

SECTION 3 DEFINITIONS AND RULES OF CONSTRUCTION

- 3.1 Accessory Building or Use: A ~~building-Building~~ or ~~use-Use~~ which: (1) is subordinate in area, extent or purpose to the principal building or principal ~~use-Use~~ served; and (2) contributes to the comfort, convenience, or necessity of occupants of the principal ~~B~~building or principal ~~U~~use.
- ~~3.2~~ Accessory Dwelling: A Dwelling Unit located within the principal Dwelling Unit, or in an Accessory Building.
- ~~3.32~~ Agriculture: Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.
- ~~3.3~~ Airport: ~~A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel.~~
- 3.4 Antenna: Any equipment or device used to receive or transmit electromagnetic waves for the provision of Personal Wireless Services including but not limited to, cellular, paging, personal communication services (PCS), and microwave communications. Antennas include, but are not limited to, directional antennas, such as panels, microwave and satellite dishes, and omnidirectional antennas, such as whips. The definition does not apply to broadcast antennas, antennas designated for amateur radio use, or satellite dishes apply to broadcast antennas, antennas designated for amateur radio use, or satellite dishes designed for residential or household purposes.
- 3.5 Antenna Support Structure: Any Structure, mast, pole, or tower used for the purpose of supporting an Antenna.
- 3.6 Antenna Tower ("Tower"). Any structure that is designed and constructed primarily for the purpose of supporting one or more Antennas for telephone, radio, and similar voice and data communications purposes or Personal Wireless Services. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and antenna tower alternative structures.
- ~~3.7~~ Apartment House: ~~Any building or portion thereof containing three or more apartments or dwelling units.~~
- ~~3.78~~ Applicant, Personal Wireless Service Facility. The owner or operator, or authorized representative thereof, of a Personal Wireless Service Facility who applies for a Conditional Use Permit or Modification.
- ~~3.8~~ Arterial Road: A road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access

to adjacent land. Arterial Roads within the District include Bridger Canyon Road, Kelly Canyon Road and Jackson Creek Road.

3.9 Base Area: The Bridger Bowl base area, as identified and included in the Base Area Plan and official zoning map.

3.109 Bed and Breakfast Inn: An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves only a limited breakfast to registered guests.

3.110 Building: Any Sstructure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

3.124 Building Height: The vertical distance from the preexisting natural grade of the building site to a parallel plane located above the grade. The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

3.13 Building Lot: A designated area within which Dwelling Units, Accessory Buildings, and other Structures may be constructed, as provided in Section 13.4(d).

3.142 Building, Principal: A Sstructure in which is conducted the main Uuse of a lot on which the Sstructure is located.

3.153 Building Site or Building Envelope: A designated area within a Parcel within which Dwelling Units, Accessory Buildings, and other Structures have been constructed. Now referred to as Building Lots. A parcel of land occupied or intended to be occupied by uses and buildings permitted herein and which includes such size, dimension, open space, and parking as are required in the Zoning District in which such site is located; and which site abuts a County road or State Highway or which abuts a private road conforming to standards approved by the Planning Commission.

~~3.14 Business, Retail: The retail sale of any article, substance, or commodity for profit or livelihood, conducted within a building, but not including the sale of lumber or other building materials or the sale of used or secondhand goods.~~

3.165 Campgrounds: Land or premises which is used or intended to be used, let, or rented for temporary occupancy by campers traveling by automobile or otherwise, or for temporary occupancy inby tents or similar quarters.

~~3.16 Caretaker's Residence: Dwelling unit for a person that takes care of the house or land of an owner who may be absent.~~

3.17 "Carrier on Wheels" or "Cell on Wheels" ("COW"). A portable self-contained facility that can be moved to a location and set up to provide Personal Wireless Services. A COW is

normally vehicle-mounted and contains a telescoping boom as ~~the-its~~ Antenna Support Structure.

3.18 Club, Private hunting or fishing: A facility for an organization of persons whose special purpose is hunting or fishing. Such facility shall be open only to members and not to the general public.

~~3.19 Commercial Feed Lot: Shall mean any premises on which livestock are held or maintained for the purpose of feeding and fattening for market and where sixty percent (60%) or more of the feed for such livestock is imported or purchased.~~

~~3.1920 Conditional Use: A Uses, other than a Permitted Uses, that may be allowed in a specific Zoning category Classification,; but which A Conditional Use requires a public hearing before by the governing body Zoning Commission. to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Bridger Canyon Zoning District.~~

~~3.21 Condominium: The ownership of single units with common elements.~~

3.20 Density: The number of Development Rights per unit of land area, which may also be expressed in the inverse as the area required to establish one Development Right.

3.21 Development Rights: The potential for the improvement of a parcel of real property, measured in Dwelling Units, existing because of the zoning classification of the parcel.

3.22 Domestic Wireless Equipment: Non-commercial wireless communication equipment serving 10 or fewer Dwellings Units or parcels and conforming to height limits, setbacks and other standards in this Regulation, including amateur radios and domestic antennas, such as for the reception of terrestrial or satellite television signals or wireless internet service.

~~3.23 Dwelling Group: A group of two or more detached or semi-detached one family, duplexes, or multiple family dwellings occupying a parcel of land in one ownership and having any yard or court in common.~~

3.234 Dwelling Unit: A group of inter-related rooms having living, sleeping, cooking, and complete water and wastewater sanitary facilities for a single Family.

3.24 Electric Distribution Lines: An electric power line.

3.25 Electric Transmission Lines: An electric power line, poles, towers and attached appurtenances primarily designed for transmission of electricity between electric substations and which are typically of a capacity of 50kV or greater.

- 3.26 Emergency Services. A Building or Use, often supported by government funds, to be used in an emergency service capacity including, but not limited to, police, fire, and ambulance stations.
- 3.275 Employee Housing: An efficiency or studio residential unit which is located in the ~~Bridger Bowl~~-Base Area, is restricted by covenant for use by persons employed in the Base Area and their families, and has living sleeping, cooking and sanitary facilities.
- 3.286 Employee Unit: An employee unit shall mean one single bed, with a maximum of four units in one room.
- 3.2927 Employer: A person, persons or entity who owns or operates a business or businesses in the ~~Bridger Bowl~~-Base Area and whose businesses shall be aggregated together for the purpose of determining the number of full time employees or the equivalent.
- 3.30 Essential Services, Type I. Uses including, but not limited to, water pumping stations; stormwater drainage facilities (including collection lines, retention/detention ponds, and drainage ways); sanitary sewer and storm sewer lift stations; local service telephone lines and cables; local service electrical and gas distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; local service gas transmission lines and cables; water and sanitary sewer distribution and collection lines; public and amateur radio antennae and towers; public treatment facilities (water, sanitary sewer and storm sewer); public domestic water storage facilities; water fill stations for firefighting equipment; telephone exchanges and repeater stations (not including Wireless Services Antenna Towers); fire and police stations.
- 3.31 Essential Services, Type II. Uses including, but not limited to, transport gas, oil, and coal pipelines (interstate and intrastate), electric substations; electrical transmission lines (interstate and intrastate); and public supply facilities (electric and gas).
- 3.3228 FAA. The U.S. Federal Aviation Administration.
- 3.3329 Family: One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity or sorority house, etc. A ~~F~~family unit shall be deemed to include necessary servants, and may include up to four (4) boarders.
- 3.340 FCC. The U.S. Federal Communications Commission.
- 3.35 Floor Area, general: The sum of the horizontal areas of each floor of a ~~B~~building, measured from the outside faces of the exterior walls or from the centerline of walls separating two ~~B~~buildings.
- 3.36 Floor Area, livable: The sum of the horizontal heated floor area of a ~~B~~uilding, measured from the outside faces of the exterior walls or used for dwelling purposes or from the

centerline of walls separating non-dwelling areas and other dwelling Buildings. Non-dwelling areas include such areas as attics, utility closets, carports, and garages.

3.37+ Floor, Ground: That portion of a Bbuilding or Sstructure located with its floor between the average ground elevation and the ceiling next above.

~~3.32 Guest House: Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site.~~

3.38 Geotechnical Study: A soil analysis indicating the physical properties of soil types and any limitation ratings, and any special design or construction methods proposed to mitigate soil suitability conditions.

3.3933 Guest Ranch: Facility which provides accommodations to the general public, offers on-premise recreational ~~and~~/or educational programs, and ~~features~~ has central dining facilities.

3.340 Guest Quarters: Overnight rooms at Guest Rranches.

3.3541 Home Occupation: The use of a Ddwelling Unit or Accessory Structure for occupations at home which are clearly customary and incidental to the primary Use of the parcel and do not change agricultural or residential character thereof. ~~No home occupation conducted entirely within a dwelling shall occupy more than twenty percent (20%) of the gross floor area nor more than four hundred (400) square feet of gross floor area.~~

~~3.36 Hostel: Dormitory style overnight accommodations, usually for young travelers.~~

3.4237 Hotel: Any Bbuilding or portion thereof including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests whether rent is paid in money, goods, labor or otherwise. ~~Does not include any jail, hospital, asylum, sanitarium, orphanage, nursing home or other in which people are housed and detained under legal restraint.~~

~~3.38 Junk Yard: The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.~~

3.4339 Lease, Personal Wireless Service Facility. With respect to a Personal Wireless Service Facility, an agreement, however designated (such as, without limitation, lease, license, easement, right to use, access right), by means of which a property owner grants to the Personal Wireless Service Facility operator a right to construct or operate a Personal Wireless Service Facility on his property.

- 3.440 Lot or Parcel: A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other instrument of record ~~of subdivision~~.
- 3.451 Manufactured Home: A Residential Single Family Dwelling constructed entirely or substantially off-site.
- 3.462 Mobile Home: A portable unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 3.473 Modification, Personal Wireless Service Facility: Any alteration to an existing Personal Wireless Service Facility Antenna Tower or base station that involves: (1) the colocation of new transmission equipment; (2) the removal of transmission equipment; or (3) replacement of transmission equipment.
- 3.48 Open Space: Land subject to valid restriction against housing development, the maintenance of which in its natural or agricultural state is necessary for the enhancement of living conditions in Planned Unit Developments. Open Space may be owned in private, public, or common ownership.
- 3.49 Ordinary High Water Mark. The outermost line caused by water impressing on land and covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface water's high water marks.
- 3.5044 Overnight Accommodations: Permanent, separately rentable accommodations which are not available for residential use, except for the proprietors of a Bed and Breakfast Inn. Overnight lodgings include Hotel or motel rooms, hostels, cabins, Bed and Breakfast Inns and time-shared units. ~~Individually owned units may be considered Overnight lodging Accommodations if they are available for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, Employee Housing, and similar accommodations do not qualify as Overnight Accommodations for purposes of this definition. (Amended:County Commission Resolution 1995-46)~~
- 3.5145 Parking space, off-street: A space located off any public right-of-way which is at least 9x20 feet in size for parking of any automobile and with access to a public street or road.
- 3.52 Permitted Use: A Use permitted on a property in accordance with its Zoning Classification.
- 3.5346 Personal Wireless Services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

- 3.5447 Personal Wireless Service Facility (“Facility”). A facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility typically consists of an equipment enclosure, and Antenna Tower, one or more Antenna, and accessory equipment.
- 3.55 Plan: The provisions for development of a Planned Unit Development, including a plat of subdivision, all covenants relating to use, location and bulk of Dwelling Units and other structures, intensity of use or density of development, streets, ways and parking facilities, and a general layout of water and sanitary facilities. The phrase "provisions of the Plan", when used in these provisions, shall mean and include the written and graphic materials referred to in this definition.
- 3.56 Planned Unit Development or PUD: An area of land, to be developed as a single entity for a number of Dwelling Units, the Plan for which may not correspond in lot size, bulk or type of dwelling, Density, lot coverage and required Open Space to the applicable Zoning Classification.
- 3.57 Planning Department: The Gallatin County Planning Department.
- 3.58 Prominent Ridgeline: Any ridgeline, as viewed from any point along a designated Arterial Road corridor, which creates a silhouette with the sky. These Arterial Road corridors shall then establish view points from which to identify Prominent Ridgelines. For the purpose of these guidelines, a canopy of existing trees located on the top of a ridgeline shall be considered a part of the Prominent Ridgeline.
- 3.59 Portal: A rustic entrance gate of stone, log or lumber, or combinations thereof, which may contain words, symbols or brands, indicating the address or identity of a park, farm, ranch or Dwelling Unit.
- 3.6048 Private Club: Any association and its related facilities except those of which the chief activity is a service customarily carried on as a business.
- 3.6149 Recreational Housing: Housing located in the Bridger Bowl-Base Area which does not have restriction on length of stay, and includes attached and detached single family units. This is distinguished from other Dwelling Units by the special requirements set forth in Section 13.120.
- 3.6250 Recreational Housing, attached: Single family ownership units that have at least one other single-family owned unit within the same building structure, and are located in the Bridger Bowl-Base Area. Includes townhouses, duplexes and condominiums.
- 3.6351 Recreational Housing, detached: Single-family homes located in the Bridger Bowl-Base Area and on individual lots or in a planned unit development.
- 3.64 Regulation: This Bridger Canyon Zoning Regulation.

- 3.65 Residential: Single family Dwelling Units, condominiums, and town houses, and their accessory Structures and Uses.
- 3.66 Place of Worship. A Structure, or group of Structures, that by design and construction are primarily intended for conducting organized religious services and associated uses including a church, synagogue, temple, mosque, or other facility used for prayer by persons of similar belief.
- 3.67 Short-Term Rental. Rental of a Dwelling Unit, other Building, or a portion of any of the foregoing for a term of less than 30 consecutive calendar days.
- 3.68 Short-Term Rental, Advertising or Advertisement. Any written or electronic publication, dissemination, solicitation, circulation, or public notification that is intended to induce any person to engage in Short-Term Rental of a Dwelling Unit. This definition includes, but is not limited to mailings, print advertisements, internet listings, e-mail publications or other printed or electronic means.
- 3.6952 Single Family Dwelling: A detached building designed for, or occupied exclusively by, one family and including the necessary domestic help thereof.
- 3.70 Ski Lift Facility: Ski lift facilities include powered conveyors for transporting skiers or sightseers up a mountainside. Ski lifts can be either chair lifts, surface lifts, gondolas, or cable cars. Ski facilities also include snow making and related commercial facilities including equipment rental, storage lockers, warming huts, restaurants and bars.
- 3.71 Solar Energy System- Accessory: A solar panel or array mounted on a Building, pole or rack that is secondary to the primary Use of the Parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary Use.
- 3.7253 Special Events Facility: Facility used on an intermittent basis for activities such as weddings, receptions, picnics, barbecues, dances, private parties, reunions, and banquets.
- 3.7354 Structure: Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 3.74 Subdivision Regulations: Gallatin County Subdivision Regulations, including subdivision review.
- 3.7555 Telecommunications Laws. Any statute or regulation enacted by any federal, state, or local governmental agency that in any way governs (a) telecommunications, (b) the construction, maintenance, or operation of Wireless Communications Facility, (c) electromagnetic signals or their environmental impact, or (d) building, fire, plumbing, or mechanical standards applicable to Wireless Communications Facility; and any judicial or administrative interpretation of any of the foregoing.
- 3.56 Tepee: A conical tent.

- 3.76 Traffic Impact Analysis: An analysis of the effect of traffic generated by the PUD on the capacity, operations, and safety of the planned access points, and public roads with recommended mitigation measures for the anticipated impacts.
- 3.77 Transfer: The conveyance of Development Rights by deed, easement, or other legal instrument, authorized by the Regulation, to another parcel of land and the recording of that conveyance at the Office of the Gallatin County Clerk and Recorder, in the manner provided in Section 13.840.
- ~~3.57 Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than 8 feet in body width nor 32 feet in body length.~~
- 3.7858 Transmission Line: Any electrical circuit carried on a steel pole; any electrical circuit carried on more than one wooden pole; any electrical circuit carried on a single wooden pole energized at more than 60,000 volts.
- 3.7959 Use: The purpose for which land or premises or a building thereon is designed, arranged, or intended, of for which it is, or may be, occupied or maintained.
- 3.80 Watercourse. Any natural stream, river, creek, drainage, waterway, gully, ravine or wash in which water flows either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term Watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water.
- 3.81 Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturation soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition includes Army Corp jurisdictional and non-jurisdictional wetlands.
- 3.82 Wind and Solar, Non-Commercial and/or Agricultural Uses. An electrical power generation facility using solar or wind, energy as its fuel source, and whose primary function is to provide electricity for personal or agricultural use.
- 3.83 Wind Energy System (Small-scale): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of power.
- ~~3.60 Work Camp: A parcel of land on which housing is provided by a person for two or more families or individuals living separately, for the exclusive use of the employees of such person and the families, if any, of the employees. For purposes of this subsection, "housing" includes but is not limited to camping spaces; trailer parking spaces; mobile, modular, or~~

~~permanent barracks or structures; and any appurtenant water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system, or food service and dining facilities. "Housing" does not include shelter provided by an employer for persons who are employed to perform agricultural duties on a ranch or farm.~~

3.84—Zoning Classification: The zoning classification, such as Agricultural Exclusive, applicable to a Parcel.

3.85 Zoning Commission: The Gallatin County Planning & Zoning Commission.

3.86 Zoning District: The Bridger Canyon Zoning District.

RULES OF CONSTRUCTION.

As used in this Regulation:

(a) Any reference to this Regulation, other regulation, or law (including Telecommunications Laws) shall mean a reference to the item as amended from time to time, as of the date of reference. For example, an application for a Land Use Permit pursuant to Section ___ shall be made in accordance with such section in effect at the date the application is made.

(b) Any use of the singular includes a reference to the plural and vice versa, unless otherwise expressly provided.

(c) Any reference to one gender includes all other genders.

(d) Or means *and/or*.

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