

CHAPTER 17.108

DEFINITIONS

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CHAPTER 17.108

DEFINITIONS

17.108.010 DEFINITION OF TERMS AND INTERPRETATION OF LANGUAGE

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

ACCESS

The place, means or way by which pedestrians and vehicles shall have adequate and usable ingress and egress to property.

ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ACTUAL CONSTRUCTION

“Actual construction” means and includes the placing of construction materials in permanent position and fastened in a permanent manner.

ADAPTIVE REUSE

The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION

A structure added to the original structure at sometime after the completion of the original extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE OFFICIAL

Administrative official means the person designated by the City who is charged with the administration of applications for Certificate of Appropriateness, coordination of the Certificate of Occupancy with Fire Marshall/Fire Chief, and Zoning Certificates. The Administrative Official is also the Subdivision Administrator. He/she is the day to day contact and enforcement official of subdivision regulations and zoning regulations for the City.

ADULT BUSINESS

A establishment which advertises, trades, exchanges, transfers, sells, presents, shows, offers or exhibits materials, activities, reproductions, likenesses, services and/or objects defined as obscene by 45-8-201(2), MCA. Adult business as defined in this section shall include, but need not be limited to, adult bookstores, adult motion pictures theaters, video tapes, or recordings, records of tape recording, CD’s massage parlors, exotic dance studios, nude art studios, nude photographic studios, nude body painting studios, tattooing and piercing, casinos.

Adult entertainment cabaret. “Adult entertainment cabaret” means a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female, impersonators, or similar entertainers.

ADULT RETIREMENT COMMUNITY

An age-restrictive planned and designed housing development which may be in any housing form, including detached and attached dwelling units, apartments, townhouses, condominiums, and housing qualifying for affordable housing programs. Significant facilities and services specifically designed that emphasizes social and recreational activities for active older adults are provided. Personal services may include health facilities and transportation.

AESTHETIC

The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

AGRICULTURAL

“Agriculture means the production of farming, food, feed, and fiber commodities, livestock, dairying, husbandry, pasturage, grazing, silviculture, poultry, bees, fruits and vegetables, sod, ornamental, nursery and horticultural crops that are raised, grown or produced for commercial purposes, removal of forest products, or the raising of wildlife in domestication or a captive environment. Agriculture does not include gardening for personal use, keeping of house pets or landscaping for aesthetic purposes.

1. The term livestock means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates and other mammals excluding humans. The term “poultry” means all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food and/or feathers.
2. Agricultural definition does not include a Feed Lot operation in which animals are fed and fattened for market.
3. Agriculture does not include slaughterhouses, rendering plants tanneries or stables.
4. Agriculture does not include the growing of marijuana (for medical use.)

AGRICULTURAL HOME

The on-site production, principally for use or consumption of the property owner or tenant, of plants, animals, or their products, including, but not limited to gardening, fruit production, poultry, and livestock production. This does include the sale of products produced on-site to others as long as such sales are incidental to the principal use of the property as a residence.

AGRICULTURAL STORAGE FACILITY

A structure used solely for agricultural purposes and used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities including raising of livestock.

AGRICULTURAL WATER USER FACILITY

Those facilities, which include but are not limited to ditches, pipes, and other water conveying facilities, which provide water for irrigation and stock watering on agricultural lands, as defined in 15-7-202, Mont. Code Ann.

ALLEY

A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ALTERATION, INCIDENTAL

Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load bearing walls.

AMUSEMENT AND RECREATION SERVICES

Establishments engaged in providing entertainment for a fee, including such activities as dance halls, studios, theatrical productions, bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial facilities, such as arenas, rings, rinks, and racetracks; public golf courses; coin-operated devices, amusement and bathing beaches, swimming pools, riding academies, carnival operations, expositions, game parlors, and horse rides.

ANIMAL

A living organism other than a plant or bacterium, including fish, amphibians, reptiles, birds and mammals, excluding humans.

ANIMAL DOMESTIC OR HOUSEHOLD PET

Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

ANIMAL HOSPITAL OR VETERINARY OFFICE

A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

ANIMAL KENNEL

Any structure or premises in which animals are boarded, groomed, bred, or trained for commercial gain.

ANIMAL KENNEL, PRIVATE

The keeping, breeding, raising, showing, or training of four or more dogs for personal enjoyment or commercial gain of the owner or occupant of the property.

ANIMAL SHELTER

A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization or for profit organization devoted to the welfare, protection, and humane treatment of animals.

ANTENNA

A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures

APPROVABLE SITE

A site that meets all the bulk requirements of the local ordinance and is capable of accommodating permitted development;

A site that may be developed for low-and moderate-income housing in a manner consistent with the regulations of all agencies with jurisdiction over the site.

ARCHITECTURAL APPEARANCE

The architectural character and general composition of a structure, including but not limited to, the kind and texture of the building's materials and the type, design and character of all windows, doors, light fixtures, signs and appurtenant exterior elements; and interior architectural detail including but not limited to, floors, fixtures, hardware, ornamentation and other elements that contribute to the building's architectural and historical significance.

ASSISTED LIVING FACILITY

Residences for the frail or elderly that provide rooms, meals, personal care, and supervision of either self-administered medication or medication administered by the facility. They may provide other services, such as recreational activities, financial services, and transportation.

ATTACHED STRUCTURE

A building sharing with one or more other buildings a common wall(s) for not less than five feet.

AUTOMOBILE FUEL SALES OR REPAIR

The use of a site for the direct sale of fuel to the end user, or for the repair of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles or boats. This includes the sale and on-site installation of parts, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

AUTOMOBILE REPAIR SERVICES, MAJOR

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and major painting service.

AUTOMOBILE REPAIR SERVICES, MINOR

The replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential but may include incidental body and fender work, minor painting, and upholstery service.

AUTOMOBILE SALES

The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers, or recreation vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

AUTOMOBILE WASHING ESTABLISHMENT

A building which is used as its primary purpose the washing of automobiles. Such facilities shall be considered incidental to automobile service stations if not more than two autos may be washed at one time.

AWNING

A roof-like structure, which is generally composed of a skeletal frame, covered in a fabric or other skin type material, and typically opens on the bottom side, which projects beyond a building or extending along and projecting beyond wall of the building. For the purposes of this title a sign on an awning shall be considered to be a wall sign. Also includes awnings constructed of all metal. Included are fixed awnings with a rigid frame that cannot be retracted

BAR (TAVERN, COCKTAIL LOUNGE, CABARETS) COUNTY CLUBS

An establishment where alcoholic beverages are served and consumed on the premises and where the total of the sale of alcohol exceeds the total sales of food served on premises.

BASEMENT

A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet.

BEACON

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

BED AND BREAKFAST INN

A single-household dwelling which remains owner-occupied at all times providing one to five guest rooms for compensation. It is intended for this ordinance that Bed and Breakfast Inns will serve only as temporary accommodations and not as a long term residence. Food will be part of service available for guests at an Inn. The Inn may be licensed to sell beer and wine to accompany meals but food sales service must exceed the sale of alcoholic beverages.

BODY PIERCING ESTABLISHMENT

An establishment, including any room, space, shop, or salon, including a temporary or mobile facility, where body piercing is practiced.

BREEZEWAY

“Breezeway” means a roofed passageway joining two separate buildings

BUILDING

“Building” means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed to be a separate building. Except however, as used in the historic district “building” shall apply to all structures except accessory or ancillary facilities such as sheds, private garages and similar structures.

BUILDING, ACCESSORY

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

BUILDABLE BUILDING AREA

The maximum horizontal projected area of the principal and accessory building(s), excluding open steps, terraces, and architectural appurtenances projecting not more than two (2) feet. Building area, as that portion of the lot upon which construction is permitted, is that area of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line and includes the maximum allowable building height.

BUILDING HEIGHT

- A. The vertical distance measured from grade as defined in this section to the highest point on the roof or parapet wall. Where a building utilizes multiple roof styles or pitches, the highest point of each type of roof or parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district. Where the vertical difference between grade as defined in this section is greater than two (2) feet between opposite elevations of the building, the height of the building may be increased by one (1) foot for every one grade.
1. In grade difference up to a maximum of six (6) additional feet.
 2. The height limitations do not apply to spires, parapets, belfries, appurtenances usually required to be placed above the roof level and not intended for human occupancy or the placement of signs of any type.

BUILDING OFFICIAL

The individual designated by the appointing authority to enforce the provisions of the building code.

BUILDING PERMIT

Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

BUILDING PRINCIPAL USE

A building in which is conducted the main, or principal use of the lot on which the building is situated.

BULK FUEL OR OIL STORAGE FACILITY

A facility where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution or commercial use. Any container used to store fuel or oil for distribution in commerce, as well as a containment area as required by the Environmental Protection Agency's (EPA's) Spill Prevention, Control, and Countermeasure (SPCC) Plan and the Facility Response Plan (FRP).

BULK SEED STORAGE FACILITY

A facility for the preservation of seeds under controlled environmental conditions which will prolong the viability of the seeds for long periods.

BUSINESS

Engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or service, including the maintenance or operation of offices or recreational or amusement enterprises.

BUS SHELTER

A small roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

BUS TERMINAL

Any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers.

CANOPY

Any open, permanent roof-life accessory structure which is not attached or part of the principal building.

CAPTURE SYSTEM

A capture system refers to the equipment such as sheds, hoods, ducts, fans, dampers, etc. used to collect particulate matter generated by an affected facility at a grain elevator.

CARPORT

A structure, open on at least two sides, consisting of a roof and either walls or columns for the purpose of housing automotive vehicle and other chattels. The structure shall be considered as an accessory building when detached from the principal building and as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

CASINO

An establishment whose primary purpose, use or activity is gambling, either in the form of gambling machines (video poker, keno, etc.), card games or other licensed gambling activity. A casino will normally have beverage and restaurant facilities as an accessory use. In all instances, an establishment will be considered a casino for the purpose of these regulations if any of the following characteristics apply:

1. The establishment is referenced as a casino by signage, advertisement or by name; and
2. More than one card table is on the premises; and/or
3. More than one gambling machine is on premises.

CEMETERY

A public or privately owned place used for the burial of human remains and placement of cremated remains.

CELLAR

A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6.5 feet. A cellar shall not be considered in determining the permissible number of stories.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the approving authority on approval of the exterior architectural features of any new building construction or alterations to an existing building located within an overlay district(s).

CERTIFICATE OF OCCUPANCY

A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

CERTIFICATE OF SURVEY

A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations.

CHANGE OF USE

Any use that substantially differs from the previous use of a building or land.

CHARACTER

Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its interest and/or individuality.

CHARITABLE USE

A use that provides essential goods or services, such as food, housing, clothing, counseling, aid, or assistance to those in need, for no fee or compensation or at a fee recognized as being significantly less than the cost of the goods or service.

CHILD

A person under twelve years of age.

CHILD CARE FACILITIES

A day-care facility as defined under Montana law.

CHURCH/PLACE OF WORSHIP

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

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

CIVIC USE

Public buildings or uses, including but not limited to, college/university facilities, congregate postal facilities, schools, government offices, libraries, assembly uses, police stations, and fire stations.

CLUB, FRATERNAL LODGES, PRIVATE

A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, a portion thereof, the use of such premises being restricted to members and guests. Services rendered shall be to earn money in support of organization but not to render a service which is customarily carried on as a business.

COMMON ELEMENTS

Land amenities; certain areas of buildings, such as lobbies, corridors, and hallways; central services and utilities; and any other elements and facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

COMMON PASSAGEWAY

A commonly shared or used pedestrian or vehicular way that connects or serves two or more properties.

COMMUNITY CENTER

A building or portion of a building used for nonprofit, cultural, educational, recreational, religious or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. Examples of community centers are schools, churches, Boys and Girls Clubs, YMCA and similar uses. Community center does not include fraternities, clubs, lodges or similar use.

COMMUNITY RESIDENTIAL FACILITY (Group Home)

A single residential structure having common kitchen facilities, and:

1. Those occupied by persons having developmental disabilities and living together for the purpose of residential training, observation, and/or common support in which care is provided on a twenty-four (24) hour per day basis;
2. A community group home for developmentally, mental or severely disabled persons which does not provide skilled or intermediate nursing home;
3. A youth foster home or other facility for care of minors as defined in 52-2-601, et seq., MCA;
4. A halfway house operated in accordance with regulations of the State Department of Public Health and Human Services for the rehabilitation of alcoholics or drug dependent persons;
5. A licensed adult foster care home; or
6. Any facility defined in 76-2-411, MCA.

COMPATIBLE DEVELOPMENT

The use of land and the construction and use of structures which are in harmony with adjoining developments, existing neighborhoods, and the goals and objectives of the City's Growth Policy. Elements of compatible development include, but are not limited to: variety of architectural design, rhythm of architectural elements; scale; intensity; materials; building siting; lot and building size; hours of operations; and integration with existing community systems including water and sewer services, natural elements in the area, motorized and non-motorized pathways, open spaces and parks. Compatible development does not require uniformity or monotony of architectural or site design, density or use.

COMPATIBLE LAND USE

A use of land and/or buildings(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect nearby buildings. Effects often measured to determine compatibility include, but are not limited to noise, odor, light and the presence of physical hazards such as combustible or explosive materials.

CONDITIONAL USE

A public or private use as listed in this title which, because of its unique characteristics, cannot be properly classified as a principal use or accessory use in a particular district. After consideration in each case of the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, a permit for such conditional use may or may not be granted, with or without conditions, in addition to any condition specifically stated in this title for a particular conditional use, including time limits, pursuant to the requirement of this title.

CONDITIONAL USE PERMIT

A permit issued by the approving authority stating that the conditional use meets all conditions set forth in local ordinances.

CONDOMINIUM

“Condominium” means a form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project, with the land and other parts of the project held in common ownership or use with the owners of the other units, pursuant to Title 70, Chapter 23, MCA. Condominium use may include residential, office and/or business uses.

CONSTRUCTION CONTRACTORS

Businesses working on all phases of new construction, alterations, remodeling, or restoration and repairs to buildings and structures.

CONTIGUOUS TRACT

For the purpose of these regulations, a parcel of land next to, abutting, adjoining or touching another individual parcel of land, including tracts which are separated by public right-of-way.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

A development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees.

CONTRACTORS YARD

A lot or portion of a lot or parcel used to store or maintain construction machinery, equipment, materials and supplies used by the contractor in the pursuit of the building trade by a construction contractor. This is intended to be a yard owned, or a lot or parcel leased or rented by a contractor engaged in some type of construction work.

CONVENIENCE FOOD GUIDELINES AND/OR DRIVE THROUGH RESTAURANTS

A permanent structure established whose principal business is the sale of foods, frozen desserts or nonalcoholic beverages served in edible containers or in paper, plastic or other disposal containers to the consumer in ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises.

1. The customer is not served food at his/her table by an employee but receives it at a counter, outdoor service window or automobile drive through service window.
2. Foods, frozen desserts or nonalcoholic beverages are usually served in edible containers or in paper, plastic or other disposable containers.
3. The customer is not served food at his/her table by an employee but receives it at a counter, window or similar facility for carrying to another location for consumption either on or off the premises.

CONVENIENCE USE

Retail commercial uses which have relatively high traffic generation rates compared to other commercial uses. A use is designated as a convenience use if the method of operation includes one or more of the following characteristics:

1. Retail motor fuel is sold; can include self service fuel and minor service.

2. The sale of food or drink for consumption or preparation off the premises. Of the food and drink sold, at least twenty (20) percent is in disposable or carry out containers.

CONVERSION

A change in the use of land or a structure.

COOPERATIVE HOUSEHOLD

Five or more persons who are granted a conditional use permit as a cooperative household pursuant to this title. A cooperative household exhibits four or more of the following characteristics:

1. Shared strong bond or common commitment to a single purpose, such as members of a religious order;
2. Are not legally dependent on others not living with them;
3. Can establish legal “domicile” as defined by state law;
4. Share a single household budget;
5. Share in the work of maintaining the premises;
6. Legally share in the ownership or possession of the premises, e.g. tenants in common on a deed or cosigners of a single lease; or
7. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Cooperative housing does not mean any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals with a common living arrangement or whose basis for the establishment of housekeeping unit is temporary.

COUNTRY CLUB

A recreational facility, usually restricted to members and their guests, which generally includes a clubhouse, dining and eating establishments, and recreational facilities such as golf course(s), tennis courts and swimming pools.

COURT

Any open space, unobstructed from the ground to the sky, that is bounded on two or more sides by the walls of a building that is on the same lot.

COVENANT (Restrictive)

An agreement that binds and restricts the land in the hands of the present owners and subsequent purchasers with a view towards protecting and enhancing the physical, natural and economic integrity of the area.

CRAWL SPACE

A space between the ceiling of one story and floor of the next story, which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for an individual to

stand. The crawl space may be a cellar area no more than 4.5 feet high or, if between a ceiling and a flat or shed roof, a cockloft.

CUMULATIVE IMPACT

The total impact that results from an individual action under consideration, when added to the impacts of other past, present, and reasonable foreseeable future actions.

CUPOLA

A small roof tower, usually rising from the roof ridge.

DECK

An unroofed platform or roofed platform, either freestanding or attached to a building, that is supported by pillars or posts; or a pier or landing for a boat.

DEDICATION

The deliberate appropriation of land by an owner for the general and public use, reserving no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

DEMOLITION

Any act or process that destroys, in part or whole, a structure or archaeological site.

DEMOLITION PERMIT

Official authorization to remove part, or all, of a building or structure.

DENSITY

The number of families, individuals, dwelling units, households or housing structures per unit of land.

DEVELOPABLE LAND

Parcels or sites free of constraints to development such as, but not limited to, wetlands, steep slopes, water bodies, unstable soils, easements, and legal impediments and that have frontage on an improved roadway and can be served by public development or private utilities and facilities such as sewer, water, electricity, and gas.

DEVELOPMENT REGULATION

Any zoning, use plan, official map, floodplain or wetlands regulation, or other governmental regulation that affects the use and intensity of land development.

DISTRICT

A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

DRIVE-IN BUSINESS

Any business in which people are provided a service or a product, where a sale is made without the customer being required to leave the vehicle. Such businesses include, but are not limited to, drive-in bank, freestanding automated teller machine, drive-in laundry or dry cleaning pickup station.

DWELLING

A building, or portion thereof, meeting the requirements of the City and used by one household, as defined in Chapter 17.60 for residential purposes. Dwelling occupancy duration is typically longer than thirty continuous days. Dwelling may exist in many configurations, including single-household, two-household, multiple-household dwellings and group homes. Dwellings do not include hotels, motels, extended stay lodgings or tourist homes.

DWELLING, APARTMENT

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

DWELLING, ACCESSORY

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

DWELLING, ATTACHED

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

DWELLING, CLUSTER

Four or less building units consisting of two or not more than twelve non-communicating, attached one-household units, placed side by side and/or back or above having a common wall between each two adjacent dwelling units located at one site.

DWELLING, DEFICIENT UNIT

A housing unit that is not decent, safe, or sanitary, as determined through census surrogates or on-site inspection, and that does not comply with local codes or other housing standards.

DWELLING, DETACHED

A dwelling that is not attached to any other dwelling by any means.

DWELLING, DUPLEX

A building containing two single-household dwelling units totally separated from each other by an un-pierced wall extending from basement to roof.

DWELLING, GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent. Any guest house providing cooking facilities (e.g. full size dishwasher, more than a bar sink, or a stove) shall be considered a dwelling unit.

DWELLING, HABITABLE SPACE OR ROOM

“Habitable space or room” means space in a structure for living, sleeping, eating or cooking. Storage, accessory buildings, utility space and similar areas are not considered habitable space.

DWELLING, MULTIHOUSEHOLD

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

DWELLING, SEASONAL

A dwelling unit that is not used as a principal residence and may be occupied weekends and for brief periods during the year.

DWELLING, SINGLE-HOUSEHOLD

See “Household” definition

DWELLING, SINGLE-HOUSEHOLD SEMIDETACHED

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

DWELLING, TOWNHOUSE

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

DWELLING, TOWNHOUSE CLUSTER

Four or less townhouses buildings meeting the description above located at one site. Clusters can have ground owned in common with other property owners and maintenance and improvement costs are shared by property owners.

DWELLING, TRIPLEX

A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

DWELLING UNIT

A space with a minimum of 400 square feet, containing one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household maintaining a household.

DWELLING UNIT, EFFICIENCY

A Dwelling unit of at least 400 square foot, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities as defined and regulated by the most recent adopted International Building Codes.

DWELLING UNIT, TINY

A residential dwelling unit that is three hundred fifty (350) to seven hundred fifty (750) square feet, is on a permanent foundation, and is used as a single-family dwelling for at least thirty (30) days or longer

DWELLING, ZERO LOT LINE

A building located on a lot in such a manner that one or more of the dwelling's sides rests on a lot line.

EASEMENT

A grant by a property owner to the public, a specific person or persons, other than the owner, of the subject property for a right to use land for a specific purpose or purposes.

ELEVATION

A vertical distance above or below a fixed reference level; A fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

ENCROACHMENT

Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.

ENLARGEMENT

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

ESSENTIAL SERVICES (TYPE I)

Water pumping stations; storm-water drainage facilities (including collection lines, retention/detention ponds and drainage ways); sewer and storm sewer lift stations; public domestic water storage facilities; water fill stations for firefighting equipment; local service telephone lines and cable; local service electrical distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; water and sanitary sewer distribution and collection lines; and public and amateur radio antennae and towers.

ESSENTIAL SERVICES (TYPE II)

Pipelines to transport gas, oil and coal (interstate and intrastate); electric substations; electrical transmission lines (interstate and intrastate); public supply facilities (electric and gas); public treatment facilities (water, sanitary sewer and storm sewer); telephone satellite community dial offices; telephone exchanges and repeater stations, except those facilities which may be considered wireless facilities; other accessory facilities, equipment and structures; and police and fire stations.

ESTABLISHMENT

An economic unit where business is conducted or services or industrial operations are performed.

EXTENDED STAY LODGING

Guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stove and ovens. Generally an individual guest will not exceed thirty (30) days stay. This definition includes dwelling units used, rented or hired out for vacation homes.

EXTENDED PROPERTY LINE

A line, radial or perpendicular to the street centerline at each end of the frontage, extending from the right-of-way line to the curb line.

EXTERIOR WALL

Any wall that defines the exterior boundaries of a building or structure.

EXTRACTIVE INDUSTRIES

Excavating and removing rock, stone, ore, soil, gravel, sand, minerals and similar materials from the surface and/or subsurface.

FAMILY

“Family” mean one or more individuals related by blood, marriage or adoption

FARM AND RANCH OPERATION

See “Agriculture.”

FARM STAND

A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

FARMER’S MARKET

The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a pre-designated area, where vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, GATE

1. An opening in a fence.
2. An artificial barrier capable of being opened and closed, permitting or denying access across a driveway or path.

FENCE, OPEN

A fence constructed with openings between the materials used in its construction.

FENCE, SOLID

A fence, including any gates, constructed of solid material, wood or masonry, through which no visual images may be seen.

FENESTRATION

Windows and other openings on a building façade.

FINANCE, INSURANCE AND REAL ESTATE (FIRE)

Establishments such as banks and financial institutions, credit agencies, investment companies, brokers of and dealers in securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents, and developers of real estate.

FIRE CHIEF OR FIRE MARSHALL

“Fire Marshall” or “Fire Chief” means the fire officer of the fire department serving the City who is responsible for the administration and enforcement of the International Fire Code.

FIRE ZONE

An area clearly delineated and marked to facilitate access to hydrants and buildings as designated by the fire chief.

FISHING, HUNTING, TRAPPING

Establishments primarily engaged in the sale of equipment and services for fishing, hunting, and shooting activities.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

FOOD-PROCESSING ESTABLISHMENT

An establishment in which food is processed or otherwise prepared for eventual human consumption but is not consumed on the premises. Food processing does not include keeping, holding, storing, feeding or killing of animals or poultry as defined in the agricultural definition.

FOOTCANDLE

A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter.

FREIGHT FORWARDING

Establishments primarily engaged in the transshipment of goods from shippers to receivers for a charge, covering the entire transportation route and, in turn making use of the services of other transportation in effecting delivery.

FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE

A building, or parking structure, or part thereof used or intended to be used for the parking and storing of vehicles.

GARAGE ATTACHED

“Attached garage” means an accessory building or structure for the parking or storing of motor vehicles which is joined to the residence by a breezeway and/or a common wall and which is designed and constructed in harmony with said residence. To be considered attached by a breezeway, the garage shall not be located more than twenty (20) feet from the residence, and the roof of the breezeway shall cover an area not less than ten (10) feet wide extending from garage to the residence.

GARAGE, PRIVATE RESIDENTIAL

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

GARAGE, PUBLIC

A structure or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE SALE/YARD SALE/RUMMAGE SALE/ESTATE SALE

The sale of offering for sale on a occasional basis to the general public of items of personal property by the owner or tenant of an improved lot in a residential district, whether in or outside the building.

GAZEBO

An accessory building consisting of a detached, covered, freestanding, open-air structure not exceeding three hundred (300) square feet.

GLARE

The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.

GOLF COURSE

A tract of land laid out for at least nine (9) holes for playing the game of golf that may include a clubhouse, dining, snack bars, pro shop, and practice facilities.

GRADE

The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distance from the wall, 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) of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way. “Finished surface of the ground” shall not include

window wells, stairwells or other similar features, but shall include features such as usable patio area.

GRAIN

Refers to corn, wheat, sorghum, rice, rye, oats, barley, and soybeans; or a hybrid of such products.

GRAIN ELEVATOR

A grain elevator is an agrarian facility complex designed to stockpile or store grain. In the grain trade, the term "grain elevator" also describes a tower containing a bucket elevator or a pneumatic conveyor, which scoops up grain from a lower level and deposits it in a silo or other storage facility.

GREENHOUSE

A building or structure constructed chiefly of glass, glass-like translucent material, cloth, lath or similar materials which is devoted to the protection or cultivation of flowers or other plants.

GROWTH POLICY

An official public document adopted and used by a local government as a general guide for development and conservation decisions. It is not a regulation; rather, it is an official statement of public policy to guide growth and change. The required and optional elements of a growth policy are listed in 76-1-601, MCA.

HAZARDOUS USE

A building or structure or any portion thereof that is used for the storage, manufacture, or processing of highly combustible or explosive products or materials that are likely to burn with extreme rapidity or that may produce poisonous fumes or explosions; for storage or manufacturing that involves highly corrosive, toxic, or noxious alkalis, acids, or other liquids or chemicals producing flame, fume, or poisonous, irritant, or corrosive gases; and for the storage or processing of any materials explosive mixtures of dust or that result in the division of matter into fine particles subject to spontaneous ignition.

HEALTH AND EXERCISE ESTABLISHMENTS

An establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including tennis, racquetball, handball and squash courts, martial arts, gymnastics, weight and aerobic exercise rooms, running facilities, swimming pools, yoga, sport dancing, and whirlpool and sauna facilities. Permitted accessory uses shall include child care, sun tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and small scale juice bars, or food service consumed on the premises.

HELIPORT

An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters.

HISTORIC OVERLAY ZONE

“Historic overlay zone” means a special zoning designation which shall apply to all properties within the boundaries established in order to protect the historical significance of existing structures by prohibiting the undue moving, removal or demolition of said structures. The

historic overlay zone shall be in addition to the established zoning currently applied to all properties within the historic overlay zoning district and shall not affect the permitted uses and/or development standards of said underlying zones.

HISTORIC SITE

The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historic cultural significance by location design, setting, materials, workmanship, feeling and association and adds to the landmark district's sense of time and place of historic development, or archaeological value. The value of a site shall be based on the ability of the site to meet the eligibility requirements for historical significance as described by the National Register of Historic Places.

HOME BASED BUSINESS

Any business, occupation or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling. Home based businesses are subject to all the requirements of this title.

HOME OFFICE

An accessory use within a residential structure in which work for compensation is undertaken, including but not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail, preparing or maintaining business records; word and data processing; and telephone, mail order and off-premises sales. To fit definition no signage or increase in traffic or parking is required.

HOME OCCUPATION

“Home occupation” means an occupation carried on entirely within residence by members of the household who reside on the premises and one employee in addition to members of the household involved in the occupation and in any case no more than two persons in any dwelling unit, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, and does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which the purpose the residential zone was created and primarily intended.

HORTICULTURE

The cultivation of a garden or orchard; the science and art of growing fruits, vegetables, and flowers or ornamental plants.

HOSPITAL

An institution for the diagnosis, treatment or other cure of human ailments and which may include a sanitarium or clinic, provided such institution is operated by, or treatment is given, under direct supervision of a physician licensed to practice by the State of Montana. Including out-patient departments, surgery centers, therapy and training facilities.

HOTEL

A facility offering transient lodging accommodations to the general public and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

HOUSEHOLD

A person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
2. Not more than four unrelated people; or
3. Two unrelated people and any children related to either of them.
4. "Household" does not include:
 - A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, cooperative housing or like organization; or
 - b. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

HOUSEHOLD DAYCARE

A private residence, approved by public or non-profit agency, in which child-care services are regularly provided. Further reference Montana DPPHS requirements.

IMPROVEMENT

Any permanent structure that becomes part of, is placed upon, or is affixed to real estate.

INDUSTRY, HEAVY

Those industries whose processing of products results in the emission of any atmospheric pollutant, light, flashes, glare, odor, noise or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.

INDUSTRY, LIGHT

Those industries whose processing of products results in none of the conditions described for heavy industry.

INFILL

The development of new housing or other uses on scattered vacant sites in a built up area.

INFRASTRUCTURE

Facilities and services needed to sustain all land-use activities.

INSTITUTIONAL USE

A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or-operated building, structure, or land used for public purpose.

JUNK

Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Includes unregistered and inoperable vehicles, tires, vehicle parts and equipment, paper rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

JUNK, VEHICLE

Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, or abandoned motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition.

JUNKYARD OR SALVAGE YARD

“Junkyard: or “salvage yard” means a place where waste, discarded or salvaged materials, reclaimable material are bought, sold, exchanged, baled, packed, disassembled or handled, destroyed, processed, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used motor vehicles in operable condition, or salvaged materials incidental to manufacturing operations.

Any area of land where two or more motor vehicles not in running condition and/or two or more unlicensed motor vehicles, or parts thereof, stored in the open and are not being restored to operation or any land, building or structure used for the wrecking, dismantling, storage or abandonment of motor vehicles or parts thereof. Includes an establishment that cuts up, compresses or otherwise disposes of motor vehicles.

LABORATORIES, DIAGNOSTIC OR RESEARCH

A facility for testing, analysis and/or research.

LANDMARK

A permanent marker, usually called a “monument”, designating property boundaries.

LANDSCAPING

The area not occupied by a structure or paved parking or as an area with natural grass, vegetative groundcover or other natural living plant materials, the remainder of which is covered with non-vegetative decorative landscape design elements such as washed rock, lava rock, bark chips and ornamental features such as pools, fountains, benches, etc. For purposes of this title, the term landscaping shall be considered to have the same meaning as the terms landscape, landscaped and landscaped area.

LAUNDRY, SELF OR RETAIL

An establishment providing washing, drying, or dry-cleaning machines on the premises on a pay-per-use basis to the general public.

LIBRARY

A place containing books and other research materials for reading, study, and research.

LIGHT CONSTRUCTION

Any change not construed as a remodel, alteration or repair, including paving of established driving and parking areas; construction of patios; construction of sidewalks; and landscaping (but not including major changes in grading or site surface drainage).

LIGHTING PLAN

A plan showing the location, height above grade, type of illumination type of fixture, the source lumens, and the luminous area for each source of light proposed.

LIGHT GOODS REPAIR

Establishments primarily engaged in the provision of repair services to individuals and households as well as businesses, but excluding automotive, boat, and similar intensive repair use types. Typical uses include, but are not limited to, the repair of appliances, shoes or clothing, watches or jewelry, instruments, office equipment or electronics.

LIGHT TRESPASS

Light emitted by a lighting installation that extends beyond the boundaries of the property on which the installation is sited.

LOADING SPACE OR BERTH

“Loading space” means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LODGING HOUSE/BOARDING HOUSE

A dwelling unit or part thereof in which, for compensation, lodging and meals are provided on a long-term basis of thirty (30) days or more.

LOT

A piece, parcel, plot, tract, or area of land in common ownership created by subdivision or its legal equivalent for use, sale, lease or rent. A lot has the characteristics of being able to be occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them and having its principal lot frontage on a public street.

LOT AREA

The total area within the boundary lines of a lot.

LOT MEASUREMENTS

1. Lot Depth: The horizontal distance of a line measured at a right angle to the front lot line and running between the front lot line and rear lot line of a lot.

2. Lot Width: The distance as measured in a straight line, between side lot lines at the points of intersection with the required front building line.
3. Lot Frontage: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a public street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

LOT TYPES

1. Corner Lot: A lot at a junction of, and fronting on, two or more intersecting public streets.
2. Interior Lot: A lot other than a corner or through lot.
3. Double Frontage or Through Lot: A lot having frontage on two parallel, or approximately parallel or non-intersecting public streets.
4. Reverse Frontage Lot: A double frontage or through lot that is not accessible from one of the parallel or non-intersecting streets on which it fronts.
5. Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a private right-of-way.
6. Minimum Area: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.
7. Transition:
 - A. a lot in transition zone;
 - B. a lot in one zoning district abutting another district and designated as a transition lot.
8. Merged: Two or more contiguous lots, in single ownership that individually do not conform to zoning ordinance bulk standards.

LOT LINE, FRONT

In the case of an interior lot, a line separating the lot from the street, in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street and in the case of a double frontage or through lot, a line separating the lot from the street from which a drive access may be permitted by the City.

LOT LINE, REAR

A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE

Any lot boundary line not a front lot line or a rear lot line.

LOT LINE, WIDTH

The distance as measured in a straight line, between side lot lines located on a property line.

LOT LINE, ZERO

A concept utilized to permit a structure or wall of a building to be located on a property line.

LOT, NONCONFORMING

A lot, use or the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

LOT, PENINSULA

A lot surrounded on three sides by roads.

MANUFACTURED HOME

A residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards. A manufactured home does not include a mobile home, as defined below, or a mobile home or house trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. (15-1-101 MCA)

MANUFACTURED HOME LOT OR SPACE

A lot for rent or lease in a manufactured housing community designated for the accommodation of one manufactured home and its accessory buildings or structures for the exclusive use of the occupants.

MANUFACTURED HOME COMMUNITY

Any piece of real property under single ownership or control for which the primary purpose is the placement of two or more manufactured homes for permanent residential dwellings and for the production of income. A manufactured housing community does not include real property used for the display and sale of manufactured units, nor does it include real property used for seasonal purposes only, as opposed to year-round occupancy. Home sites within the community are leased to individual homeowners, who retain customary leasehold rights.

MANUFACTURING

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors. This includes products made by hand or machinery according to an organized plan with the division of labor.

MANUFACTURING, LIGHT

Fabrication of and/or assembly of goods from previously prepared materials.

MARIJUANA (CANNABIS) BUSINESS, MEDICAL

The cultivation, growing and/or harvesting of medical marijuana (cannabis) for retail and/or wholesale business purposes. A licensed premises from which a person licensed by the department may:

1. Obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and

2. Sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both

MARIJUANA (CANNABIS) BUSINESS, RECREATIONAL

The cultivation, growing and/or harvesting of marijuana (cannabis) for retail and/or wholesale business purposes for recreational use.

METES AND BOUNDS

A method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference.

MEDICAL OFFICES, CLINICS AND CENTERS

An establishment where patients are admitted for special study and treatment by licensed health care professionals, dentists, pharmacies, medical research, medical and dental related experimental and testing laboratories, emergency medical services, ambulance services, occupational therapy, physical therapy, rehabilitation facilities, immunology and serology laboratories, blood banks, nursing services, medical housekeeping services, midwifery offices, prosthetic supplies, imager centers, dietetics, optical and ophthalmological services, including acupuncturists, acupressure, massage therapy naturopathic and chiropractors.

MINI-WAREHOUSE

A building or group of buildings in a controlled access and fenced or screened compound that contains relatively small storage spaces of varying sizes and/or spaces for recreational vehicles or boats, having individual, compartmentalized and controlled access for the dead storage of excess personal property of an individual or household generally stored in residential accessory structures, when such building or group of buildings are not located on the lot of the residence.

MIXED-USE ZONING

Regulations that permit a combination of different uses within a single development or zone.

MOBILE HOME

The term mobile home means forms of housing known as “trailers”, “house trailers”, or “trailer coaches” exceeding eight (8) feet in width or forty-five (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 eight (8) feet in width or forty-five (45) feet in length used as a principal residence. Definition applies only to units constructed after June 15, 1976.

MOBILE HOME PARK

A parcel of land upon which two or more spaces are available to the public and designated for occupancy by trailers or mobile homes for use as residences.

MODULAR OR SECTIONAL HOME

A dwelling unit meeting the standards of the International Building Code which was mass produced in a factory, designed and constructed for transportation to a site for occupancy when connected to the required utilities and when permanently anchored to a permanent foundation,

whether intended for use as an independent, individual unit or in combination with other units to form a larger building, and which does not have integral wheel, axles or hitch. For the purposes of locating a dwelling according to the standards of this title there is no distinction made between constructed wholly or partly off-site and a dwelling constructed on-site so long as they meet the standards of the City's adopted International Building Code

MOTEL

An establishment providing sleeping accommodations for transients.

NATURAL ENVIRONMENT

The physical conditions which exist within a given area, including land, water, mineral, flora, fauna, noise, light, and objects of historic or aesthetic significance.

NEIGHBORHOOD PERSONAL AND CONVENIENCE SERVICES

Commercial uses oriented at serving the needs of neighborhoods. These areas are typified by smaller scale shops and services, and a high level of pedestrian bicycle and transit opportunities. Neighborhood commercial centers are intended to support and help give identity to individual neighborhoods by providing a visible and distinctive focal point. A neighborhood commercial center may also contain uses that draw from more than the immediate vicinity, especially when located adjacent to arterial streets. Activities commonly expected in this classification are daycares, small scale groceries, bakeries, coffee shops, retail stores, small stores, small restaurants, offices. Service businesses such as barbershops, beauty shops, tailors, shoe repair, massage, laundry-mats, laundry and dry cleaning pickup, health clubs, domestic services are included.

NONCONFORMING STRUCTURE OR BUILDING

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING CERTIFICATES

The certificate will officially establish the type, extent, and intensity of use taking place on a specific property to the benefit of the property owner and the City.

NUISANCE

A condition or situation that results in a interference with the enjoyment and use of property. A nuisance element can "but is not limited" to environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare, or heat.

NURSERY, RETAIL

The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

NURSERY, WHOLESALE

The growing, cultivation, storage and sale of garden plants, flowers, trees and shrubs to landscapers, developers, builders, and retail nurseries.

OCCUPANCY OR OCCUPIED

The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building;

OFFICES

Buildings or portions of buildings in which commercial activities take place but where goods are not produced, sold or repaired. These include but are not limited to general and professional offices; governmental, financial offices; insurance offices; attorney offices; real estate offices; taxicab offices (but not taxi stands); travel agency or transportation ticket offices; telephone exchange; utilities offices; radio broadcasting and similar uses.

OFF-SITE PARKING

Parking provided for a specific use but located on a site other than the one on which the specific use is located.

OFF-STREET LOADING

Designated areas located adjacent to buildings where trucks may load and unload cargo.

OUTDOOR STORAGE

The keeping, in an unenclosed area, of any goods, junk material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OVERLAY ZONE

An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for use meeting the zone requirements is approved. Overlay zone can be superimposed upon an underlying zone, or in lieu of, those of the underlying zone.

PARAPET

That part of the wall which extends above the roof. For the purposes of this title relating to signage, the top of the parapet shall be considered to be the roofline.

PARK, PUBLIC

A tract of land owned by a branch of government and available to the general public for recreational purposes.

PARK, PRIVATE

A open space or park under private ownership which may contract with the City to operate, maintain and use or not.

PARKING AREA

Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveway, and legally designated areas of public streets.

PARKING SPACE, OFF-STREET

A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way but is accessible from a street or alley.

PARKING SPACE, ON-STREET

A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

PARKING AREA, PRIVATE

A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else the owners permit to use the parking area.

PARKING LOT

An off-street, ground-level open area that provides temporary storage for motor vehicles.

PARKING RATIO

The number of parking spaces required by the standards set in this title.

PARKING SPACE, HANDICAPPED

A space in a parking area with stall dimensions, access, and signage conforming to the Americans with Disabilities Act (ADA) or state standards.

PARTIAL DESTRUCTION

A building or structure that, because of fire, flood, explosion, or other calamity, requires the rebuilding of less than half of the original floor area.

PARTY WALL

Any wall of a building or structure which is common to two or more buildings, and which has a minimum of one-hour fire-resistant construction as defined and regulated by the latest adopted International Building Code.

PATHWAY/TRAIL

A facility that accommodates the recreational and/or transportation needs of pedestrians and bicyclists, including sidewalks, bike lanes, boulevard trails and trails.

PERMANENT MONUMENT

Any structure of masonry, metal or other permanent material placed in the ground which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

PERMIT

Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PET GROOMING

A personal service establishment that, for a fee, trims, cleans or curries domestic pets such as dogs and cats and which may sell pet supplies. This term shall not include establishments which board pets or provide pet day care.

PLAZAS

Plazas are paved areas typically providing amenities such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians.

PORCH

“Porch” means a roofed structure, open on two or more sides, projecting from the front, side or rear wall of the building

PRIVATE STREET

A right-of-way usable by the public but maintained by a property owners association.

PROPERTY OWNERS ASSOCIATION

An association incorporated or not incorporated, combining individual property ownership with shared use or owners ownership of common property or facilities, or shared maintenance of subdivision or community facilities.

PUBLIC HOUSING

“Public housing” means residential housing in which public funds are used to subsidize or directly finance occupancy of tenants.

PUBLIC STREET OR ROAD

A street or road for which the right-of-way has been dedicated to the public.

QUASIA-PUBLIC USE

A use owned or operated by a non-profit, religious, or eleemosynary institution and providing educational, cultural, recreational, religious, or similar types of programs.

QUIET ENJOYMENT

The right of an owner or occupant to the use of property without interference of possession.

RADIO/TELEVISION BROADCASTING STATION

An establishment engaged in transmitting aural and visual programs to the public and which consists of a broadcasting studio, transmission tower, and antenna(s).

RECREATIONAL VEHICLE

1. A vehicular-type unit designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and is licensed as a recreational vehicle (RV).
 - A. “Dependent RV” means an RV not containing sanitary facilities and/or devices for connecting the facilities to a community waste disposal system.
 - B. “Independent RV” means an RV containing sanitary facilities and devices for connecting the facilities to a community waste disposal system.
2. The Term “recreational vehicle” shall include, but not be limited to, the following:

- A. Travel Trailer. A vehicular, portable structure built on a chassis and drawn by a motorized vehicle and which is designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
- B. Camper. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and vacation uses;
- C. Motor Home. A portable, temporary dwelling to be used for travel, recreational, and vacation uses and which is constructed as an integral part of a self-propelled vehicle;
- D. Camping Trailer. A folding structure mounted on wheels and designed for travel, recreational, and vacation uses;
- E. Park Trailer. A trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:
 - i. Built on a single chassis, mounted on wheels;
 - ii. Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the setup mode; and
 - iii. Certified by the manufacturer as complying with ANSI A119.5;

RECREATIONAL VEHICLE PARK AND/OR CAMPGROUNDS

A plot of ground upon which two or more sites are located, established or maintained for occupancy by the general public as temporary living quarters for travel, recreation or vacation purposes. Along with acceptable usage by Recreational Vehicles, Tents would be an acceptable usage.

RECREATIONAL VEHICLE SPACE

A lot for rent or lease within a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECYCLABLE

A waste product capable of being reused or transformed into a new product.

RECYCLING

The process by which waste products are collected and/or reduced to raw materials and transformed into new and often different products.

RECYCLING CENTER

A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

RECYCLING COLLECTION POINT

A neighborhood drop-off point for the temporary storage of recyclables.

RECYCLING PLANT

A facility in which recyclables, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, preprocessed, and treated to return such products to a condition in which they may be used again in new products.

RELOCATION

Any movement of a structure, on the same site or to another site.

REPAIR

Any change not otherwise construed as light construction or an alteration, as herein defined, that replaces broken, worn or damaged materials with like, not necessarily identical, materials and is insignificant to the size and condition of the structure or property. Repainting and reroofing shall be included under this definition.

RESTORATION

The replication or reconstruction of a building's original architectural features.

RESTAURANT

An establishment where food and drink are prepared, served, and consumed, mostly within the principle building.

RETAIL FOOD ESTABLISHMENT

Any fixed facility in which food or drink is sold primarily for off-premises preparation and consumption. (grocery stores)

RETAIL FOOD ESTABLISHMENT, MOBILE

A vehicle, usually a bus, van, truck, towed trailer, or pushcart, from which food and beverages are sold.

RETAIL

The rental or sale of tangible personal property for any purpose other than for resale

RETAIL SALES

Establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

RETAIL SALES, OUTDOORS

The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires, and motor oil; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumberyards.

RETAIL WAREHOUSE OUTLET

A retail use operating from a warehouse as an accessory use to the principal warehouse use.

REZONE

To change the zoning classification of particular lots or parcels of land.

REZONE, APPLICATION

A request for a change in zone to permit new uses or prohibit one or more current uses or to amend the current requirements.

RIDGELINE

A relatively narrow elevation that is prominent because it rises at a angle of twenty-five (25) percent or greater; an elongated crest, or series of crests, with or without individual peaks, significantly higher than the adjoining ground and often acting as a the hydrologic dividing line between two or more drainage areas.

RIDGELINE PROTECTION AREA

A ridgeline protection area is the area within 150 feet of a ridgeline, measured perpendicular to the ridgeline when the ridgeline is:

1. Located in an area above 4,900 feet in elevation above mean sea level; and
2. When the elevation of a line parallel to the ridgeline loses either: At least ten feet in vertical elevation on both sides of the ridgeline within 100 feet; or
 - a. At least 30 feet in vertical elevation on both sides of the ridgeline within 300 feet; or
 - b. A combination of the two standards where one side of the ridgeline meets one loss of elevation standard and the opposite side meets the other.

RIGHT-OF-WAY

Linear public way established or dedicated for public purposes by duly recorded plat, deed, easement, grant, prescription, condemnation, governmental authority or by operation of the law and intended to be occupied by street, crosswalk, railroad, electric transmission lines, water lines, sanitary sewer line, storm sewer line or other similar uses.

SAFETY AND CONTAINMENT PLAN

Written documentation of operating procedures and procedures for emergency shutdown, that meets the standard for the state-adopted International Fire Code (IFC) regulations. The plan shall be designed to identify, evaluate, and control safety and health hazards, and provide for emergency response, including emergency access and collapse zone. The process of developing and updating such procedures shall involve the participation of affected employees and shall be developed and enforced to ensure that operations are conducted in a safe manner.

SCHOOL

Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

SCREENING

A method of visually shielding or obscuring an abutting or nearby structure or use from another through the use of solid or nearly solid barriers (e.g., wall, fence, planting, berms).

SECURITY LIGHTING

An outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary concern.

SECOND OR SUBSEQUENT FRONT YARD OR CORNER SIDE YARD

A yard on a corner lot the area of which is bounded by a line extending from the front of the principal building (the front building line) to a point intersecting the side street right-of-way line (side lot line), then along the side lot line to a point intersecting the rear lot line, then along the rear lot line to a point intersecting the line formed by extending the wall of the nearest principal building paralleling the side lot line.

SERVICES

Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business industry, government, and other enterprises.

SETBACK

The shortest distance, measured perpendicularly from the property line or a street, alley, or sidewalk right-of-way, to the nearest part of the applicable building foundation, structure or sign.

SETBACK LINE

That line that is the required minimum distance from the street right-of-way or public access easement line or any other lot line that establishes the area within which structures must be placed, as specified in this title.

SHORT-TERM RENTAL

Any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, timeshare, or owner-occupied residential home that is offered for a fee for thirty (30) days or less.

SIDEWALK SALES

Retail sales of a short-term and temporary nature conducted on the sidewalk or adjacent to the indoor establishment of the tenant or owner without permanent improvement made to the site.

SIGN

Any object, device, display, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

1. Outdoor advertising display does not include;
 - a. Official notices issued by any court of public body or officer; or
 - b. Notices posted by any public officer in performance of a public duty or by any person in giving legal notice.

SIGN, ANIMATED

Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

SIGN, AWNING

Any sign of lightweight fabric, similar material, or metal that is permanently mounted to a pole or a building by a permanent frame at one or more edges.

SIGN, BANNER

A temporary sign of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization. A single one of each national, state, or municipal flags, or the official flag of any institution or non-profit institution shall not be considered banners.

SIGN, BENCH

A sign painted on, located on, or attached to any part of the surface of a bench seat, or chair placed on or adjacent to a public place or roadway.

SIGN, BILLBOARD

A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, BLADE

A vertically oriented wall sign.

SIGN, BULLETIN BOARD

A sign that identifies an institution or organization on whose premises it is located and that contains the name of the institution or organization, the names of the individuals connected with it, and general announcements of events or activities of an organization or institution.

SIGN, BUSINESS

A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN, CANOPY

A sign attached to the underside of a canopy.

SIGN, CONSTRUCTION

A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar businesses, artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or an interest with respect to the structure or project.

SIGN, DIRECTIONAL

An on premises sign which is intended to convey information regarding the location of specific features of the site or to convey on-premise regulations including traffic and circulation regulations.

SIGN, DIRECTORY

A sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions or business activities.

SIGN, ENHANCEMENT

Any portion of a sign structure intended to improve the physical appearance of a sign, including roofs, moldings, railroad ties, lattice, or other decorative features.

SIGN, FACE

The area or display surface used for the message.

SIGN, FLASHING

Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effect by any means whatsoever.

SIGN, FREESTANDING (Pole Signs)

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.

SIGN, GOVERNMENTAL

A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

SIGN, GROUND

A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground. (Boardwalk signs)

SIGN, HANGING

A freestanding sign supported by the extended arm of a single post, with the top edge of the sign face not exceeded eight (8) feet above grade level.

SIGN, HEIGHT OF LOW PROFILE

The vertical distance between the elevation of the adjacent street, curb, or edge of pavement if no curb exists, to the highest attached component of the sign. In the event that the finished grade of the sign location is higher, or lower, than the adjacent street curb or edge of pavement, the height shall be determined as the vertical distance from the median elevation between the adjacent street curb or edge of pavement and the lowest finished grade at the base of the sign to the highest attached component of the sign.

SIGN, HOLIDAY DECORATION

Temporary signs, in the nature of decorations, and customarily and commonly associated with any national, local, or religious holiday.

SIGN, IDENTIFICATION

This type of sign means a sign pertaining to and containing only the name and trademark of the use or business is conducted on the lot where the sign is located. Advertising of products is not allowed.

SIGN, ILLUMINATED

A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, INCIDENTAL

A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no-parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message, which is designed with the intent to be legible from a position off the zone lot on which the sign is located, shall be considered incidental.

SIGN, INFLATABLE

Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise.

SIGN, INTERCHANGE ZONE

Districts created for the purpose of allowing larger and/or additional signage for the areas adjacent to Interstate 15.

SIGN, LANDMARK

Any sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community as being identified placed by the local historical commission or other official agency.

SIGN, LOW-PROFILE

A freestanding sign composed of a solid structure between finished grade and the top of the sign. Also referred to as a monument sign.

SIGN, MARQUEE

Any sign made a part of a marquee and designed to have changeable copy, either manually or electronically.

SIGN, MEMORIAL

A sign, tablet, or plaque memorializing a person, event, structure, or site.

SIGN, NAKED LIGHT DISPLAY

A string of lights or any unshielded light used to attract attention.

SIGN, NEON

A sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electric voltage is discharged.

SIGN, NONCONFORMING

A sign that does not conform to the provisions of Chapter 17.52.

SIGN, OFFICIAL

Any sign installed by a government agency and intended to direct or control traffic, identify streets, parks, and historic special events, or to provide other information deemed necessary by that official agency.

SIGN, OFF-PREMISES

A sign which advertises or directs attention to products or activities that are not provided on the parcel or lot upon which the sign is located.

SIGN, ON SITE

A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, restrooms, and pickup and delivery areas.

SIGN, PARAPET

For the purposes of this title relating to signage, the top of the parapet shall be considered to be the roofline.

SIGN, PENNANT

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE

A freestanding sign which is supported by a column(s) or other structural members(s) that is permanently attached to the ground or a ground-mounted structure and provides a minimum of eight (8) feet of visible, vertical space between the bottom of the sign and finished grade.

SIGN, POLITICAL

A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

SIGN, PORTABLE

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be carted, including, but not limited to, signs designed to be transported by means of wheels, signs converted to frames; 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 (sandwich board signs).

SIGN, PRIVATE SALE OR EVENT

A temporary sign advertising private sales of personal property, such as "house sales", "garage sales", "rummage sales", and the like, or private not-for-profit events, such as picnics, fairs, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building (also known as shingle sign).

SIGN, READER BOARDS

Reader boards attached to a structure thereto giving time, temperature, or message concerning the community are allowed.

SIGN, RESIDENCE DESIGNATION

A sign or nameplate indicating the name and/or address of occupants of a residential property.

SIGN, ROOF

Any sign erected and constructed on and over the roof of a building, supported by the roof structure, being vertically above any portion of the roof. Roof signs shall not include signs located on the mansard roof if the sign is mounted vertically and integrated with the roof. For the purpose of this chapter, architecturally integrated mansard signs and other architecturally integrated signs located below the principal roof line shall be classified as wall signs.

SIGN, SEARCHLIGHT DISPLAY

Any use of lighting intended to attract the general public by the waving or moving of light beams.

SIGN, SIDEWALK

Any temporary freestanding display located on the sidewalk or sidewalk area adjacent to a public roadway or street.

SIGN, SPECIAL EVENT

A temporary sign which advertises special civic events and activities such as street fairs, community festivals, parades farmers markets, and charity benefits.

SIGN, SUSPENDED

A sign hanging from a marquee, awning, or porch.

SIGN, TEMPORARY

A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

SIGN, VEHICLE

A sign on a vehicle not customarily and regularly used to transport persons or property.

SIGN, VENDING MACHINE

Any sign, display, or other graphic attached to or part of a coin-operated machine dispensing food, beverages, or other products.

SIGN, WALL

Any sign painted on, attached to or erected against the wall of a building, structure, canopy, or awning with the face of the sign parallel to the plane of said wall or structure. The sign must be attached in a manner so that it does not extend six (6) inches beyond the wall.

SIGN, WINDOW

Any sign painted, attached, glued, or otherwise affixed or sitting in a window for the purpose of being visible from the exterior front of the building.

SQUARE

Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, and consists of paved walks, lawns, trees and civic buildings.

STABLE, COMMERCIAL

Any building or complex of buildings and pastures which is designed, arranged, used or intended to be used for equestrian purposes and is resided upon by the property owner. A public stable is an agricultural activity.

STABLE, PRIVATE

Any building or complex of buildings and pastures which is designed, arranged, used or intended to be used for the private use of the owner of the lot.

STREETS

Any vehicular way is:

1. An existing state, county, or municipal roadway;
2. Shown upon a plat approved pursuant to law;
3. Approved by other official action;
4. Shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats;
5. Shown on the official map. It includes the land between the street lines, whether improved or unimproved.

STREETS, ARTERIAL

Arterial streets carry the longest trips in the system, have the highest traffic volumes, serve major activity centers, and provide limited access to adjoining property. Arterial streets in Dillon generally consist of the highway corridors which are maintained by the Montana Department of Transportation (MDOT). Other streets may be designated by a City Council resolution based on appropriate traffic studies.

STREETS, COLLECTOR

Collector streets connect the arterial system to the local streets.

STREETS, LOCAL

Local streets primarily provide direct access to private properties and access to collector or arterial streets. Through traffic patterns are discouraged.

STREETSCAPE

A design term referring to all the elements that constitute the physical makeup of a street and that, as a group define its character, including building frontage; street paving; street furniture; landscaping, including trees and other plantings; awnings and marquees; signs; and lighting.

STREET VISION TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection.

STRIP COMMERCIAL

Commercial or retail uses, usually one-story high and one-store deep, that front on a major street or highway.

STRUCTURE

“Structure” means anything constructed for use, occupancy, or ornamentation created with a fixed location on the ground, or attached to something on the ground. Among other things, structures include all buildings, mobile homes, walls, fences, signs, billboards, garages, carports, poster panels, and head-frames or towers.

STRUCTURE, ACCESSORY

A structure which does not determine the principal use of the property on which it is located.

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any change in the exterior walls or the roof.

STUDIO

The workshop of an artist, sculptor, photographer, or craftsperson.

SUBSTANTIAL CONSTRUCTION

“Substantial construction” for new buildings shall be satisfied when all permanent concrete footings and foundations are in place. For existing buildings, “substantial construction” shall be satisfied where a minimum of ten percent of the entire construction has been completed in the opinion of the building official.

SUBSTANTIAL DAMAGE

Damages sustained by a structure where the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred as determined by Beaverhead County’s last equalized assessment roll.

TATTOO ESTABLISHMENT

An establishment, including any room, space, shop, or salon, including a temporary or mobile facility, where tattooing is practiced

TENTS

An enclosed structure or shelter fabricated entirely or in major part of cloth, canvas, plastic, or similar material which is erected temporarily for recreational or vacation purposes. For the purpose of this code, a tent shall be considered as a dependent camping vehicle.

TRANSITION ZONE

A zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition zone, could be considered incompatible with each other

TRANSITION AREA

1. An area in the process of changing from one use to another or changing from one occupancy to another;
2. An area that acts as a buffer between two land uses of different intensity and compatibility.

TRASH ENCLOSURE

An accessory use or structure where trash and/or recycling material containers or any other type of waste or refuse containers are stored.

USE

The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, EXISTING

The use of a lot or structure at the time of enactment of a zoning ordinance.

USE, PRINCIPAL ENTRANCE

The place of ingress and egress used most frequently by the public.

USE, PRINCIPAL

A use or structure which determines the predominant or major use of the lot on which it is located. The principal use shall be that use which establishes the character of the property relative to surrounding or adjacent properties.

USE, MULTI-USE

A building containing two or more distinct uses.

USE, NONCONFORMING

A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

USE, PERMITTED

A use which is lawfully established in a particular district or such districts and which conforms with all the requirements, regulations and performance standards of such district. A permitted use may be a principal use, an accessory use or a conditional use.

USE PLAN

A color scale drawing showing the accurate location of all structures, streets, alleys and parking areas, existing and proposed, on subject property or any other information as may be required by this title.

USE, TEMPORARY

Any temporary sales or lot where the sale or trade of goods, materials and merchandise takes place outside any permanent structure, from within temporary structures or from vehicles and where several sellers or traders may congregate for the purpose of selling or trading. All signs directing persons or traffic will be removed at the end of each day.

USE, TRANSITIONAL

A permitted use or structure of an intermediate intensity of activity or scale and located between a more intensive and less-intensive use.

USE VARIANCE

A modification or variance of the provisions of this title as applied to a specific piece of property for a use not permitted in zoning district.

VARIANCE, HARDSHIP

A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

VARIANCE, APPLICATION

A request with all the site information which will allow authority to evaluate and determine if a variance should be granted.

VEHICLE, OFF-ROAD (ORV)

Vehicles, including, dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes, designed for use on unimproved surfaces.

VIOLATION

The failure of a structure, use of land or other development to be fully compliant with this title.

WAREHOUSE

An enclosed building designed and used primarily for the storage of goods and materials.

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

A parcel of land containing a tower, sending and receiving antennas attached to a tower, and a prefabricated or modular structure or cabinets containing electronic equipment.

YARD

A open space on the same lot with a principal building, which is open and unoccupied from the ground upward or the ground downward other by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this title.

ZONING

The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

ZONING MAP

A map or maps with all notations, dimensions, references and symbols showed thereon depicting individual zoned districts in accordance with this title.

Enc Ord 433 December 5, 2012, Revised Ord 446 March 23, 2016, Revised Ord 448 October 11, 2016, Revised Ord 453 June 7, 2017, Amended Ord 460 September 5, 2018, Revised Ord 470, Nov 19, 2022

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