

ARTICLE 27-200. DEFINITIONS

SEC. 27-201. DEFINITIONS.

For the purpose of this Resolution/Ordinance, certain terms or words used herein are defined as follows:

The word PERSON includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word SHALL is mandatory, the word MAY is permissive; the words USED or OCCUPIED include the words INTENDED, DESIGNATED, OR ARRANGED TO BE USED OR OCCUPIED; and the word LOT includes the words PLOT, TRACT OR PARCEL. Where other definitions are necessary and are not defined herein, the dictionary may define such terms.

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.

- (1) **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.
- (2) **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 (6) feet from any other building or structure.

ADULT FOSTER FAMILY CARE HOME: *See* COMMUNITY RESIDENTIAL FACILITIES.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, grazing land, animal and poultry husbandry, horticulture, floriculture, viticulture, including all uses customarily incidental thereto but not including any agriculture industry or business such as commercial feed lots, animal hospitals, food processing plants, fur farms or similar uses.

AIRPORT OR AIRCRAFT LANDING FIELD: Any runway, landing area or facility whether publicly or privately owned and operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

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 (1) 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.

ANTENNA: *See* BMCC Section 27-610

APARTMENT HOUSE: *See* DWELLING, MULTIPLE-FAMILY.

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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 (30) 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.

AUTOMOBILE SALES AREA: *See* **VEHICLE SALES AREA.**

BARS, TAVERNS AND COCKTAIL LOUNGES: An establishment where alcoholic beverages are sold and consumed on the premises.

BED & BREAKFAST INN: A house, or a portion thereof, that contains short-term guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the same property upon which the inn is located.

BOARD: The Board of Adjustment of the City of Billings or the Board of Adjustment of Yellowstone County.

BOARDING OR LODGING HOUSE: "Boarding house" means the same as lodging house, but where meals (with or without lodging) are provided for compensation and by prearrangement for a definite period for three (3) or more persons. Boarding houses shall not be construed to mean rest homes or convalescent homes. This definition shall also exclude "Bed & Breakfast Inns".

BOAT SALES AREA: *See* **VEHICLE SALES AREA.**

BUILDING: Any structure having a roof, but excluding all forms of vehicles 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 HEIGHT: The vertical distance from the highest point of a structure to the "grade", excluding permissible height exceptions in BMCC Sections 27-308 and 27-309.

BUILDING, PRINCIPAL: The primary building or use on a lot that accommodates the principal use to which the premises are devoted.

CAMP, PUBLIC & PRIVATE: Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, travel trailers and other camping outfits.

CARPORT: A structure to house or to protect motor vehicles owned or operated by the occupants of the main building which is open on three (3) or fewer sides.

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 or other mechanical devices. This term also includes facilities which require hand labor in the cleaning of the vehicle.

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CHILD CARE FACILITIES:

- (1) **FAMILY DAY CARE HOME:** A private residence in which supplemental parental care is provided for up to six (6) children, including the operator's children, from separate families on a regular basis. Such day care home shall be licensed by the Montana Department of Social and Rehabilitation Services under M.C.A., Title 53, Chapter 4, Part 5, as required by state law.
- (2) **GROUP DAY CARE HOME:** A private residence in which supplemental parental care is provided for seven (7) to twelve (12) children, including the operator's children, on a regular basis and which is licensed by the Montana Department of Social and Rehabilitation Services under M.C.A., Title 53, Chapter 4, Part 5, as required by state law.
- (3) **DAY CARE CENTER:** A place in which supplemental parental care and/or adult supervision is provided to thirteen (13) or more children, including the operator's children, on a regular basis, and which may include nursery schools, private kindergartens or after school care and supervision. Such day care center shall be licensed as required by the state, city or county and conducted in accordance with applicable state and local requirements.

CHURCH OR OTHER PLACE OF WORSHIP: A building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines and temples.

CLINIC, MEDICAL: A building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses, but where no surgery other than minor emergency care is performed and where no overnight care is provided.

CLINIC, SURGICAL: A clinic where surgery is performed on an outpatient basis only.

CLUB, FRATERNAL: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal membership requirements. This definition includes such organizations as the Knights of Columbus, Masons, Elks and other similar organizations.

CLUB, SERVICE: Any nonprofit organization, the services of which are devoted entirely to the betterment or improvement of community in which it is located, including organizations such as the Lions, Kiwanis, Rotary, Optimists and other similar organizations.

COMMUNITY GROUP HOME: *See* **COMMUNITY RESIDENTIAL FACILITIES.**

COMMUNITY RESIDENTIAL FACILITIES:

- (1) **ADULT FOSTER FAMILY CARE HOME:** A private home licensed by the Montana Department of Public Health and Human Services owned by one (1) or more persons eighteen (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 (4).

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- (2) **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.
- (3) **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.
- (4) **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 (1) to six (6) foster children or youths, other than the foster parents' own children, stepchildren or wards.
- (5) **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 (7) to twelve (12) children or youth.
- (6) **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.

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.

DAY CARE CENTER: *See* **CHILD CARE FACILITIES.**

DRIVE-IN SERVICE: A use whose character is dependent on a driveway approach, a drive-through and/or parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages in a vehicle obtained on the premises. Drive-in or drive-up window restaurants, drive-in banking, pickup windows for beverages or food, and other drive-in or drive-through services are included in this category. This definition shall exclude car washes and insurance adjusters.

DUPLEX: *See* **DWELLING, TWO-FAMILY.**

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

DWELLING, TYPES OF:

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- (1) **DWELLING, SINGLE-FAMILY:** A building constructed and designed for occupancy by one (1) family and containing one (1) dwelling unit.
- (2) **DWELLING, TWO-FAMILY (DUPLEX):** A building constructed and designed for occupancy by two (2) families living independently of each other, and containing two (2) 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.
- (3) **DWELLING, MULTIPLE-FAMILY:** A building constructed and designed for occupancy by three (3) or more families living independently of each other, and containing three (3) 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 (1) or more rooms designed for or occupied by one (1) family for living or sleeping purposes and may contain kitchen and/or bathroom facilities for use solely by one (1) family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A studio/efficiency apartment constitutes a dwelling unit within the meaning of this chapter.

ENCLOSED STRUCTURE: means a building that protects the contents thereof from the elements, including sight obscuring walls on all sides and a roof.

FAMILY: Any number of individuals, related by blood, marriage, adoption or other legal means, including any number of minor children in foster care, and/or any number of unrelated persons (including any domestic servants or caregivers) living together in a dwelling unit. The total number of persons living together in the dwelling unit cannot exceed the recommended guidelines, as amended time to time by HUD, of two (2) persons per bedroom (24 CFR Part 4, Section 982.401). A "family" is distinguished from a group occupying a boarding house, lodging house, bed and breakfast inn, fraternity/sorority house, hotel or clubhouse. (ORDINANCE 04-5292)

FAMILY DAY CARE HOME: *See* **CHILD CARE FACILITIES.**

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.

FIREWORKS: Those substances and/or articles which are more specifically defined in M.C.A. 50-37-101 through 50-37-103.

FIREWORKS STAND: A structure from which fireworks are sold, displayed or offered for sale. A fireworks stand is specifically limited to an approved temporary structure, as regulated in BMCC Section 27-614.

FIREWORKS STORAGE BUILDING: A structure used for the storage of fireworks.

FLOODPLAIN OR FLOODWAY: In all cases of interpretation, designated floodplain or floodway definitions as established by the Montana Department of Natural Resources and Conservation shall apply.

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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.

GAMBLING ESTABLISHMENT: See BMCC Section 27-612.

GARAGE, RESIDENTIAL: An accessory building or an accessory portion of the main building, enclosed on more than three (3) sides and designed or primarily used only for the shelter or storage of vehicles owned and operated by the occupants of the buildings.

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 (5) feet distance from the wall. In cases where walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

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.

GROUP DAY CARE HOME: See **CHILD CARE FACILITIES**.

HALFWAY HOUSE: See **COMMUNITY RESIDENTIAL FACILITIES**.

HAZARDOUS WASTE FACILITIES: See BMCC Sections 27-605, et seq.

HEIGHT: The vertical distance from the highest point of a structure to the "grade", excluding permissible height exceptions in BMCC Section 27-310.

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.

HOME OCCUPATION: See BMCC Section 27-606.

HOSPITAL, ANIMAL: A building or premises including veterinary hospitals for the medical or surgical treatment of animals or pets, including dogs and cats, also including the boarding of hospitalized animals subject to medical or surgical treatment.

HOSPITAL, GENERAL: An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders and alcoholism, but not excluding surgical and post-surgical treatment of mental cases. Nursing homes and convalescent homes are excluded from this definition.

HOSPITAL, MENTAL: An institution licensed by state agencies under the provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders.

HOTEL: A building, or portion thereof, designed or used for temporary lodging, being less than thirty (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.

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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.

JUNK: Any worn out cast off or discarded article or material which 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.

KENNEL, COMMERCIAL: Any lot, building, structure or premises where more than two (2) dogs or cats over the age of six (6) 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 twenty-four (24) hours. Female dogs bred for the sole purpose of the sale of puppies for profit, and female dogs numbering more than three (3) constitute a Commercial Kennel.

KENNEL, NONCOMMERCIAL: A kennel at, in, or adjoining a private residence where more than two (2) 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.

LANDSCAPING: The combination of living and nonliving elements, as further described in BMCC Sections 27-1101, et seq.

LIMITED PHARMACEUTICAL MANUFACTURING: Establishments primarily engaged in manufacturing bulk organic and inorganic medicinal chemicals and their derivatives and processing bulk botanical drugs and herbs. This definition also includes premises engaged in manufacturing, fabricating, or processing drugs in pharmaceutical preparations for human or veterinary use.

LIVESTOCK & 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.

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.

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.

LOT COVERAGE: The total area of a lot covered by buildings or roofed areas, excluding allowed projecting eaves, balconies and similar features. Lot coverage includes, but is not necessarily limited to the following: principle structures, accessory structures, carports, and

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covered decks and patios. Uncovered decks less than thirty (30) inches in height shall not be counted towards lot coverage.

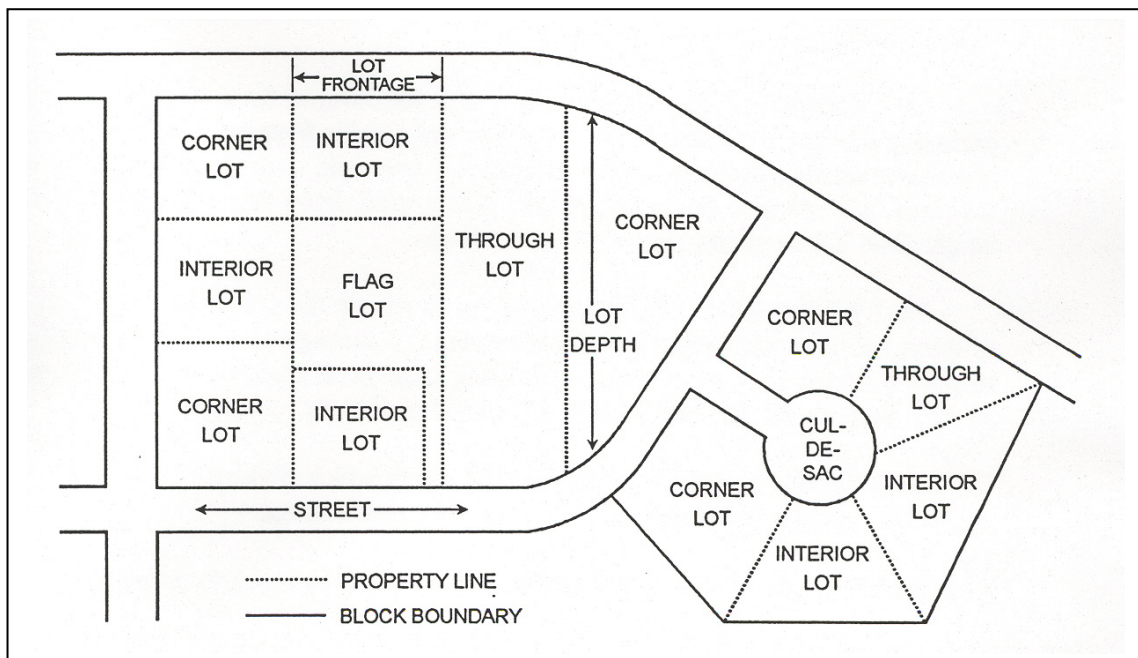
LOT FRONTAGE: That portion of the lot nearest the public street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public streets shall be considered frontage, and yards shall be provided as indicated in BMCC Sections 27-308 and 27-309, District Regulations.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street, alley or other public space.

- (1) **FRONT LOT LINE:** The lot line or lines abutting a public or private street.
- (2) **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.
- (3) **SIDE LOT LINE:** Any lot line that is not a front or a rear lot line.

LOT TYPES:

- (1) **CORNER LOT:** A lot located at the intersection of two (2) or more streets.
- (2) **INTERIOR LOT:** A lot other than a corner lot with only one (1) frontage on a street other than an alley.
- (3) **THROUGH LOT OR DOUBLE FRONTAGE LOT:** A lot other than a corner lot with frontage on more than one (1) street other than an alley.



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MANUFACTURED HOME: A factory assembled structure or structures, equipped with the service connections necessary to be used as a dwelling unit, and constructed to be readily movable as a unit or units either on its own running gear or other system. Since 1976 manufactured home construction has been regulated by the federal Manufactured Housing Construction and Safety Standards Act as administered by the Department of Housing and Urban Development (HUD), and are not constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes. See BMCC Section 27-608.

MANUFACTURED HOME PARK OR COURT: Land designed or used that contains temporary or permanent parking for two (2) or more manufactured homes spaces which are available to the general public for use as residences. 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.

MEDICAL CORRIDOR: The area defined by the Billings Medical Corridor Study as the medical development impact area. This area is of special concern to the city as a potential location for medical or medically related uses, as well as, supporting uses and residential development. See BMCC Sections 27-901, et seq.

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.

MOBILE HOME OR TRAILER: *See* MANUFACTURED HOME.

MOTEL: A group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use, being less than thirty (30) days, by automobile tourist or transient and such word shall include tourist courts, motor courts, automobile courts and motor lodges.

MOTOR VEHICLE: A two (2) or more wheeled or track vehicle designed to transport one (1) or more persons or properties from one (1) location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

MULTI-UNIT DEVELOPMENTS:

- Condominium, Townhome, Townhouse or Commercial development projects that include common, private facilities shared by buildings or lots.
- Residential developments that have more than two dwelling units and include common, private facilities shared by buildings or lots.

NEIGHBORHOOD CONVENIENCE STORE (County only): A retail establishment of 3,000 square feet or less in gross floor area not including any outdoor seating area, located in a residential zoning district, offering for sale a relatively limited selection of prepackaged food products, household items, and other related goods, not including gasoline or fuel sales. Included in this definition are coffee, soup, and sandwich shops, bakeries, mail packaging and delivery services, laundromats and similar retail establishments.

NONCONFORMING LOT: *See* BMCC Section 27-402.

NONCONFORMING STRUCTURE: *See* BMCC Section 27-404.

NONCONFORMING USE: *See* BMCC Sections 27-403 and 27-405.

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NURSING HOMES, CONVALESCENT HOMES, ORPHANAGES & CHARITABLE INSTITUTIONS: A home operated similarly to a boarding house but not restricted to any number of guests or guest rooms, and the operator of which is licensed by the state, city or county to give special care and supervision to his/her patients. In such homes, nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, but within which homes are kept no persons suffering from a contagious or communicable disease, and within which are performed no surgery, maternity or other primary treatments such as are customarily provided in sanitariums or hospitals, and within which no persons are kept to be served who normally would be admitted to a mental hospital. Adult Foster Family Care Homes are not included in this definition.

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

OPEN STORAGE: The storage for a period of five (5) consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure.

PARKING, PUBLIC: An open area other than a street used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PAWN SHOP: *See* **SECONDHAND STORE AND/OR ANTIQUE SHOPS.**

PLANNED DEVELOPMENT: *See* BMCC Sections 27-1301, et seq.

PLANNING BOARD: The Yellowstone County Board of Planning as authorized under the provisions of M.C.A., Title 76, Chapter 1, Part 1, Section 76-1-101.

PLANNING DIRECTOR: The individual appointed by the City, after consideration of the recommendations from the County Commissioners and Board of Planning. The Director's duties and responsibilities shall be those defined in the Interlocal Agreement on Planning.

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. The uses listed in BMCC Sections 27-305 and 27-306, District Regulations, are principal uses.

PROJECT ANIMAL: An animal raised exclusively for educational purposes and/or for participation in programs such as F.F.A., 4-H, or other similar types of programs.

PROJECTION: The distance any part of a structure extends beyond the building setback line. *See* BMCC Section 27-310 for a list of permitted projections.

RECREATION, COMMERCIAL: An area operated for profit and devoted to facilities and equipment for recreational purposes; swimming pools, tennis courts, playgrounds, golf courses, community clubhouses and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee or service charge.

RECREATION, NONCOMMERCIAL: An area devoted to facilities and equipment for recreational purposes; swimming pools, tennis courts, playgrounds, community clubhouses and other similar uses maintained and operated by a nonprofit club, homeowners' association or other corporate structure and whose membership is limited to the residents within the area.

RECREATIONAL VEHICLE: *See* **TRAVEL TRAILER.**

RECREATIONAL VEHICLE PARK: *See* **TRAVEL TRAILER PARK.**

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RECYCLING CENTER: 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.

RETIREMENT HOME: A place of residence for several families or individuals in apartment-like quarters, rented or condominiums, which may feature services to retired persons such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

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

SALVAGE: Something saved as valuable or useful from trash, rubbish, worn out equipment, or junk.

SATELLITE DISH ANTENNA: See BMCC Section 27-610.

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.

SCHOOL, ELEMENTARY, JUNIOR, AND SENIOR HIGH, INCLUDING PUBLIC, PRIVATE AND PAROCHIAL: 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.

SCHOOL, TRADE OR VOCATIONAL-TECHNICAL: A building where instruction is given to pupils in arts, crafts, or trades and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

SCRAP OR WASTE PROCESSING YARD: *See* **JUNKYARD.**

SECONDHAND STORE AND/OR ANTIQUE STORE: Any retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises are used or not new. Pawn shops are included in this definition.

SERVICE STATION, AUTOMOBILE: A place where fuel and/or lubricants are dispensed at retail and where light maintenance activities such as engine tune-ups, lubrication, tire repair, battery servicing and air conditioning service may be conducted. Service stations do not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body work and/or drive-train repair and rebuilding are conducted.

SETBACK: That distance measured from the lot or property line to a supporting point(s) or wall(s) of a structure or building.

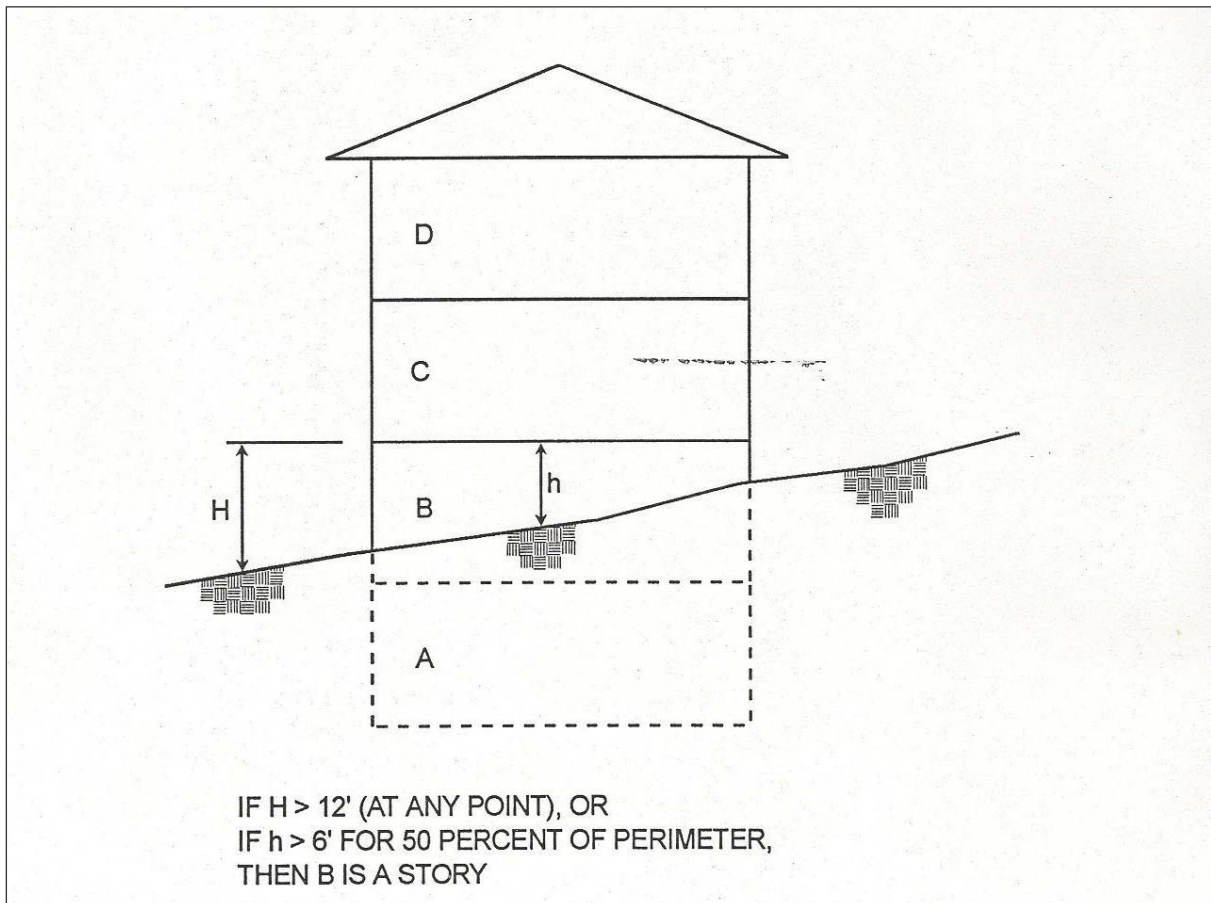
SEXUALLY ORIENTED BUSINESS: An "adult" arcade, "adult" bookstore, "adult" video store, "adult" motel or "adult" motion picture theater, as those terms are defined in BMCC Section 27-611.

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.

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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. 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 fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered a story.



STREETS:

- (1) **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.
- (2) **ALLEY:** A minor way which is used primarily for vehicular service access or for utility lines to the back or the side of properties otherwise abutting on a street.
- (3) **ARTERIAL STREET:** A street which is intended to provide for high operating speeds, high levels of service and to serve longer trips through access

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management and the interconnection of major development areas such as the central business district, large commercial and industrial developments and major residential areas.

- (4) **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.
- (5) **CUL-DE-SAC:** A street that terminates in a vehicular turnaround.
- (6) **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.

STRUCTURE: A building or anything constructed in the ground or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six (6) feet in height or paved areas.

STRUCTURE, PRINCIPAL: A structure accommodating the principal use to which the property is devoted.

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.

THEATER, DRIVE-IN: An establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen.

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

TRAILER SALES AREA: *See* **VEHICLE SALES AREA.**

TRASH: Something worth little or nothing.

TRAVEL TRAILER: A portable structure, not more than eight (8) feet wide, built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation use. Recreational Vehicles are included within this definition.

TRAVEL TRAILER PARK: Any area or tract of land designed or used that contains two (2) or more spaces which are available for rent to the general public for parking or placement of temporary recreational or vacation housing units. This term does not include a parcel composed of individually platted lots.

TRUCK STOP: Any occupancy which 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

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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 which require hand labor in the cleaning of the vehicle.

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.

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

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.

VARIANCE: See BMCC Sections 27-1501, et seq.

VEHICLE SALES AREA: An open area other than a street, used for the display, sale or rental of new or used automobiles, boats, trailers, motorcycles, snowmobiles or semi-tractors and/or trailers; and where no repair work is done except minor incidental repair excluding body and fender work or spray painting on the vehicle(s) to be displayed, sold or rented on the premises.

WALKING DISTANCE: That distance measured along the shortest path accessible to foot traffic.

WATERCOURSE: Any natural stream, river, creek or drainage in which water flows either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. This term shall not include any facility created exclusively for the conveyance of irrigation water.

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

YARD: An open space about a building, other than a court, unoccupied and unobstructed from the ground to the sky, except as otherwise specifically provided in this Chapter.

- (1) **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.
- (2) **REAR YARD:** A yard extending along the full length of a rear lot line and situated between the principal building and the rear lot line.
- (3) **SIDE YARD:** A yard not designated as a front or a rear yard.

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YOUTH FOSTER HOME: *See* **COMMUNITY RESIDENTIAL FACILITIES.**

YOUTH GROUP HOME: *See* **COMMUNITY RESIDENTIAL FACILITIES.**

ZONING COORDINATOR: The person designated by the Planning Director to oversee the administration of this Chapter, unless otherwise noted.