

- A. Words used in the present tense include the future. (Chapter 1, Title 11)
- B. Words or phrases used in the singular number include the plural and words used in the plural include the singular. (Chapter 1, Title 11)
- C. The words "shall" and "must" are mandatory and not permissive. (Chapter 1, Title 11)
- D. The word "may" is permissive. (Chapter 1, Title 11)
- E. Where terms are not defined, they have their ordinary accepted meanings within the context in which they are used. (Ord. 3097, 4-7-2008) (Chapter 1, Title 11)

A

ADMINISTRATIVE ADJUSTMENT: A staff determination regarding minor modifications to the required transparency, building entrance design standards, and façade wall segment length. (Chapter 9, Title 11)

~~**ADMINISTRATIVE SERVICES:** Services provided to businesses such as data processing centers, public relations, advertising, and customer service centers via telecommunications. (Chapter 2, Title 11)~~

~~**AGRICULTURAL COMMODITY STORAGE FACILITY:** The storage of bulk food items before shipment or processing, such as grain elevators and similar facilities. (Chapter 2, Title 11)~~

AGRICULTURE SUPPLY SALES: The retail sale of goods and products unique to and directly related to farming and ranching operations, including agricultural supplies and equipment and machinery sales and repair. (Chapter 2, Title 11)

AIRPORT: A place used for landing, parking, loading, unloading, departure, and storage and maintenance of airplanes, helicopters, and aircraft. This term also includes accessory uses. (Chapter 2, Title 11)

~~**AIRPORT:** The Helena airport. (Chapter 35, Title 11)~~

~~**AIRPORT BOARD OF ADJUSTMENT:**-The board consisting of five (5) members appointed by the Helena city commission and Lewis and Clark County commissioners as provided in section 1-718 and 11-2707, Revised Codes of Montana, 1947. (Chapter 35, Title 11)~~

AIRPORT ELEVATION: The established elevation of the highest point on the usable landing area. (Chapter 35, Title 11)

AIRPORT HAZARD: Any structure, tree or use of land which obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport. (Chapter 35, Title 11)

AIRPORT REFERENCE POINT: The point established as the approximate geographic center of the airport landing area and so designated. (Chapter 35, Title 11)

AIRPORT HEIGHT: For the purpose of determining the height limitations in all zones established by ~~this chapter~~ Chapter 35 and shown on the Helena airport zoning map, the datum shall be mean sea level elevation unless otherwise specified. (Chapter 35, Title 11)

AIRPORT LANDING AREA: The area of the airport used for the landing, taking off, or taxiing of aircraft. (Chapter 35, Title 11)

AIRPORT NONCONFORMING USE: Any preexisting structure, tree, natural growth or use of land which is inconsistent with the provisions of ~~this chapter~~ Chapter 35 or amendment thereto. (Chapter 35, Title 11)

AIRPORT NONPRECISION INSTRUMENT RUNWAY: A runway having or planned an instrument approach procedure utilizing area type navigation equipment for a straight in, nonprecision instrument approach. (Chapter 35, Title 11)

AIRPORT PRECISION INSTRUMENT RUNWAY: A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities, suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions. (Chapter 35, Title 11)

AIRPORT RUNWAY: The paved surface of an airport landing strip. (Chapter 35, Title 11)

AIRPORT UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less. (Ord. 2359, 5-20-1985) (Chapter 35, Title 11)

ANIMAL SHELTER: A place that temporarily houses stray animals and may include a crematorium. (Chapter 2, Title 11)

ARTISAN SHOP: A place used or intended for creating works of art or small scale production of handmade craft items, including paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions. (Chapter 2, Title 11)

AUCTION SALES: Sales by auctioning consumer products but excluding vehicle and livestock auctions. (Chapter 2, Title 11)

AUCTION SALES, LIVESTOCK: Sales by auctioning live animals including but not limited to cattle, horses, pigs, and goats.

BED AND BREAKFAST: A private residence other than a hotel, motel, or multiple-unit dwelling, with ~~no more than eight (8)~~ guestrooms used for temporary accommodation of guests for compensation, and that may serve meals to its guests. (Chapter 2, Title 11)

BOARDING HOUSE OR ROOMING HOUSE: A building other than a hotel or motel that has individual sleeping rooms for up to twenty (20) persons and where utility facilities for eating, cooking and sanitation ~~meals and laundry~~ are shared. (Chapter 2, Title 11)

BUILDING: A structure, including its projections and extensions, constructed for support, shelter, or enclosure of persons, animals, chattels, or property of any kind. Please see the definition of structure. (Chapter 4, Title 11)

BUILDING HEIGHT: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, the deck line of a mansard roof, and for a pitched or hipped roof, the average height of the highest gable. The reference datum is either of the following, whichever yields a greater height of building:

A. The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') above lowest grade.

B. An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface described in subsection A of this definition is more than ten feet (10') above lowest grade. (Chapter 4, Title 11)

BUS TERMINAL: A place used for the service and storage of buses, loading and unloading of bus passengers and freight, and includes facilities for ticket sales and food service that are primarily intended for bus passengers. (Chapter 2, Title 11)

C

CAMPGROUND/RV PARK: A place for camping using tents, cabins, recreational vehicles, or other similar accommodations. This includes accessory uses such as a laundromat and retail sales for the convenience of campground guests. (Chapter 2, Title 11)

CARNIVALS AND CIRCUSES: ~~A temporary traveling amusement show that is open to the public and usually includes rides, games, sideshows, and animals.~~ (Chapter 2, Title 11)

CASINO: ~~Defined in chapter 40 of this title.~~ (Chapter 2, Title 11)

CASINO: An establishment licensed for on premises consumption of alcoholic beverages which:

A. Is licensed for and has six (6) or more video gaming machines or gambling devices; or

B. Is licensed for and used to conduct any of the following types of gambling: calcutta pools, live card games, live card game tournaments, and live keno. (Chapter 40, Title 11)

EXISTING CASINO: Licensed premises that previously had a gambling operator's license and operated as a casino or which had a pending application before the Montana department of justice prior to April 1, 1999, for a gambling operator's license for a casino use. (Chapter 40, Title 11)

COMMERCIAL DISTRICT: B-1, B-2, ~~B-3~~, DT, TR, CLM, M-I or PLI zoning districts. (Chapter 24, Title 11)

COMMERCIAL KENNEL: A for profit place housing any combination of three (3) or more dogs, cats, or other domesticated animals over six (6) months of age for the purpose of boarding, breeding, training, or sale, including dog training centers, but excluding animal hospitals, animal grooming parlors, and pet shops. (Chapter 2, Title 11)

COMMUNICATION TOWER: a non-occupied structure exclusive for a cellular enabled mobile device site where antennae and electronic communications equipment are placed to create a cell (or adjacent cells) in a cellular network.

COMMUNITY RESIDENTIAL FACILITY: Includes the following:

COMMUNITY FACILITY, TYPE I: A community residential facility serving twelve (12) or fewer individuals. (Chapter 2, Title 11) **MCA 76-2-412**

COMMUNITY FACILITY, TYPE II: A community residential facility serving thirteen (13) or more individuals. (Chapter 2, Title 11) **MCA 76-2-411**

A. A facility licensed by a governmental agency and providing care on a twenty four (24) hour a day basis and as defined by State law:

~~1. A community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care.~~

~~2. A youth care facility in which substitute care is provided to youth, including youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities, childcare agencies, and transitional living programs, but excluding youth assessment centers.~~

~~3. An adult foster family care home.~~

~~4. A halfway house operated in accordance with regulations of the Montana Department of Public Health and Human Services for the rehabilitation of alcoholics or drug dependent persons.~~

~~5. An assisted living facility.~~

~~B. A maternity home, including administrative offices, services for childcare, counseling, classroom training, independent living training, and support groups. (Chapter 2, Title 11)~~

COMMUNITY CENTER: A noncommercial building, or portion thereof used for short term and intermittent meetings or gatherings of individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, socializing, or similar activities, and includes fraternal, social or civic clubs, lodges, and union halls. (Chapter 2, Title 11)

COMMUNITY CULTURAL FACILITY: A place used for studying, reading, personal education, or for viewing the visual arts such as libraries, museums, art galleries, and observatories, ~~but not the performing arts.~~ (Chapter 2, Title 11)

COMMUNITY GARDEN: a piece of land gardened by a group of people, utilizing either individual or shared plots on private or public land while producing fruit, vegetables, and/or plants.

COMPOSTING FACILITY: A place used for collecting, processing, and mixing leaves, straw, grasses, and other like vegetable matter with other materials to produce fertilizer and soil conditioner, including storage and manipulation of materials prior to, during, and following composting. (Chapter 2, Title 11)

CONSTRUCTION MATERIAL SALES: The wholesale or retail sale of bulk construction materials such as roofing, lumber, bricks, and component building parts. This term does not include on site manufacturing of construction material. (Chapter 2, Title 11)

CONTRACTOR YARD: A place used for the storage of construction material, machinery, or repair, including trucks and heavy equipment, shops, and office space. (Chapter 2, Title 11)

CORRECTIONAL FACILITY: Includes prisons and jails for the detention of persons awaiting trial or sentenced as punishment for criminal offenses, including youth detention facilities. (Chapter 2, Title 11)

COUNTRY INN: ~~A private residence other than a hotel, motel, or multiple-unit dwelling, having nine (9) to fifteen (15) guestrooms, that may serve meals to its guests, and may provide space for group functions and events. (Chapter 2, Title 11)~~

CREMATORIUM: A place other than part of a funeral home used for the cremation of human or animal dead. (Chapter 2, Title 11)

D

~~DAYCARE, ADULT:~~ A place that provides supplemental care for up to twelve (12) adults on a regular basis, operated by a public or private entity. (Chapter 2, Title 11)

~~DAYCARE FACILITY:~~ Defined in chapter 38 of this title. (Chapter 2, Title 11)

~~DAYCARE, FAMILY:~~ Defined in chapter 38 of this title. (Chapter 2, Title 11)

~~DAYCARE, GROUP:~~ Defined in chapter 38 of this title. (Chapter 2, Title 11)

DAYCARE CENTER: A place in which supplemental parental care is provided on a regular basis for thirteen (13) or more children persons. (Chapter 38, Title 11)

~~DAYCARE FACILITY:~~ A place registered or licensed by an agency of the state of Montana that provides supplemental care on a regular basis, operated by a public or private entity, including, but not limited to, the following: preschools, kindergartens, nursery schools, day nurseries and childcare centers. (Chapter 38, Title 11)

DAYCARE, FAMILY HOME: A private residence or other structure in which supplemental care is provided on a regular basis for six (6) or fewer persons. (Chapter 38, Title 11)

DAYCARE, GROUP HOME: A private residence or other structure in which supplemental parental care is provided on a regular basis for seven (7) to twelve (12) children persons. (Chapter 38, Title 11)

DEPARTMENT: City of Helena community development department. (Chapter 24, Title 11)

DWELLING UNIT: A single habitable unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. (Chapter 4, Title 11)

SINGLE-DWELLING UNIT RESIDENCE: A single building situated on one lot that contains one dwelling unit. This includes manufactured homes, factory built homes, homes built on site, and townhouses, but excludes mobile homes. (Chapter 2, Title 11)

TWO-DWELLING UNIT RESIDENCE: Two (2) dwelling units that are situated on one lot. (Chapter 2, Title 11)

MULTIPLE-DWELLING UNITS RESIDENCE: A building containing three (3) or more dwelling units for occupancy by three (3) or more groups living separately from each other, including condominiums. (Chapter 2, Title 11)

E

~~EDUCATIONAL FACILITY: A place for preschools, elementary, junior high, or high schools, colleges, and vocational schools. (Chapter 2, Title 11)~~

ELEMENTARY SCHOOL: A school focused on the education of students in grades 1-5. Can include Kindergarten.

EMERGENCY SHELTER: Temporary housing and ancillary services for primarily indigent, needy, homeless, or transient individuals, ~~including crisis intervention centers.~~ (Chapter 2, Title 11)

ENTERTAINMENT, SPORTS, AND RECREATION, INDOOR: A place for indoor activities such as movie theaters, dance halls, theaters for performing arts, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, courts and training centers, and gyms. (Chapter 2, Title 11)

ENTERTAINMENT, SPORTS, AND RECREATION, OUTDOOR: Leisure activities, usually organized and enjoyed with a gathering of others that may use equipment and take place at prescribed places, sites, or fields for permanent outdoor, spectator type uses or events, including racetracks, motocross courses, sports arenas, concerts, and zoos. (Chapter 2, Title 11). This includes temporary installation of a performance or event such as music, plays, or dance given by one or more singers, instrumentalists, dancers, or actors. This includes carnivals and circuses.

~~ENTERTAINMENT, TEMPORARY OUTDOOR OUTDOOR CONCERTS AND THEATRICAL PERFORMANCES: A temporary installation of a performance or event such as music, plays, or dance given by one or more singers, instrumentalists, dancers, or actors. This also includes carnivals and circuses, a traveling amusement show that is open to the public and usually includes rides, games, sideshows, and animals. (Chapter 2, Title 11)~~

EQUIPMENT RENTAL

LARGE EQUIPMENT RENTAL: Rental of large equipment and supplies, including trucks, vertical lifts, forklifts, backhoes, heavy equipment, and modular buildings. (Chapter 2, Title 11)

SMALL EQUIPMENT RENTAL: Rental of small equipment and supplies, including hand tools, party equipment, lawn care, and yard equipment. (Chapter 2, Title 11)

F

FACADE WALL SEGMENT: The number of linear feet an exterior wall may extend, unbroken (without physical articulation or offsets, change in material, window transparency or an entryway) along a primary or secondary street. (Chapter 9, Title 11)

FINANCIAL SERVICES: Banking and financial services such as banks, savings and loan institutions, lending institutions, and check cashing facilities, but not including automated teller machines that are an accessory use to other commercial enterprises. (Chapter 2, Title 11)

FOOD TRUCK: a mobile vehicle, such as a van or trailer, equipped with facilities to cook, prepare, and/or sell food.

~~FREIGHT TERMINAL: A place for the temporary storage of items that will be loaded and unloaded onto ground transportation for shipment. (Chapter 2, Title 11)~~

~~FRONTAGE: The side of a mobile home site that is adjacent to any street. If a site is adjacent to more than one street, it must conform to an established frontage where side exits or a common frontage have been established. If there are frontages already established on both of the streets that such a site faces, it may front on either street so long as it maintains yards conforming to both frontages. (Chapter 7, Title 11) See LOT LINE, FRONT~~

FUNERAL HOME: A place for the care and preparation of human dead for burial, including mortuaries. (Chapter 2, Title 11)

FUEL TANK FARM: The commercial bulk storage of petroleum products or any other fuel. (Chapter 2, Title 11)

G

PROFESSIONAL OFFICES: Facilities where customers may come to the property for the service, which may include but not limited to engineering, accounting, legal, architectural, real estate, insurance. Services provided to businesses such as data processing centers, public relations, advertising, and customer service centers via telecommunications. This includes trade offices such as electricians and plumbers.

~~GENERAL AND PROFESSIONAL SERVICES: Professional and personal care services where customers come to the property for the service, including but not limited to including engineering, accounting, legal, architectural, real estate, insurance, photography, fitness, weight loss, postal, hairstyling, pet grooming, copying and printing, and laundry and dry cleaning services. (Chapter 2, Title 11)~~

GENERAL REPAIR: Fixing or mending of consumer goods, including apparel and individual personal property, but excluding repair of vehicles or industrial equipment. (Chapter 2, Title 11)

GENERAL RETAIL SALES: The retail sale of a diverse product line of consumer goods and products. (Chapter 2, Title 11)

~~ADMINISTRATIVE GOVERNMENT AGENCY: Any department, commission, independent agency, or instrumentality of the United States or of a state, county, city, or other governmental unit primarily engaged in overall management and supervisory functions, such as executive, personnel, finance, and legal activities, performed in a single location or building for other branches or divisions of the same agency. (Chapter 2, Title 11)~~

GROUND FLOOR STORY: The first floor of a building or structure, measured above ground from street grade. (Chapter 9, Title 11)

H

~~HEALTHCARE CENTER OFFICE: A place providing medical services typically without overnight accommodations for prevention, diagnosis, treatment, or rehabilitation, including dental clinics, doctors' offices, public health centers, and outpatient medical facilities. (Chapter 2, Title 11)~~

HEALTHCARE FACILITY: A place used or intended to provide health services that may provide overnight care, medical treatment, nursing care, or rehabilitative or preventive care to any person or individual. This term includes ambulatory surgical facilities, ~~hospitals, kidney treatment centers,~~ long term care facilities such as hospitals and nursing homes, ~~medical assistance facilities, mental health centers, public health centers,~~ residential treatment facilities, and rehabilitation facilities. (Chapter 2, Title 11)

HIGH SCHOOL: A school focusing on the education of students in the grades of 9-12.

HOME OCCUPATION: An occupation, business, or activity that is carried on entirely within a residence and is incidental and secondary to the use of the premises as a residence. Home occupations are subject to the provisions of chapter 26 of this title. (Chapter 2, Title 11)

HORTICULTURE: The production, keeping, maintenance, or cultivation of a garden or orchard to grow fruits, vegetables, flowers, or ornamental plants, excluding medical marijuana grow operations. (Chapter 2, Title 11)

HOTEL OR MOTEL: A building or group of attached or detached buildings containing individual sleeping or living units, designed or used for temporary accommodation of guests for compensation. (Chapter 2, Title 11)

HOUSING FOR OLDER PERSONS: Dwelling units operated under any state or federal program that are specifically designed and operated for elderly persons or any dwelling unit that is operated for occupancy by at least one person fifty five (55) years of age or older per unit in at least eighty percent (80%) of the occupied units and adheres to a policy that demonstrates intent to house persons fifty five (55) or older. (Ord. 3152, 4-23-2012) (Chapter 22, Title 11)

I

INSTRUCTIONAL FACILITY: A place that prepares students for jobs in trades or professions, including vocational schools, or offers training, instruction, or tutelage in areas such as performing arts and sciences. This definition includes colleges. (Chapter 2, Title 11)

INDUSTRIAL, HEAVY: The processing or manufacturing of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage of or manufacturing processes that potentially involve hazardous or offensive conditions. ~~This term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, and primary metal processing.~~ (Chapter 2, Title 11)

INDUSTRIAL, LIGHT: The manufacture of finished products or parts, predominantly from previously prepared materials, including assembly, processing, fabrication, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Typical uses include assembly of computers and electronics, testing and production laboratories, packaging of premade goods, furniture production, metal fabrication, apparel manufacturing, printing, and publishing, and heavy equipment repair. (Chapter 2, Title 11)

INDUSTRIAL PARK: ~~A planned and coordinated development designed to accommodate a variety of and more than two (2) industrial uses with common systems of access and service and combined parking areas, where the uses meet the overall land area requirements, but make use of different combinations of building uses, or where standards are established for appearance of buildings and grounds by common consent.~~ (Chapter 2, Title 11)

~~**ITINERANT OUTDOOR SALES:** Retail sales of limited duration, including seasonal sales, flea markets, tools, rugs, and lawn ornaments, but not including private yard or garage sales or the sale of agricultural products produced on the premises.~~ (Chapter 2, Title 11)

J

JUNKYARD: A place for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials. (Chapter 2, Title 11)

K

KINDERGARTEN: A school focusing on the education of students of the ages of 4-6.

KIOSK: A drive thru only structure with no interior seating or counter, from which commercial items are sold. Please see the definition of structure.

L

LICENSED PREMISES: Establishments licensed by the state of Montana for the retail sale of any alcoholic beverage for on premises consumption. This does not include premises upon which any alcoholic beverage is catered and sold for on premises consumption to persons attending a special event. (Chapter 40, Title 11)

EXISTING LICENSED PREMISES: Licensed premises that were licensed, or which had a pending application before the Montana department of revenue, for the retail sale of alcoholic beverages for on premises consumption prior to the enactment of this chapter and which have continuously operated under said licenses. (Chapter 40, Title 11)

LOADING AREA: A parking space or berth, directly serving a building for the loading or unloading of merchandise or material, and which has access to a street, alley, or other appropriate means of ingress and egress. (Chapter 9, Title 11)

LOT: A single parcel or plot of land, shown as an individual unit of ownership on the most recent plat of record, or a group of such parcels or plots which are held in single or common ownership or control, and upon which a particular land use is carried on or conducted. (Chapter 4, Title 11) (See TRACT)

LOT COVERAGE: The portion of a lot, stated in terms of percentage, that is covered by all buildings and structures located on the lot, but does not include the first two feet (2') of roof eave extensions measured from the outside wall of the building, uncovered decks, fences, walls, or pools. (Chapter 4, Title 11)

LOT LINE, FRONT: Any lot line bounding a lot that is adjacent to any street. (Chapter 4, Title 11)

LOT LINE, REAR: The line bounding a lot that is the farthest and opposite from the front lot line. (Chapter 4, Title 11)

LOT LINE, SIDE: The line bounding a lot that is not a front or rear lot line. (Chapter 4, Title 11)

LOT LINE, COMMON: A lot line shared by two (2) lots, having no street frontage. (Chapter 9, Title 11)

LOT LINE, PRIMARY: The property frontage designated to bear the address and principal entrance to the building. (Chapter 9, Title 11)

LOT LINE, SECONDARY: On corner lots or lots in which a building has multiple frontages, any lot line or street frontage that does not serve as the principal entrance point. (Chapter 9, Title 11)

M

MANUFACTURED HOME: A structure suitable for human habitation that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. (from 3-14-4 City Code)

MANUFACTURED HOUSING SALES: The onsite display and sale of mobile homes, modular homes, and manufactured housing. (Chapter 2, Title 11)

MEDICAL MARIJUANA DISPENSARY: A registered premises from which a provider or marijuana-infused products provider is approved by the Montana Department of Health and Human Services to dispense marijuana or marijuana-infused products to a registered cardholder. (Chapter 2, Title 11)

MEDICAL MARIJUANA GROW OPERATION: An agricultural enterprise or facility engaged in growing medical marijuana for commercial purposes. (Chapter 2, Title 11)

MIDDLE HIGH SCHOOL: A school focusing on the education of students in the grades 6-9.

MOBILE HOME PARK: A parcel of land that has been planned and improved for the placement of mobile homes for residential use in accordance with the provisions of this title. (Chapter 2, Title 11)

MOBILE HOME: A previously constructed, detached, single dwelling unit that exceeds eight feet (8') in width or forty five feet (45') in length, was constructed in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production, and was constructed on one or more chassis, designed to be transported or towed on its own wheels to the point of use after fabrication, suitable for year round occupancy, and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems. ~~This includes manufactured homes for purposes of this chapter.~~ (Chapter 7, Title 11)

MOBILE HOME SITE: A plot of ground within a mobile home park that is designed for the accommodation of one mobile home or one manufactured home. (Chapter 7, Title 11)

MOBILE HOME STAND: That part of a mobile home site that has been reserved for the placement of a mobile home, appurtenant structure, or addition. (Chapter 7, Title 11)

MOTOR VEHICLE WRECKING FACILITY: A place used for the collection of wrecked or disabled motor vehicles prior to their disposal for buying, selling, wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle. (Chapter 2, Title 11)

N

NONCONFORMING BUILDING: An existing building that was lawful prior to adoption or amendment of this title, but does not meet the provisions of the current title due to dimensional restrictions on lot coverage, setbacks, height, location on the lot, or other zoning requirements. (Chapter 6, Title 11)

NONCONFORMING USE: An existing use that was lawful prior to the adoption or amendment of this title, but is not now a permitted use in the district in which the use is located. (Ord. 3097, 4-7-2008) (Chapter 6, Title 11)

NURSERY, COMMERCIAL: A location for the growing, and retail or wholesale selling of commercial plants, shrubs, trees, and accessory products such as but not limited to mulch, stones, and compost.

O

ON SITE CONSTRUCTION OFFICE: A temporary building used by a contractor as a field office for and during construction, with no overnight occupancy, that is removed when construction is complete. (Chapter 2, Title 11)

OPEN SPACE: A place used for recreation or long-term preservation and conservation of wildlife habitat, cultural, historic, or natural resources, agricultural interests, or aesthetic values of its natural state. (Chapter 2, Title 11)

P

PAINTED WALL SIGN: Defined as a sign that is painted onto the exterior façade of a building. (Chapter 9, Title 11)

PARK: A place used for recreational activities or leisure time, such as playgrounds, baseball fields, tennis and basketball courts, swimming pools, and ice rinks. (Chapter 2, Title 11)

PARKING LOT: An open area, other than a public right-of-way, used for off street paid parking of motor vehicles. Not to include required parking as indicated in Chapter 22. (Chapter 2, Title 11)

PARKING SETBACK: The distance in which a parking lot must be set back from the primary or secondary lot line, when located adjacent to a building. (Chapter 9, Title 11)

PARKING STRUCTURE: A multilevel structure used for off street parking of motor vehicles. (Chapter 2, Title 11)

PLANNED UNIT DEVELOPMENT (PUD): A "~~planned unit development (PUD)~~" is an area of land, of at least two (2) acres in size, owned by one or more landowners and developed as a single entity under a plan which may provide a variety of land uses, housing types and densities, and which provides design characteristics in addition to those ordinarily allowed by right or condition in the district in which it is located. The density in a PUD may exceed the density allowed by regulations for the district in which it is located by twenty percent (20%). Overall unit density shall be calculated based upon net land area remaining after required park land and right of way have been provided. It is intended that each PUD will be a separate development, having differing design characteristics for the uses and improvements, based on the particular site situation. (Ord. 2664, 3-29-1993) (Chapter 25, Title 11)

PORCH: A covered structure that has no solid walls and at least one open side that is attached to the front exterior of a building. (Chapter 4, Title 11)

PRERELEASE CENTER: A community corrections facility or program as defined by state law. (Chapter 2, Title 11)

PRE-SCHOOL: A school focusing on the education of students in the ages of 3-5.

~~**PROJECTING SIGN:** A sign affixed to the exterior wall of the building and which extends perpendicular to the facade of the building or structure. (Chapter 9, Title 11)~~

PROPERTY LINE: Perimeter boundary of mobile home park. (Chapter 7, Title 11)

PROPERTY LINE: Perimeter boundary of a recreational vehicle park. (Ord. 3097, 4-7-2008) (Chapter 8, Title 11)

PUBLIC SAFETY FACILITY: A place used or intended to be used to house public safety services, including ambulance services, fire stations, police stations, emergency management, and courts. (Chapter 2, Title 11)

Q

R

RAILROAD YARD: A place used for switching, loading, unloading, service, maintenance, and storage of railroad cars and engines. (Chapter 2, Title 11)

RECREATIONAL VEHICLE SITE LOT: An area or plot of ground, within a recreational vehicle park, designed for the accommodation of one recreational vehicle, or other temporary recreational shelter. (Chapter 8, Title 11)

RECYCLING CENTER: A place for collecting or processing recoverable materials such as glass, newspaper, metal, and plastic for shipment to others for reuse of those materials, but not including a junkyard. (Chapter 2, Title 11)

RECYCLING FACILITY, MOBILE: A moveable station designed for the collecting of recoverable materials such as glass, newspaper, metal, and plastic.

RESIDENTIAL DISTRICT: R-1, R-2, R-3, R-4, R-U, and R-O zoning districts. (Chapter 24, Title 11)

RESTAURANT: A place for the preparation and sale of food and beverages for consumption on the premises, and where consumption of beer, wine, or other alcohol, if any, is complimentary and subordinate to the sale of food and that does not have a gambling license, this definition allows for carry-out services, but not a drive thru window. (Chapter 2, Title 11)

~~DRIVE-IN THRU~~ RESTAURANT: Any retail establishment preparing and serving food or drink that is not consumed solely within the confines of the building in which the food is prepared and has a drive-thru window and stacking lane. (Chapter 2, Title 11)

DRIVE-IN RESTAURANT: Any retail establishment preparing and serving food or drink that is not consumed solely within the confines of the building in which the food is prepared and has parking for drive-in customers. (Chapter 2, Title 11)

S

SCHOOL PROPERTY: Property owned, leased or exclusively possessed by a public school district that is used for educational purposes or school sanctioned activities for primary and secondary

education students. This includes school buildings and adjacent land, playgrounds, athletic fields, stadiums, and other places used by primary and secondary education students for educational purposes or school sponsored events. It does not include property owned by commercially operated or postsecondary schools or school district property that is not regularly occupied or used by students for school activities. (Ord. 2799, 7-14-1997; amd. Ord. 2868, 2-22-1999) (Chapter 40, Title 11)

SETBACK: The nearest distance from any lot line to where a building may be located. (Ord. 3097, 4-7-2008; amd. Ord. 3130, 8-9-2010) (Chapter 4, Title 11)

SEXUALLY ORIENTED BUSINESS: A business that primarily offers goods, services, and entertainment for compensation that appeal to the prurient interest of adults, including escort agencies, nude modeling studios, sexual encounter centers, and related services. (Chapter 2, Title 11)

~~SHOPPING CENTER: Two (2) or more retail or wholesale uses or services conducted on a single parcel of at least five (5) acres that is planned, developed, owned, and managed as a coordinated business enterprise, and utilizes common parking and pedestrian access between the establishments, has common areas, common signs, common facilities, and common access and delivery routes. (Chapter 2, Title 11)~~

SPECIALIZED FOOD PRODUCTION: The production of food products for direct sale to consumers for on site and off site consumption including, but not limited to, roasting of coffee beans and the manufacture of coffee beverages, microbreweries manufacturing malt or liquor not exceeding the production of ten thousand (10,000) barrels annually, and bakeries. (Chapter 2, Title 11)

STACKING LENGTH: Refers to the linear distance required for a certain number of cars to line up end to end in a drive-through aisle. (Chapter 9, Title 11)

STORAGE FACILITY, MINI: Multiple enclosed storage units ~~or a parcel of land~~ rented, leased, or owned for storage of personal property. (Chapter 2, Title 11)

STORAGE FACILITY, OUTDOOR: A parcel of land that allows outdoor storage to be rented, leased or owned for storage of personal property such as boats, vehicles or recreational trailers.

STRUCTURE: An object or structure constructed or installed by man, including, but not limited to, buildings, towers, smoke stacks, and overhead transmission lines. (Chapter 35, Title 11)

SUPPLEMENTAL CARE: The provision ~~by an adult~~ of food, shelter, care, supervision, and/or learning experiences for one or more persons on a supplemental basis outside of the care receiver's home, by an adult other than a parent, on a regular basis for daily periods of less than twenty four (24) hours. (Ord. 2629, 1-27-1992; amd. Ord. 2856, 10-19-1998) (Chapter 38, Title 11)

T

~~TAVERN: Any establishment licensed by the state of Montana with a quota restricted license for the retail sale of any alcoholic beverage for on premises consumption. A restaurant that has a quota~~

~~restricted license and gambling license is a tavern. This does not include premises upon which any alcoholic beverage is catered and sold for on premises consumption to persons attending a special event; premises upon which alcoholic beverages are served pursuant to a special alcohol beverage license; or premises upon which the alcohol beverage license is restricted to premises with a special use or ownership. Sale of alcoholic beverages on property for which only special licenses have been issued is considered an accessory use to the property's primary use. (Chapter 2, Title 11)~~

TEMPORARY USE: A use that is not intended to be permanent.

TRACT: A lot or other legally defined parcel of property legally described and the description recorded in the office of the county clerk and recorder, or a combination of lots or parcels adjacent to each other, even though separated by alley right of way, that are under a common ownership and used for a common purpose. (Ord. 3150, 2-13-2012) (Chapter 24, Title 11)

TRANSPARENCY: The degree, measured as a percentage, to which a façade wall segment has clear, transparent windows on each story. (Ord. 3259, 6-24-2019) (Chapter 9, Title 11)

~~TREE: Any vegetation or other naturally growing object. (Chapter 35, Title 11)~~

U

~~UTILITY: Facilities, distribution lines, and public services, whether publicly or privately owned or operated, used to produce or provide the conveyance, distribution, transmission, or control, through a community system, of any of the following: water, wastewater, stormwater control, electricity, natural gas, telephone, television, electronic data, and telecommunications. (Chapter 2, Title 11)~~

UTILITY, DISTRIBUTED POWER: Facilities for the production of energy such as electricity or heat for use by properties other than the property wherein the energy is produced that uses distribution lines and not transmission lines to serve other properties and includes neighborhood or district heating facility ~~and electricity generated by microturbines or photovoltaics.~~ (Chapter 2, Title 11)

UTILITY, MAJOR: Facilities for water and wastewater treatment and solid waste transfer stations, this includes distributed power utilities, and commercial wind turbines, or commercial photovoltaic arrays. (Chapter 2, Title 11)

UTILITY, MINOR: Facilities other than a major or distributed power utility, that include distribution lines, and public services, whether publicly or privately owned or operated, used to produce or provide the conveyance, distribution, transmission, or control, through a community system, of any of the following: water, sewer, stormwater, electricity, telephone, television, electronic data, and telecommunications excluding communication towers. Please see the definition for communication towers.

UTILITY, SMALL SCALE ENERGY PRODUCTION: This definition includes small scale wind and solar production facilities, for two or more of production and consumption.

V

VEHICLE FUEL SALES: Retail sale of gasoline, kerosene, diesel, or other motor fuels, ~~including accessory sale of convenience foods and goods, light maintenance activities, and minor repairs.~~ (Chapter 2, Title 11)

VEHICLE REPAIR: A place for ~~maintenance, service, and repair~~ of vehicles, including not limited to tires, transmissions and brakes, bodywork and painting, upholstery, engine repair, and overhauls. (Chapter 2, Title 11)

VEHICLE SALES AND RENTAL: Buying, selling, exchanging, selling on consignment, renting, auctioning, or leasing of new or used vehicles, including snowmobiles, motorcycles, all-terrain vehicles, recreational vehicles, trailers, and watercraft. (Chapter 2, Title 11)

VEHICLE SERVICES: Servicing of vehicles such as oil changes and lubrication, tire repair and replacement, detailing, washing, polishing, or similar activities for vehicles. (Ord. 3097, 4-7-2008; amd. Ord. 3104, 11-3-2008; Ord. 3112, 5-18-2009; Ord. 3129, 8-23-2010; Ord. 3148, 12-19-2011; Ord. 3254, 5-20-2019) (Chapter 2, Title 11)

VEHICLE TRAVEL LANE: All roads, driveways, and parking areas within a mobile home park. (Ord. 3097, 4-7-2008) (Chapter 7, Title 11)

VETERINARY CLINIC: Provides medical care of animals, including office space, medical labs, appurtenant facilities, and enclosures or kennels for animals under the immediate medical care of a veterinarian, including pet clinics, dog and cat hospitals, and animal hospitals.

A large animal veterinary clinic specializes in the care and treatment of livestock such as cattle, hogs, sheep, goats, horses, llamas, ostriches and emus.

A small animal veterinary clinic specializes in the care and treatment of small creatures such as poultry, fish, furbearing animals, rabbits, dogs, cats, snakes, lizards, birds, and other household pets. (Chapter 2, Title 11)

W

WAREHOUSE: A building or portion thereof used to store goods and materials for wholesale, temporary storage, and distribution, including moving and storage facilities, or a truck terminal that stores freight for reshipment or routing. This definition includes a freight terminal, a place for the temporary storage of items that will be loaded and unloaded onto ground transportation for shipment, including agricultural commodities. (Chapter 2, Title 11)

WORSHIP FACILITY: A building designed and used for public worship by a religious body, group, sect, or organization, ~~but not including church residences and private schools.~~ (Chapter 2, Title 11)

X

Y

Last Updated: 08/18/2020

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