

Article 1800 Definitions

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Drafting Notes:

The measurements and definitions will be a work-in-progress throughout Project Re:Code. This April 2019 draft is focused on use definitions in conjunction with the draft use tables and use standards.

We anticipate that definitions will be revised and clarified in each stage of the drafting process.

Section 27-1801 Terms, Construction, and Interpretation

A. Term Inclusions

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

B. Rules of Construction

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

1. Meanings and Intent

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

2. Headings, Illustrations, and Text

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

3. Lists and Examples

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

4. Computation of Time

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

5. References to Other Regulations/Publications

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

6. Delegation of Authority

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

7. Technical and Nontechnical Terms

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

C. Rules of Interpretation

1. Mandatory and Discretionary Terms

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

2. Conjunctions

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

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

3. Tenses and Plurals

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

4. Interpretation

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

5. Undefined Terms

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

Section 27-1802 Measurements and Site Terms

A. Site Terms

Lot: A tract of land, no matter how legally described whether by metes and bounds, Certificate of Survey and/or by lots and block designation as in a recorded plat.

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

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

- (1) Front lot line: The lot line or lines abutting a public or private street.
- (2) Rear lot line: The lot line not intersecting a front lot line that is most distant from and most clearly parallel to the front lot line.
- (3) Side lot line: Any lot line that is not a front or a rear lot line.

Lot line, corner. A boundary of a lot that is approximately perpendicular to the front lot line and is directly adjacent to a public right-of-way, other than an alley or railroad.¹

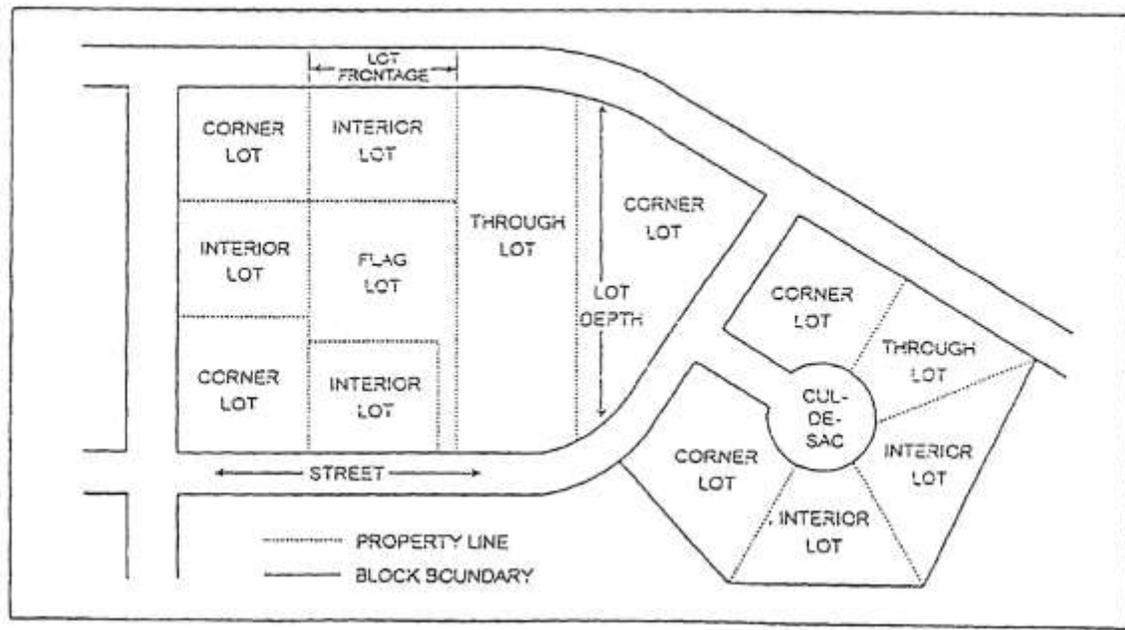
Lot line, front. The boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured, with the following exceptions.

1. Corner and through lots that abut a primary street (refer to Figure 27-1817(e)-3, Primary Streets Map) shall have the front lot line on that primary street.
2. Corner and through lots that abut two (2) primary streets or do not abut a primary street shall utilize the orientation of the two (2) directly adjacent lots, or shall have the front lot line determined by the zoning coordinator.

Lot types:

- (1) Corner lot: A lot located at the intersection of two or more streets.
- (2) Interior lot: A lot other than a corner lot with only one frontage on a street other than an alley.
- (3) Through lot or double frontage lot: A lot other than a corner lot with frontage on more than one street other than an alley.

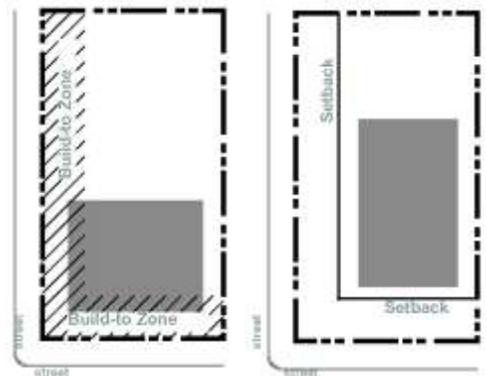
¹ EBURD terms in blue highlight. We need to discuss how to address both form-based and standard measurements.



B. Dimensional Measurements

Build-to zone: An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 27-1805-1, Build-to Zone vs. Setback Line

Grade (adjacent ground elevation): The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five (5) feet distance from the wall. In cases where walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.



Lot area: The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot extends into a public street right-of-way and/or easement, then the lot boundary for purposes of computing the lot area shall be the street right-of-way.

Lot coverage: The total area of a lot covered by buildings or roofed areas, excluding allowed projecting eaves, balconies and similar features. Lot coverage includes, but is not necessarily limited to the following: principle structures, accessory structures, carports, and covered decks and patios. Uncovered decks less than thirty (30) inches in height shall not be counted towards lot coverage.

Lot frontage. The horizontal distance between the side lot lines, measured at the front lot lines.

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

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

Setback: The horizontal distance from a lot line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this article. Refer to Figure 27-1805-1, Build-to Zone vs. Setback Line.

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

- (1) Front yard: A yard extending along the full length of the front lot line or lines and which is situated between a principal building and the front lot line or lines.
- (2) Rear yard: A yard extending along the full length of a rear lot line and situated between the principal building and the rear lot line.
- (3) Side yard: A yard not designated as a front or a rear yard.

Yard, corner side: A yard extending from the corner side building facade along a corner side lot line between the front yard and rear lot line.

Yard, side: A yard extending from the side building facade along a side lot line between the front yard and rear lot line.

C. Structure Measurements

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

Building height: The vertical distance from the highest point of a structure to the "grade", excluding permissible height exceptions in BMCC sections 27-308 and 27-309.

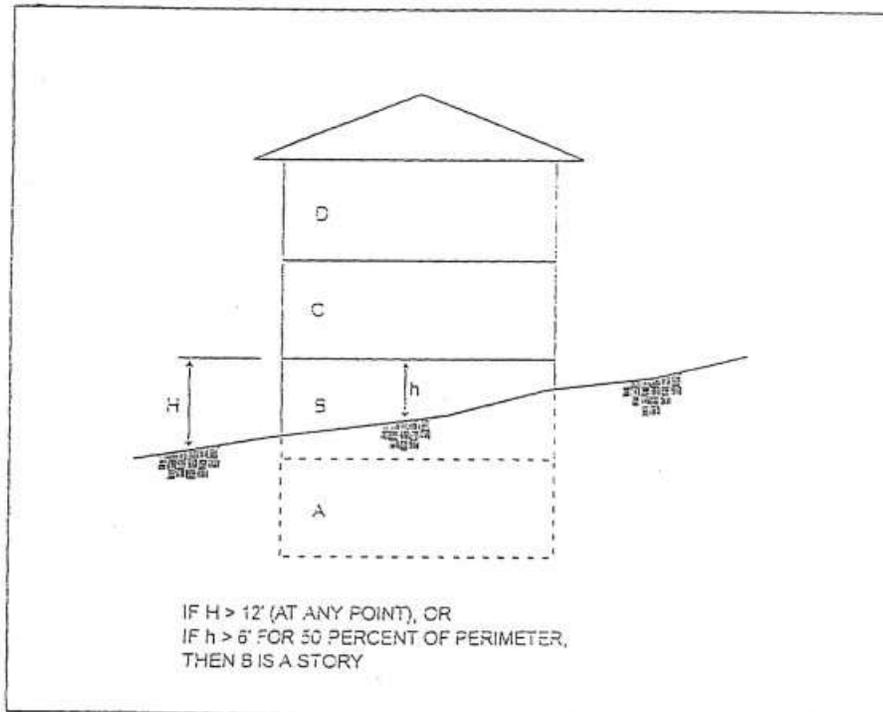
Gross floor area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

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

Street face: The facade of a building that faces a public right-of-way.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered a story.²

² NC Note: update definition and graphic.



Story, ground: Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

Story, half: A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, upper: Also referred to as upper floor. The floors located above the ground story of a building.

D. Distance Measurements

1. Separation Between Uses

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

2. Separation Between Buildings

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

3. Separation Between Properties

- (a) Property separation is measured as the horizontal distance between property lines, measured along the shortest line that can be drawn between the subject property lines.

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

Section 27-1803 **Definitions³**

A. A Terms

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

Abandoned antenna support structures: Any antennae or antenna support structures that are not utilized for the provision of wireless communications services for a continuous period of six (6) months shall be considered abandoned.

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

- (1) Attached accessory structure: Any structure or building which has any roof or wall in common with the principal structure. For purposes of zoning, an attached accessory structure is considered part of the principal structure.
- (2) Detached accessory structure: Any structure or building which does not have any roof or wall in common with any principal structure or building. For purposes of zoning, a detached accessory structure must maintain a minimum distance of six (6) feet from any other building or structure.

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

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

Adult foster family care home: See Community residential facilities.

*Adult Entertainment Terms:*⁴

- (1) Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (2) Adult book store or adult video store means a commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:
 - (i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual

³ Current Sec. 27-502, Historic Preservation Definitions have not been included per instruction to move Article 27-500 to the building section of the municipal code. We will update the communication facility, landscape, and sign definitions with the drafting of those sections and incorporate the updated definitions here.

⁴ Current Sec. 27-611. NC Note: City and county regs are different.

representations which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(ii) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

(3) Adult cabaret means a commercial establishment which regularly features:

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

(ii) Live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities;

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

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

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

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

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

(6) ~~Church or other place of worship~~ Religious assembly means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

(7) City means the City of Billings, Montana.

(8) Establishment means and includes any of the following:

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

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

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

(iv) The relocation of any sexually oriented business.

(9) Nudity or a state of nudity means:

- (i) The appearance of a human bare buttock, anus, male genitals, female genitals, or areola or nipple of the female breast,
 - (ii) A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- (10) Sexually oriented business means an adult arcade, adult book store, adult cabaret, adult video store, adult motel, or adult motion picture theater.
- (11) Specified anatomical area means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
- (12) Specified sexual activities means and includes any of the following:
- (i) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (ii) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (iii) Masturbation, actual or simulated; or
 - (iv) Excretory functions as part of or in connection with any of the activities set forth in subsections a. through c.
- (13) Transfer of ownership or control of sexually oriented business means and includes any of the following:
- (i) The sale, lease, or sublease of the business;
 - (ii) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 - (iii) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*Agricultural use: The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agriculture use shall not include commercial greenhouses and those lands which are used for recreational purposes, suburban residential acreages, rural home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition. This definition shall include equipment and/or facilities necessary to prepare agricultural products for transport to market but shall not include equipment and/or facilities for the processing of a raw agricultural product into a value-added agricultural product.*⁵

~~*Airport or aircraft landing field: Any runway, landing area or facility whether publicly or privately owned and operated, and which is designed, used or intended to be used either by public carriers or by private*~~

⁵ Montana law does not provide a specific definition of agricultural use so we suggest starting with this definition. https://www.farmlandinfo.org/sites/default/files/AgReport09.10.12_UMontana_LawSchool.pdf

~~aircraft for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.~~

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

Alterations: A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth or the moving from one (1) location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

Alternative antennae support structure: An antenna support structure designed to shield, conceal or disguise the presence of antennae or towers and blend with the surrounding setting. Alternative structures may include, but are not limited to, unobtrusive architectural features on new or existing structures, utility poles, clock towers, flagpoles and church steeples. Examples of alternative antenna support structures are illustrated in subsection (o) of this section.

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

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

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

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

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

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

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

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

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

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

Antenna: See BMCC Section 27-610.⁶

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennae, such as whip antennae but not including satellite earth stations.

Antenna support structure: Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative antenna support structures, and the like. The term includes the structure and any support thereto. Types of antenna support structures are illustrated in subsection (o) of this section. Land mobile radio and radio and television antenna support structures are regulated under section 27-621 of these regulations.

Antenna/antenna support structure height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. The height of roof-mounted antenna support structure height does not include the height of building on which they are mounted.

Apartment house: See Dwelling, multiple-family.

Apartment hotel: [tbd]⁷

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

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

⁶ Communication facility terms will be updated.

⁷ NC Note: add this use. Please describe.

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

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

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

Avenues: Rights-of-way which run through or are located adjacent to the South 27th Street Corridor zoning district, most of which run perpendicular to South 27th Street, such as 2nd Avenue South through 12th Avenue South. This term shall also include State, Lillian and Belknap Avenues.⁸

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

Automobile or vehicle salvage or wrecking yard: The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts or any establishment or place of business which is maintained or used for the storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a salvage or wrecking yard.

~~*Automobile sales area:* See Vehicle sales area.~~⁹

B. B Terms

Bars, taverns and cocktail lounges: An establishment where alcoholic beverages are sold and consumed on the premises.¹⁰

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

Board: The board of adjustment of the City of Billings.

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

Boarding or lodging house: "Boarding house" means the same as lodging house, but where meals (with or without lodging) are provided for compensation and by prearrangement for a definite period for

⁸ Current Sec. 27-802, 27th Street Corridor. Do we need this definition?

⁹ Replaced with outdoor sales

¹⁰ NC Note: update. Please describe.

three (3) or more persons. Boarding houses shall not be construed to mean rest homes or convalescent homes. This definition shall also exclude "Bed and Breakfast Inns".

Boat sales area: See Vehicle sales area.

Biomass conversion system: [tbd]

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

- a. Title 47, PART 90 (47 CFR § 90)—PRIVATE LAND MOBILE RADIO SERVICES;
- b. Title 47, PART 73 (47 CFR § 73) RADIO BROADCAST SERVICES, which includes AM, FM, and Television Services; and
- c. Title 47, PART 74 (47 CFR § 74) EXPERIMENTAL RADIO, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES.

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

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

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

Broadcasting stations or studios: A building or portion of a building used as a place to create radio, television, or other electronic media programming. A broadcasting studio may contain studios, stages, editing facilities, post-production facilities, and equipment for program distribution via satellite, wire, or fiber optic cable. A broadcasting station or studio does not include a tower.¹¹

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

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

¹¹ Drafting note: update with revised communication facility standards.

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

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

C. C Terms

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, and other camping outfits.

Candlepower: The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Peak candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.¹²

Carport: A structure to house or to protect motor vehicles owned or operated by the occupants of the main building which is open on three or fewer sides.¹³

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

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

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

Child care facilities:

Family daychild care home: A private residence in which supplemental parental care is provided for up to six children, including the operator's children, from separate families on a regular basis. Such day care home shall be licensed by the Montana Department of ~~Social and Rehabilitation Services under M.C.A., Title 53, Chapter 4, Part 5, as required by state law of~~ Public Health and Human Services.

Group daychild care home: A private residence in which supplemental parental care is provided for seven to 12 children, including the operator's children, on a regular basis and which is licensed by the Montana Department of ~~Social and Rehabilitation Services under M.C.A., Title 53, Chapter 4, Part 5, as required by state law~~ Public Health and Human Services.

DayChild care center: A place in which supplemental parental care and/or adult supervision is provided to 13 or more children, including the operator's children, on a regular basis, and which may include nursery schools, private kindergartens or after school care and supervision.

¹² Illumination terms from current Section 27-911, Med.Corridor Permit Zone District

¹³ NC Note: when does it become a garage? Let's discuss.

Such daychild care center shall be licensed as required by the ~~state or city and conducted in accordance with applicable state and local requirements~~, Montana Department of Public Health and Human Services.

~~*Church or other place of worship:* A building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines and temples.~~

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

~~*Clinic, surgical:* A clinic where surgery is performed on an outpatient basis only.~~

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

~~*Club, service:* Any nonprofit organization, the services of which are devoted entirely to the betterment or improvement of community in which it is located, including organizations such as the Lions, Kiwanis, Rotary, Optimists and other similar organizations.¹⁴~~

Co-location: The use of a wireless communications facility by more than one wireless communications provider.

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

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

Community group home: See Community residential facilities.

Community residential facilities:

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

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

¹⁴ These clubs are now civic assembly.

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

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

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

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

Condominium: Property that is owned as single units with common elements located on property submitted to the provisions of MCA Title 70 Chapter 23. This term does not include a townhome or townhouse.¹⁵

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

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

Correctional Facility: A facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, for example, prison, jail, or probation facility.

Courtyard: An outdoor area enclosed by a building on at least two (2) sides and is open to the sky.

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

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

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

D. D Terms

Day care center: See Child care facilities.

¹⁵ Why can't townhomes also be condos?

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

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

Duplex: See Dwelling, two-familyunit.

Dwelling: A building designed exclusively for residential purposes, including single-familyunit, two-familyunit, and multiple-familyunit dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, or travel trailers and/or vehicles.¹⁶

Dwelling, types of:

Dwelling, single-familyunit: A building constructed and designed for ~~occupancy by one (1) family and containing~~ one dwelling unit.

Dwelling, two-familyunit (duplex): A building constructed and designed for ~~occupancy by two (2) families living independently of each other, and containing~~ two dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway.

Dwelling, multiple-familyunit: A building constructed and designed for ~~occupancy by three (3) or more families living independently of each other, and containing~~ three or more dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway, excluding common hallways.

Dwelling unit: One or more rooms designed for ~~or occupied by one (1) family for~~ living or sleeping purposes and may contain kitchen and/or bathroom facilities ~~for use solely by one (1) family~~. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A studio/efficiency apartment constitutes a dwelling unit within the meaning of this code.

E. E Terms

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

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

¹⁶ Drafting note: this section may be updated following review of the new zone districts.

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

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

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

Emergency and Homeless Shelter: A facility or area providing temporary housing and ancillary services for one or more individuals who are otherwise homeless.¹⁷

Emergency Services: Police, ambulance, or fire stations, including substations of each; does not include training facilities of a different character than the station, such as shooting ranges or fire training centers that conduct live burns.

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

Entrance type. The permitted treatment types of the ground story facade of a frontage type. Refer to BMCC section 27-1809 for more information and a list of permitted entrance types.

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

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

F. FTerms

FAA: Federal Aviation Administration

FCC: Federal Communications Commission

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

Family: Any number of individuals, related by blood, marriage, adoption or other legal means, including any number of minor children in foster care, and/or any number of unrelated persons (including any domestic servants or caregivers) living together in a dwelling unit. The total number of persons living together in the dwelling unit cannot exceed the recommended guidelines, as amended time to time by HUD, of two (2) persons per bedroom (24 CFR Part 4, Section 982.401). A "family" is distinguished from a group occupying a boarding house, lodging house, bed and breakfast inn, fraternity/sorority house, hotel or clubhouse.¹⁸

¹⁷ Some communities define domestic violence shelters separately, is there a preference?

¹⁸ Let's talk about all of the places where the definition of family is used and think about whether this is the best way to think about development and uses.

Family day care home: See Child care facilities.

Farm tenant housing unit: [tbd]¹⁹

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

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

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

Fireworks: Those substances and/or articles which are more specifically defined in M.C.A. 50-37-101 through 50-37-103.²⁰

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

Fireworks storage building: A structure used for the storage of fireworks.

Floodplain or floodway: In all cases of interpretation, designated floodplain or floodway definitions as established by the Montana Department of Natural Resources and Conservation shall apply.²¹

Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle

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

Frontage type. A structure defined by the combination of configuration, form, and function. Refer to BMCC section 27-1808 through 27-1810 for more information and the list of permitted frontage types.

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

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

¹⁹ Do we need a definition for this?

²⁰ Drafting note: fireworks are county only.

²¹ Drafting note: update with reference to 6-1600, Floodplain Hazard Management Regulations.

G. G Terms

~~Gambling establishment: See BMCC Section 27-612~~enterprise: an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public according to the requirements of a license issued by the Montana Department of Justice.

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.~~

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

~~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 Child care facilities.

Group Living Facility: [tbd]²²

H. H Terms

Halfway house: See Community residential facilities.

~~Hazardous waste facilities: See BMCC Sections 27-605, et seq.~~

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

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

~~Home occupation: See BMCC Section 27-606~~An occupation carried on by an occupant of a dwelling, which is located in a residential zoning district, as an accessory and incidental activity to the main residential use of the building.

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

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

²² Do we need a general group living facility?

~~*Hospital, general:* An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders and alcoholism, but not excluding surgical and post-surgical treatment of mental cases. Nursing homes and convalescent homes are excluded from this definition. A facility providing, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals. Except as otherwise provided by law, services provided must include medical personnel available to provide emergency care onsite 24 hours a day and may include any other service allowed by state licensing authority. A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days a week, and provides 24-hour nursing care by licensed registered nurses. The term includes: (i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and tubercular patients; and (ii) specialty hospitals.~~

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

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

I. I Terms

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

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

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

J. 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. K Terms

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

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

L. L Terms

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

Landscape area. Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.

~~*Landscaping:* The combination of living and nonliving elements, as further described in BMCC sections 27-1101, et seq.~~

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

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

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

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

M. M Terms

*Manufactured home:*²³ A factory assembled structure or structures, equipped with the service connections necessary to be used as a dwelling unit, and constructed to be readily movable as a unit or units either on its own running gear or other system. Since 1976 manufactured home construction has been regulated by the federal Manufactured Housing Construction and Safety Standards Act as administered by the Department of Housing and Urban Development (HUD), and are not constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes. See BMCC section 27-608.

Manufactured home: A dwelling unit that: (a) is constructed in accordance with the standards set forth by the U.S. Department of Housing and Urban Development, (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (c) exceeds forty (40) feet in length and eight (8) feet in width.

²³ Staff: We have two sets of definitions in the current code. The alternative manufactured and modular home definitions from 27-608 highlighted in yellow, do you have a preference?

Manufactured home, Class A: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- a. The home has a length not exceeding four (4) times its width;
- b. The pitch of the home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run (3:12), and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- c. The exterior siding consists of wood, hardboard, aluminum or vinyl siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- d. A continuous, permanent perimeter foundation, which complies with the Uniform Building Code, is installed under the home; and
- e. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

(3) Manufactured home, Class B: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

(4) Manufactured home Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured home park or court: Land designed or used that contains temporary or permanent parking for two or more manufactured homes spaces which are available to the general public for use as residences. This term does not include a parcel composed of individually platted lots, each lot of which is filed with the Yellowstone County clerk and recorder, which contain only one manufactured home per lot.

Manufactured home park: A residential use in which more than one manufactured home is located on a single lot. Manufactured home parks must also comply with the subdivision regulations for the jurisdiction in which it is located and when located within the limits of the City of Billings, Article 15-500 of the Billings, Montana City Code.

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

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

Limited: [tbd]²⁴

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

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

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

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

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

Mining: [add statutory definition, MCA 82-4-203]

Mobile home or trailer: See Manufactured home A factory-built structure that is transportable in one or more sections, is built on a permanent chassis, and is so designed and constructed to permit lawful occupancy as a dwelling whether attached or unattached to a permanent foundation. A mobile home may have wheels, axles, hitch and other appurtenances of mobility removed, but shall remain a mobile home..

Modular home: A dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code and bearing the insignia of the State of Montana, applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Uniform Building Code Standards applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

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

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

²⁴ Do we need a limited manufacturing category?

Multi-unit developments:²⁵

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

N. N Terms

~~Nonconforming lot: See BMCC Section 27-402.~~

~~Nonconforming structure: See BMCC Section 27-404.~~

~~Nonconforming use: See BMCC Sections 27-403 and 27-405.~~

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

O. O Terms

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

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

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 storage: The storage for a period of five consecutive days or more of junk, salvage, trash, inoperable vehicles and/or merchandise outside of an enclosed structure. Proposed: Outdoor storage means the keeping of any goods, materials, merchandise, or equipment outside of an enclosed building for more than 24 hours.

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

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

²⁵ Is this definition still needed?

P. P/Q Terms

~~*Parking, public:* An open area other than a street used for the temporary parking of more than four automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.²⁶~~

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

~~*Pawn shop:* See Secondhand store and/or antique shops.~~

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

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

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

~~*Planned development:* See BMCC Sections 27-1301, et seq.~~

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

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

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

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

Primary street: A street designated on the zoning map that receives priority over other streets in terms of setting front lot lines and locating building entrances. Refer to BMCC subsection 27-1817(e)3.

~~*Principal use:* The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory. The uses listed in BMCC sections 27-305 and 27-306, District Regulations, are principal uses.~~

~~*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 programs such as FFA, 4-H, or similar programs.²⁷~~

~~*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~~

²⁶ Replaced by Parking, Commercial use category.

²⁷ Drafting note: County only.

indicates that "public" is being used in the broader sense of something available to the general populace.

Public improvement: Any structure incident to servicing or furnishing public facilities for a subdivision or development, such as grading, street surfacing, curbs and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, and utilities.

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

Q. R Terms

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

~~Recreation, noncommercial: An area devoted to facilities and equipment for recreational purposes; swimming pools, tennis courts, playgrounds, community clubhouses and other similar uses maintained and operated by a nonprofit club, homeowners' association or other corporate structure and whose membership is limited to the residents within the area.²⁸~~

Recreational vehicle: See Travel trailer.

Recreational vehicle park: See Travel trailer park.

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

Refuse hauling facility: [tbd]²⁹

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

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

Residential care facility: an adult day-care center, an adult foster care home, an assisted living facility, or a retirement home.³⁰

Restaurant: an establishment where food and drinks are available to the general public, primarily for consumption within a structure on the premises.

²⁸ We think we've replaced this with indoor and outdoor amusement. Does the ownership matter? If so, we do need to add community recreation facilities to the Parks and Recreation category?

²⁹ How do you define the function of this use – is it a transfer station?

³⁰ State statute provides this definition that includes some of the other uses we've defined. Do you want to use the consolidated definition here and in the use table or keep the uses separate?

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: [tbd]

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

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

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

Retirement home or village: A place of residence for several families or individuals in apartment-like quarters, rented or condominiums, which may feature services to retired persons such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities. a building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence.³¹

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

Roof type: The detail at the top of a building that finishes a facade, including a pitch roof with various permitted slopes and a parapet. Refer to BMCC section 27-1810 for more information and a list of the permitted roof types.

R. S Terms

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

Satellite dish antenna: See BMCC Section 27-610.

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

³¹ Current definition replaced with statutory definition.

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

Scale: The relative size of a building, street, sign, or other element of the built environment.

School, college or university: A public or private institution for higher learning (beyond grade 12) providing instruction as approved by the Montana Department of Education or a national collegiate or university accreditation agency.³²

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

~~*School, trade, business, technology, or vocational technical:* A building where instruction is given to pupils in arts, crafts, or trades and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation. A vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction~~

~~*Scrap or waste processing yard:* See Junkyard.~~

~~*Secondhand store and/or antique store:* Any retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises are used or not new. Pawn shops are included in this definition.~~

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

~~*Service station, automobile:* A place where fuel and/or lubricants are dispensed at retail and where light maintenance activities such as engine tuneups, lubrication, tire repair, battery servicing and air conditioning service may be conducted. Service stations do not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body work and/or drive train repair and rebuilding are conducted.³³~~

~~*Sexually oriented business:* An "adult" arcade, "adult" bookstore, "adult" cabaret, "adult" video store, "adult" motel or "adult" motion picture theater, as those terms are defined in BMCC section 27-611.~~

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

~~*Short-term rental:* [tbd]~~

~~*Solar power array:* [tbd]~~

Solar Reflectance Index (SRI): A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from zero (0) to one hundred (100)

³² NC Note: Religious higher learning facilities included here?

³³ Replaced with vehicle maintenance and repair.

and is defined so that a standard black surface is zero (0) and a standard white surface is one hundred (100). To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

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

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

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

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

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

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

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

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

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

Streets:

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

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

Arterial street: A street which is intended to provide for high operating speeds, high levels of service and to serve longer trips through access management and the interconnection of major

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

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

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

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

Street type: The permitted and regulated types of streets in this article. Refer to section 27-1817, Street type standards for more information and a list of the permitted street types.

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

~~**Structure:** A building or anything constructed in the ground or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six feet in height or paved areas. Anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground.~~

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

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

S. Terms

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

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

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

Townhome or townhouse: Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities as provided in MCA Title 70.³⁴

³⁴ Why is this definition ownership-based?

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

~~Trailer sales area: See Vehicle sales area.~~³⁵

Trash: Something worth little or nothing.

Travel trailer: A portable structure, not more than eight feet wide, built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation use. Recreational Vehicles are included within this definition.³⁶

Travel trailer 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 or vacation housing units. This term does not include a parcel composed of individually platted lots.

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

Truck stop: Any occupancy which provides a service for highway travel directly or indirectly related to the servicing, repairing, and/or refueling of semi-trucks (also commonly known as tractors), semi-trailers, and their components. A truck stop is a point at which semi-trucks may stop for refueling or where truck drivers can park their trucks, trailers and components and seek lodging and/or food services, as well as, other services related to highway trucking needs.³⁷

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

T. U Terms

Urban agriculture: [tbd]³⁸

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

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

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

³⁵ Replaced with outdoor sales lot.

³⁶ Should we update this to RV and RV park and do you want to allow tiny homes on wheels?

³⁷ NC Note: are truck stop and truck wash needed? Let's discuss.

³⁸ What urban ag uses in addition to community gardens are permitted in the city?

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

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

Utility, public: A private business organization performing some public service and subject to special governmental regulations or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.³⁹

U. VTerms

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

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

Vehicle maintenance and repair:

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

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

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

Vehicle sales area: An open area other than a street, used for the display, sale or rental of new or used automobiles, boats, trailers, motorcycles, snowmobiles or semi tractors and/or trailers; and where no repair work is done except minor incidental repair excluding body and fender work or spray painting on the vehicle(s) to be displayed, sold or rented on the premises.⁴⁰

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.

Visible basement: A half story partially below grade and partially exposed above with required transparency on the street façade.

³⁹ NC Note: update needed for private power generator. District? Please describe.

⁴⁰ Replaced with outdoor sales lot.

V. W/X Terms

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

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

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

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

Wind energy, commercial/large: A wind energy conversion system consisting of more than one wind turbine and tower that will be used primarily for off-site consumption of power, or a wind energy system that has a rated capacity in excess of 100 kW.

Wireless communication facility: An unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure and one or more antennae. Amateur radio, land mobile radio, and commercial radio and television facilities are excluded from this definition.

Wireless communication facility antenna or tower farm: An antenna or tower farm is a tract of land that contains no more than three (3) antenna support structures within seven hundred fifty (750) linear feet of each other. No antenna support structures located in tower farms shall exceed two hundred fifty (250) feet in height. Legal tracts must be adjacent to each other to be included in this definition.

W. Y Terms

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

Youth foster home: See Community residential facilities.

Youth group home: See Community residential facilities.

X. Z Terms

Zoning coordinator: The person designated by the Planning Director to oversee the administration of this Code, unless otherwise noted.