

## ARTICLE \_\_\_\_\_ DEFINITIONS AND MEASUREMENTS

### A Terms:

*Abandon/Abandoned:* The cessation of a use or structure for a specified period of time as evidenced through discontinuance, non-operation, vacation of the structure or property, or lapse of a state or local license to conduct such activity or use. Casual, intermittent, temporary, or illegal use of land or buildings shall not be construed to establish or continue a nonconformity subject to abandonment. Neither the existence of fixtures or equipment, nor the continued payment of rent, mortgage, or utilities shall evidence a continuing use.

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

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

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

*Agricultural use:* The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. This definition shall include equipment and/or facilities necessary to prepare agricultural products for transport to market and may include equipment and/or facilities for the processing of a raw agricultural product into a value-added agricultural product.

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

*Artist's Studio:* A place used by artists for the creation of art or the practice of their artistic endeavors.

*Automobile or vehicle salvage or wrecking yard:* The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of three/four/five or more motor vehicles, which, for a period

exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a salvage or wrecking yard.

#### B Terms:

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

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

#### C Terms:

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

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

*Conforming:* A structure, use, or site feature that, when originally constructed, was in full compliance with all applicable zoning regulations.

#### D Terms:

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

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

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

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

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

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

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

*Dwelling, single-unit:* A building constructed and designed for one dwelling unit that is detached from any other dwelling unit.

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

#### E Terms:

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

*Equestrian Facility:* A stable other than a private stable, that offers one or more of the following services for hire: boarding of horses, rider training, horses training, riding opportunities or riding academy instruction.

#### F Terms:

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

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

*Feedlot:* A confined livestock feeding operation where the owner or operator of the feedlot feeds livestock belonging to others for a fee. (MCA 81-3-201)

#### G Terms:

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

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

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

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

*Group day care home:* See Day care above.

*Guest:* A person or persons using a short-term rental for only a short period of time or a brief stay, such as the traveling public.

*Guest home, owner-occupied:* For the purposes of this section, a residence that is lived in by the owner or a long-term tenant for the majority of a calendar year (180 days or more), that is also used for part-time short-term rentals.

## H Terms:

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

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

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

*Household:*

1. A family, including any foster children, plus any number of unrelated persons living together in a single, not-for-profit housekeeping unit sharing one common kitchen facility; or
2. One or more persons occupying a dwelling unit as a single housekeeping unit, subject to a limit of not more than two adult persons per bedroom; or
3. Any group of individuals and caretakers recognized as a household by Montana law.

## I Terms:

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

## J Terms:

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

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

#### K Terms:

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

#### L Terms:

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

#### M Terms:

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

*Manufactured home park:* A residential use in which more than one manufactured home is located on a single lot. Manufactured home parks must comply with the County subdivision regulations.

This term does not include a parcel composed of individually platted lots, each lot of which is filed with the Yellowstone County clerk and recorder, which contain only one manufactured home per lot.

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

caretaker's quarters.

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

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

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

#### N Terms:

*Nonconforming Lot:* A lot that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but that fails by reason of such adoption, revision, or amendment, to conform with the present lot requirements for the zone district in which the lot is located.

*Nonconforming Structure:* A structure or building that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming or compliant structure in the zone district in which such structure or building is located.

*Nonconforming Use:* A use or activity that was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which by reason of such adoption, revision, or amendment, is no longer permitted in the zone district in which such use or activity is located.

#### O Terms:

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

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

*Open cut mining:* mining operation permitted pursuant to MCA Title 82.

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

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

## P Terms:

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

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

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

*Principal building:*

A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

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

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

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

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

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

## Q Terms: Reserved

## R Terms:

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

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

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

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

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

*Limited retail:* An establishment engaged in the retail sales of convenience goods and other goods serving the day to day needs of the immediate neighborhood. Retail sales in this category may include locally made items, perishable and non-perishable food, firewood, camping supplies and similar items. Sales of household goods are allowed but shall not include bulky items or major appliances such as refrigerators or freezers.

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

#### S Terms:

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

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

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

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

*Special review:* A use that may or may not be suitable in a specific zone district depending on the location and site conditions. A special review may be granted by the Board of County Commissioners through a public hearing process. Only uses designated as “Special Review” in the use table may be submitted for consideration.



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

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

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

#### T Terms:

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

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

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

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

*Travel trailer:* See Recreational Vehicle.

*Travel trailer park:* See Recreational Vehicle Park.

#### U Terms:

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

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

#### V Terms:

*Variance:* A variation from the specific numerical or location limitations in these regulations by the Planning and Zoning Commission through a public hearing process. A variance may be granted in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to the lot shape or topography, a literal enforcement of the provisions of the regulations would result in unnecessary hardship.

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

X,Y, Z Terms:

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