

CHAPTER

13



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13.1 MEANING OF TITLES AND ABBREVIATIONS

A) The following titles and abbreviations shall have their stated meaning in these regulations. Whether or not listed below, all titles used in these regulations shall mean an individual, group, board, commission, or committee duly appointed or established serving the County of Missoula, Montana, unless otherwise expressly noted.

1. Board of Adjustment shall mean the Missoula County Zoning Board of Adjustment as duly appointed by the Board of County Commissioners.
2. Board of County Commissioners shall mean the elected Board of County Commissioners of Missoula County. This term may be abbreviated "the Commission" or "Commissioners." The Board of County Commissioners may also be referred to in this document as the Governing Body.
3. The Planning, Development and Sustainability Director shall mean the Director of Planning, Development and Sustainability, as confirmed by the Board of County Commissioners or their designee.
4. Compliance Officer shall mean the person designated by the Planning, Development and Sustainability Director to enforce the provisions of these regulations in accordance with the requirements of Chapter 12, and to whom enforcement powers have been lawfully delegated by a designated enforcement officer.
5. F.A.A. shall mean the Federal Aviation Administration.

6. F.C.C. shall mean the Federal Communications Commission.
7. Health Authority shall mean either the Montana Department of Environmental Quality, the Missoula City-County Health Department, the Board of Health, or all of the above.
8. Jurisdictional Area shall mean the unincorporated area of Missoula County.
9. Missoula Consolidated Planning Board shall mean the duly established City of Missoula and Missoula County Consolidated Planning Board. This term may be abbreviated "Planning Board."
10. NAICS shall mean the North American Industry Classification System. Any reference to a NAICS code shall mean a code listed in the latest version of the North American Industry Classification System Manual.
11. Zoning Officer shall mean The Planning, Development and Sustainability Director or their designee charged with administering the provisions of these regulations.

13.2 DEFINITIONS OF WORDS AND TERMS

A) The following definitions apply to these regulations. The latest edition of *Merriam-Webster's Unabridged Dictionary* should be used in any instance where a word or term has not been expressly defined.

A

1. **Accessory Dwelling Unit (ADU).** A subordinate dwelling unit located on the same lot as a principal dwelling that functions independently from the principal dwelling and, while not required, usually has a separate entrance. Accessory dwelling units may be located under the same roof with a primary dwelling (internal ADU) or in a separate structure (detached ADU).
2. **Accessory Structure.** A structure that is customarily incidental, subordinate to, and located on the same parcel or project site as a principal structure. The term "accessory structure" may include, but is not limited to, accessory buildings, garages, small-scale solar and wind generators when not attached to another structure, and storage sheds.
3. **Accessory Use.** A use clearly incidental, customarily found with, and subordinate to the main use located on the same parcel.
4. **Adaptive Reuse Master Plan.** A proposed or approved plan for an adaptive reuse project site.
5. **Adaptive Reuse Project.** The renovation and reuse of all or a portion of a pre-existing structure(s) for a use or purpose similar to, or distinctly different from what the structure was originally intended. This term includes projects on individual lots and project sites.
6. **Administrative Facilities.** Federal and state-run work centers, ranger stations, lookout towers, boathouses, cabins, and similar facilities that support the management of open lands.
7. **Affordable Housing.** Housing targeted specifically for homebuyers below 120% of the Area Median Income (AMI) and renter households below 80% AMI (as referenced in [Missoula County Housing Action Plan: Breaking Ground](#)).
8. **Agent.** A person duly authorized to act on behalf of the subject property owner.
9. **Agricultural Building.** A structure designed and constructed for use in a bona fide agricultural operation to house farm implements, hay, grain, poultry, livestock, or other horticultural or similar products and animals. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public for business or commercial uses.
10. **Agricultural-Related Business.** A business operated as an accessory use primarily in support of agricultural activities occurring on the same property. It may consist of storage and limited processing of agricultural products, animal services, farm stands, markets, farm-to-table food and beverage offerings, temporary events, and agritourism opportunities, where appropriate.



11. **Agriculture.** The use of land for customary agricultural and ranching activities involving the harvesting of plants or animals to produce food, feed, or fiber commodities. Agricultural activities may create odors, flies, fumes, dust, smoke, mud, light, noise, traffic, changes in appearance, the operation of machinery of any kind during any 24-hour period (including aircraft), animals, the storage and transport and disposal of manure and the application of chemical fertilizers, soils amendments, herbicides and pesticides. Examples may include but are not limited to the cultivation and harvest of crops, horticulture, urban agriculture, family farming and ranching, limited animal husbandry, bee-keeping, other agricultural activities.
12. **Agriculture, High-Intensity.** The use of land for the primary purpose of raising, harvesting, and marketing/selling plants or animals to produce food, feed, or fiber commodities requiring larger amounts of labor, capital, or infrastructure relative to what is customary in Missoula County. High-Intensity Agriculture is characterized by large-scale structures housing commercially high volumes of animals or crops, high concentration of animals, high employment levels, or other activities where the scale and intensity of the operation generates ongoing dust, noise, odor, pollutants, significant grading or permanent removal of vegetation, or visual impacts that adversely impact adjacent properties. Examples may include but are not limited to commercially large-scale dairying; the raising of commercially large volumes of livestock, feedlots, poultry, fur-bearing animals, or biological-control insects; large-scale commercial growing and harvesting of crops requiring unordinary infrastructure such as crops requiring to be grown entirely indoors or requiring high levels of energy consumption; cannabis cultivation; and other agricultural activities where the scale and intensity of the operation generates ongoing dust, notice, odor, pollutants, or visual impacts that generate adverse impacts on adjoining properties beyond customary impacts of agriculture in Missoula County.
13. **Agritourism.** A form of commercial enterprise that links agricultural production or processing or both with tourism to attract visitors onto a farm for education about agriculture or generating income supplemental to the primary agricultural use.
14. **Alteration.** A change to an existing structure or use, resulting in an increase or decrease in overall square footage, height, design, intensity, or location.
15. **Animal Services.** The use of land or structures for providing services related to animal care, including but not limited to veterinary care, animal hospitals, grooming, and training facilities. Boarding may be associated with, but not independent of, an animal service facility. For the purposes of these regulations, this use is divided into two categories:
 - a. **Large Animal.** Any animal not otherwise defined as a small animal, including but not limited to horses, goats, and pigs, whether or not they are considered pets or livestock. Horse riding arenas and stables not for personal use and not intended for entertainment are considered Large Animal Services.
 - b. **Small Animal.** Any small pet or companion animal kept primarily for their company. This term is limited to domesticated dogs and cats, small mammals such as guinea pigs and hamsters, birds, small reptiles, and amphibians commonly kept within the home.

16. **Animal Shelter or Boarding Kennel.** Any premises used for the primary purpose of boarding small domestic animals, such as dogs and cats, overnight. This term includes commercial breeding and training facilities, as well as facilities where lost or abandoned animals are temporarily housed for adoption. This term does not include boarding facilities associated with and accessory to a veterinary operation or an agricultural use, such as equine boarding.
17. **Antenna.** This word broadly refers to equipment used to collect or transmit electromagnetic waves, including but not limited to panels, micro-cells, small cell antennas, and antennas for distributed antenna systems (D.A.S.), microwave and satellite dishes, and omnidirectional or whip antennas.
18. **Area Plan.** A plan for a specific geographic area within the County that addresses one or more of the elements of the growth policy in more detail.
19. **Artificial Slope.** A change in the natural slope profile resulting from land-disturbing activity related to use or construction.
20. **Auto Wrecking.** The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles or their parts.
21. **Awning.** A cantilevered covering that provides shade and cover from the weather which is supported by a rigid frame attached to and fully supported by the wall of a building.

B

22. **Balcony.** A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.
23. **Bay Window.** A building projection that:
 - a. Is primarily comprised of a large window or series of windows;
 - b. Is not supported by a building foundation beneath the window; and,
 - c. Has glazing over at least 33 percent of its vertical surface area.
24. **Best Management Practices.** Products, techniques, or methods that have been shown to be the most reliable and effective way to minimize adverse impacts on natural resources, particularly stormwater quality.
25. **Billboard.** A large outdoor off-premises advertising sign typically directed at the motoring public.
26. **Blank Wall.** This term means a portion of the structure's exterior facade that does not include windows, doors, columns, pilasters, or other articulation features.
27. **Block.** An area of land enclosed by streets and occupied by or intended for buildings.
28. **Block Face.** All lots abutting one side of a street between the two nearest intersecting streets.
29. **Buffer.** A vegetated area extending from an identified boundary inward and used to



separate potentially incompatible land uses.

30. **Buildable Area.** That portion of a lot or project site that may be built upon according to these regulations after all requirements (e.g., setbacks, lot coverage, landscaping, and buffers) have been met.
31. **Building.** A structure having a roof supported by walls that is intended for any occupancy, including structures to be used for sheltering people, animals, property, vehicles, or business activity.
32. **Building Envelope.** The two-dimensional area on a lot upon which a building or structure can be placed. No part of a building or structure may protrude beyond the building envelope.
33. **Building Façade.** The face of a building that delineates the edge of conditioned floor space as seen from one side or view.
34. **Building Foundation Wall.** A structural portion of a building that serves to retain grade or maintain a continuous ground floor elevation. A building foundation wall is an integral part of a structure.
35. **Building Line.** An imaginary line representing the vertical projection (or plumb line) of an exterior building wall that encloses interior floor space.
36. **Build-To Zone.** The area of a lot where a certain percentage of the front building facade must be located.
37. **Built Area.** The sum of the horizontal areas of impervious materials existing or placed on the ground surface, including but not limited to parking areas and driveways constructed of permeable and semi-permeable pavements and pavers, green roofs, and living roofs.
38. **Business Equipment Sales and Service.** Sales, rental, or repair of office, professional, and service equipment and supplies to companies. Typical uses include office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms but exclude automotive and heavy equipment sales or service.

C

39. **Campground.** A parcel of land available to and principally used by the public for camping that meets the Montana Department of Health and Human Services definitions of a campground, where a persons can secure spaces for tents for camping and sleeping purposes. A campground does not include spaces for Recreational Vehicles (see Recreational Vehicle Park).
40. **Cannabis Canopy.** The total amount of square footage dedicated to live plant production at a registered premise consisting of the area of the floor, platform, or means of support or suspension of the plant. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
41. **Cannabis Cultivation.** A use operated by a person licensed by the State of Montana

to (a) plant, cultivate, grow, harvest, and dry marijuana; and (b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

42. **Cannabis Dispensary.** A licensed premises from which a person licensed by the State of Montana may (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved by the State; and (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age, or both.

43. **Cannabis Manufacturing.** A use operated by a person licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extract and package, repackage, label, or relabel marijuana products.

44. **Cannabis Products.** Products containing THC, derived from cannabis, for consumption. The term does not include hemp as defined in State law (MCA §16-12-102).

45. **Cannabis, Recreational.** A term used in this zoning code replacing the term "adult-use" used in state statutes and defined by the State of Montana (MCA §16-12-102).

46. **Cannabis Tier.** The canopy square footage allotted by the State of Montana based on state guidelines found in MCA §16-12-223.

47. **Canopy.** A covering intended to protect against the sun or weather mounted on a rigid metal frame and frequently supported in full or in part by posts attached to the ground, a deck, or a paved surface.

48. **Canopy, Tree.** The branches, leaves, or other foliage from woody vegetation exceeding five feet in height. The area of tree canopy may be measured by determining the area surrounding a tree located within the dripline.

49. **Casino/Gambling Establishment.** Any establishment that offers legalized gambling authorized under Title 23, Chapter 5, Part 1, et. seq., MCA, and where any one of the following characteristics applies:

- The establishment is referenced as a "casino" or "gambling establishment" or makes any reference to legalized gambling by signage, advertisement, or by name;
- Five or more gambling machines are on the premises; or,
- A card table is on the premises.

50. **Channel Migration Zone.** A delineated river corridor that is anticipated to accommodate natural channel migration rates over a given period of time. The CMZ typically accommodates both channel migration and areas prone to avulsion. The result is a mapped "footprint" that defines the natural river corridor that would be active over some time frame, which is commonly 100 years. The CMZ is composed of four sub-areas:

- 2018/2019 Channel.** The most recent riverbank lines digitized from 2018/2019 aerial photography as part of the Clark Fork and Bitterroot Rivers Channel Migration Mapping Report released by Missoula County on March 3, 2021.
- Historic Migration Zone (HMZ).** The historic channel footprint that forms the core



of the Channel Migration Zone (CMZ). The HMZ is defined by mapped historic channel locations, typically using historic air photos and maps.

- c. **Avulsion Hazard Zone (AHZ).** Floodplain areas geomorphically susceptible to abrupt channel relocation.
- d. **Erosion Hazard Area (EHA).** Area of the CMZ generated by applying the erosion buffer width to the active channel bankline.

51. **Civic Use.** A use which provides public or semi-public functions or facilities in service of a public, non-profit, or charitable nature to the citizens in the community.

52. **Co-location.** The mounting or installation of more than one set of transmission equipment on a single support structure to transmit or receive radio frequency signals for communications purposes.

53. **College/University.** Institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or encompassing multiple blocks, lots, or parcels. This definition includes nursing and medical schools, not accessory to a hospital, conservatories, and seminaries.

54. **Commerce and Business.** The purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, or commodity for livelihood, profit, or management. The maintenance and use of buildings, structures, or premises by professionals, tradespersons, or persons rendering such sales and/or services.

55. **Common Open Space.** An area improved for recreational use or gardening that is used in common by residents of a development.

56. **Community Residential Facility.** This type of group residence includes the following activities and is generally regulated according to the number of persons served:

- a. A group, foster, or other home specifically provided as a place of residence serving developmentally disabled or handicapped persons who do not require nursing care; and as defined by §76-2-411, MCA;
- b. A district youth guidance home serving youths in need of supervision, or youths in need of care or delinquent youths as defined by §76-2-411, MCA, and established pursuant to the Montana Youth Court Act;
- c. Detention, receiving, or shelter homes defined by §76-2-411, MCA, and established pursuant to the Montana Youth Court Act;
- d. A halfway house operated in accordance with regulations of the Department of Public Health and Human Services for the rehabilitation of alcoholics or drug dependent persons, pursuant to §76-2-411, MCA;
- e. A licensed adult foster family care home as defined by §76-2-411, MCA; or,
- f. An assisted living facility licensed under §76-2-411, MCA.

57. **Complete Street.** A transportation policy and design approach that requires streets

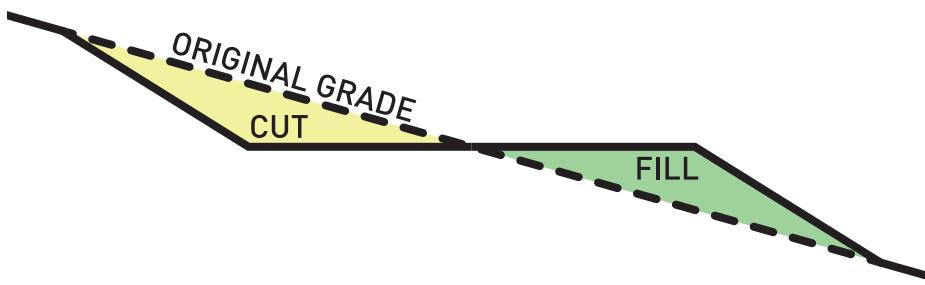
to be planned, designed, operated and maintained to enable safe, convenient, and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation.

58. **Conforming Use.** Any use allowed by the regulations of the district as a permitted use or Special Exception.
59. **Conservation Easement.** A voluntary legal agreement that runs with the land and permanently limits uses of the land in order to protect its conservation value. The limitation of uses is voluntary and agreed upon by and between the owner of the land and the holder of the easement but generally restrict improvements to the land that would otherwise be permissible under the applicable land use regulations in place.
60. **Conservation Land Area Set Aside.** An area of land required as part of a conservation design development intended to protect natural resources, support wildlife and plant habitat, and preserve unique features of the landscape. This conservation area is protected and cannot be built upon or used for purposes other than those that support the listed objectives.
61. **Construction Sales and Services.** Construction and development activities and related storage on parcels other than construction or development sites. Typical uses include tool and equipment rental or sales, and building contracting/construction businesses. Uses that involve office or administrative functions only, with no on-site equipment or vehicle storage, are classified as offices.
62. **Cottage Court Development (CCD).** A development containing a cluster (or clusters) of dwellings located around common open space that is designed and constructed as a coordinated development in accordance with Section 9.4.
63. **Cryptocurrency Mining.** The operation of specialized computer equipment for mining one or more blockchain-based cryptocurrencies, such as Bitcoin. This activity, which is also termed "proof of work", involves the solving of algorithms as part of the development and maintenance of a blockchain, which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency, nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.
64. **Cultivation Facility, Indoor.** An enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.
65. **Cultural Services.** A library, museum, performing arts center, community center, or similar civic or cultural use. Such use may involve displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences or providing a place for the community to gather for educational, social, or limited recreational activities.



66. **Cut and Fill.** The excavating of material in one place and depositing of it as fill in another place on the same lot or project site (see Figure 1 below).

FIG. 1 Cut and Fill



67. **Cutoff Fixture, Full.** An outdoor lighting fixture that emits 0% of its light above 90 degrees and 10% above 80 degrees from horizontal. This is a standard IES definition.

68. **Cutoff Fixture, Semi.** An outdoor lighting fixture that emits no more than 5% of its light above 90 degrees and 20% above 80 degrees from horizontal. This is a standard IES definition.

69. **Cut Slope.** The exposed ground surface resulting from excavation of material.

D

70. **Daycare.** The care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are two types of daycare:

- Daycare Home.** Daycare provided within for up to 15 children or adults, in addition to the members of the daycare provider's household. This term includes family day care homes and group day care homes as defined in MCA §52-2703 when care is provided within a residential home.
- Daycare Center.** An out-of-home place in which daycare is provided to 16 or more children or adults on a regular basis.

71. **Density, Gross.** The total number of homes divided by the total project land area in acres without subtracting areas devoted to open space, roadways, parks or similar public use and infrastructure areas

72. **Density, Net.** The total number of homes per acre of land, excluding allowed deductible areas. Allowed deductible areas are dedications of land for streets, sidewalks, and open space.

73. **Development.** Any human-made change to real estate or property, including buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling.

74. **Development Application.** A formal request, usually in writing, to undertake, modify, remove, or install any use, structure, element, or development activity covered by these regulations.

75. **Direct Glare Source.** Light that originates in a direct line of sight from a source which results in objectionable glare
76. **Directional Sign.** An off-premise sign erected for the purpose of directing motorized and sometimes non-motorized traffic to the location of a business or facility.
77. **Distributed Antenna System (D.A.S.).** A distributed antenna system network consisting of one or more nodes connected by a fiber system to a carrier's base transceiver station or other location commonly referred to in the communications industry as an "eNodeB," or "NodeB," or similar designation.
78. **District.** An area of the County in which zoning regulations governing the use of the land and buildings and space and bulk requirements are the same.
79. **District, Base.** Any zoning district that is not a special district (a PUD, overlay, legacy, Part 1, etc.).
80. **District, Special.** A zoning district that was created through the provisions of Title 76, Chapter 2, Part 1, of the Montana Code Annotated, or that was created through the provisions of Title 76, Chapter 2, Part 2, and has been identified as a legacy district by these regulations, including those that overlay one or more base zoning districts and impose requirements in addition to those of the base district, or that modify the standards otherwise applicable in the base zoning district.
81. **Double Post Sign.** A freestanding sign where the primary support is supplied by two posts positioned no more than two inches from the outer edge of the sign face.
82. **Drainage System.** The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, as well as manufactured elements including culverts, ditches, channels, retention facilities, and the storm sewer system.
83. **Driveway.** An improved and maintained way providing vehicular access from a public or private road right-of-way to an off-street parking area, a garage structure, a dwelling, or to other uses.
84. **Driveway, Shared-Access.** An improved and maintained way providing vehicular access from a public or private road right-of-way to no fewer than two properties, dwellings or uses.
85. **Drive-In or Drive-Through Facility.** Any service window, automated device, or other facility that provides goods or services to individuals in a motor vehicle.
86. **Dwelling or Dwelling Unit.** See Definition of "**Home**."
87. **Dwelling, Multiple-Household.** A building designed for occupancy by three or more households living independently of each other, which may have a common building entrance and hallway to each dwelling. The term includes attached tri-plexes, quad-plexes, multiplexes, townhouses, apartments, communal-style living with shared kitchen or bath facilities, and transitional housing.



88. **Dwelling, Single-Household.** A detached building designed for occupancy by one household. Unless expressly stated otherwise, this definition includes a manufactured home and a mobile home.
89. **Dwelling, Two-Household.** A building designed for occupancy by two households living independently of each other. This term also includes a twinhome/twinhouse.

E

90. **Easement.** A right acquired by a public or private authority to use or control property for a designated purpose.
91. **Eating and Drinking Establishments.** An establishment providing prepared food, beverages, or both for on or off-premises consumption. Typical uses include restaurants, taverns, and nightclubs.
92. **Element.** A development feature that is incidental and subordinate to and located on the same lot or project site as a principal use. Such features include but are not limited to surface parking, on-premises advertising signs, freestanding energy generation facilities, landscaping, helicopter pads, stormwater detention facilities, building design element, lighting, playgrounds, and non-structural recreational facilities.
93. **Eligible Building or Site.** Any historically significant building or site meeting the criteria for National Register nomination, or a building or site that has been determined to meet the requirements for adaptive reuse found in Chapter 9, or that has been determined by Missoula County to be significant to the history of Missoula County.
94. **Energy Use Intensity.** The energy used per square foot of a building, reported in units of thousands of British thermal units per square foot per year (kBtu/ft²/yr).
95. **Enterprise Commercial.** Commercial development containing 30,000 or more square feet of gross floor area within one building and may include additional buildings on a parcel or a project site. Malls, strip development centers, and big-box commercial are examples of traditional enterprise commercial development. Under these regulations, enterprise commercial development may include a mix of uses (e.g., retail, office, eating and drinking establishment) as allowed by the district.
96. **Entertainment Venue.** Any building, structure, or outdoor space dedicated to events typically involving spectators such as auditoriums, theaters, cinemas, fairgrounds, stadiums, and racetracks. Entertainment venues are divided into the following categories to further regulate impacts:
 - a. **Small Venue.** Establishments having a capacity of no more than 149 people, such as a small theater, meeting, or banquet hall.
 - b. **Medium Venue.** Establishments having event capacity between 150 and 500 people, including single or dual screen cinemas and large meeting or banquet halls.
 - c. **Large Venue.** Establishments with a capacity to serve more than 500 people, such as stadiums and arenas, large theaters, multi-screen cinemas, auditoriums, and outdoor music venues.

97. **Entry Sign.** A permanent onsite ground or wall sign that serves to identify the name of a city, subdivision (residential, commercial, or industrial), multi-family development, or other special place with a discrete identity.
98. **Ephemeral Stream.** Surface water flowing or pooling only in direct response to precipitation (e.g., rain or snow fall).
99. **Equipment Enclosure.** A small structure, shelter, cabinet, box, or vault designed for and used to house and protect equipment used in the operation of utilities and utility systems, including wireless communications.
100. **Erosion.** The wearing away of the ground surface resulting from the movement of wind, water, ice, land disturbance activities, or any combination of these processes.

F

101. **Farmstand.** A booth, stall, or building that is typically (but not always) accessory to an agricultural use from which produce and farm products—the majority of which are grown, raised, or produced within Missoula County or a neighboring county—are sold to the general public.
102. **Feedlot.** A confined area for feeding livestock. A feedlot may be accessory to a primary agricultural operation, or it may be a commercial feedlot that is the primary use of the property. A feedlot may be completely or partially sheltered or located entirely on unsheltered land.
103. **Fence.** A wall, enclosure, or barrier intended for enclosing a space or separating parcels of land and which do not otherwise structurally function as a retaining wall or as an integral structural part of a building as defined by the International Building Code (I.B.C.) and the International Residential Code (I.R.C.).
104. **Fill Slope.** The exposed ground surface resulting from manual deposition of material resulting from onsite grading or excavation, or it may be fill hauled from an offsite location and deposited on site.
105. **Financial Services.** Financial or securities brokerage services. Typical uses include banks, savings, and loan institutions, consumer investment businesses, check cashing, and loan services.
106. **Flashing Sign.** A sign which has a lighting source or lighting element that periodically illuminates or is not stationary or constant in intensity or color at all times when the sign is in use, usually in a manner intended to draw the attention of the viewer.
107. **Floodplain.** Any land area susceptible to being inundated by floodwaters from any source designated as A, AE, AH, AO, Floodway, and Shaded Zone X on a FEMA Flood Insurance Rate Map.



108. **Floor Area, Gross.** The gross horizontal area of the subject space measured from the exterior faces of any exterior walls or from the centerline when two buildings or units abut, excluding such features as covered walkways, covered open areas, unenclosed porches and balconies, exterior terraces or steps, chimney roof overhangs, and attic or basement spaces having headroom of less than seven feet ten inches. Unless otherwise expressly stated, accessory buildings and parking and vehicular circulation areas within principal buildings are not counted as gross floor area.

109. **Food and Beverage Sales.** Establishments primarily engaged in the retail sale of food, beverages, or household products for off-premise consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, liquor stores, and candy shops.

110. **Foot-Candle.** A unit of measurement for a total amount of light cast on a surface (illuminance). One foot-candle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. Vertical foot-candle is the measurement on a vertical surface. Horizontal foot-candle is a measurement on a horizontal surface.

111. **Forecourt.** An open area at grade, or within 30 inches of grade, located in front of the entrance to a large building that serves as a public space, plaza, or outdoor dining area.

112. **Foundation, Permanent.** Any structural system typically comprised of concrete, concrete block, or wood pier resting on embedded concrete or concrete block footings and capable of transferring loads from a building or structure to the earth at a depth below the established frost line without exceeding the bearing capacity of the supporting soil.

113. **Frontage, Street.** The property line or boundary of a lot or project site abutting a street right-of-way or easement.

114. **Funeral and Interment Services.** Provision of services involving the care, preparation, or disposition of human dead, including:

- Cemetery or Mausoleum.** Land or facilities used for burial of the dead, including pet cemeteries.
- Cremating/Crematorium.** Crematory services involving the purification and reduction of the human body by fire.
- Funeral Home or Mortuary.** Undertaking services such as preparing the dead for burial and arranging and managing funerals.

G

115. **Galleries and Exhibition Space.** Commercial space used to display and sell artwork. This term does not include art museums as defined under "Cultural Services" or studio or production space that may be part of a home occupation or a live/make district use.

116. **Gasoline and Fuel Sales.** A building or portion of a building used to sell at retail gasoline and fuel, oils, and accessories for motor vehicles. Repair service and automobile washing may be incidental, but the sale, rent, or storage of vehicles is prohibited.

117. **Geographic Information Systems (G.I.S.).** A computerized framework for gathering,

managing, and analyzing data based on spatial location.

118. **Geospatial.** Of or relating to the location of objects on the earth.
119. **Glare.** The sensation produced by a light source that is sufficiently brighter than the level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.
120. **Glazed Area/Glazing.** The portion of a building's façade comprised of glass, including windows, glass block walls, and windows indoors.
121. **Grade, Existing.** The elevation of the ground surface in its natural state, before human-made alterations.
122. **Grade, Finished.** The final elevation of the ground surface of a site after completion of development.
123. **Green Roof.** A roof of a building that is wholly or partially covered with vegetation and a growing medium planted over a waterproof membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Pre-planted tray systems with green roof layers combined into small units shall qualify as a green roof. However, container gardens with plants in pots or roofs painted a reflective color without plants shall not qualify as a green roof for purposes of these regulations.
124. **Greenway.** A linear park, alternative transportation route, or open space conservation area approved that provides for passive recreational opportunities, the conservation of open space and natural areas, and multimodal transportation options through pedestrian and bicycle paths.
125. **Ground Floor.** The first floor of a building (as measured from the lowest floor upward) that has more than 50 percent of its floor-to-ceiling height above finished grade.
126. **Ground Floor Unit.** A residential, retail, business, or office space located on the ground floor of a multi-unit, multi-story building.
127. **Groundcover.** Any living or non-living material incorporated in or covering the soil surface used to hold moisture, control erosion, and prevent weeds.
128. **Growth Policy.** A comprehensive development plan, master plan, or comprehensive plan as defined in Montana Code Annotated §76-1-103 and §76-1-601, or any plan such as a plan of land use, zoning, thoroughfares, sanitation, recreation, or other related matters, or any part of such plan.

H

129. **Height, Light Fixture.** The distance between the lamp in a light fixture and the ground, measured perpendicular to the ground.



130. **Heritage Sign.** A sign having historical or cultural significance as determined by Missoula County. A heritage sign may be maintained, repaired, or relocated, so long as no modifications that alter its significance are made.

131. **High-Water Mark or Elevation.** The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

132. **Historic Streetlight.** Streetlight fixtures and poles manufactured before January 1, 1945, and streetlight fixtures manufactured after 1945 that are designed to replicate streetlight fixtures manufactured before January 1, 1945.

133. **Historically Significant Building or Site.** Any building that is listed on the National Register of Historic Places or is eligible for such listing based on criteria established by the National Park Service.

134. **Home.** A building, or portion within a building, that provides independent living facilities for one or more persons, including permanent provisions for living and sleeping. Homes also include provisions for eating, cooking, and sanitation, which may be communal in Multiple-Household dwellings. In determining whether a building contains one or more homes, the Zoning Officer may in addition to building code definitions, use one or more of the following indicators: the layout of the floor space including the appearance of bedrooms and closets, kitchen appliances, a 220V electrical service, independent utilities, complete bathroom facilities, or independent exterior access.

135. **Home Occupation.** An accessory use of a home or a residential accessory structure for business or commercial purposes.

136. **Homeless Shelter.** Housing that provides minimal supportive services and is limited to occupancy of six months or less by individuals whose homelessness poses a threat to their lives or health.

137. **Hospital.** An establishment providing emergency, medical, or surgical care to patients and offering inpatient (overnight) care.

138. **Household.** One or more individuals living, sleeping, and usually cooking and eating on the premises as a single housekeeping unit.

139. **IES.** Illumination Engineering Society of North America. The professional society of lighting engineers. IES publications contain industry standard guidelines for lighting design, including outdoor lighting

140. **Illuminance.** The amount of luminous flux per unit area in the English system, equal to one lumen per square foot, and measured in foot candles. The metric system uses the lux; one foot-candle equals approximately 0.1 (0.093) lux.

141. **Illumination.** Lighting sources installed for the primary purpose of lighting an area or an object such as a specific sign or group of signs.

142. **Impervious Surface.** Any material that significantly reduces or prevents natural infiltration of water into the soil or causes water to run off the surface in greater quantities or at an increased flow rate from that which is present under natural conditions before development. Drainage swales are not considered impervious under this definition.

143. **Important Agricultural Soils.** Any soils defined by the U.S. Department of Agriculture (USDA) and identified by Natural Resources Conservation Service within Missoula County as prime farmland, prime farmland if irrigated, or farmland of statewide importance, or soils with similar qualities and characteristics to the USDA definitions that have been identified through a site survey and analysis conducted by a soil's scientist or similarly qualified individual.

144. **Improvement.** One or more of the following features required by these regulations as part of a Zoning Compliance Permit or development approval: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds.

145. **Indoor Cultivation Facility.** An enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

146. **Industrial Flex Space.** This land use type encompasses a mix of low-impact non-residential uses that do not generate smoke, noise, noxious odors, or other hazards. Use encompasses a broad range of manufacturing and production uses, including agricultural, artisan, limited, and general industrial types. Industrial hybrid use also includes a broad range of non-industrial uses that can safely occupy a warehouse or similar industrial-style building: administrative facility, small animal service, business equipment sales and service, small and medium entertainment venue, manufacturing and production (artisan), walk-in medical facility, microbrewery, professional office, research, cooperative learning and training facility, indoor active recreation, vehicle repair, warehousing, wholesaling and freight movement. Retail or food and beverage sales and service uses are allowed but should be limited and accessory to other uses listed here.

147. **Industry.** The manufacture, storage, extraction, fabrication, processing, reduction, destruction, conversion, or wholesaling of any article, substance or commodity or any treatment thereof in such a manner as to change the form, character, or appearance thereof.

148. **Infrastructure.** One or more of the following facilities or improvements: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer



mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds; and public elementary and secondary school sites.

J

149. **Junk or Salvage Yard.** An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard may include an auto wrecking yard but does not include waste-related uses or recycling facilities.

K

150. **Kilowatt-hour (kWh).** A unit of energy equivalent to one kilowatt (1 kW) of power expended for one hour of time.

L

151. **Lawfully Established.** A use, structure, sign, or parcel that conforms to all applicable zoning and subdivision regulations in effect at the time of its establishment.

152. **Light Fixture.** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast housing, and the attachment parts.

153. **Light Source.** Artificial light emitted directly from a fixture lamp, lens, or mirror. Light which is reflected after leaving the fixture does not constitute a light source.

154. **Light Spillover.** Any form of artificial illumination emanating from a light fixture that spills over property boundaries and creates a direct glare source that exceeds the allowable foot-candles horizontal on the work plane at the subject property line.

155. **Lighting Professionals.** An individual capable of specifying and designing lighting systems in accordance with the provisions of these regulations. Lighting Professionals may include but are not necessarily limited to licensed lighting designers, registered professional engineers, licensed architects, lighting company representatives skilled in lighting system design, utility company employees skilled in lighting design, and electrical contractors skilled in lighting design.

156. **Lighting, Security.** The minimum level of illumination needed to clearly identify persons or objects and create a deterrent to criminal activity in the area being protected.

157. **Lodging Services.** Establishments that provide lodging services on a temporary basis, including incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:

- a. **Bed and Breakfast.** An owner/manager-occupied facility located in a detached house in which the owner offers overnight accommodations and may provide meal service to guests for compensation.

- b. **Guest Ranch.** A facility that satisfies the definition of guest ranch at Montana Code Annotated §50-51-102(5).
- c. **Hostel.** An establishment not otherwise defined that provides inexpensive food and lodging for a specific group of people such as students, workers, or travelers where sleeping quarters are typically provided in a dormitory setting and kitchen and sanitary facilities are typically shared by transient guests..
- d. **Hotel/Motel.** An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation that may or may not include the service of one or more meals to guests.
- e. **Outfitting and Guide Facility.** A facility that satisfies the definition of outfitting and guide facility at §50-51-102(7), MCA
- f. **Tourist Home.** A private home or condominium that is not occupied, either temporarily or permanently, by an owner or manager and is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis (§50-51-102(12), MCA). A transient guest is defined as a guest for only a brief stay, such as the traveling public (§50-51-102(13), MCA). A tourist home does not include any incidental sale of food, drink, or other sales and services.

158. **Logo.** A symbol, shape, or form of local or national design which is readily recognized by the public, and which may contain abbreviations, numbers or wording commonly associated with the symbol.

159. **Long-Term Care Facility.** A facility or part of a facility licensed by the State Department of Public Health and Human Services that provides skilled nursing care, residential care, intermediate nursing care, or intermediate developmental disability care to two or more individuals. This term does not include facilities that meet the definition of a community residential facility.

160. **Lot.** A parcel, plot or other land area created by subdivision or by subdivision exemption. For the purposes of these regulations, the words lot and tract are interchangeable.

161. **Lot, Corner.** A lot or parcel located at the intersection of two streets.

162. **Lot, Flag.** A lot or parcel with less width of property on a public street than is normally required, with no less than 18 feet abutting a public or private street generally intended to make deeper property accessible.

163. **Lot, Interior.** A lot or parcel with street frontage on only one street (i.e., a parcel whose side and rear property lines do not abut a street).

164. **Lot, Through.** A lot or parcel having street frontage on two parallel, or approximately parallel, streets, or whose front and rear lot lines both abut a street other than an alley.

165. **Lot Line, Front.** The property line adjacent to the street on which the primary street



address and primary street front setback is based.

166. **Lot Line, Rear.** The property line typically opposite and parallel to the front property line.
167. **Lot Line, Side.** The property line typically perpendicular to the front or rear property line.
168. **Lot Line, Interior Side.** A side property line that does not abut a street or, in most cases, an alley.
169. **Lot Line, Street-Side.** A side property line of a corner parcel that is adjacent to a street. The street-side property line is the property line that is generally perpendicular to the alley, or as determined by the Zoning Officer.
170. **Low-Impact Stormwater Development (LID).** A site design strategy to maintain or replicate the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Through the use of LID techniques, hydrologic functions of storage, infiltration, and groundwater recharge, and the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include preserving/protecting environmentally sensitive site features such as riparian resource areas, wetlands, steep slopes, mature woodlands, floodplains, and highly permeable soils.
171. **Lumen.** A derived unit of luminous flux equal to the amount of light emitted per second in a unit solid angle of one steradian from a uniform source of one candela.
172. **Lumens, Initial.** Amount of luminous flux emitted by a lighting fixture at initial installation. Initial Lumens are usually listed by the manufacturer. A 100-watt incandescent light bulb emits approximately 1800 lumens.
173. **Lumens, Mean.** The lumen output of a lamp after it has operated for approximately 40% of its rated life.

M

174. **Maintenance Services.** Establishments providing off-site maintenance and custodial services such as janitorial, landscape maintenance, window cleaning, and extermination, and that result in significant commercial traffic, parking of multiple service vehicles, and require the storage of cleaning supplies and service equipment onsite.
175. **Major Renovation.** Rehabilitation of an existing building that involves major work to heating, ventilation, and air conditioning (HVAC) systems, the building envelope, and/or the building interior. Typically, the extent and nature of the work is such that the primary function space cannot be used for its intended purpose while the work is in progress.
176. **Manufactured Home.** A factory-built, single-household dwelling which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards to be used as a place for human habitation, and which meets the definition of "manufactured housing" established in §76-2-202(4)(a) MCA. A manufactured home shall be considered the same as any site-built, single-household detached dwelling and does not include a "mobile home" as defined in these regulations

or "house trailer" as defined in §15-1-101 MCA.

177. Manufacturing and Production. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, and resins. This use group also includes commercial production of cannabis products, beer, wine, and spirits that do not meet the definition of microbreweries and micro-distilleries. Manufacturing activities are divided into the following categories based on character and intensity, infrastructure needs, and potential offsite impacts:

- a. **Agricultural.** The processing of crops, animals, and animal by-products raised for commercial sale, including animal slaughter.
- b. **Artisan.** Production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment typically in an enclosed building with no outdoor storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.
- c. **Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include commercial kitchens and catering; printing and related support activities; machinery, electronic equipment, small appliance and computer manufacturing and assembly; furniture manufacturing and assembly; and any other manufacturing or assembly activity that has limited external impacts on surrounding properties that can be adequately addressed through site design.
- d. **General.** Manufacturing of finished or unfinished products, primarily from extracted or raw materials, recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include textile mills and apparel manufacturing; leather goods and woodworking activities; paper manufacturing; plastics, rubber, and chemical manufacturing; non-metallic mineral product manufacturing; metal fabrication and manufacturing; service and repair of industrial and commercial machinery; and medical, scientific, or technology-related research activities that generally have an impact extending beyond the boundaries of the subject property.
- e. **Intensive.** Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This term also includes smelting and oil refining.

178. Material Change. Any substantial change to a permit or application which would require changes to the type or conditions of permit approval or alters the outcome or intent of the original approved use or activity.

179. Maximum Permitted Sign Area. The total amount of sign area permitted on a property by these regulations as measured in square feet.



180. **Mechanical Equipment.** Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

181. **Microbreweries, Micro-distilleries and Wineries.** An establishment where beer, wine, or spirits are brewed, typically in conjunction with a tasting room or restaurant as permitted by these regulations. The maximum brewing capacity shall not exceed 10,000 barrels or 25,000 proof gallons annually and must be in accordance with respective licensing requirements set forth in §16-4-310 through 312, MCA.

182. **Mini Warehouse.** Storage or warehousing service within a building or under a shelter for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere.

183. **Mining.** See also "Quarrying." Pursuant to MCA §82-4-303(17), mining is the extraction of ores or minerals in commercial quantities for sale, beneficiation, refining, or other processing or disposition, or takes bulk samples for metallurgical testing in excess of the aggregate of 10,000 short tons.

184. **Mobile Food Establishments.** To include food trucks but exempt licensed ice cream trucks. Mobile food trucks are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. They are retail food facilities and health-regulated businesses subject to Missoula City-County Public Health permitting requirements.

185. **Mobile Food Court.** A congregation of two or more mobile food establishments.

186. **Mobile Home.** A factory-assembled structure built before the 1976 Mobile Home Construction and Safety Act (June 15, 1976), equipped with necessary service connections, made so as to be readily movable as a unit on its own running gear and designed to be used as a home without a permanent foundation. The term "mobile home" includes forms of housing known as "trailers," "house trailers," and "trailer coaches" exceeding eight feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to eight feet in width or 45 feet in length used as a principal residence.

187. **Mobile Home Park.** A parcel containing two or more spaces for lease or rent for a mobile or manufactured home placement as defined in these regulations.

188. **Mobile Home Space.** A plot of land within a mobile home park designed for the accommodation of a single mobile or manufactured home.

189. **Moving Sign.** A sign which conveys its message through mechanical or simulated electronic movement.

N

190. **Natural Area.** Land and water that has substantially retained its natural character, or land and water that, although altered in character, is important as habitat for plant, animal, or marine life, for the study of its natural, historical, scientific, or paleontological features, or for the enjoyment of its natural features.

191. **Nonconforming Feature.** A physical characteristic that exists legally at the time of the passage of these regulations, which does not, because of design or dimension, comply with the current regulations of the district in which it is situated.

192. **Nonconforming Lot.** A lawfully existing lot created in accordance with the zoning regulations in effect at the time it was recorded on a plat or survey in the Recording Division of the Clerk and Treasurer for Missoula County, which does not comply with the current regulations of the district in which it is situated.

193. **Nonconforming Structure.** Any structure, including buildings and signs, lawfully established in accordance with the zoning regulations in effect at the time it was constructed, which does not comply with the current regulations of the district in which it is situated.

194. **Nonconforming Use.** A land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment, which does not comply with the current regulations of the district in which it is situated.

195. **Non-Motorized (Transportation) Facilities.** Infrastructure designed or improved for the use, safety, and comfort of pedestrians, cyclists, equestrians, and other forms of non-motorized transportation. Examples include sidewalks, walkways, trails, bikeways, and related appurtenances, such as signs and ramps.

196. **Nuclear Facility.** A plant, unit, or other facility and associated facilities designed for or capable of:

- Generating electricity using nuclear fission or fusion;
- Mining, milling, converting, enriching, fabricating, or reprocessing uranium minerals or nuclear fuels for a nuclear facility as defined in (1) above; or,
- Storing or disposing of radioactive wastes or materials from a nuclear facility as defined in (a) and (b) above.

This term does not include the use of radioactive materials in diagnostic and therapeutic radiology, biomedical research, educational programs, medical devices for individual application, agricultural programs, and commercial equipment, processes, or facilities where such use poses no known public health hazard and is approved by federal and state licensing and regulatory agencies.

197. **Nursing Home or Skilled Nursing Facility.** A facility that provides a wide range of health and personal care services that focus on medical care more than assisted living or community residential facilities as defined in these regulations. Services typically include nursing care, 24-hour supervision, three meals a day, and assistance with everyday activities. Rehabilitation services, such as physical, occupational, and speech therapy, may also be available. For the purposes of these regulations, nursing home includes a long-term care facility.

O

198. **Office, Professional.** Establishments where professionals, government officials, managers, or administrative services providers offer professional services. Such services



include, but may not be limited to, those rendered by attorneys, accountants, medical professionals, chiropractors, podiatrists, architects, optometrists, planners, physical therapists, professional engineers, surveyors, and realtors. This definition includes walk-in clinics providing medical services that do not involve overnight stays. This definition does not include uses more specifically classified or defined within these regulations.

199. **Off-Premises Sign.** A sign that advertises a business, product, or service not sold or offered on the premises on which the sign is located.
200. **Open Space.** Any land provided or preserved for recreation opportunities, the conservation of land or other natural resources, or historic or scenic purposes.
201. **Outdoor Display and Sales.** A portion of a lot used for the orderly display or sales of seasonal products, merchandise, or the supply of services provided by a business located on the same parcel.
202. **Outdoor Storage.** An area of land used in conjunction with a principal use or activity located on the same lot, for the long-term storage of merchandise, goods, inventory, materials or equipment or any other items which are not intended for immediate use or sale, outside of an enclosed building
203. **Owner-Occupancy.** A property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration or similar means, and resides at the site more than six months out of any given year. Owner-occupancy may also include a named natural person with an ownership or benefit in a private trust. Temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences does not affect an owner-occupancy status.

P

204. **Parcel.** A plot of land distinguishable by ownership boundaries. The term "parcel" may also be used to refer to a lot or a tract of land.
205. **Permitted Use.** A use listed as permitted by right within a specific zoning district and required to meet the intent of the district through adherence to specific site, building, and environmental design standards prescribed within these regulations.
206. **Person.** A firm, association, organization, partnership, trust, company, or corporation as well as an individual.
207. **Personal Improvement Service.** An establishment or facility which provides information, instruction, or services for personal improvement and other similar services of a non-professional nature, including the cleaning, maintenance or repair of clothing or footwear, and maintenance or improvement of the customer's physical appearance. Typical uses include hair salons, barber shops, beauty shops, nail salons, yoga or dance studios, driving schools and martial arts studios.
208. **Plaza.** An open space that may be improved, landscaped, or paved, usually surrounded by buildings or streets.
209. **Pole Sign.** A detached sign supported wholly by poles, pylons, pillars, or beams firmly

anchored to the ground.

210. **Porch.** An attached structural element that includes a roof projecting from the exterior wall of a building that is open on at least three sides with at least 50 percent of the total area of the vertical plane on those three sides unobstructed in any manner except for screens. This term also includes a deck covered by a roof.
211. **Premises.** Land, structures, or both.
212. **Pre-School.** A facility that provides educational instruction designed for children five years of age or younger, with limited hours of education per child. Pre-school facilities are divided into two categories based on the size of the community served:
 - a. **Preschool.** A facility providing education for 12 children or less.
 - b. **Preschool Center.** A facility providing education for 13 or more children.
213. **Principal (Primary) Building.** The primary or predominate building(s) on a parcel, including any attached subordinate garage or structure, in which the principal use is conducted.
214. **Principal (Primary) Use.** The primary or predominate activity for which a premises is designed, arranged, or intended. For the purposes of multiple principal uses, one or more of the same uses or structures are considered multiple principal uses.
215. **Project Site.** Two or more contiguous parcels of land where land-disturbing activities have been or will be undertaken to complete an approved coordinated land development project. This term includes but is not limited to land subdivisions, commercial projects with outparcels, and projects where required or desired accessory features are located on lots contiguous to the primary use they serve.
216. **Projecting Sign.** A sign erected on a building wall or corner approximately perpendicular to the building façade.
217. **Product Display Window.** An illuminated window display area in which products and goods are displayed, usually to pedestrians, that generally does not allow visibility into the interior of the building.
218. **Property Line.** The exterior boundary of a lot, as shown on a subdivision plat or survey as the boundary of a lot, tract, parcel or project site.
219. **Public Safety Service Facility.** A facility that provides fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.
220. **Public Utility.** Public utility as defined in §69-3-101, MCA.
221. **Public Wastewater System.** Wastewater system as defined in Montana Administrative Rules 17.36.101; also includes the term public sewer system.
222. **Public Water.** Water supply system as defined in Montana Administrative Rules 17.36.101.



Q

223. **Qualified Professional.** A professional licensed or registered in the state of Montana performing services only in their area(s) of competence. This term shall only include registered land surveyors, registered engineers, registered architects, registered landscape architects, certified arborists, forestry professionals, and any other professional the Zoning Officer determines has sufficient education and knowledge to perform services in a given area expertise required by these regulations.

224. **Quarrying.** See also "Mining." Quarrying is the process of removing rock, sand, gravel or other minerals from the ground in order to use them to produce materials for construction or other uses.

R

225. **Recreation, Active.** Parks and other areas requiring some level of development intended for hosting organized activities. Permanent infrastructure associated with active recreation may include playground structures, paved paths, restroom facilities, sports fields, picnic shelters, and other supporting structures.

226. **Recreation, Commercial.**

Indoor. A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall, game arcade and amusement rides where such activities are contained within a building.

Outdoor. A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide, alpine slide and amusement rides where part or all of such activities are outdoors.

227. **Recreation, Developed Outdoor.** An establishment whose main purpose is to provide the general public with outdoor recreational opportunities requiring varying levels of developed facilities where tickets are sold or fees are collected for the recreational activity. Developed Outdoor Recreation activities generally capitalizing on natural landscapes and are typically dependent on rural locations. Examples include alpine skiing, Nordic skiing, mountain bike parks, zip lines, or shooting ranges.

228. **Recreation, Passive.** Recreation that involves limited development with minimal impact to the natural environment. Examples of passive recreation include parks and open spaces that allow for hiking, biking, horseback riding, picnicking, birdwatching, and birdwatching or similar activities. Limited developed support facilities are provided onsite.

229. **Recreational Vehicle.** A vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper, as defined in Montana Administrative Rules Section 37.111.201. Tiny homes on wheels and registered as an RV also fall under this definition.

230. **Recreational Vehicle (RV) Park.** A parcel of land available to and principally used by the public for camping that meets the Montana Department of Health and Human Services

definitions of a campground, where a persons can park recreational vehicles for camping and sleeping purposes. A recreational vehicle park can also include spaces for tent camping.

231. Recycling Service. Any building, portion of building, or area in which recyclable material is collected, stored, or processed (including the cleaning, bundling, compacting, or packing of materials) for the purpose of marketing or using to manufacture new, reused, or reconstituted products. This term does not include consumer-oriented collection boxes for recycled materials, which are considered an accessory use and may be allowed in any zoning district.

232. Religious Assembly. Religious services and facilities involving public assembly customary to that occurring in synagogues, temples, mosques, and churches.

233. Renewable Energy. Renewable energy includes the following:

- a. Solar energy;
- b. Wind energy;
- c. Geothermal energy;
- d. Water power, in the case of a hydroelectric project that does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less, or is an expansion of an existing hydroelectric project;
- e. Landfill or farm-based methane gas;
- f. Gas produced from the treatment of wastewater;
- g. Low-emission, non-toxic biomass energy based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that the term does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome arsenic; and,
- h. Hydrogen derived from any of the sources listed above for use in fuel cells.

234. Research, Cooperative Learning, and Training Facilities. Facilities and operations focused primarily on the research and development of new products, technology, and methods and often incorporating an education, hands-on training, or other active engagement onsite with students, clients, or the general public.

235. Resource Extraction. Activities, such as mining and quarrying, dedicated to the recovery of sand, gravel, rock, oil, natural gas, and other natural materials that are obtained by excavation, drilling, boring, or other similar methods.

236. Retail Sales and Service. Businesses involved in the sale, lease, or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores.

237. Right-of-way. A legal right of passage along a specific route through another persons property; also, the area of land over which a right-of-way exists.

238. Riparian Resource. A river, stream, lake, pond or other water body, wet meadow, woody



draw, wetland, and adjacent riparian vegetation. This term does not include incidental areas such as roadside ditches or swales that may include riparian vegetation.

239. **Riparian Resource Protection Area and Buffer.** Areas of land measured in accordance with Section 7.4.D. and intended to protect a riparian resource by preserving hydrophilic vegetation and keeping development sufficiently distanced.

240. **Roof Pitch.** The slope and inclination angle of a roof measured as vertical rise divided by the horizontal span. The primary roof pitch is the pitch of the majority of the surface area of a building's roof, not including dormers.

241. **Roof Sign.** A sign erected on or above and anchored to the roof of a building.

242. **Runoff.** The part of precipitation that flows off the land without filtering into the soil or being absorbed into plant material.

S

243. **School.** Public and private school facilities at the elementary, junior high, or high school level that provide state-mandated basic education.

244. **Secondary Value-Added Products.** Products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce.

245. **Secondary Value-Adding Industry.** A business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.

246. **Setback.** The minimum horizontal distance between a lot line and the nearest part of any building or other structure on the lot. See Chapter 4 for general information on setbacks.

247. **Setback, Front.** The minimum setback required between a building or other structure and the front lot line of the parcel on which such structure is located.

248. **Setback, Rear.** The minimum setback required between a structure and the rear lot line of the parcel on which the structure is located.

249. **Setback, Interior Side.** The minimum setback required between a structure and the interior side lot line of the parcel on which the structure is located.

250. **Setback, Street-side.** The minimum setback required between a structure and the street-side lot line of the parcel on which the structure is located.

251. **Shared-use Path.** Shared paths are paved, off-road facilities designed for travel by a variety of nonmotorized users, including bicyclists, pedestrians, skaters, joggers, and others.

252. **Sign.** A permanent or temporary graphic display erected out-of-doors or placed in view of the general public, upon the ground, roof, or a wall, or in a window, including illuminated and projecting displays, banners, announcements, and declarations, to

advertise, promote, identify, or give direction to an activity and its related goods and services.

253. **Sign Allowance.** The total sign area permitted on a premises expressed as a flat rate in square feet or as a sign area ratio computed according to these regulations.
254. **Sign Clearance.** The distance from the bottom of a sign structure, excluding vertical supports such as poles or bases, to the grade below.
255. **Sign Face Area.** The area (expressed in square feet) of one side of a sign to be assessed against an activity's total signing allowance.
256. **Sign Kiosk.** A freestanding sign that is cylindrical, curvilinear, or contains three or more sides used to communicate information to pedestrians by static (paper) or dynamic (interactive) means.
257. **Sign, Single-Post.** A freestanding sign where the primary support is a single post mounted to the ground or to a wall.
258. **Sign, Temporary.** A portable and often freestanding sign, constructed of cloth, canvas, paper, light fabric, or cardboard, with or without frames, for use over a limited period of time.
259. **Sign, Wall.** A sign erected against a building wall with the plane of its exposed face parallel to the wall's plane, extending no more than 18 inches from such wall, or suspended from the ceiling of a marquee, canopy, or vestibule in a plane parallel to the street right-of-way line.
260. **Sign, Wayfinding.** A sign required by, erected by, or authorized by a governmental agency or civic use to provide identification of or directions to the location of a place, or an activity, goods, or services.
261. **Sign, Window.** A sign that is displayed inside the first-floor window area of a building.
262. **Site Disturbance.** Any area that is subject to clearing, excavating, grading, or stockpiling earth materials (e.g., soil, rock, and vegetation), as well as the placement or removal of earth materials.
263. **Slope.** The extent to which a landform deviates from the perfectly horizontal as expressed in percent, degree, or ratio.
264. **Small Cell Network.** A network consisting of one or more nodes connected, directly or indirectly, by fiber to a carrier's mobile switching center or other point of interconnection.
265. **Social Service Facility.** Facilities providing essential services and supportive programs for underserved and at-risk populations. Typical uses include homeless shelters, senior centers, meal centers, and associated services.
266. **Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for electricity generation, water heating, or space heating or cooling. Solar energy systems may be further defined as:



- a. **Small-Scale.** A solar energy system that occupies 2,000 square feet of surface area or less.
- b. **Medium-Scale.** A solar energy system that occupies more than 2,000 square feet but less than or equal to one acre of surface area.
- c. **Large-Scale.** A solar energy system that occupies more than one acre of surface area.
- d. **Roof-Mounted.** A solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small, medium, or large-scale).
- e. **Ground-Mounted.** A solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small, medium, or large-scale).
- f. **Building-Integrated.** A solar energy system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing.

267. **Special Exception.** A use which is specifically listed as a Special Exception for a district and which meets the intent of the district when design standards and conditions are met, after review and approval of the Board of Adjustment, which will make it consistent with and compatible to other existing and conforming uses within the district.

268. **Split-Zoned.** A single tract that has two or more base zoning districts.

269. **Stoop.** A small stair, landing, or ramp often connecting a building entrance to a walkway. A stoop may be covered but shall not be enclosed by walls, screens or structural elements other than railings.

270. **Storage, Open-Air.** Storage yards where the only buildings on the parcel are incidental and accessory to the principle open-air storage use of the parcel. This use does not include accessory outdoor storage of items intended for marketing or sales.

271. **Streambank Stabilization.** Bioengineering techniques such as live staking, root wads, tree revetments, and the limited, strategic use of large rocks to prevent streambank erosion. Loose gravel, sand, rip rap, wire mesh, and similar materials used in bank hardening are not considered natural streambank stabilization.

272. **Street or Road.** A travel-way providing access to two or more lots and of adequate width to permit the unrestricted movement of traffic.

273. **Streetlight.** An outdoor light fixture located within a road right-of-way.

274. **Structural Alteration.** Any change in the supporting members of a structure such as load-bearing walls or partitions, columns, beams, or girders.

275. **Structure.** Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, fences, walls, signs, poles, and kiosks.

276. Substantial Change. Any modification in a use, structure, feature, or lot dimension that increases its impacts on adjacent properties; that alters its conformity to these regulations or other county, state, or federal regulation; or that triggers a required permit or review as specified in these regulations.

277. Substantial Change, Telecommunications. Under the telecommunication provisions, a substantial change shall mean any modification that alters the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or,
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections a-d of this definition.

T

278. Tax Increment Financing (TIF) Special District. A legally described area established by Missoula County in accordance with state law where it has been determined there is a lack of public infrastructure to support and retain secondary value-adding economic development, and that it is in the best interest of the citizens of Missoula County to invest T.I.F. funds in support of secondary value-adding economic development.

279. Technically Feasible. A project or activity that can be designed, constructed, operated,



or carried out to accomplish its goals and objectives, using accepted engineering or other technical principles and concepts. This includes the proposed placement, design, or location of a wireless facility that can be implemented without reducing the wireless facility's functionality by virtue of engineering or spectrum usage.

280. **Technology-Based Operation.** Businesses or organizations engaged in operations that through the practical application of science to commerce and industry includes, but is not limited to, any one or more of the following elements:

- a. The tools and machines that help solve problems;
- b. The techniques and knowledge that includes methods, materials, tools, and processes for solving a problem (such as building technology or medical technology);
- c. A culture-forming activity (such as manufacturing technology, infrastructure technology, or space-travel technology); and,
- d. The application of resources to solve a problem (such as knowledge, skills, processes, techniques, tools, and raw materials).

281. **Telecommunication Antenna.** An apparatus designed to emit radiofrequency radiation, to be operated or operating from a fixed location pursuant to F.C.C. authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including the transmitting device and any onsite equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation of the antenna. This term includes communications equipment that transmits or receives electromagnetic radio frequency signals used to provide services using small wireless facilities.

282. **Telecommunications Co-location.** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting, receiving, or both, radio frequency signals for communications purposes.

283. **Telecommunication Site.** For towers other than towers in the public right-of-way, this term shall be interpreted to include current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and other transmission equipment already deployed on the ground.

284. **Telecommunication Tower.** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including wireless support structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A tower may be ground-mounted, roof-mounted, or building mounted.

285. **Temporary Use.** A use intended for limited duration, which is transitory in nature and may or may not involve the construction or alteration of a permanent structure or the issuance of a building permit.

286. **Tiny Home.** A dwelling typically less than 750 square foot that includes the basic amenities of a permanent home, such as kitchen, bathroom, and sleeping area, on a permanent foundation, often designed and built on the principles of affordability and sustainability. A tiny house is considered a recreational vehicle when it is on wheels and licensed as such.

287. **Tiny Home Development.** A development comprised of two or more tiny homes on permanent foundations.

288. **Topography.** Of or relating to the shape and arrangement of physical characteristics of the land surface such as slope and drainageways.

289. **Tower, wireless.** Any ground-mounted support structure and associated onsite fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that tower but not installed as part of an antenna as defined herein. A tower may be included as an element of a personal wireless facility.

290. **Tract (or Tract of Record).** A parcel of land, irrespective of ownership that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's Office (as stated in §76-3-103, MCA). For the purposes of these regulations, the words lot and tract are interchangeable.

291. **Transmission Equipment.** Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular backup power supply.

292. **Travel Plaza/Truck Stop.** Facilities providing service and support to intrastate and interstate vehicles and drivers, especially long-haul and semi-truck drivers. Truck stops are specifically designed to accommodate the circulation and parking of large semi-tractor/trailer combinations.

293. **Twinhome/Twinhouse.** A structure containing two attached dwellings where a lot line divides not only the land but the structure into two separate but attached homes.

U

294. **Urban Service Area.** An area considered appropriate for urban growth as described and mapped in the Missoula County Growth Policy.

295. **Utility Pole.** A pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function or for the collocation of small wireless facilities. The term "utility pole" shall not include wireless support structures.

296. **Utility Services.** Any enterprise, both public and private, providing heat, light, power, water, sewer, telecommunication service, street-railway service, and audio/visual and data link communications. Utility services are divided into two categories based on the intensity of use:

- Minor.** Minor utilities typically require infrastructure and facilities to be located



in the area where the service is provided. These utilities and services generally do not have regular employees at the site and typically have few, if any, impacts on surrounding areas. Minor utilities include but may not be limited to water and sewer pump stations; minor water towers and reservoirs; minor electrical substations; small-scale wind and solar energy systems; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities. Amateur radio, small and micro-wireless facilities, and bus and rail passenger facilities for local or sub-regional service, such as Mountain Line stops and transfer centers, are also classified as minor utilities and services for the purposes of these regulations.

b. **Major.** Major utilities typically require infrastructure and facilities that have substantial land-use impacts on surrounding areas. Major utilities include but are not limited to water and wastewater treatment facilities, major water storage facilities, telecommunications towers and communication facilities, and electric generation plants, not including small-scale wind and solar energy.

V

297. **Variance.** A relaxation of specific provisions of these regulations when literal enforcement of these regulations would result in unnecessary or undue hardship.

298. **Vegetative Cover.** Grasses, shrubs, trees, and other vegetation which holds and stabilizes the soil.

299. **Vehicle and Small Engine Maintenance and Repair.** A building, site, or establishment providing repair, bodywork and painting, the replacement of parts, or the checking, changing, and addition of lubricants and other fluids and filters necessary to the maintenance of a vehicle or implement having an internal combustible engine, including but not limited to autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawnmowers, chain saws, and other small engines. This definition also includes facilities for washing or detailing automobiles by hand or through an automatic production line.

300. **Vehicle Sales and Storage.** A building or premises where the retail or wholesale sale or rental of more than three automobiles, non-commercial trucks, motorcycles, trailers of less than 10,000 lbs. gross cargo weight, recreational vehicles, and boats occurs. This term includes dealerships that provide incidental maintenance on vehicles sold. For the purposes of these zoning regulations, the sale or rental of heavy construction equipment, trucks and aircraft, together with incidental maintenance, also falls under this definition, as does vehicle towing services and the temporary storage of operating motor vehicles to be returned to the owners upon payment of towing and storage fees, as well as the temporary storage of vehicles that are to be sold, rented, salvaged, dismantled, or repaired.

301. **Vested Right.** The right to initiate or continue the use or occupancy of land or structures, or to continue construction of a structure or initiation of a use, where a law or regulation in effect prohibits such use, occupancy of land, or construction. This term includes rights obtained under the principles of estoppel.

W

302. **Wall Element.** Any individual wall or continuous element of a building on a single continuous plane.

303. **Warehousing, Wholesaling, and Freight Movement.** The storage, wholesale sales, and distribution of goods, materials, and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to other businesses and the general public. This term does not include mini-warehouses.

304. **Waste Facilities.** Waste-related uses are characterized by the receiving of solid or liquid wastes from other users and sites for transfer to another location; by the collection of sanitary wastes or other approved waste materials for onsite disposal; or by the manufacture or production of goods or energy from the composting of organic material. Uses are generally separated into the following categories based on intensity:

- Landfill.** A facility or site used for the disposal of household and demolition waste, construction materials, used building materials, brush, wood waste, soil, rock, concrete, and inert solids soluble in water.
- Transfer Station.** A facility where mixed solid waste is collected from smaller vehicles, manually or mechanically separated and packaged into recovered materials, and further processed for transport to other facilities, including a solid waste landfill.

305. **Watercourse.** Any depression two feet or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well-defined banks; provided that, upon order of the Department of Natural Resources and Conservation, it also includes any particular depression that would not otherwise be within this definition. This term does not include an irrigation ditch or canal.

306. **Wetlands.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include riparian vegetation, marshes, swamps, bogs, and similar areas.

307. **Wind Energy System, Small.** A minor utility with one or more wind turbines with a combined nameplate capacity rating of 100 kilowatts or less.

308. **Wind Energy System, Large.** A major utility with one or more wind turbines with a combined nameplate capacity rating of more than 100 kilowatts or more.

309. **Wind Turbine.** An electricity generating system that converts the kinetic energy of the wind into electricity; includes a tower, generator, rotor with blades, and related equipment.

310. **Wireless Facility.** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not include a telecommunication tower as defined herein nor



any equipment associated with a tower, nor does it include any structure that, at the time the relevant application is filed with Missoula County under these regulations, does not support or house equipment expressly included this definition. The term "wireless facility" does include, without limitation:

- a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("D.A.S.") and small-cell networks).
- c. Any structure other than a tower that, at the time the relevant application is filed with the Missoula County under these regulations, supports or houses equipment described in paragraphs "a" and "b" that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

311. **Wireless Facility, Micro.** A small wireless facility having a dimension no larger than twenty-four inches in height, fifteen inches in width, and twelve inches in depth, provided that the exterior antenna, if any, does not exceed eleven inches in length.

312. **Wireless Facility, Small.** A wireless facility or other facility providing communications service that meets one or both of the following qualifications:

- a. Each communications service provider's antenna can fit within an enclosure of no more than six cubic feet in volume; or,
- b. All other equipment associated with the communications service facility, whether ground- or pole-mounted, that is cumulatively no more than twenty-eight cubic feet in volume; provided that the following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

313. **Wireless Services, Personal.** Commercial wireless telecommunication services including cellular, personal communications services (P.C.S.), specialized mobilized radio (S.M.R.), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

314. **Wireless Provider.** An individual, corporation, company, association, trust, or other entity or organization who:

- a. Provides services, including wireless broadband services, whether at a fixed location or mobile, to the public using wireless facilities; or,
- b. Builds or installs wireless communication transmission equipment or wireless

facilities, including an individual authorized to provide telecommunications service in the state.

315. **Wireless Support Structure.** A structure, such as a telecommunication tower or other existing or proposed structure, designed to support or capable of supporting broadband or small wireless facilities, other than a structure designed solely for the co-location of wireless facilities. The term "wireless support structure" shall not include a utility pole unless a wireless facility is using the pole for co-location.

316. **Wireline Backhaul.** The transport of communications data or other electronic information by wire from wireless facilities to a communications network. The term "wireline backhaul" shall not include wire connecting the wireless facility to the backhaul.

X

317. **Xeriscaping.** A landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

Y

318. **Yard.** The actual (as opposed to required) horizontal distance existing between a principal structure and a property line.

- Front.** The yard that exists between a principal structure and the front property line of the lot on which the structure is located, extending along the full length of the front property line between the side property lines. For corner lots, a primary front yard is one that fronts onto a street that is parallel to any alley serving this corner lot. When no alley exists, a corner lot's primary front yard is adjacent to the street of longer length or onto that street determined to have a higher functional classification (by surrounding neighborhood prevailing uses and traffic patterns) by the Public Works Department.
- Rear.** The yard that exists between a principal structure and the rear property line of the lot on which the structure is located, extending along the full length of the rear property line between the side property lines.
- Side.** The yard that exists between a principal structure and the side property line of the lot on which the structure is located, extending along a side property line, excluding those areas as defined as a front or rear yard.

