sign painted on, mounted on, attached to or erected against the wall of a building and approximately paralleled to the face of a principal building wall.

*Warehousing:* The storing of goods, wares, and merchandise, whether for the owner or others.

*Wholesale:* An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

*Wind-driven sign:* Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, flutter flags, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

*Wind Energy Terms:*

**Aggregated Project** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included in the aggregated project.

**Blade Arc** - The arc created by the edge of the rotor blade that is farthest from the nacelle.

**Fall Zone** - The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. This area is no greater than the total height of the structure.

**Feeder Line** - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

**Meteorological Tower** - For the purposes of this Wind Energy Conversation System Ordinance, meteorological towers are those towers that are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Montana Department of Transportation, or other similar applications to monitor weather conditions.

**Micro-WECS** - Micro-WECS are WECS of five (5) kW nameplate generating capacity or less mounted on a tower.

**Non-Participating** - Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

**Project Site** – The geographic area of an aggregated site or wind farm project that includes location of all turbines.

**Property Line** - The boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

**Rated Power Output** – the electric power output of a WECS at a constant hub height and wind speed of 25 mph.

**Rotor Diameter** - The diameter of the circle described by the moving rotor blades.

**Shadow Flicker** – Alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadow on the ground or a nearby stationary object.

**Significant Shadow Flicker** – More than 30 hours per year of shadow flicker on adjacent property.

**Substations** - Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than (35,000 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.



*Total Height* - The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

*Transmission Line* - Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

*Tower* - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

*Tower Height* - The total height of the WECS exclusive of the rotor blades.

*WECS* - Wind Energy Conversion System (WECS) - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to, power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

*Wind Turbine* - A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy by airfoils or similar devices to capture the wind.

*Window*: An opening in a wall, door, or roof of a building that allows the passage of light, sound, and sometimes air. An individual window is defined by an architecturally distinct opening. Individual windows may be further divided by muntins, mullions, or decorative elements such as grilles.

*Window sign*: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

*Winery*: A bonded winery facility licensed pursuant to MCA Section 16-4-107 comprising the building or buildings used to convert fruit juices (all or part of which are produced on the property) to wine, and to age, bottle, store, distribute and sell said wine. A winery, for the purposes of this section, includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events.

*Wireless communication facility*: A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the code. A WCF includes an antenna or antennas, base stations, support equipment, alternative tower structures, and towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of Section 16-4-7.

*Wireless communication facility antenna or tower farm*: An antenna or tower farm is a tract of land that contains no more than three antenna support structures within 750 linear feet of each other. No antenna support structures located in tower farms shall exceed 250 feet in height. Legal tracts must be adjacent to each other to be included in this definition.

## X. X TERMS

*Xeriscape*: Landscape methods that conserve water by drought-tolerant plants and planting techniques.

**Y. Y TERMS**

*Yard, service or storage:* Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or materials.

*Yard sign:* A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

*Youth foster home:* See Community residential facilities.

*Youth group home:* See Community residential facilities.

**Z. Z TERMS**

*Zoning coordinator:* The person designated by the planning director to oversee the administration of this Zoning Code, and his or her designee.