



Livingston City Commission Agenda

Tuesday, October 6, 2020

5:30 PM

Via Zoom:

<https://us02web.zoom.us/j/85403198616?pwd=Kzd5empJNSsvbmVuWGMrEWI1TEhudz09>

Meeting ID: 854 0319 8616 | Passcode: 898354 | Call In: (669) 900-6833

1. Call to Order
2. Roll Call
3. Public Comment

Individuals are reminded that public comments should be limited to item over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)

4. Consent Items

- A. APPROVE MINUTES FROM 9/15/2020 REGULAR CITY COMMISSION MEETING. PG. 4**
- B. JUDGES MONTHLY REPORT AUGUST 2020 PG. 6**
- C. QUARTERLY FINANCIALS REPORT AS OF JUNE 2020 PG. 9**

5. Proclamations

6. Scheduled Public Comment

- A. SHARI ESLINGER OF HRDC, PRESENTS THE FEASIBILITY STUDY FOR THE LIVINGSTON WARMING CENTER. PG. 39**

7. Public Hearings

- A. ORDINANCE NO. 2088: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AMENDING SECTION 14-92 AS ENACTED BY ORDINANCE NO. 1908 REGULATING THE USER CHARGE BASIS FOR THE LIVINGSTON SEWER SYSTEM. PG. 51**

8. Ordinances

- A. ORDINANCE NO. 2089: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1968, 1972 AND 2041 AS CODIFIED BY CHAPTER 24 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED DEVELOPMENT IMPACT FEES. PG. 59**
- B. ORDINANCE NO. 2090: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, ARTICLE IV, and ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO ACESSORY DWELLINGS. PG. 77**
- C. ORDINANCE NO. 2091: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE IV,**

ARTICLE V, ARTICLE VI, ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING. PG. 197

9. Resolutions

A. RESOLUTION NO. 4924: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A TWO-YEAR SERVICES AGREEMENT WITH AUZMOR, INC. TO PROVIDE CITY EMPLOYEES WITH AN E-LEARNING SERVICES PLATFORM. PG. 251

B. RESOLUTION NO. 4925: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2019-2020, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$2,407,206 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$1,073,697. PG. 261

10. Action Items

A. DISCUSS/APPROVE/DENY: NORTH TOWN SUBDIVISION PHASES 2&3 FINAL PLAT APPROVAL. PG. 267

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

- *October 6, 2020: City Commission Meeting, 5:30 pm via Zoom.*
- *October 6-9, 2020, Montana League of Cities and Towns virtual annual conference.*
- *October 12, 2020, Columbus Day, City Offices and facilities closed.*
- *October 13, 2020, Historic Preservation Board Meeting 3:30 pm.*
- *October 14, 2020, City Conservation Board Meeting 5:00 pm.*
- *October 15, 2020, City Tree Board Meeting, Noon.*
- *October 20, 2020, City Commission Meeting, 5:30 pm*
- *October 21, 2020, Library Board Meeting 4:00 pm*
- *October 21, 2020 City Planning Board regular meeting, 5:30 pm*
- *October 28, 2020, Parks and Trails Committee meeting, 6:00 pm*

Supplemental Material

- RECRUITMENT FOR YOUTH SEAT ON CITY CONSERVATION BOARD
- [URA RECRUITMENT NOTICE](#)
- [RECRUITMENT NOTICE FOR CITY CONSERVATION BOARD](#)
- [RECRUITMENT ANNOUNCEMENT FOR LIVINGSTON TREE BOARD](#)

Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

File Attachments for Item:

APPROVE MINUTES FROM 9/15/2020 REGULAR CITY COMMISSION MEETING.

LIVINGSTON CITY COMMISSION REGULAR MEETING MINUTES

Tuesday, September 15, 2020, 5:30 pm
Zoom Online Meeting ID: 845 3990 9397

1 Call to Order**2 Roll Call**

* Heglund, Schwarz, Friedman, Mabie, and Nootz were present.

3 Public Comment: (00:01:48)

* None

4 Consent Items: (00:02:13)

- A. Approve minutes from September 1, 2020.
- B. Ratify claims paid from 08/16/2020-08/30/2020.
- C. Judges monthly report, July 2020.
Friedman motioned, second by Mabie.
All in favor, passes 5-0.

5 Proclamations:**6 Scheduled Public Comment:****7 Public Hearings:****8 Ordinances:****9 Resolutions: (00:03:14)**

- A. Resolution No. 4923: A Resolution of the City Commission of the City of Livingston, Montana, of it's intent to amend the budget for the fiscal year 2019-2020 by making appropriation adjustments in the amount of \$2, 407,206 and revenue adjustments in the amount of \$1,073,697.
 - * Kardoos turned meeting over to Paige Fetterhoff, Finance Director
 - * No public comments
 - * Heglund asked question (00:05:46)
Friedman motioned, second by Nootz
All in favor, passes 5-0.

10 Action Items: (10:06)

- A. Discuss setting Commissioner Budget Calendar.
Discussion around where the Commissioners want to be involved in this process, public wants Strategic Plan review at the end of the year, Nov/Dec, so Commission can adjust any priorities or Commission to receive every draft budget as Staff produces them. Capital Request sheets from the Dept. heads, looking ahead into future budget cycles, not really in the budget. Would like a calender to show target timelines when the City is planning budget meetings, coordinating those meetings and providing the boards with notice, so they can be involved, and bring their goals to the strategic planning meetings.
- B. Discuss October and November Commissioner Listening Session venues.
Schwarz needs to find a larger venue and someone willing to host, tentatively Loaves and Fishes for the 2nd Saturday in October, still cautious about meeting in person. Schwarz will confirm with the Schwarz will confirm with the City. Tentatively 10/10 location to be announced.

11 City Manager Comments: (00:27:11)

Hard copy of budget books are available, has had one question and one request to review material provided. MLCT hosting virtual conference this year, will send link out for registration.

12 City Commission Comments

* Nootz: (00:28:21)

* Mabie (00:28:33)

* Schwarz (00:29:36) Would like to add HRDC's Warming Center to the October 6 agenda.
second by Nootz.

* Friedman (00:31:02)

* Hogle (00:32:06)

13 Adjournment 6:03 (00:33:19)

File Attachments for Item:

B. JUDGES MONTHLY REPORT AUGUST 2020

**LIVINGSTON CITY COURT
FINANCIAL REPORT**

August
2020

Date PD Monthly Report Received from City of Livingston Finance Office 9/11/2020

Tickets/Criminal Complaints Cleared: **53**

Dismissed-Plea Agreement:	8	
Dismissed-Pretrial Diversion/Deferred:	6	
Dismissed-Miscellaneous:	5	
Paid-Bond Forfeit/Fine:	23	\$2,995.00
Paid-Time Payments:	11	\$3,694.99
Warrant Fees:		
	Total	\$6,689.99
	Parking Tickets:	\$1,585.00
	Total:	\$8,274.99

Surcharges/Costs/Fees:

	MLEA Surcharge:		\$170.00
	TECH Surcharge:		\$160.00
	Victim/Witness Surcharge:		\$353.00
	MISD Surcharge:		\$255.00
	Court Costs:		\$45.00
	Public Defender Fee:	0 x \$150.00	
	Public Defender Fee:	0 x \$250.00	\$ -
102-410360-390	Jury Fees	0 x \$295.00	\$ -
102-410360-390	Interpreter	0 x \$50.00	\$ -
	Total		(\$983.00)

Total amount credited to City of Livingston General Fund: \$7,291.99

*I hereby certify that this is a true and correct statement of the amount of fines/fees/costs which were fully paid and credited with the Livingston City Court during the month of: **Aug. 2020***

Prepared by: Holly Happe
Hon. Holly Happe
Livingston City Judge

Date: 9-14-2020

File Attachments for Item:

C. QUARTERLY FINANCIALS REPORT AS OF JUNE 2020

Summary of Fund Revenues by Type

Fund	Taxes & Assessments	Licenses & Permits	Intergovernmental	Charge for Services	Fines & Forfeitures	Miscellaneous	Investment Earnings	Other Financing Sources	Transfers	Total
1000 - General	\$ 2,443,661	\$ 349,841	\$ 2,215,651	\$ 101,805	\$ 121,384	\$ 84,032	\$ 7,266	\$ -	\$ 1,126,688	\$ 6,450,328
2190 - Comprehensive Liability	143,740	-	-	-	-	-	(1,138)	-	175,092	317,694
2220 - Library	100,282	-	527,147	3,212	771	2,143	1,375	-	50,317	685,247
2300 - Communications/Dispatch Services	-	-	106,941	332,300	-	-	(319)	-	382,204	821,126
2310 - Tax Increment District - Downtown	379,256	-	40,967	-	-	5,680	3,504	-	-	429,407
2372 - Permissive Health Levy	452,014	-	-	-	-	-	1,343	-	-	453,357
2397 - CDBG Economic Dev Revolving	-	-	-	-	-	-	7	-	-	7
2399 - Impact Fees	-	-	-	190,838	-	-	2,301	-	-	193,139
2400 - Light Maintenance	-	-	-	-	-	145,980	388	-	-	146,369
2500 - Street Maintenance	-	16,600	296	-	-	1,008,393	256	20,000	32,944	1,078,489
2600 - Sidewalks	-	-	-	-	-	119,265	(684)	-	-	118,581
2650 - Business Improvement District	-	-	-	-	-	42,336	63	-	-	42,399
2700 - Park Improvement	-	-	-	-	-	-	513	-	-	513
2750 - Law Enforcement Joint Equipment	-	-	-	-	-	-	47	-	-	47
2820 - Gas Tax	-	-	149,401	350	-	-	944	-	-	150,695
3002 - 2016 Fire Truck GOB	36,247	-	-	-	-	-	241	-	-	36,488
3003 - 2000 Fire Truck GOB	23,810	-	-	-	-	-	166	-	-	23,976
3200 - West End Tax Increment District	127,572	-	13,189	-	-	-	2,332	-	-	143,093
3400 - SID Revolving	-	-	-	-	-	-	177	-	-	177
3550 - SID 179 - West End	-	-	-	-	-	34,563	190	-	-	34,752
3955 - SID 180 - Carol Lane	-	-	-	-	-	3,755	(57)	-	-	3,699
4010 - Capital Improvement	-	-	-	-	-	-	55	-	-	55
4020 - Library Capital Improvement	-	-	-	-	-	-	184	-	-	184
4099 - Railroad Crossing Levy	11	-	-	-	-	-	189	-	-	200
5210 - Water Department	-	-	8,224	1,646,239	-	5	9,917	-	-	1,664,386
5310 - Sewer Department	-	-	243,646	2,519,581	-	46,393	17,517	-	-	2,827,137
5410 - Solid Waste Department	-	-	9,733	2,473,555	-	13	(278)	-	-	2,483,024
5510 - Ambulance Services	28,628	-	234,861	1,890,558	-	1,000	1,714	2,113	-	2,158,873
8010 - Perpetual Cemetery	-	-	-	2,975	-	-	2,566	-	-	5,541
TOTAL	\$ 3,735,221	\$ 366,441	\$ 3,550,057	\$9,161,413	\$ 122,155	\$ 1,493,559	\$ 50,776	\$ 22,113	\$1,767,245	\$ 20,268,980
% of Total	18.43%	1.81%	17.51%	45.20%	0.60%	7.37%	0.25%	0.11%	8.72%	100.00%
Budget	\$ 3,515,314	\$ 299,450	\$ 2,918,345	\$8,413,717	\$ 116,250	\$ 1,482,601	\$ 26,700	\$ 301,173	\$1,446,396	\$ 18,519,946
% of Budget Received	106.26%	122.37%	121.65%	108.89%	105.08%	100.74%	190.17%	7.34%	122.18%	109.44%

Summary of Fund Expenditures by Type

Fund	Personnel &		Capital	Debt Service	Other	Total
	Benefits	Operations			Financing	
1000 - General	\$ 3,991,200	\$ 1,088,265	\$ 120,815	\$ 23,612	\$ 394,170	\$ 5,618,063
2190 - Comprehensive Liability	-	322,726	-	-	-	322,726
2220 - Library	409,118	146,218	-	-	-	555,336
2300 - Communications/Dispatch Services	572,882	95,525	-	-	-	668,407
2310 - Tax Increment District - Downtown	-	11,805	869,787	158,925	-	1,040,518
2372 - Permissive Health Levy	-	-	-	-	437,775	437,775
2397 - CDBG Economic Dev Revolving	-	-	-	-	-	-
2399 - Impact Fees	-	3,919	57,029	-	-	60,948
2400 - Light Maintenance	-	69,187	52,345	-	-	121,532
2500 - Street Maintenance	425,490	256,064	104,781	97,249	-	883,584
2600 - Sidewalks	-	-	184,764	-	-	184,764
2650 - Business Improvement District	-	41,504	-	-	-	41,504
2700 - Park Improvement	-	-	-	-	-	-
2750 - Law Enforcement Joint Equipment	-	-	-	-	-	-
2820 - Gas Tax	-	139,804	-	-	-	139,804
3002 - 2016 Fire Truck GOB	-	-	-	51,244	-	51,244
3003 - 2000 Fire Truck GOB	-	-	-	36,050	-	36,050
3200 - West End Tax Increment District	-	-	-	74,438	-	74,438
3400 - SID Revolving	-	-	-	-	-	-
3550 - SID 179 - West End	-	-	-	32,356	-	32,356
3955 - SID 180 - Carol Lane	-	-	-	-	-	-
4010 - Capital Improvement	-	-	-	-	-	-
4020 - Library Capital Improvement	-	-	-	-	-	-
4099 - Railroad Crossing Levy	-	-	-	32,172	-	32,172
5210 - Water Department	488,250	542,064	-	5,506	327,590	1,363,410
5310 - Sewer Department	686,773	659,022	-	332,228	1,011,280	2,689,303
5410 - Solid Waste Department	597,490	1,505,425	-	6,444	129,141	2,238,499
5510 - Ambulance Services	1,301,958	314,595	-	-	68,647	1,685,200
8010 - Perpetual Cemetery	-	-	-	-	2,566	2,566
TOTAL	\$ 8,473,161	\$ 5,196,123	\$ 1,389,521	\$ 850,223	\$ 2,371,169	\$ 18,280,197
% of Total	46.35%	28.42%	7.60%	4.65%	12.97%	100.00%
Budget	\$ 8,719,970	\$ 5,798,862	\$ 2,213,604	\$ 1,411,794	\$ 882,390	\$ 19,026,620
% of Budget Received	97.17%	89.61%	62.77%	60.22%	268.72%	96.08%

Summary of Fund Expenditures by Function

Fund	General Government	Public Safety	Public Works	Public Health	Culture & Recreation	Housing & Community Development	Debt Service	Miscellaneous	Other Financing Uses	Total
1000 - General	\$ 1,370,625	\$ 2,813,326	\$ 395,892	\$ 150,626	\$ 539,881	\$ -	\$ 10,096	\$ 10,318	\$ 327,300	\$ 5,618,063
2190 - Comprehensive Liability	-	-	-	-	-	-	-	322,726	-	322,726
2220 - Library	-	-	-	-	517,584	-	-	-	37,752	555,336
2300 - Communications/Dispatch Services	-	599,671	-	-	-	-	-	-	68,736	668,407
2310 - Tax Increment District - Downtown	-	-	-	-	-	881,593	158,925	-	-	1,040,518
2372 - Permissive Health Levy	-	-	-	-	-	-	-	-	437,775	437,775
2397 - CDBG Economic Dev Revolving	-	-	-	-	-	-	-	-	-	-
2399 - Impact Fees	-	48,087	8,978	-	3,883	-	-	-	-	60,948
2400 - Light Maintenance	-	121,532	-	-	-	-	-	-	-	121,532
2500 - Street Maintenance	-	-	651,339	-	-	-	97,249	-	134,996	883,584
2600 - Sidewalks	-	-	184,764	-	-	-	-	-	-	184,764
2650 - Business Improvement District	-	-	-	-	-	41,504	-	-	-	41,504
2700 - Park Improvement	-	-	-	-	-	-	-	-	-	-
2750 - Law Enforcement Joint Equipment	-	-	-	-	-	-	-	-	-	-
2820 - Gas Tax	-	-	139,804	-	-	-	-	-	-	139,804
3002 - 2016 Fire Truck GOB	-	-	-	-	-	-	51,244	-	-	51,244
3003 - 2000 Fire Truck GOB	-	-	-	-	-	-	36,050	-	-	36,050
3200 - West End Tax Increment District	-	-	-	-	-	-	74,438	-	-	74,438
3400 - SID Revolving	-	-	-	-	-	-	-	-	-	-
3550 - SID 179 - West End	-	-	-	-	-	-	32,356	-	-	32,356
3955 - SID 180 - Carol Lane	-	-	-	-	-	-	-	-	-	-
4010 - Capital Improvement	-	-	-	-	-	-	-	-	-	-
4020 - Library Capital Improvement	-	-	-	-	-	-	-	-	-	-
4099 - Railroad Crossing Levy	-	-	-	-	-	-	32,172	-	-	32,172
5210 - Water Department	-	-	878,780	-	-	-	2,171	302,646	179,813	1,363,410
5310 - Sewer Department	-	-	1,121,750	-	-	-	328,893	1,001,559	237,101	2,689,303
5410 - Solid Waste Department	-	-	1,899,608	-	-	-	3,026	132,133	203,732	2,238,499
5510 - Ambulance Services	-	1,482,946	-	-	-	-	-	64,782	137,472	1,685,200
8010 - Perpetual Cemetery	-	-	-	-	-	-	-	-	2,566	2,566
TOTAL	\$ 1,370,625	\$ 5,065,561	\$ 5,280,914	\$ 150,626	\$ 1,061,348	\$ 923,096	\$ 826,618	\$ 1,834,163	\$ 1,767,245	\$ 18,280,197
% of Total	7.50%	27.71%	28.89%	0.82%	5.81%	5.05%	4.52%	10.03%	9.67%	100.00%
Budget	\$ 1,438,988	\$ 5,408,269	\$ 6,645,307	\$ 145,615	\$ 1,120,110	\$ 709,221	\$ 1,411,794	\$ 317,826	\$ 1,829,490	\$ 19,026,620
% of Budget Received	95.25%	93.66%	79.47%	103.44%	94.75%	130.16%	58.55%	577.10%	96.60%	96.08%

1000 - General Fund Summary

FUND	FY 2020 Budget	Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
1000 - General Fund											
Revenues											
Taxes & Assessments	\$ 2,461,188	\$ 30,521	1.24%	\$ 1,117,984	45.42%	\$ 224,369	9.12%	\$ 1,070,787	43.51%	\$ 2,443,661	99.29%
Licenses & Permits	299,450	88,410	29.52%	90,723	30.30%	74,635	24.92%	96,073	32.08%	349,841	116.83%
Intergovernmental Revenue	1,805,877	289,431	16.03%	348,050	19.27%	319,106	17.67%	1,259,065	69.72%	2,215,651	122.69%
Charge for Services	134,900	36,660	27.18%	21,278	15.77%	33,738	25.01%	10,128	7.51%	101,805	75.47%
Fines & Forfeitures	116,250	32,577	28.02%	26,775	23.03%	31,369	26.98%	30,663	26.38%	121,384	104.42%
Miscellaneous Revenue	173,271	45,207	26.09%	(3,334)	-1.92%	21,636	12.49%	20,524	11.84%	84,032	48.50%
Investment Earnings	2,000	1,636	81.80%	707	35.37%	2,321	116.05%	2,601	130.07%	7,266	363.29%
Other Financing Sources	301,173	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Transfers	824,508	206,128	25.00%	206,128	25.00%	206,128	25.00%	508,304	61.65%	1,126,688	136.65%
Total Revenue	6,118,617	730,571	11.94%	1,808,311	29.55%	913,302	14.93%	2,998,144	49.00%	6,450,328	105.42%
Expenditures											
Personnel & Benefits	4,107,173	922,842	22.47%	878,613	21.39%	837,866	20.40%	1,351,879	32.92%	3,991,200	97.18%
Operations	1,144,610	205,754	17.98%	310,561	27.13%	289,540	25.30%	282,410	24.67%	1,088,265	95.08%
Capital	296,052	16,186	5.47%	18,295	6.18%	30,101	10.17%	56,234	18.99%	120,815	40.81%
Debt Service	10,101	8,100	80.19%	4,435	43.91%	7,241	71.69%	3,836	37.98%	23,612	233.76%
Other Financing Uses	436,310	82,894	19.00%	100,036	22.93%	103,481	23.72%	107,759	24.70%	394,170	90.34%
Total Expenditures	5,994,246	1,235,776	20.62%	1,311,939	21.89%	1,268,229	21.16%	1,802,118	30.06%	5,618,063	93.72%
Expenditures by Function											
General Government	1,438,988	269,126	18.70%	366,118	25.44%	355,663	24.72%	379,719	26.39%	1,370,625	95.25%
Public Safety	3,022,338	584,376	19.34%	597,212	19.76%	573,341	18.97%	1,058,397	35.02%	2,813,326	93.08%
Public Works	464,511	120,614	25.97%	84,561	18.20%	89,676	19.31%	101,041	21.75%	395,892	85.23%
Public Health	145,615	27,575	18.94%	49,008	33.66%	37,843	25.99%	36,199	24.86%	150,626	103.44%
Culture & Recreation	523,562	147,735	28.22%	130,886	25.00%	124,128	23.71%	137,132	26.19%	539,881	103.12%
Debt Service	10,101	4,525	44.80%	1,056	10.46%	4,514	44.69%	-	0.00%	10,096	99.95%
Miscellaneous	5,321	-	0.00%	1,273	23.92%	1,240	23.30%	7,805	146.68%	10,318	193.90%
Other Financing Uses	383,810	81,825	21.32%	81,825	21.32%	81,825	21.32%	81,825	21.32%	327,300	85.28%
Total Expenditures	5,994,246	1,235,776	20.62%	1,311,939	21.89%	1,268,229	21.16%	1,802,118	30.06%	5,618,063	93.72%
Fund Balance											
Beginning Fund Balance	1,023,129	1,414,778		909,573		1,405,945		1,051,018		1,414,778	
Revenue	6,118,617	730,571	11.94%	1,808,311	29.55%	913,302	14.93%	2,998,144	49.00%	6,450,328	105.42%
Expenditures	5,994,246	1,235,776	20.62%	1,311,939	21.89%	1,268,229	21.16%	1,802,118	30.06%	5,618,063	93.72%
Ending Fund Balance	1,147,500	909,573		1,405,945		1,051,018		2,247,044		2,247,044	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2190 - Comprehensive Liability											
Revenues											
Taxes & Assessments	139,572	610	0.44%	69,341	49.68%	10,415	7.46%	63,374	45.41%	143,740	102.99%
Investment Earnings	(750)	(499)	66.55%	(386)	51.41%	(234)	31.16%	(20)	2.65%	(1,138)	151.77%
Other Financing Sources	175,092	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Transfers		43,773	0.00%	43,773	0.00%	43,773	0.00%	43,773	0.00%	175,092	0.00%
Total Revenue	313,914	43,884	13.98%	112,729	35.91%	53,954	17.19%	107,127	34.13%	317,694	101.20%
Expenditures											
Operations	311,505	322,726	103.60%	-	0.00%	-	0.00%	-	0.00%	322,726	103.60%
Total Expenditures	311,505	322,726	103.60%	-	0.00%	-	0.00%	-	0.00%	322,726	103.60%
Expenditures by Function											
Miscellaneous	311,505	322,726	103.60%	-	0.00%	-	0.00%	-	0.00%	322,726	103.60%
Total Expenditures	311,505	322,726	103.60%	-	0.00%	-	0.00%	-	0.00%	322,726	103.60%
Fund Balance											
Beginning Fund Balance	24,262	24,214		(254,628)		(141,900)		(87,945)		24,214	
Revenue	313,914	43,884	13.98%	112,729	35.91%	53,954	17.19%	107,127	34.13%	317,694	101.20%
Expenditures	311,505	322,726	103.60%	-	0.00%	-	0.00%	-	0.00%	322,726	103.60%
Ending Fund Balance	26,671	(254,628)		(141,900)		(87,945)		19,181		19,181	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2220 - Library											
Revenues											
Taxes & Assessments	89,514	304	0.34%	48,323	53.98%	7,286	8.14%	44,368	49.57%	100,282	112.03%
Intergovernmental Revenue	457,413	16,685	3.65%	41,655	9.11%	238,138	52.06%	230,668	50.43%	527,147	115.25%
Charge for Services	6,000	1,092	18.21%	1,364	22.74%	755	12.59%	-	0.00%	3,212	53.53%
Fines & Forfeitures	-	67	0.00%	353	0.00%	351	0.00%	-	0.00%	771	0.00%
Miscellaneous Revenue	2,000	239	11.97%	814	40.70%	1,090	54.48%	-	0.00%	2,143	107.16%
Investment Earnings	200	362	180.77%	165	82.32%	574	287.10%	274	137.17%	1,375	687.34%
Transfers	48,690	-	0.00%	-	0.00%	-	0.00%	50,317	103.34%	50,317	103.34%
Total Revenue	603,817	18,750	3.11%	92,674	15.35%	248,194	41.10%	325,628	53.93%	685,247	113.49%
Expenditures											
Personnel & Benefits	472,419	101,104	21.40%	101,758	21.54%	101,451	21.47%	104,804	22.18%	409,118	86.60%
Operations	141,779	43,838	30.92%	36,170	25.51%	32,181	22.70%	34,030	24.00%	146,218	103.13%
Capital	361	374	103.71%	533	147.59%	-	0.00%	(907)	-251.30%	-	0.00%
Total Expenditures	614,559	145,317	23.65%	138,461	22.53%	133,632	21.74%	137,927	22.44%	555,336	90.36%
Expenditures by Function											
Culture & Recreation	576,807	135,879	23.56%	129,023	22.37%	124,194	21.53%	128,489	22.28%	517,584	89.73%
Other Financing Uses	37,752	9,438	25.00%	9,438	25.00%	9,438	25.00%	9,438	25.00%	37,752	100.00%
Total Expenditures	614,559	145,317	23.65%	138,461	22.53%	133,632	21.74%	137,927	22.44%	555,336	90.36%
Fund Balance											
Beginning Fund Balance	226,557	281,141		154,574		108,788		223,350		281,141	
Revenue	603,817	18,750	3.11%	92,674	15.35%	248,194	41.10%	325,628	53.93%	685,247	113.49%
Expenditures	614,559	145,317	23.65%	138,461	22.53%	133,632	21.74%	137,927	22.44%	555,336	90.36%
Ending Fund Balance	215,815	154,574		108,788		223,350		411,051		411,051	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
2300 - Dispatch											
Revenues											
Charge for Services	390,576	-	0.00%	91,672	23.47%	91,347	23.39%	149,281	38.22%	332,300	85.08%
Fines & Forfeitures		-	0.00%	(100)	0.00%	100	0.00%	-	0.00%	-	0.00%
Investment Earnings	-	(52)	0.00%	(167)	0.00%	(54)	0.00%	(46)	0.00%	(319)	0.00%
Other Financing Sources	358,826	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Total Revenue	749,402	81,773	10.91%	173,230	23.12%	173,218	23.11%	392,904	52.43%	821,126	109.57%
Expenditures											
Personnel & Benefits	598,116	131,854	22.04%	133,852	22.38%	155,666	26.03%	151,510	25.33%	572,882	95.78%
Operations	114,536	27,544	24.05%	22,451	19.60%	20,548	17.94%	24,983	21.81%	95,525	83.40%
Capital	5,000	-	0.00%	1,052	21.04%	-	0.00%	(1,052)	-21.04%	-	0.00%
Total Expenditures	717,652	159,397	22.21%	157,355	21.93%	176,214	24.55%	175,441	24.45%	668,407	93.14%
Expenditures by Function											
Public Safety	648,916	142,213	21.92%	140,171	21.60%	159,030	24.51%	158,257	24.39%	599,671	92.41%
Other Financing Uses	68,736	17,184	25.00%	17,184	25.00%	17,184	25.00%	17,184	25.00%	68,736	100.00%
Total Expenditures	717,652	159,397	22.21%	157,355	21.93%	176,214	24.55%	175,441	24.45%	668,407	93.14%
Fund Balance											
Beginning Fund Balance	(25,022)	22,668		(54,956)		(39,081)		(42,077)		22,668	
Revenue	749,402	81,773	10.91%	173,230	23.12%	173,218	23.11%	392,904	1	821,126	109.57%
Expenditures	717,652	159,397	22.21%	157,355	21.93%	176,214	24.55%	175,441	0	668,407	93.14%
Ending Fund Balance	6,728	(54,956)		(39,081)		(42,077)		175,387		175,387	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
2310 - Urban Renwal District											
Revenues											
Taxes & Assessments	193,400	458	0.24%	156,535	80.94%	60,169	31.11%	162,095	83.81%	379,256	196.10%
Intergovernmental Revenue	40,967	-	0.00%	20,483	50.00%	-	0.00%	20,483	50.00%	40,967	100.00%
Miscellaneous Revenue	3,552	3,310	93.18%	-	0.00%	-	0.00%	2,370	66.74%	5,680	159.92%
Investment Earnings	1,500	1,554	103.60%	346	23.10%	1,022	68.11%	582	38.79%	3,504	233.59%
Total Revenue	239,419	5,322	2.22%	177,365	74.08%	61,190	25.56%	185,530	77.49%	429,407	179.35%
Expenditures											
Operations	7,500	-	0.00%	680	9.07%	4,000	53.33%	7,125	95.00%	11,805	157.40%
Capital	-	353,170	0.00%	511,301	0.00%	5,316	0.00%	-	0.00%	869,787	0.00%
Debt Service	158,925	-	0.00%	34,288	21.57%	350	0.22%	124,288	78.21%	158,925	100.00%
Total Expenditures	166,425	353,170	212.21%	546,269	328.24%	9,666	5.81%	131,413	78.96%	1,040,518	625.22%
Expenditures by Function											
Housing & Community Devel.	7,500	353,170	4708.93%	511,982	6826.42%	9,316	124.22%	7,125	95.00%	881,593	11754.57%
Debt Service	158,925	-	0.00%	34,288	21.57%	350	0.22%	124,288	78.21%	158,925	100.00%
Total Expenditures	166,425	353,170	212.21%	546,269	328.24%	9,666	5.81%	131,413	78.96%	1,040,518	625.22%
Fund Balance											
Beginning Fund Balance	(46,242)	1,101,563		753,716		384,811		436,335		1,101,563	
Revenue	239,419	5,322	2.22%	177,365	74.08%	61,190	25.56%	185,530	77.49%	429,407	179.35%
Expenditures	166,425	353,170	212.21%	546,269	328.24%	9,666	5.81%	131,413	78.96%	1,040,518	625.22%
Ending Fund Balance	26,752	753,716		384,811		436,335		490,453		490,453	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
2372 - Permissive Health Insurance											
Revenues											
Taxes & Assessments	444,330	1,341	0.30%	217,837	49.03%	32,851	7.39%	199,985	45.01%	452,014	101.73%
Investment Earnings	-	58	0.00%	96	0.00%	665	0.00%	524	0.00%	1,343	0.00%
Total Revenue	444,330	1,399	0.31%	217,933	49.05%	33,516	7.54%	200,508	45.13%	453,357	102.03%
Expenditures											
Other Financing Uses	444,330	-	0.00%	-	0.00%	-	0.00%	437,775	98.52%	437,775	98.52%
Total Expenditures	444,330	-	0.00%	-	0.00%	-	0.00%	437,775	98.52%	437,775	98.52%
Expenditures by Function											
Other Financing Uses	444,330	-	0.00%	-	0.00%	-	0.00%	437,775	98.52%	437,775	98.52%
Total Expenditures	444,330	-	0.00%	-	0.00%	-	0.00%	437,775	98.52%	437,775	98.52%
Fund Balance											
Beginning Fund Balance	32	31,954		33,353		251,286		284,802		31,954	
Revenue	444,330	1,399	0.31%	217,933	49.05%	33,516	7.54%	200,508	45.13%	453,357	102.03%
Expenditures	444,330	-	0.00%	-	0.00%	-	0.00%	437,775	98.52%	437,775	98.52%
Ending Fund Balance	32	33,353		251,286		284,802		47,536		47,536	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2397 - CDBG Revolving Loan											
Revenues											
Intergovernmental Revenue	60,000	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Investment Earnings	3,000	2	0.06%	2	0.05%	2	0.07%	1	0.04%	7	0.22%
Total Revenue	63,000	2	0.00%	2	0.00%	2	0.00%	1	0.00%	7	0.01%
Expenditures											
Operations	655,406	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Total Expenditures	655,406	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Expenditures by Function											
Housing & Community Devel.	655,406	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Total Expenditures	655,406	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Fund Balance											
Beginning Fund Balance	592,406	615,574		615,576		615,578		615,580		615,574	
Revenue	63,000	2	0.00%	2	0.00%	2	0.00%	1	0.00%	7	0.01%
Expenditures	655,406	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Ending Fund Balance	-	615,576		615,578		615,580		615,581		615,581	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
2399 - Impact Fees											
Revenues											
Charge for Services	65,120	82,873	127.26%	4,412	6.78%	45,829	70.38%	57,723	88.64%	190,838	293.06%
Investment Earnings	1,000	542	54.16%	527	52.72%	774	77.41%	458	45.81%	2,301	230.09%
Total Revenue	66,120	83,415	126.16%	4,939	7.47%	46,603	70.48%	58,181	87.99%	193,139	292.10%
Expenditures											
Capital	57,191	5,059	8.85%	-	0.00%	13,322	23.29%	38,648	67.58%	57,029	99.72%
Total Expenditures	57,191	5,059	8.85%	-	0.00%	13,322	23.29%	42,567	74.43%	60,948	106.57%
Expenditures by Function											
Public Safety	37,450	-	0.00%	-	0.00%	9,403	25.11%	38,684	103.30%	48,087	128.40%
Public Works	-	5,059	0.00%	-	0.00%	3,919	0.00%	-	0.00%	8,978	0.00%
Culture & Recreation	19,741	-	0.00%	-	0.00%	-	0.00%	3,883	19.67%	3,883	19.67%
Total Expenditures	57,191	5,059	8.85%	-	0.00%	13,322	23.29%	42,567	74.43%	60,948	106.57%
Fund Balance											
Beginning Fund Balance	257,374	217,146		295,502		300,442		333,723		217,146	
Revenue	66,120	83,415	126.16%	4,939	7.47%	46,603	70.48%	58,181	87.99%	193,139	292.10%
Expenditures	57,191	5,059	8.85%	-	0.00%	13,322	23.29%	42,567	74.43%	60,948	106.57%
Ending Fund Balance	266,303	295,502		300,442		333,723		349,337		349,337	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2400 - Light Maintenance											
Revenues											
Miscellaneous Revenue	149,900	904	0.60%	70,819	47.24%	12,065	8.05%	62,193	41.49%	145,980	97.39%
Investment Earnings	250	72	28.67%	34	13.41%	169	67.63%	114	45.64%	388	155.35%
Total Revenue	150,150	975	0.65%	70,852	47.19%	12,234	8.15%	62,307	41.50%	146,369	97.48%
Expenditures											
Operations	83,000	17,854	21.51%	21,546	25.96%	16,893	20.35%	12,894	15.53%	69,187	83.36%
Capital	70,000	52,345	74.78%	-	0.00%	-	0.00%	-	0.00%	52,345	74.78%
Total Expenditures	153,000	70,199	45.88%	21,546	14.08%	16,893	11.04%	12,894	8.43%	121,532	79.43%
Expenditures by Function											
Public Safety	153,000	70,199	45.88%	21,546	14.08%	16,893	11.04%	12,894	8.43%	121,532	79.43%
Total Expenditures	153,000	70,199	45.88%	21,546	14.08%	16,893	11.04%	12,894	8.43%	121,532	79.43%
Fund Balance											
Beginning Fund Balance	47,223	90,741		21,518		70,824		66,165		90,741	
Revenue	150,150	975	0.65%	70,852	47.19%	12,234	8.15%	62,307	41.50%	146,369	97.48%
Expenditures	153,000	70,199	45.88%	21,546	14.08%	16,893	11.04%	12,894	8.43%	121,532	79.43%
Ending Fund Balance	44,373	21,518		70,824		66,165		115,578		115,578	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
2500 - Street Maintenance											
Revenues											
Licenses & Permits		2,147	0.00%	3,207	0.00%	92	0.00%	11,154	0.00%	16,600	0.00%
Miscellaneous Revenue	1,032,107	7,548	0.73%	487,684	47.25%	81,337	7.88%	431,824	41.84%	1,008,393	97.70%
Investment Earnings	500	(14)	-2.79%	(214)	-42.82%	328	65.58%	156	31.26%	256	51.23%
Other Financing Sources	-	20,000	0.00%	-	0.00%	-	0.00%	-	0.00%	20,000	0.00%
Transfers	31,280	-	0.00%	-	0.00%	-	0.00%	32,944	105.32%	32,944	105.32%
Total Revenue	1,063,887	29,681	2.79%	490,676	46.12%	81,757	7.68%	476,375	44.78%	1,078,489	101.37%
Expenditures											
Personnel & Benefits	433,267	108,734	25.10%	98,881	22.82%	96,742	22.33%	121,133	27.96%	425,490	98.20%
Operations	285,457	52,161	18.27%	63,543	22.26%	63,865	22.37%	76,495	26.80%	256,064	89.70%
Capital	172,500	20,072	11.64%	12,678	7.35%	29,545	17.13%	42,485	24.63%	104,781	60.74%
Debt Service	96,551	47,853	49.56%	-	0.00%	49,396	51.16%	-	0.00%	97,249	100.72%
Total Expenditures	987,775	228,819	23.17%	175,102	17.73%	239,549	24.25%	240,114	24.31%	883,584	89.45%
Expenditures by Function											
Public Works	755,227	147,218	19.49%	141,353	18.72%	156,404	20.71%	206,365	27.32%	651,339	86.24%
Debt Service	96,551	47,853	49.56%	-	0.00%	49,396	51.16%	-	0.00%	97,249	100.72%
Miscellaneous	1,000	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Other Financing Uses	134,997	33,749	25.00%	33,749	25.00%	33,749	25.00%	33,749	25.00%	134,996	100.00%
Total Expenditures	987,775	228,819	23.17%	175,102	17.73%	239,549	24.25%	240,114	24.31%	883,584	89.45%
Fund Balance											
Beginning Fund Balance	60,374	145,128		(54,011)		261,564		103,772		145,128	
Revenue	1,063,887	29,681	2.79%	490,676	46.12%	81,757	7.68%	476,375	44.78%	1,078,489	101.37%
Expenditures	987,775	228,819	23.17%	175,102	17.73%	239,549	24.25%	240,114	24.31%	883,584	89.45%
Ending Fund Balance	136,486	(54,011)		261,564		103,772		340,033		340,033	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
2600 - Sidewalks											
Revenues											
Miscellaneous Revenue	35,161	67	0.19%	89,583	254.78%	15,143	43.07%	14,472	41.16%	119,265	339.20%
Investment Earnings	300	(132)	-43.91%	(24)	-8.06%	(342)	-114.15%	(186)	-62.03%	(684)	-228.15%
Total Revenue	35,461	(64)	-0.18%	89,558	252.55%	14,801	41.74%	14,286	40.29%	118,581	334.40%
Expenditures											
Capital		-	0.00%	184,764	0.00%	-	0.00%	-	0.00%	184,764	0.00%
Total Expenditures	-	-	0.00%	184,764	0.00%	-	0.00%	-	0.00%	184,764	0.00%
Expenditures by Function											
Public Works		-	0.00%	184,764	0.00%	-	0.00%	-	0.00%	184,764	0.00%
Total Expenditures	-	-	0.00%	184,764	0.00%	-	0.00%	-	0.00%	184,764	0.00%
Fund Balance											
Beginning Fund Balance	(59,040)	(64,691)		(64,755)		(159,961)		(145,160)		(64,691)	
Revenue	35,461	(64)	-0.18%	89,558	252.55%	14,801	41.74%	14,286	40.29%	118,581	334.40%
Expenditures	-	-	0.00%	184,764	0.00%	-	0.00%	-	0.00%	184,764	0.00%
Ending Fund Balance	(23,579)	(64,755)		(159,961)		(145,160)		(130,874)		(130,874)	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2650 - Business Improvement District											
Revenues											
Miscellaneous Revenue	42,150	30	0.07%	16,949	40.21%	7,348	17.43%	18,010	42.73%	42,336	100.44%
Investment Earnings	50	34	68.24%	7	13.80%	7	13.08%	15	30.24%	63	125.36%
Total Revenue	42,200	64	0.15%	16,956	40.18%	7,355	17.43%	18,025	42.71%	42,399	100.47%
Expenditures											
Operations	46,315	9	0.02%	19,677	42.49%	21,757	46.98%	61	0.13%	41,504	89.61%
Total Expenditures	46,315	9	0.02%	19,677	42.49%	21,757	46.98%	61	0.13%	41,504	89.61%
Expenditures by Function											
Housing & Community Devel.	46,315	9	0.02%	19,677	42.49%	21,757	46.98%	61	0.13%	41,504	89.61%
Total Expenditures	46,315	9	0.02%	19,677	42.49%	21,757	46.98%	61	0.13%	41,504	89.61%
Fund Balance											
Beginning Fund Balance	4,116	18,882		18,937		16,216		1,814		18,882	
Revenue	42,200	64	0.15%	16,956	40.18%	7,355	17.43%	18,025	42.71%	42,399	100.47%
Expenditures	46,315	9	0.02%	19,677	42.49%	21,757	46.98%	61	0.13%	41,504	89.61%
Ending Fund Balance	1	18,937		16,216		1,814		19,777		19,777	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
2700 - Park Improvement											
Revenues											
Miscellaneous Revenue	2,000	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Investment Earnings	500	130	25.96%	123	24.69%	166	33.15%	94	18.73%	513	102.53%
Total Revenue	2,500	130	5.19%	123	4.94%	166	6.63%	94	3.75%	513	20.51%
Fund Balance											
Beginning Fund Balance	72,141	70,032		70,162		70,285		70,451		70,032	
Revenue	2,500	130	5.19%	123	4.94%	166	6.63%	94	3.75%	513	20.51%
Expenditures	-	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Ending Fund Balance	74,641	70,162		70,285		70,451		70,544		70,544	
2750 - Law Enforcement Joint Equipment											
Revenues											
Investment Earnings	30	12	40.07%	11	38.10%	15	51.17%	9	28.93%	47	158.27%
Total Revenue	30	12	40.07%	11	38.10%	15	51.17%	9	28.93%	47	158.27%
Expenditures											
Operations	6,502	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Total Expenditures	6,502	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Expenditures by Function											
Public Safety	6,502	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Total Expenditures	6,502	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Fund Balance											
Beginning Fund Balance	6,472	6,486		6,498		6,510		6,525		6,486	
Revenue	30	12	40.07%	11	38.10%	15	51.17%	9	28.93%	47	158.27%
Expenditures	6,502	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Ending Fund Balance	-	6,498		6,510		6,525		6,534		6,534	

<i>Special Revenue Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2820 - Gas Tax											
Revenues											
Intergovernmental Revenue	265,100	37,350	14.09%	37,350	14.09%	37,350	14.09%	37,350	14.09%	149,401	56.36%
Charge for Services	150	100	66.67%	200	133.33%	100	66.67%	(50)	-33.33%	350	233.33%
Investment Earnings	500	198	39.63%	204	40.70%	325	64.90%	218	43.53%	944	188.76%
Total Revenue	265,750	37,648	14.17%	37,754	14.21%	37,775	14.21%	37,518	14.12%	150,695	56.71%
Expenditures											
Operations	146,000	32,845	22.50%	29,638	20.30%	9,932	6.80%	67,389	46.16%	139,804	95.76%
Capital	35,000	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Total Expenditures	181,000	32,845	18.15%	29,638	16.37%	9,932	5.49%	67,389	37.23%	139,804	77.24%
Expenditures by Function											
Public Works	181,000	32,845	18.15%	29,638	16.37%	9,932	5.49%	67,389	37.23%	139,804	77.24%
Total Expenditures	181,000	32,845	18.15%	29,638	16.37%	9,932	5.49%	67,389	37.23%	139,804	77.24%
Fund Balance											
Beginning Fund Balance	75,221	103,490		108,293		116,409		144,251		103,490	
Revenue	265,750	37,648	14.17%	37,754	14.21%	37,775	14.21%	37,518	14.12%	150,695	56.71%
Expenditures	181,000	32,845	18.15%	29,638	16.37%	9,932	5.49%	67,389	37.23%	139,804	77.24%
Ending Fund Balance	159,971	108,293		116,409		144,251		114,381		114,381	

<i>Debt Service Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
FUND	FY 2020 Budget										
3002 - 2016 Fire Truck General Obligation Bond											
Revenues											
Taxes & Assessments	32,155	279	0.87%	17,532	54.52%	2,604	8.10%	15,832	49.24%	36,247	112.73%
Investment Earnings	50	63	125.10%	61	121.26%	87	173.74%	31	61.96%	241	482.06%
Total Revenue	32,205	342	1.06%	17,593	54.63%	2,691	8.36%	15,863	49.26%	36,488	113.30%
Expenditures											
Debt Service	51,244	-	0.00%	10,797	21.07%	-	0.00%	40,447	78.93%	51,244	100.00%
Total Expenditures	51,244	-	0.00%	10,797	21.07%	-	0.00%	40,447	78.93%	51,244	100.00%
Expenditures by Function											
Debt Service	51,244	-	0.00%	10,797	21.07%	-	0.00%	40,447	78.93%	51,244	100.00%
Total Expenditures	51,244	-	0.00%	10,797	21.07%	-	0.00%	40,447	78.93%	51,244	100.00%
Fund Balance											
Beginning Fund Balance	33,600	33,896		34,238		41,034		43,725		33,896	
Revenue	32,205	342	1.06%	17,593	54.63%	2,691	8.36%	15,863	49.26%	36,488	113.30%
Expenditures	51,244	-	0.00%	10,797	21.07%	-	0.00%	40,447	78.93%	51,244	100.00%
Ending Fund Balance	14,561	34,238		41,034		43,725		19,140		19,140	

<i>Debt Service Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
3003 - 2000 Fire Truck General Obligation Bond											
Revenues											
Taxes & Assessments	21,176	130	0.61%	11,480	54.21%	1,725	8.14%	10,476	49.47%	23,810	112.44%
Investment Earnings	100	31	31.40%	33	33.21%	86	86.35%	15	14.72%	166	165.68%
Total Revenue	21,276	162	0.76%	11,513	54.11%	1,811	8.51%	10,491	49.31%	23,976	112.69%
Expenditures											
Debt Service	36,050	-	0.00%	-	0.00%	350	0.97%	35,700	99.03%	36,050	100.00%
Total Expenditures	36,050	-	0.00%	-	0.00%	350	0.97%	35,700	99.03%	36,050	100.00%
Expenditures by Function											
Debt Service	36,050	-	0.00%	-	0.00%	350	0.97%	35,700	99.03%	36,050	100.00%
Total Expenditures	36,050	-	0.00%	-	0.00%	350	0.97%	35,700	99.03%	36,050	100.00%
Fund Balance											
Beginning Fund Balance	16,942	17,011		17,173		28,686		30,147		17,011	
Revenue	21,276	162	0.76%	11,513	54.11%	1,811	8.51%	10,491	49.31%	23,976	112.69%
Expenditures	36,050	-	0.00%	-	0.00%	350	0.97%	35,700	99.03%	36,050	100.00%
Ending Fund Balance	2,168	17,173		28,686		30,147		4,938		4,938	

<i>Debt Service Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
3200 - West End Tax Increment District											
Revenues											
Taxes & Assessments	108,400	-	0.00%	43,613	40.23%	-	0.00%	83,958	77.45%	127,572	117.69%
Intergovernmental Revenue	13,189	-	0.00%	6,595	50.00%	-	0.00%	6,595	50.00%	13,189	100.00%
Investment Earnings	1,500	572	38.14%	555	37.01%	761	50.71%	444	29.59%	2,332	155.46%
Total Revenue	123,089	572	0.46%	50,763	41.24%	761	0.62%	90,997	73.93%	143,093	116.25%
Expenditures											
Operations	45,581	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Debt Service	74,438	-	0.00%	37,500	50.38%	-	0.00%	36,938	49.62%	74,438	100.00%
Total Expenditures	120,019	-	0.00%	37,500	31.25%	-	0.00%	36,938	30.78%	74,438	62.02%
Expenditures by Function											
Public Works	45,581	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Debt Service	74,438	-	0.00%	37,500	50.38%	-	0.00%	36,938	49.62%	74,438	100.00%
Total Expenditures	120,019	-	0.00%	37,500	31.25%	-	0.00%	36,938	30.78%	74,438	62.02%
Fund Balance											
Beginning Fund Balance	299,612	308,704		309,276		322,539		323,300		308,704	
Revenue	123,089	572	0.46%	50,763	41.24%	761	0.62%	90,997	73.93%	143,093	116.25%
Expenditures	120,019	-	0.00%	37,500	31.25%	-	0.00%	36,938	30.78%	74,438	62.02%
Ending Fund Balance	302,682	309,276		322,539		323,300		377,359		377,359	

<i>Debt Service Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
3400 - SID Revolving											
Revenues											
Investment Earnings	120	45	37.26%	43	35.44%	57	47.59%	32	26.88%	177	147.18%
Total Revenue	120	45	37.26%	43	35.44%	57	47.59%	32	26.88%	177	147.18%
Fund Balance											
Beginning Fund Balance	24,062	24,127		24,172		24,214		24,272		24,127	
Revenue	120	45	37.26%	43	35.44%	57	47.59%	32	26.88%	177	147.18%
Expenditures	-	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Ending Fund Balance	24,182	24,172		24,214		24,272		24,304		24,304	
3550 - SID 179 - West End											
Revenues											
Miscellaneous Revenue	34,563	-	0.00%	27,677	80.08%	-	0.00%	6,886	19.92%	34,563	100.00%
Investment Earnings	120	39	32.65%	39	32.48%	77	64.06%	35	29.02%	190	158.20%
Total Revenue	34,683	39	0.11%	27,716	79.91%	77	0.22%	6,921	19.95%	34,752	100.20%
Expenditures											
Debt Service	32,356	-	0.00%	16,300	50.38%	-	0.00%	16,056	49.62%	32,356	100.00%
Total Expenditures	32,356	-	0.00%	16,300	50.38%	-	0.00%	16,056	49.62%	32,356	100.00%
Expenditures by Function											
Debt Service	32,356	-	0.00%	16,300	50.38%	-	0.00%	16,056	49.62%	32,356	100.00%
Total Expenditures	32,356	-	0.00%	16,300	50.38%	-	0.00%	16,056	49.62%	32,356	100.00%
Fund Balance											
Beginning Fund Balance	21,045	21,140		21,179		32,595		32,672		21,140	
Revenue	34,683	39	0.11%	27,716	79.91%	77	0.22%	6,921	19.95%	34,752	100.20%
Expenditures	32,356	-	0.00%	16,300	50.38%	-	0.00%	16,056	49.62%	32,356	100.00%
Ending Fund Balance	23,372	21,179		32,595		32,672		23,536		23,536	

<i>Debt Service Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
3955 - SID 180 - Carol Lane											
Revenues											
Miscellaneous Revenue	3,747	-	0.00%	1,561	41.66%	312	8.33%	1,882	50.23%	3,755	100.22%
Investment Earnings	(50)	(17)	33.10%	(16)	31.00%	(17)	33.44%	(8)	15.70%	(57)	113.24%
Total Revenue	3,697	(17)	-0.45%	1,546	41.81%	295	7.99%	1,874	50.69%	3,699	100.04%
Fund Balance											
Beginning Fund Balance	(8,864)	(8,927)		(8,944)		(7,398)		(7,103)		(8,927)	
Revenue	3,697	(17)	-0.45%	1,546	41.81%	295	7.99%	1,874	50.69%	3,699	100.04%
Expenditures	-	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Ending Fund Balance	(5,167)	(8,944)		(7,398)		(7,103)		(5,229)		(5,229)	

<i>Capital Project Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
4010 - Capital Improvement											
Revenues											
Investment Earnings	30	14	46.10%	13	43.87%	18	58.90%	10	33.27%	55	182.13%
Total Revenue	30	14	46.10%	13	43.87%	18	58.90%	10	33.27%	55	182.13%
Fund Balance											
Beginning Fund Balance	8,390	8,435		8,449		8,462		8,480		8,435	
Revenue	30	14	46.10%	13	43.87%	18	58.90%	10	33.27%	55	182.13%
Expenditures	-	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Ending Fund Balance	8,420	8,449		8,462		8,480		8,490		8,490	
4020 - Library Capital Improvement											
Revenues											
Investment Earnings	150	47	31.01%	44	29.49%	59	39.61%	34	22.37%	184	122.48%
Total Revenue	150	47	31.01%	44	29.49%	59	39.61%	34	22.37%	184	122.48%
Fund Balance											
Beginning Fund Balance	25,040	25,097		25,143		25,188		25,247		25,097	
Revenue	150	47	31.01%	44	29.49%	59	39.61%	34	22.37%	184	122.48%
Expenditures	-	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%
Ending Fund Balance	25,190	25,143		25,188		25,247		25,281		25,281	

<i>Capital Project Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
4099 - Railroad Crossing Levy											
Revenues											
Taxes & Assessments		-	0.00%	-	0.00%	-	0.00%	11	0.00%	11	0.00%
Investment Earnings	250	63	25.09%	60	23.86%	42	16.94%	24	9.57%	189	75.46%
Total Revenue	8,250	63	0.76%	60	0.72%	42	0.51%	35	0.42%	200	2.42%
Expenditures											
Debt Service	32,172	16,162	50.24%	-	0.00%	16,010	49.77%	-	0.00%	32,172	100.00%
Total Expenditures	32,172	16,162	50.24%	-	0.00%	16,010	49.77%	-	0.00%	32,172	100.00%
Expenditures by Function											
Debt Service	32,172	16,162	50.24%	-	0.00%	16,010	49.77%	-	0.00%	32,172	100.00%
Total Expenditures	32,172	16,162	50.24%	-	0.00%	16,010	49.77%	-	0.00%	32,172	100.00%
Fund Balance											
Beginning Fund Balance	49,957	50,007		33,908		33,968		18,000		50,007	
Revenue	8,250	63	0.76%	60	0.72%	42	0.51%	35	0.42%	200	2.42%
Expenditures	32,172	16,162	50.24%	-	0.00%	16,010	49.77%	-	0.00%	32,172	100.00%
Ending Fund Balance	26,035	33,908		33,968		18,000		18,035		18,035	

<i>Enterprise Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
5210 - Water											
Revenues											
Charge for Services	1,700,800	544,191	32.00%	313,960	18.46%	363,206	21.36%	424,883	24.98%	1,646,239	96.79%
Miscellaneous Revenue	2,300	-	0.00%	5	0.22%	-	0.00%	-	0.00%	5	0.22%
Investment Earnings	4,500	2,852	63.38%	2,702	60.04%	2,766	61.46%	1,598	35.50%	9,917	220.39%
Total Revenue	1,707,600	547,043	32.04%	316,666	18.54%	365,972	21.43%	434,705	25.46%	1,664,386	97.47%
Expenditures											
Personnel & Benefits	539,928	126,487	23.43%	126,136	23.36%	138,104	25.58%	97,523	18.06%	488,250	90.43%
Operations	559,459	124,606	22.27%	126,579	22.63%	123,190	22.02%	167,689	29.97%	542,064	96.89%
Capital	754,000	8,574	1.14%	581,806	77.16%	75,960	10.07%	(666,340)	-88.37%	-	0.00%
Debt Service	87,080	8,424	9.67%	1,631	1.87%	8,756	10.05%	(13,306)	-15.28%	5,506	6.32%
Total Expenditures	1,940,467	268,091	13.82%	836,153	43.09%	346,009	17.83%	(86,843)	-4.48%	1,363,410	70.26%
Expenditures by Function											
Public Works	1,673,573	214,935	12.84%	790,132	47.21%	293,278	17.52%	(419,565)	-25.07%	878,780	52.51%
Debt Service	87,080	7,903	9.08%	1,068	1.23%	7,778	8.93%	(14,578)	-16.74%	2,171	2.49%
Miscellaneous	-	300	0.00%	-	0.00%	-	0.00%	302,346	0.00%	302,646	0.00%
Other Financing Uses	179,814	44,953	25.00%	44,953	25.00%	44,953	25.00%	44,953	25.00%	179,813	100.00%
Total Expenditures	1,940,467	268,091	13.82%	836,153	43.09%	346,009	17.83%	(86,843)	-4.48%	1,363,410	70.26%
Working Capital											
Beginning Working Capital	1,016,822	1,377,645		1,656,597		1,137,110		1,157,073		1,377,645	
Revenue	1,707,600	547,043	32.04%	316,666	18.54%	365,972	21.43%	434,705	25.46%	1,664,386	97.47%
Expenditures	1,940,467	268,091	13.82%	836,153	43.09%	346,009	17.83%	(86,843)	-4.48%	1,363,410	70.26%
Ending Working Capital	783,955	1,656,597		1,137,110		1,157,073		1,678,621		1,678,621	

<i>Enterprise Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
5310 - Sewer											
Revenues											
Charge for Services	2,454,460	739,981	30.15%	515,965	21.02%	630,430	25.69%	633,205	25.80%	2,519,581	102.65%
Miscellaneous Revenue	325	46,393	14274.62%	-	0.00%	-	0.00%	-	0.00%	46,393	14274.62%
Investment Earnings	9,500	3,971	41.80%	4,146	43.64%	5,298	55.77%	4,101	43.17%	17,517	184.39%
Other Financing Sources	-	428,785	0.00%	115,056	0.00%	288,337	0.00%	(832,178)	0.00%	-	0.00%
Total Revenue	2,464,285	1,219,130	49.47%	635,167	25.77%	1,156,734	46.94%	(183,894)	-7.46%	2,827,137	114.72%
Expenditures											
Personnel & Benefits	648,313	164,144	25.32%	158,842	24.50%	170,608	26.32%	193,180	29.80%	686,773	105.93%
Operations	664,825	153,803	23.13%	163,548	24.60%	180,790	27.19%	160,880	24.20%	659,022	99.13%
Capital	504,500	819,796	162.50%	124,471	24.67%	592,278	117.40%	(1,536,546)	-304.57%	-	0.00%
Debt Service	780,168	41,172	5.28%	340,998	43.71%	41,148	5.27%	(91,090)	-11.68%	332,228	42.58%
Total Expenditures	2,597,806	1,178,915	45.38%	787,859	30.33%	984,824	37.91%	(262,296)	-10.10%	2,689,303	103.52%
Expenditures by Function											
Public Works	1,580,543	1,078,990	68.27%	386,918	24.48%	885,379	56.02%	(1,229,536)	-77.79%	1,121,750	70.97%
Debt Service	780,168	40,650	5.21%	340,434	43.64%	40,170	5.15%	(92,361)	-11.84%	328,893	42.16%
Miscellaneous	-	-	0.00%	1,232	0.00%	-	0.00%	1,000,327	0.00%	1,001,559	0.00%
Other Financing Uses	237,095	59,275	25.00%	59,275	25.00%	59,275	25.00%	59,275	25.00%	237,101	100.00%
Total Expenditures	2,597,806	1,178,915	45.38%	787,859	30.33%	984,824	37.91%	(262,296)	-10.10%	2,689,303	103.52%
Working Capital											
Beginning Working Capital	2,132,709	1,371,731		1,411,946		1,259,254		1,431,164		1,371,731	
Revenue	2,464,285	1,219,130	49.47%	635,167	25.77%	1,156,734	46.94%	(183,894)	-7.46%	2,827,137	114.72%
Expenditures	2,597,806	1,178,915	45.38%	787,859	30.33%	984,824	37.91%	(262,296)	-10.10%	2,689,303	103.52%
Ending Working Capital	1,999,188	1,411,946		1,259,254		1,431,164		1,509,565		1,509,565	

<i>Enterprise Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
		FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended
5410 - Solid Waste											
Revenues											
Charge for Services	2,330,674	680,890	29.21%	572,600	24.57%	531,781	22.82%	688,285	29.53%	2,473,555	106.13%
Miscellaneous Revenue	1,525	-	0.00%	13	0.87%	-	0.00%	-	0.00%	13	0.87%
Investment Earnings	(1,000)	(152)	15.18%	(172)	17.19%	(50)	4.97%	96	-9.59%	(278)	27.76%
Total Revenue	2,331,199	680,738	29.20%	572,442	24.56%	531,731	22.81%	698,114	29.95%	2,483,024	106.51%
Expenditures											
Personnel & Benefits	537,267	152,007	28.29%	137,106	25.52%	140,670	26.18%	167,707	31.21%	597,490	111.21%
Operations	1,299,338	414,769	31.92%	319,391	24.58%	283,389	21.81%	487,876	37.55%	1,505,425	115.86%
Capital	312,000	25,599	8.20%	120,093	38.49%	94,722	30.36%	(240,415)	-77.06%	-	0.00%
Debt Service	52,709	522	0.99%	564	1.07%	978	1.86%	4,380	8.31%	6,444	12.23%
Total Expenditures	2,201,314	592,896	26.93%	577,154	26.22%	519,759	23.61%	548,690	24.93%	2,238,499	101.69%
Expenditures by Function											
Public Works	1,944,872	541,963	27.87%	526,221	27.06%	468,826	24.11%	362,598	18.64%	1,899,608	97.67%
Debt Service	52,709	-	0.00%	-	0.00%	-	0.00%	3,026	5.74%	3,026	5.74%
Other Financing Uses	203,733	50,933	25.00%	50,933	25.00%	50,933	25.00%	50,933	25.00%	203,732	100.00%
Total Expenditures	2,201,314	592,896	26.93%	577,154	26.22%	519,759	23.61%	548,690	24.93%	2,238,499	101.69%
Working Capital											
Beginning Working Capital	43,688	60,291		148,132		143,420		155,392		60,291	
Revenue	2,331,199	680,738	29.20%	572,442	24.56%	531,731	22.81%	698,114	29.95%	2,483,024	106.51%
Expenditures	2,201,314	592,896	26.93%	577,154	26.22%	519,759	23.61%	548,690	24.93%	2,238,499	101.69%
Ending Working Capital	173,573	148,132		143,420		155,392		304,816		304,816	

<i>Enterprise Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
5510 - Ambulance Services											
Revenues											
Taxes & Assessments	25,579	87	0.34%	13,804	53.97%	2,082	8.14%	12,655	49.47%	28,628	111.92%
Intergovernmental Revenue	275,799	2,487	0.90%	2,487	0.90%	2,487	0.90%	227,400	82.45%	234,861	85.16%
Charge for Services	1,327,537	316,744	23.86%	301,795	22.73%	645,941	48.66%	626,078	47.16%	1,890,558	142.41%
Miscellaneous Revenue	-	-	0.00%	-	0.00%	1,000	0.00%	-	0.00%	1,000	0.00%
Investment Earnings	600	401	66.78%	221	36.85%	612	102.02%	480	79.95%	1,714	285.60%
Other Financing Sources	-	-	0.00%	-	0.00%	2,113	0.00%	-	0.00%	2,113	0.00%
Total Revenue	1,629,515	319,719	19.62%	318,308	19.53%	654,234	40.15%	866,613	53.18%	2,158,873	132.49%
Expenditures											
Personnel & Benefits	1,383,487	288,609	20.86%	285,799	20.66%	260,379	18.82%	467,171	33.77%	1,301,958	94.11%
Operations	287,049	78,025	27.18%	84,863	29.56%	76,261	26.57%	75,446	26.28%	314,595	109.60%
Capital	7,000	-	0.00%	196,163	2802.33%	533	7.61%	(196,696)	-2809.94%	-	0.00%
Total Expenditures	1,677,536	366,634	21.86%	566,825	33.79%	337,173	20.10%	414,568	24.71%	1,685,200	100.46%
Expenditures by Function											
Public Safety	1,540,063	332,266	21.57%	530,957	34.48%	302,805	19.66%	316,918	20.58%	1,482,946	96.29%
Miscellaneous	-	-	0.00%	1,500	0.00%	-	0.00%	63,282	0.00%	64,782	0.00%
Other Financing Uses	137,473	34,368	25.00%	34,368	25.00%	34,368	25.00%	34,368	25.00%	137,472	100.00%
Total Expenditures	1,677,536	366,634	21.86%	566,825	33.79%	337,173	20.10%	414,568	24.71%	1,685,200	100.46%
Working Capital											
Beginning Working Capital	436,952	477,670		430,755		182,238		499,298		477,670	
Revenue	1,629,515	319,719	19.62%	318,308	19.53%	654,234	40.15%	866,613	53.18%	2,158,873	132.49%
Expenditures	1,677,536	366,634	21.86%	566,825	33.79%	337,173	20.10%	414,568	24.71%	1,685,200	100.46%
Ending Working Capital	388,931	430,755		182,238		499,298		951,343		951,343	

<i>Permanent Funds</i>		Quarter Ended September 2019		Quarter Ended December 2019		Quarter Ended March 2020		Quarter Ended June 2020		Year Ended June 2020	
FUND	FY 2020 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
8010 - Perptual Cemetery											
Revenues											
Charge for Services	3,500	2,125	60.71%	213	6.07%	213	6.07%	425	12.14%	2,975	85.00%
Investment Earnings	1,750	389	22.21%	371	21.21%	499	28.51%	1,307	74.71%	2,566	146.65%
Total Revenue	5,250	2,514	47.88%	584	11.12%	711	13.55%	1,732	33.00%	5,541	105.55%
Expenditures											
Other Financing Uses	1,750	-	0.00%	-	0.00%	-	0.00%	2,566	146.65%	2,566	146.65%
Total Expenditures	1,750	-	0.00%	-	0.00%	-	0.00%	2,566	146.65%	2,566	146.65%
Expenditures by Function											
Other Financing Uses	1,750	-	0.00%	-	0.00%	-	0.00%	2,566	146.65%	2,566	146.65%
Total Expenditures	1,750	-	0.00%	-	0.00%	-	0.00%	2,566	146.65%	2,566	146.65%
Fund Balance											
Beginning Fund Balance	240,415	241,903		244,417		245,001		245,712		241,903	
Revenue	5,250	2,514	47.88%	584	11.12%	711	13.55%	1,732	33.00%	5,541	105.55%
Expenditures	1,750	-	0.00%	-	0.00%	-	0.00%	2,566	146.65%	2,566	146.65%
Ending Fund Balance	243,915	244,417		245,001		245,712		244,878		244,878	

File Attachments for Item:

SHARI ESLINGER OF HRDC, PRESENTS THE FEASIBILITY STUDY FOR THE LIVINGSTON WARMING CENTER.



HRDC

2020 Livingston Warming Center Feasibility Analysis

Executive Summary

As a Community Action Agency, HRDC has been helping communities’ isolate gaps in community services and designing and supporting solutions to meet those needs.

On any given night, 9-10 Park County neighbors are sleeping outside, in their car or other place not meant for human habitation (2019 PiT Survey). Emergency shelter is a gap in the housing continuum for Park County. Community partners recognized this gap in crisis service and asked for action. HRDC responded with a Warming Center model of seasonal, nightly shelter. During the pilot season, we were able to shelter 34 neighbors during the coldest time of year.

The Livingston Warming Center is a 100% community funded seasonal shelter model. With the generous donors and volunteers, Park County Community Foundation funds, United Way funds, and a commitment of funds from HRDC, we were able to raise the \$72,450 needed to keep the doors open until March 19th, closing two weeks early due to COVID-19.

During the pilot season, 34 Neighbors found a place of dignity, respect, and integrity to stay safe from the cold Montana weather this winter and 13 of those guests were confirmed to have achieved housing stability.

Piloting a seasonal emergency shelter came with challenges. Community education, raising enough funds to keep the doors open and lights on, lack of work force available, and a global pandemic were all hurdles to overcome for the 19/20 pilot.

Emergency shelter is a gap in Park County’s housing continuum with 9-10 of our neighbors experiencing homelessness on any given night.

HRDC prepared three recommendations, based on the data from Livingston Warming Center pilot season and community input to help inform a collaborative, strategic plan that addresses homelessness in Park County. The three recommendations are:

1. No Action
2. Hotel/Motel Vouchers
3. Warming Center Model

All options presented explore expected impacts and challenges, provide projected operational costs, and analyze feasibility.

HRDC proposes the community proceeds with Recommendation 3: Seasonal Shelter. While this option requires the greatest community investment, we believe it has the potential to provide the best outcomes to make homeless rare, brief, and one-time.



Feasibility Analysis

Introduction

Since 1975, we have been instilling hope, developing resources, designing solutions, and changing lives. At Human Resource Development Council (HRDC), we envision a place where poverty has no impact because opportunities and quality of life are equally afforded to everyone.

As a Community Action Agency, we are tasked to help isolate gaps in community services then design and support solutions to meet those needs. We rely on partners, volunteers, and donors to help equip, primarily those with lower incomes, with tools and resources to achieve self-sufficiency. We work in partnership to provide essential services, quality of life opportunities, and an environment for growth in a manner that is fiscally responsible, with integrity and compassion.

On any given night, 9-10 Park County neighbors are sleeping outside, or place not meant for human habitation (2019 PiT survey). Community partners recognized this gap in crisis services in the local housing continuum and asked for action. HRDC responded piloting the Livingston Warming Center 2019/2020.

The Warming Center model is a low-barrier, seasonal, temporary shelter that offers a warm, safe place to stay for neighbors experiencing a housing crisis. The model is a community funded model meaning if the community financially supports the Center, the doors will remain open. A typical season spans from November to March, prioritizing shelter funds for the coldest months of the year. Hours of operations are 7pm to 7am. Guests can check in from 7pm to 10pm. Lights out at 10pm and lights on at 6am. Barriers to accessing shelter are not imposed, however all guests must agree to abide by behavioral expectations centered around safety, dignity, and respect for all. Partners, donors, and volunteers help keep costs down by supply donations and shift assistance.

The Warming Center operated at 119 S. 2nd Street Unit B with a capacity to sleep 8 guests in 3 bunkrooms. Staff and volunteers welcomed guests, provided a warm place showcasing the integrity and compassion of Livingston.

During the 2019/20 season pilot we provided a warm, safe place to sleep to 34 neighbors.

Budget

The Livingston Warming Center is a 100% community funded seasonal shelter model. It was able to open and stay open until March 19th due to generous donors and volunteers, Park County Community Foundation \$11,000 grant, United Way \$5,000 grant, and a \$14,235 commitment of funds from HRDC.



Livingston Warming Center Pilot Operating Budget for 2019/2020		
<i>Budget to Actual</i>		
	Budget	Actual
REVENUES	7/1/2019-6/30/2020	Jun-20
Donations	\$ 49,000.00	\$ 41,959.27
Fundraiser	\$ 5,000.00	\$ 257.00
United Way	\$ 5,000.00	\$ 5,000.00
PCCF	\$ 11,000.00	\$ 11,000.00
HRDC	\$ 20,000.00	\$ 14,234.55
TOTAL	\$ 90,000.00	\$ 72,450.82
EXPENSES		
Salaries	\$ 54,106.78	\$ 41,195.47
Fringe Benefits	\$ 7,025.77	\$ 6,112.86
Utilities	\$ 6,300.00	\$ 939.90
Insurance	\$ 2,000.00	\$ 557.55
Rent/Repairs	\$ 7,260.00	\$ 10,410.03
Fundaising Expense	\$ 500.00	\$ 309.97
Outreach	\$ 500.00	\$ 144.00
Space/Communication	\$ 599.99	\$ 1,384.05
Supplies/Equipment/Misc.	\$ 3,000.00	\$ 2,073.35
Travel	\$ -	\$ 1,468.87
Legal	\$ 200.00	\$ -
Recognition	\$ 534.72	\$ -
Allocation	\$ 7,972.75	\$ 7,854.77
TOTAL	\$ 90,000.00	\$ 72,450.82
Balance	\$ (0.00)	\$ -

The total cost of the pilot includes opening for 4 of the coldest days in October and closing 2 weeks early due to COVID-19.

To save on staffing costs, for the 7 evenings that no guests had checked in by 10pm, the shelter closed.

Outcomes

34 Neighbors found a place of dignity, respect, and integrity to stay safe from the cold Montana weather this winter thanks to generous community partners and donors.

HRDC strives to make homelessness rare, brief, and one-time. Although the primary goal of the Warming Center is to provide a resource so our neighbors without a home at this time would not die



outside due to cold weather, we were also able to connect 9 neighbors with housing counseling and an additional 4 guest achieved housing stability without housing counseling.

Staff at the Warming Center were able to help connect a vet to resources so he could return to his hometown, three guests were able to connect with transitional housing associated with behavioral health, a youth was able to enroll in HRDC’s Blueprint Youth Transitional home, a young man was able to achieve housing with roommates, another guest was on the Housing Choice Voucher (Section 8) waitlist and was able to utilize her voucher to move into a home, and another guest was connected with friends that could help out with temporary housing.

This pilot season, a young man started to access shelter after a loss of familial relationships. He had simultaneously lost his employment, spent two weeks in jail and experienced homeless for the first time. That is a lot of huge life events happening all at once and would be overwhelming for anyone. The staff at the Warming Center were able to offer shelter, food, resource navigation, and a listening ear. After a long day of searching for jobs and housing, the young man was excited to tell staff about his progress and success. After listening, the staff on duty said, "I am proud of you". We learned those simple words were not something this young man grew up hearing. That moment was a turning point, it filled him with self-worth, and he grew more confident that this phase of his life would soon be over. He only used shelter for a few short weeks, found gainful employment, and obtained a home. This young man did everything on his own with only the guided support of shelter staff. He would like to return someday to either volunteer or help staff the warming center so he too can lend a listening ear to someone else.

Table: Livingston Warming Center 2019/20 Season Stats Summary

Total Guests this Season:	34	Women Guests:	14
Average Guests per Night:	2	Number of Veterans:	2
March Average guests per Night:	4	Season High:	6
Families:	1	Nights in Season:	144
Closed due to no guests :	7	Beds nights:	321
Season Cost:	\$72,451	Cost per person:	\$2,131
Cost per stay:	\$226	Cost per night:	\$503

Although most nights guests went to bed early, there were evenings that were social and supportive. Guests could enjoy a movie, crafting and puzzles with staff and volunteers, and enjoy a nutritious Meals on Wheels meal.



Many community partners and volunteers donated linens, cleaning supplies, socks, food, furniture, movies, books, games and puzzles, and their time to help take care of our neighbors. This was detrimental to keeping costs low.

The Warming Center was an opportunity for the many generous community member and community partners to engage in a project together, a true example of a community that bands together to take care of their neighbors. Below is a short list of examples of this community effort:

- Meals on Wheels – provided meals.
- Michael McCormick and Food Resource Center – food, supplies.
- Livingston Health and First Interstate Bank– both hosted a quarter drives so we could wash linens.
- Supply drive held at Town and Country.
- Various community members – dropped off cleaning supplies, puzzles, movies, and basic hygiene supplies.

Challenges

Piloting a seasonal emergency shelter came with challenges. Community education, raising enough funds to keep the doors open and lights on, lack of work force available, and a global pandemic were all hurdles to overcome for the 19/20 pilot.

Education of what a seasonal shelter is and who, of Park County, would need to access a shelter came with stigma and misunderstanding. However, the surrounding businesses and attendees of the informational townhalls were supportive, understanding, and genuinely concerned about their fellow community members. The Warming Center pilot was well received as an essential service. Education in the form of outreach and engagement regarding the monetary needs to run a seasonal shelter was a challenge, primarily due to lack of staff and as a pilot, lack of data to report.

We struggled to meet staffing needs at the Livingston Warming Center throughout the season, consistently short 1.5 FTEs. There was lack of qualified applicants in the candidate pool. Challenges primarily being the overnight hours and seasonality. Hourly wages for regular employees were set \$17.

A large part of fundraising is community education and outreach which takes time. For the pilot season, we focused on operations and community outreach. Our fundraising and donation goal was \$54,000 and came up \$12,000 short. A community member had spent many organizing a fundraiser on behalf of the Livingston Warming Center that was scheduled in March but was postponed indefinitely due to COVID-19.

COVID-19 caused us to close two weeks prior than expected. Due to CDC guidelines on congregate living arrangements, our Warming Center Advisory Committee determined that at that time, we were no longer able to provide a warm, safe place.

Projected Need

Emergency shelter is a gap in Park County’s housing continuum. According to the 2019 PiT survey, on any given night, 9-10 of our neighbors are experiencing homelessness. These numbers include residents of Park County who were staying at the Bozeman Warming Center, Aspen, we were able to locate in cars, outside, or other place not meant for human habitation. This number does not include those



“doubling up” or “couch surfing”. National, statewide, and local trends tell us that of those experiencing homelessness, around 50% will access emergency shelter. Based on this collective information, we expect that 5 neighbors per evening would utilize the Warming Center if it were available.

The number of clients funded for Rental Assistance for Housing Stabilization to exit homelessness has grown 23% annually in recent years. Mirroring that need, we project to see an increase of 20% of those accessing shelter. If emergency shelter were available for the 20/21 Season, we would expect to serve 41 neighbors.

Recommendations

HRDC has prepared an overview of three different recommended community responses for moving forward:

- 1. No action
- 2. Hotel/motel vouchers
- 3. Warming Center model

Recommendation 1: No action

The community has the option to not take action. Although this response would avoid an operational budget, the community costs and impacts of not addressing shelter needs is explored in this recommendation.

Unsheltered Park County residents experiencing homelessness have increased risks of health complications, including death. In 2008, a man sleeping in a U-Haul died due to exposure to the severe cold in Bozeman. This prompted the opening of the area's first ever shelter.

The 2018/19 Bozeman Warming Center data showed that 20% of their guests were of a “transient” population, they were new to or did not live in Gallatin County. 80% of those guests were from Park County. In the winter, without shelter, families were driving the Bozeman Pass at night just to access a warm, safe, place to sleep at the nearest shelter. They then returned early in the morning to go to work and/or to get their kids to school. Winter conditions such as snow, ice, low visibility, and other vehicular accidents increase risk for the residents driving though the Bozeman Pass.

In partnership with Montana Healthcare Foundation, HRDC released a research study in 2017, *Assessing Community Costs of Chronic Homelessness in the Gallatin Valley*, which concluded that “our community spends \$28,305 annually per homeless ‘super user’ with many of these costs unreimbursed or paid with taxpayer dollars.” The costs analyzed in this study incorporated costs from law enforcement agencies, social service providers, and health care providers. Chronic homelessness is defined as a resident experiencing homelessness for over a year and has a diagnosed disabling condition. The study also concluded that there was a 73% reduction in healthcare costs alone once residents were in a home. Although those experiencing chronic homelessness are a smaller demographic, 3 of our guests in the pilot season were experiencing chronic homelessness and 1 was able to obtain housing with the assistance of HRDC.

While experiencing homelessness, residents lack access to services that meet basic hygiene needs such as showers and laundry. This would continue to be a service gap without shelter.



For those that have daytime work schedules but happen to be without a home, shelter provides a contact point for service engagement when they otherwise would not have the opportunity to engage unless they took time off work. Service engagement is essential to making homelessness rare, brief, and one-time.

In summary, there are community costs and impacts of not addressing emergency shelter in our housing continuum.

Recommendation 2: Hotel/motel vouchers

Prior to the Warming Center pilot, the only option for shelter was hotel/motel vouchers. The local churches pooled money and donated to local law enforcement to help provide a nightly shelter for those that needed. Law enforcement reported the vouchers they were able to provide were insufficient of the need as they ran out of funds to offer this service quickly.

With a low number of guests last season, operationally, each stay cost \$226. Utilizing a state rate of \$96, hotel/motel vouchers may be a cost-effective option.

Below is the operational budget for hotel/motel vouchers based on 5 guests per evening, for a season of November 01, 2020 to March 31, 2021, utilizing a state rate of \$96/night. It incorporates the estimated administrative time to coordinate and connect guests with this service.



Livingston Hotel/Motel Vouchers Operating Budget for 2020/2021	
<i>Budget to Actual</i>	
	Budget
REVENUES	7/1/2020-6/30/2021
Donations	\$ 67,093.11
Fundraiser	\$ 10,000.00
United Way	\$ -
PCCF	\$ -
HRDC	\$ -
TOTAL	\$ 77,093.11
EXPENSES	
Salaries	\$ 2,852.72
Fringe Benefits	\$ 622.28
Hotel/Motel Vouchers	\$ 72,480.00
Outreach	\$ 500.00
Fundraising expense	\$ 500.00
Space/Communication	\$ 138.12
TOTAL	\$ 77,093.11
Balance	\$ (0.00)

The costs per night would be \$511 and cost per stay, including administrative time, would be \$102 per stay.

The Warming Center model opens shelter at 7pm and closes at 7am, however, guests are not only experiencing homelessness in the evening. The hotel/motel voucher option would allow for 24-hour access to a shelter.

With CDC COVID recommendations regarding congregate living, sheltering in hotels/motels would provide adequate social distancing and allow for any additional shelter in place measures for families and individuals, if needed.

The foreseen challenges for this option are the ability to raise adequate funds for hotel/motel vouchers, finding adequate hotel partners willing to work with the program, limitations of vouchers, and less housing staff engagement.

Community partners and donors have expressed concern over hotel/motel vouchers. Due to this feedback, we believe fundraising for hotel/motel vouchers would be a significant hurdle and are uncertain if donors of Park County would financially support this service delivery option.



HRDC helps provide medically necessary hotels and through the pandemic, have tried to offer shelter in place options in hotels. Hotels have denied rooms to HRDC for both these efforts and will continue to be a challenge. However, we believe we would be able to partner with a local hotel to provide a block of 5 rooms throughout the season. This means that regardless of how many people utilize the room, the cost per evening would still be \$511.

This model limits availability to 5 vouchers per evening. Limitation and prioritization of vouchers would be put in place and may limit those that are able to access.

Without staff onsite, there would be a loss in housing engagement. HRDC has been able to show that partnering housing staff and navigators with homeless services, guests engage in housing services 80% more than without. The more engagement the more quickly guests can move out of a housing crisis and into permanent, stable housing.

Recommendation 3: Seasonal Shelter

A seasonal shelter could meet the projected need of the those experiencing homelessness that would access shelter during the coldest months of the year in Park County.

The Warming Center model has the largest operations budget and the highest cost option. The proposed budget would offer a safe, warm place for up to 8 guests per evening (includes CDC recommendations for COVID-19 spacing).



Livingston Warming Center Operating Budget for 2020/2021	
<i>Budget to Actual</i>	
	Budget
REVENUES	7/1/2020-6/30/2021
Donations	\$ 75,000.00
Foundations	\$ -
City of Livingston	\$ -
Fundraiser	\$ 9,000.00
United Way	\$ -
PCCF	\$ -
HRDC	\$ 18,650.29
TOTAL	\$ 102,650.29
EXPENSES	
Salaries	\$ 66,472.24
Fringe Benefits	\$ 9,504.86
Utilities	\$ 2,000.00
Insurance	\$ 1,000.00
Rent/Repairs	\$ 7,260.00
Fundraising Expense	\$ 500.00
Outreach	\$ 500.00
Space/Communication	\$ 931.46
Supplies/Equipment/Misc.	\$ 2,000.00
Travel	\$ -
Legal	\$ 200.00
Recognition	\$ 500.00
Allocation	\$ 11,781.72
TOTAL	\$ 102,650.29
Balance	\$ 0.00

This model would be more flexible in how many people we serve on any given evening. This would cost \$680 per evening and with the projected average of 5 guests per evening, would cost an approximate \$136 per stay.

Although this option is the costliest, we believe this effort is most likely to garnish community support due to staff engagement, volunteer engagement, community engagement, and incorporated housing



service connection. Alongside a warm place to stay, guests will have access to nutritious foods, hygiene services, community involvement, and clothing.

The community has shown overwhelming support to donate facility supplies and volunteer time. We expect the Warming Center to be a continued community engagement activity.

The foreseen challenges for a Warming Center model are the ability to raise adequate funds, limited shelter access, COVID-19 congregate shelter requirements which limit activities and capacity, and maintaining adequate staffing.

Although we believe this option to be supported by the community, financially supporting through donations and fundraisers over \$100,000 annually in a small community may be a challenge. Continued annual financial support from local municipalities and foundations would help decrease the fundraising and donation demand on a smaller community and would be expected to increase community financial support.

Hotel/motel vouchers provide 24 hours access to shelter while the guest has a voucher. The Warming Center model only provides nightly shelter from 7pm to 7am.

CDC recommendations for congregate shelter would maintain capacity of the current facility to 8 guests per evening but would eliminate shared use spaces such as the common room. There would likely be many changes to the previous service delivery to help prevent COVID-19 spread and exposure. The Bozeman Warming Center has COVID-19 Policies and Procedures and HRDC would adapt those to accommodate the Livingston Warming Center facility.

The largest operational cost, but greatest asset, of a Warming Center model is the employees. A competitive wage will attract qualified applicants to work the seasonal overnight position. Hiring qualified staff assure guests are accessing a welcoming warm place that showcases the integrity and compassion of Livingston. The more engagement the more quickly guests can move out of a housing crisis and into permanent, stable housing. During the pilot, it was a challenge to recruit the qualified individuals to be fully staffed and that is expected to continue to be problematic due to the seasonality and hours of the position.

Next Steps

HRDC proposes the community moves forward with Recommendation 3: Seasonal Shelter. While the greatest investment, we believe it has the potential to provide the best outcomes to make homeless rare, brief, and one-time.

We will work with Park County Housing Coalition, CRC, HRDC Board of Directors, and other partners to identify a collaborative solution and develop a strategic plan to address homelessness in Park County, informed by data from this analysis.

HRDC exists to instill hope, develop resources, design solutions, and change lives. We envision a place where poverty has no impact because opportunity and quality of life are equally afforded to everyone.

File Attachments for Item:

ORDINANCE NO. 2088: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AMENDING SECTION 14-92 AS ENACTED BY ORDINANCE NO. 1908 REGULATING THE USER CHARGE BASIS FOR THE LIVINGSTON SEWER SYSTEM.

ORDINANCE NO. 2088

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 14-92 AS ENACTED BY ORDINANCE NO. 1908 REGULATING THE USER CHARGE BASIS FOR THE LIVINGSTON SEWER SYSTEM.

* * * * *

Preamble.

The purpose of this Ordinance is to provide for the health, safety and general welfare of the public by amending the regulation of the City sewer system by adjusting the manner in which the base rate for sewer is calculated to provide for more consistency between billing of the base rate and actual use.

WHEREAS, the City of Livingston has enacted Ordinance No. 1908 which did amend Division XI, but did not amend Section 14-92 which allows the base rate for sewer to be calculated on the January, February, March, average water use;

WHEREAS, the January to March average is not reflective of average use and may create a zero average for seasonal use residents; and

WHEREAS, an average which is actually reflective of use in necessary and important for the accurate management of resources at the City’s Water Reclamation facility and for more accurate billing of sewer use.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, as follows:

SECTION 1

That Article IV. 0- Sewers, Division XI. – Charges, Section 14-92. Industrial user rate adjustment, be amended as follows with deletions struck through and additions redlined as follows:

Division XI. - Charges

Sec. 14-90. - Purpose.

The purpose of the ordinance codified in this Chapter shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system and for repayment of sewer revenue bonds. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as five (5) day biochemical oxygen demand (BOD), total suspended solids (TSS), grease, oil, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(Ord. 1908 § 2 (part), 5/6/02)

Sec. 14-91. - Determining the total annual cost of operation, maintenance, and amortizing of revenue bonds.

The City of Livingston, or its Public Works Director, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance during the service life of the treatment works, for which such works were designed and constructed. The total annual costs of operation and maintenance shall include, but need not be limited to: labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The amount of bond retirement shall be consistent with the bond ordinance including coverage required by the bond.

(Ord. 1908 § 2 (part), 5/6/02)

Sec. 14-92. - User charge basis.

~~The City of Livingston or its Public Works Director shall determine the average daily sewer contribution for each residential user by using the water meter readings for the months of January, February, and March as a basis for this average. Another equitable basis shall be used by the Public Works Director where the above is not representative for a particular user. Commercial or Industrial users' flow will be determined by monthly water meter readings, by actual waste flow measurements or by a reasonable estimate of use set by the Public Works Director.~~

(Ord. 1908 § 2 (part), 5/6/02)

Residential users will be billed for daily sewer contribution for each residential user by using the following methods of calculation:

Winter Billing: For the October through March billing periods, each residential user will be billed using the water meter reading for each billing period.

Residential Average Use equals, the greater of:

- A. The total gallons of water used during the Winter Billing period divided by the total number of days in those billing periods. or
- B. 100 gallons per day.

Summer Billing: For the April through September billing periods, each residential user will be billed the lesser of:

Ordinance No. 2088: amending section 14-92 of Ord. No. 1908 regulating the discharge of matter and solids in to the public sewer and providing a surcharge for users who exceed the discharge limits.

- A. Residential Average Use, or
- B. The water meeting reading for that billing period.

Commercial or Industrial users' flow will be determined by monthly water meter readings, by actual waste flow measurements or by a reasonable estimate of use set by the Public Works Director.

(Ord. 2088 § 1, 9/1/20)

Sec. 14-93. - Industrial user rate adjustment.

The base rate waste strength shall be two hundred (200) mg/l BOD, two hundred fifty (250) mg/l TSS and thirty (30) mg/l for grease or oil.

The City of Livingston or its Public Works Director will adjust the base rate for all industrial class users discharging wastes with BOD, TSS, grease or oil strengths which are more than fifteen (15) percent above the base waste strength in any of the categories of BOD, TSS, or grease or oil based upon a thirty (30)-day average. An adjustment factor may also be applied to users whose peak hourly discharge of flow, BOD, TSS, grease or oil exceeds the twenty-four (24) hour average daily discharge by more than five (5) to one (1).

(Ord. 1908 § 2 (part), 5/6/02)

Sec. 14-94. - Payment of the user's wastewater service charge and penalties.

The charges for sewage services will be billed monthly and are due within ten (10) days of billing. If the bill is not paid within ten (10) days of the date of billing and after written notice to the customer, or if the customer fails to comply with all rules and regulations established for the system within thirty (30) days after notice of violation thereof, the service to the premises involved may be discontinued. Service shall not be resumed until payment of all past due bills for sewage service and compliance with all such rules and regulations.

The City shall take appropriate legal action to collect the unpaid charges, including, to the extent now or hereafter authorized by law, making the charge a lien against the real property serviced by the sewage connection for which the charge remains unpaid and causing charges with respect to such properties to be collected in the same manner as taxes levied against property within the City.

(Ord. 1510, 1/17/83; Ord. 1908 § 2 (part), 5/6/02)

Sec. 14-95. - Review of each user's wastewater service charge.

The City shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage on an annual basis and will review the system as needed to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which change that user's wastewater contribution percentage, the user can present such factual information and the City shall then determine if the user's wastewater contribution is to be changed. The City shall notify the user of its findings within a reasonable period of time. An appeal of any decision that affects a user's rates or fees may be made to the City Commission.

The rates for sewage services shall be set by resolution after notice and hearing required by State law. Ordinance No. 2088: amending section 14-92 of Ord. No. 1908 regulating the discharge of matter and solids in to the public sewer and providing a surcharge for users who exceed the discharge limits.

(Ord. 1681, 11/7/90; Ord. 1908 § 2 (part), 5/6/02)

Sec. 14-96. - Non-residential monitoring.

A. Access. If not available on City property, each nonresidential user shall provide a point of access to its wastewater flow stream suitable for metering and sampling. Users shall allow access by City personnel for the purpose of sampling and monitoring the waste flow.

B. Self-monitoring and reporting. Industrial users shall be responsible for not less than two (2) twenty-four (24) hour composite samples and two (2) twenty-four (24) hour flow measurements in a one (1) year period. Flows and sampling are to be conducted during typical operations. Additional monitoring will be conducted if City monitoring results are significantly different than the self-monitoring results.

Industrial users shall provide semi-annual reports to the City containing self-monitoring results for those pollutants so designated by the City and results of daily average and peak flows.

C. Accidental discharge. Nonresidential users shall immediately notify the City of any accidental discharge and follow such notification with a report on the nature of the discharge and the precautions taken to prevent further occurrences.

City may require nonresidential users to provide an emergency facility to prevent accidental discharges to the sewage collection system.

D. Wastewater monitoring fees. The City may set reasonable charges to be set by the Public Works Director for all nonresidential monitoring and testing. Such charge shall include all City labor and material costs, both direct and indirect, the cost of any chemical analysis, and any other expenses received by the City in relation to monitoring.

(Ord. 1500, 5/17/82; Ord. 1908 § 2 (part), 5/6/02)

Sec. 14-97. - Surcharge for nonresidential users.

Nonresidential users shall pay a surcharge for the discharge of wastewater which exceeds the established limitations for oil or grease, BOD and TSS based on a thirty (30)-day monthly average as follows:

Effective May 1, 2003:

A. Two (2) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

- 1. Oil and grease exceeds thirty (30) mg/l but is less than fifty (50) mg/l;
- 2. BOD exceeds two hundred (200) mg/l but is less than two hundred fifty (250) mg/l; or
- 3. TSS exceeds two hundred (200) mg/l but is less than two hundred fifty (250) mg/l.

B. Four (4) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

- 1. Oil and grease exceeds fifty (50) mg/l but is less than seventy-five (75) mg/l;

Ordinance No. 2088: amending section 14-92 of Ord. No. 1908 regulating the discharge of matter and solids in to the public sewer and providing a surcharge for users who exceed the discharge limits.

2. BOD exceeds two hundred fifty (250) mg/l but is less than three hundred fifty (350) mg/l; or

3. TSS exceeds two hundred fifty (250) mg/l but is less than three hundred fifty (350) mg/l.

C. Eight (8) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

1. Oil and grease exceeds seventy-five (75) mg/l but is less than one hundred (100) mg/l;

2. BOD exceeds three hundred fifty (350) mg/l but is less than four hundred (400) mg/l;

or

3. TSS exceeds three hundred fifty (350) mg/l but is less than four hundred (400) mg/l.

D. Twelve (12) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

1. Oil and grease exceeds one hundred (100) mg/l;

2. BOD exceeds four hundred (400) mg/l; or

3. TSS exceeds four hundred (400) mg/l.

Effective May 1, 2004:

A. Two (2) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

1. Oil and grease exceeds thirty (30) mg/l but is less than fifty (50) mg/l;

2. BOD exceeds two hundred (200) mg/l but is less than two hundred fifty (250) mg/l; or

3. TSS exceeds two hundred (200) mg/l but is less than two hundred fifty (250) mg/l.

B. Five (5) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

1. Oil and grease exceeds fifty (50) mg/l but is less than seventy-five (75) mg/l;

2. BOD exceeds two hundred fifty (250) mg/l but is less than three hundred fifty (350) mg/l; or

3. TSS exceeds two hundred fifty (250) mg/l but is less than three hundred fifty (350) mg/l.

C. Ten (10) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

1. Oil and grease exceeds seventy-five (75) mg/l but is less than one hundred (100) mg/l;

2. BOD exceeds three hundred fifty (350) mg/l but is less than four hundred (400) mg/l;

or

Ordinance No. 2088: amending section 14-92 of Ord. No. 1908 regulating the discharge of matter and solids in to the public sewer and providing a surcharge for users who exceed the discharge limits.

3. TSS exceeds three hundred fifty (350) mg/l but is less than four hundred (400) mg/l.

D. Fifteen (15) times the sewer rate for that portion of the discharge which exceeds the following limits, as follows:

- 1. Oil and grease exceeds one hundred (100) mg/l;
- 2. BOD exceeds four hundred (400) mg/l; or
- 3. TSS exceeds four hundred (400) mg/l.

The surcharge shall be based upon the sewer rate in effect at the time of the discharge.

(Ord. 1908 § 2 (part), 5/6/02)

Sec. 14-98. - Notification.

Each user will be notified, at least annually, and sixty (60) days in advance of any increase of greater than three (3) percent of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(Ord. 1420, 11/6/78; Ord. 4/16/79: Ord. 1908 § 2 (part), 5/6/02)

PASSED at a first reading by the Livingston City Commission, on this _____ day of _____, 2020.

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED ADOPTED AND FINALLY APPROVED, during a second reading by the Livingston City Commission this _____ day of _____, 2020.

DOREL HOGLUND- Chair

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

File Attachments for Item:

ORDINANCE NO. 2089: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1968, 1972 AND 2041 AS CODIFIED BY CHAPTER 24 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED DEVELOPMENT IMPACT FEES.

ORDINANCE NO. 2089

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1968, 1972 AND 2041 AS CODIFIED BY CHAPTER 24 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED DEVELOPMENT IMPACT FEES.

Preamble.

The purpose of this Ordinance is to prescribe the procedure whereby those who cause an increase in service demand shall pay an impact fee as set forth in this Chapter for the purpose of providing the public facilities and system improvements needed to serve such demand.

WHEREAS, the City of Livingston initially adopted impact fees in 2006; and

WHEREAS, on August 18, 2020 the City of Livingston accepted a new study which reviewed the impact fee program of the City; and

WHEREAS, in order to implement the recommendations in the newest report, Chapter 24 of the Livingston Municipal Code requires updating.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Ordinances No. 1968, 1972 and 2041 as codified in Chapter 24 of the Livingston Municipal Code be and the same is hereby amended with additions underlined and deletions struck through, as follows:

SECTION I.

Chapter 24 - DEVELOPMENT IMPACT FEE

Sec. 24-1. - Title and purpose.

The provisions of this Chapter shall be known as the City of Livingston development impact fee ordinance. The purpose of these regulations is to prescribe the procedure whereby those who cause an increase in service demand shall pay an impact fee as set forth in this Chapter for the purpose of providing the public facilities and system improvements needed to serve such demand. It is further the purpose of this Chapter to:

- A. Ensure that adequate facilities are available to serve new growth and development;
- B. Promote orderly growth and development by establishing uniform standards by which the City may require that those who benefit from new growth and development pay a

proportionate share of the cost of new public facilities needed to serve new growth and development;

- C. Ensure that those who benefit from new growth and development are required to pay no more than their proportionate share of the cost of public facilities needed to serve new growth and development and to prevent duplicate and ad hoc development requirements;
- D. Collect and expend development impact fees pursuant to the enabling powers granted by the provision of the Montana Development Impact Fee Act, Title 7, Chapter 6, Montana Code Annotated (MCA);
- E. Provide the legal and procedural basis for the implementation of development impact fees within the City; and
- F. Ensure that any capital improvement funded wholly or in part with impact fee revenue ~~shall first be included in an approved capital improvements plan that lists the capital improvements that may be funded with impact fee revenues as well as the estimated costs and projected timing for each improvement~~ expand the capacity of the City of Livingston infrastructure to accommodate current or future growth.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-2. - Definitions.

As used in this Title, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

"Building Official" means Director of the Building Department, who shall be the City staff person having responsibility for administration and enforcement of this Chapter.

"Building permit" means the permit required for new construction and additions pursuant to this Code.

"Capital improvements" means improvements, land and equipment with a useful life of ten (10) years or more that increase or improve the service capacity of a public facility. The term does not include consumable supplies.

"Capital improvements plan" means the plan adopted and amended by the City pursuant to the provision of the Development Impact Fee Act, Sections 7-6-1601 to 7-6-1604, MCA that identifies capital improvements for which development impact fees may be used as a funding source.

"City" means the City of Livingston, a municipal corporation duly organized pursuant to the laws of the State of Montana.

"Connection charge" means the actual cost of connecting a property to a public utility system and is limited to the labor, materials, and overhead involved in making connections and installing meters.

"Development" means construction, renovation, or installation of a building or structure, a change in use of a building or structure, or a change in the use of land when the construction, installation, or other action creates additional demand for public facilities.

"Development approval" means any written duly authorized document from the City which authorizes the commencement of a development.

"Development impact fee" means a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. This term is also referred to as an impact fee in this Chapter. The term does not include the following:

1. A charge or fee to pay the plan review, or inspection cost associated with permits required for development;
2. Connection or hookup charges;
3. Charges for drainage, sewer, water or transportation facilities provided directly to the development;
4. Amounts collected from a developer in a transaction in which the City has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made pursuant to Section 7-6-1603, MCA, for credit or reimbursement; or
5. Charges made for extraordinary impacts as provided herein.

Development Impact Fee Advisory Committee or DIFAC. The City Commission has appointed the Livingston Development Impact Fee Committee to perform all statutory responsibilities of this Committee pursuant to ~~SB-185 and~~ Title 7, Chapter 6, MCA.

"Development requirement" means a requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project, which requirement compels the payment, dedication or contribution of goods, services, land or money as a condition of approval.

Director. See definition of "Building Official."

"Fee payer" means that person who pays or is required to pay a developmental impact fee.

"Finance Officer" means the Head of the City's Finance Department, or his or her designated agent.

"Governmental entity" means a County, City, town or consolidated government.

"Gross floor area" means the sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of business or use, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics when not used for human occupancy, nor any floor space in an accessory building intended or designed for the parking of motor vehicles in order to meet any City parking requirements, nor nonresidential facilities; arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

Impact Fee. See definition of "Development Impact Fee."

Inflation Adjustment. The effects of capital project cost inflation are managed by two (2) methods: (1) escalate costs in the capital improvement program annually to account for inflation; and (2) adjust impact fees annually using a nationally recognized standard.

"Land use assumptions" means a description of the projections of land usage, densities, intensities and population within the City over at least a ten (10) year period.

"Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

"Present value" means the total current monetary value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction or money.

"Project" means a particular development on an identified parcel of land.

Project Improvements. In contrast to system improvements, project improvements are site improvements and facilities that are planned and designed to provide service for a particular development project and are necessary for the use and the convenience of the occupants or users of the project.

"Proportionate share" means that portion of the cost of capital system improvements that reasonably relates to the service demands and needs of the project. A proportionate share must take into account the limitations provided in Section 7-6-1602, MCA.

"Public facilities" means those types of improvements described in Section 7-6-1601(7), MCA, including the following:

1. Water supply production, treatment, storage or distribution facility;
2. A wastewater collection, treatment or disposal facility;
3. A transportation facility, including roads, streets, bridges, rights-of-way, traffic signals, landscaping, **active transportation**; and any local component of a State or Federal highway;
4. A stormwater collection, retention, detention, treatment or disposal facility or a flood control facility;
5. A police, emergency medical rescue or fire protection facility;
6. Parks, open space and recreation areas and related capital improvements; and
7. Other facilities for which documentation is prepared as provided by Section 7-6-1602, Montana Code, that have been approved as part of an impact fee ordinance or resolution by a two-thirds (2/3) majority of the governing body.

"Report" means the current impact fee study accepted by the Livingston City Commission.~~report entitled "Impact Fee Study" Livingston, Montana" dated March, 2006, addendums to the report as modified by the Stahly Engineering update of April, 2012. "Service Area Repot and Impact Fee Study" dated October 15, 2020.~~

Service Areas. Unless otherwise identified by an adopted study by the City, the impact service areas are established as the incorporated area of the City. Impact fees shall be assessed only on development located within the service area.

"Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

"System improvements," in contrast to project improvements, means capital improvements to public facilities which are designed to provide service to an area.

"System improvements costs" means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in Section 7-6-1601 et seq., MCA, to provide additional public facilities needed to service new growth and development. For clarification, system improvements costs do not include:

1. Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;
2. Repair, operation or maintenance of existing or new capital improvements;
3. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
4. Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;
5. Administrative and operating costs of the City unless such costs are attributable to development of the capital improvements plan, as provided in Section 7-6-1601(5)(a), MCA; or
6. Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the City to finance capital improvements identified in the capital improvements plan.

"Units of development" means a quantifiable increment of development activity measured in terms of dwelling units, square footage or other appropriate measurements contained in the impact fee schedule or incorporated in the "Report."

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06; Ord. No. [2041](#), § 1, 9/4/12)

Sec. 24-3. - Application.

- A. The provisions of this Chapter shall apply uniformly to those who benefit from new growth and development except as provided below.
- B. The provisions of this Chapter shall not apply to the following:
 1. Rebuilding the same amount of floor space of a structure which was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
 2. Remodeling or repairing a structure which does not increase the number of service units;

- 3. Replacing a residential unit, including a modular building or manufactured/mobile home, with another residential unit on the same lot, provided that the number of service units does not increase;
 - 4. Placing a temporary construction trailer or office on a lot;
 - 5. Constructing an addition on a residential structure which does not increase the number of service units;
 - 6. Adding uses that are typically accessory to residential uses, such as tennis courts, a private clubhouse, or accessory buildings in a residential zone, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements;
 - 7. Upon demonstration by fee payer by documentation such as utility bills and tax records, the installation of a modular building or manufactured/mobile home ~~or recreational vehicle~~ on that same lot or space for which a development impact fee has been paid previously, and as long as there is no increase in service units.
- C. The City may impose impact fees on behalf of local districts (Section 7-6-1603(b), MCA).
 - D. The City may recoup cost of excess capacity in existing capital facilities, when the excess capacity has been provided in anticipation of the needs of new development, by requiring impact fees for that portion of the facilities constructed for future users. The need to recoup costs for excess capacity must have been documented pursuant to Section 7-6-1602, MCA, in a manner that demonstrates the need for the excess capacity (Section 7-6-1603(3), MCA).
 - E. The City may accept the dedication of land or the construction of public facilities in lieu of payment of impact fees if they are documented in accordance with Section 7-6-1603(4), MCA. Such acceptance of dedication in lieu of impact fee payment shall be at the sole discretion of the City Commission.
 - F. The City may impose impact fees for remodeling, rehabilitation, rebuilding, or other improvements to an existing structure if there is an increase in service unit demand. Only the net increase between the old and new demand may be imposed (Section 7-6-1603(5), MCA).

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-4. - Collection of impact fee.

- A. The development impact fee shall be paid and collected at the time of issuance of a building permit, or at such time as there is a change of use to a different use which requires a larger impact fee (under such circumstance, the difference in the impact fees will be collected).
- B. No building permit or other equivalent City approval shall be issued for "development" as herein defined unless the impact fee is paid pursuant to this Chapter.
- C. In the case of mobile home parks or any other development, which constitutes multiple parcels for lease (subdivision by rent or lease), all development impact fees for the entire project will be paid prior to any of the lease sites being occupied. This does not relieve the owner of a mobile home from the requirement of obtaining permits for the placement and moving of the home.

D. In the event payment is dishonored, the City shall have all lawful remedies, including, but not necessarily limited to, the withholding of utility services, the imposition of liens pursuant to law, the withholding of other City approvals required for the development of other properties owned by the fee payer, and the issuance of "stop work" orders, and the revocation or suspension of the building permit.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-5. - Capital/system improvement projects.

The capital/system improvement projects to be financed by the impact fees are those as listed in the "Report," incorporated herein by reference along with all footnotes, exhibits, appendices, and other attachments referenced therein, including, but not limited to, the City of Livingston ~~capital improvements plan~~ [Strategic Plan](#).

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-6. - Calculation of impact fee—documentation required.

- A. Existing Condition of Facilities. The existing condition of facilities will be described in the City's planning studies, annual budget or capital improvement program. If included as an impact fee-funded facility.
- B. Level of Service Standards. Level of service descriptions and standards vary among the categories of public services included in impact fees. In general, "level of service" means a qualitative measure describing operational conditions within a public service category. Current levels of service are the collective product of historical practices, government regulations, the "Report," operating budgets and planning studies. New development will be provided the same level of service as existing users within each of the following categories:
 - 1. Police/911;
 - 2. Fire/EMS;
 - 3. Parks and recreation;
 - 4. Transportation;
 - 5. Water system;
 - 6. Sewer system;
 - 7. Other categories as necessary.
- C. Forecasts future additional needs for service. Forecasts for additional needs will be described in the City's planning studies, annual budget or capital improvement program for a defined period.
- D. Capital Improvements Needed for Continued Operation and Maintenance of the Facility. Capital improvements necessary to meet operation and maintenance requirements will be presented as part of the City's annual budget process.

- E. Multiple Service Areas. Where justified, the City will make a determination whether one (1) or more service areas are necessary to correlate impact fees to benefits.
- F. Impact Fee Methodology. The report ~~entitled "Impact Fee Study, City of Livingston, Montana" dated March, 2006, as modified by the Stahly update "Service Area Repot and Impact Fee Study" dated October 15, 2020~~ establishes the methodology and time period over which the City will assign the proportionate share of capital costs for expansion of a facility to provide service to new development within each service area.
- G. Exclusion of Operations and Maintenance Costs. The annual City operating budget establishes the methodology that the City will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee.
- H. Impact Fee Imposed. The City shall establish the amount of the impact fee that will be imposed for each unit of increased service demand by resolution adopted pursuant to this Chapter.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06; Ord. No. [2041](#), § 1, 9/4/12)

Sec. 24-7. - Calculation of impact fee.

- A. Procedure. The City shall calculate the amount of the impact fee due for each building permit, or change in use, by the procedure set forth in the [report "Report"](#) within thirty (30) days of submittal of complete permit plans for residential development and within sixty (60) days of submittal of complete permit plans for commercial development.
- B. Validity. The calculation of a development impact fee shall be in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in incidental benefit to owners or developers within the City, other than the person paying the fee.
- C. Basis, Public Facilities. A development impact fee shall be calculated on the basis of levels of service for public facilities adopted in this Chapter and in the [report "Report"](#) that are applicable to existing development as well as new growth and development. The construction, improvement, expansion or enlargement of new or existing public facilities for which a development impact fee is imposed must be attributable to the capacity demands generated by the new development.
- D. Mixed Uses. If the development for which a building permit is sought contains a mix of uses, the impact fee will be calculated for each type of development or use.
- ~~E. Individual Assessment. Individual assessment of impact fees is permitted in situations where the fee payer can demonstrate by clear and convincing evidence that the established fee is inappropriate.~~
 - ~~1. Application. Individual assessments of development impact fees may be made by application to the Director of the Building Department, prior to receiving building permits, site development permits, manufactured/mobile home installation permits, or other necessary approvals from the City. The Director shall evaluate such individual assessments under the guidelines provided for in subsection (E)(4) of this Section. If the~~

~~guidelines are met, the individual assessments shall be approved by the Director and forwarded to the City Commission for their information.~~

~~2.—Late Applications. Late applications for individual assessments may be submitted within thirty (30) days after the receipt of a building permit only if the fee payer makes a showing that the facts supporting such application were not known or discoverable prior to receipt of a building permit and that the undue hardship would result if said application is not considered.~~

~~3.—Decision. The Director shall render a written decision regarding the individual assessment and forward it to the City Commission within thirty (30) days of the date a complete application is submitted. The decision of the Director, or his or her duly designated agent, shall establish the impact fee for the project in question for a period of one (1) year from the date said decision becomes final.~~

~~4.—Conditions to be Met. The Director, or his or her duly designated agent, shall evaluate an application for individual assessment and may approve the same if the fee payer has shown by clear and convincing evidence that the established impact fee is inappropriate and that the following facts and conditions exist:~~

~~a.—Exceptional or extraordinary circumstances or conditions apply to the development that do not apply generally to other properties in the vicinity of the development.~~

~~b.—An individual assessment is necessary for the reasonable and acceptable development of the property.~~

~~c.—The approval of the individual assessment will not be materially detrimental to the public welfare or injurious to property in the vicinity in which the development is located.~~

~~d.—The approval of the individual assessment will not adversely affect the capital improvements plan of the City.~~

~~5.—Appeals of the Director's Decisions. Determination of individual assessment shall be appealed to the DIFAC by the filing of a written appeal with the Building Department within thirty (30) days of the date of mailing, faxing or personal delivery of written notice of the decision of the Director. Final determination regarding individual assessments shall be made by the DIFAC.~~

~~F. E.~~ Modification. The City Commission may modify the impact fee schedule by resolution as allowed by law.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-8. - General methodology for calculation.

A. Methodology. The amount of the impact fee shall be calculated using the methodology contained in the report. ~~entitled the "Impact Fee Study, City of Livingston, Montana" dated March, 2006, as modified by the Stahly update "Service Area Report and Impact Fee Study" dated October 15, 2020~~

- B. Basis, System Improvements Costs. A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with Section 7-6-1602, MCA. Development impact fees shall be based on actual system improvements costs or reasonable estimates of such costs.
- C. Fee Schedule. A developer shall have the right to elect to pay a project's proportionate share of system improvements costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvements costs, except as provided in Section 7-6-1603, MCA. The schedule of development impact fees for various land users per unit of development shall be ~~as set forth in based on the report. "Report" as a table entitled "Development Fee Schedule" for each area of study, or per addenda to that report.~~ and established by separate Resolution of the City Commission.
- D. Proportionate Share Determination.
 - 1. All development impact fees shall be based on a reasonable and fair formula or method under which the development impact fee imposed does not exceed a proportionate share of the costs incurred or to be incurred by the City in the provision of system improvements to serve the new development. The formula for assessment of impact fees is set forth in the "Report." The proportionate share is the costs attributable to the new development after the City considers the following:
 - a. Any appropriate credit, offset or contribution of money, dedication of land or construction of system improvements;
 - b. Payments reasonably anticipated to be made by or as a result of a new development in the form of user fees, debt service payments, or taxes which are dedicated for system improvements for which development impact fees would otherwise be imposed; and
 - c. All other available sources of funding such system improvements.
 - 2. In determining the proportionate share of the cost of system improvements to be paid by the developer, the following factors shall be considered by the City:
 - a. The cost of existing system improvements within the City;
 - b. The means by which existing system improvements have been financed;
 - c. The extent to which the new development will contribute to the cost of system improvements through taxation, assessments, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;
 - d. The extent to which the new development is required to contribute to the cost of existing system improvements in the future;
 - e. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the City;
 - f. The time and price differential inherent in a fair comparison of fees paid at different times; and

- g. The availability of other sources of funding system improvements, including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation. The City shall develop a plan for alternative sources of revenue, which shall include, but not necessarily be limited to, plans generated during the City's annual budget process, lobbying efforts, tax increment financing and implementation of user fees.
- E. On or before July 1st of the second year in which impact fees are in effect, the Director shall calculate and present to the City Commission an inflation adjustment factor for specific public facilities identified in the report. ~~"Report." The "Report" cites those public facilities where inflation factors were not included in the capital improvement program schedule.~~ The inflationary adjustment factor is defined as the United States Department of Labor's Consumer Price Index for all Urban Customers, ~~West Urban~~ Mountain Division Region, All Goods or CPI-U Mountain. On each adjustment date of each year thereafter, the impact fee amounts shall be automatically adjusted to account for the inflationary impacts by multiplying the then existing impact fees by the inflationary adjustment factor.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06; Ord. No. 2041, § 1, 9/4/12)

Sec. 24-9. - Administration of impact fee.

- A. Transfer of Funds to Finance Officer. Upon receipt of impact fees, the Finance Officer shall be responsible for placement of such funds into separate accounts as hereinafter specified. All such funds shall be deposited in interest-bearing accounts, within the capital project fund, in a bank authorized to receive deposits of City funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.
- B. Establishment and Maintenance of Accounts. The Finance Officer shall establish separate accounts and maintain records for each such account.
- C. Maintenance of Records. The Finance Officer shall maintain and keep accurate financial records for each such account that shall show the source and disbursement of all revenues; that shall account for all monies received; that shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in 24-1(E) in the capital improvements plan; and that shall provide an annual accounting for each impact fee account showing the source and amount of all funds collected and the projects that were funded.
- D. Spending. Development impact fees shall only be spent for the category of system improvements for which the fees are collected.
- E. Review and Modification. As a minimum the City will review the report in accordance with MCA 7-6-1602. ~~Unless the City Commission deems some other time period is appropriate, the City shall at least once every two (2) years commencing from the date of the original adoption of the capital improvements plan, review the development potential of the City and update the capital improvements plan in accordance with the procedures set forth in Section 7-6-1602, MCA.~~ The City may make any updates modifications as are deemed necessary as a result of: (1) development occurring in the prior year; (2) capital improvements actually

constructed; (3) changing facility needs; (4) inflation; (5) revised cost estimates for capital improvements; (6) changes in the availability of other funding sources; and (7) such other factors as may be relevant.

- F. Capital Budget. The City shall annually adopt a capital budget.
- G. Annual Report. As part of its annual audit process, the City shall prepare an annual report describing the amount of all development impact fees collected, appropriated or spent during the preceding year by category of public facility and service area.
- H. Earmarking and Expenditure. All other requirements of Section 7-6-1603, MCA, regarding earmarking and expenditure of collected development impact fees, shall apply.
- I. Construction or development by the City shall be exempt from payment of the development impact fees provided for herein. Political subdivisions of the State which are legally eligible to receive the proceeds of development impact fees and which have entered into an agreement with the City to do so may be exempt from payment of development impact fees upon determination by the ~~Director~~ City Manager that the development or construction for which the fee would be charged is a system improvement within the capital improvement plan. Political subdivisions which are not legally eligible to receive development impact fee proceeds or which, although legally eligible, have not executed a cooperative agreement with the City regarding the use, collection and expenditure of development impact fee proceeds shall not be eligible for a development impact fee waiver unless they present a request for waiver to the Director which demonstrates that the development contemplated would not produce material impacts upon the public infrastructure for which development impact fees are to be collected and expended. Nonprofit charitable organizations may be exempt from payment of development impact fees upon showing that the construction or development activities undertaken by the charitable organization are for purposes of providing direct public benefit through construction of facilities or improvements to be used by the general public. Any request for waiver shall follow the procedures for appeal set forth in this Chapter.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-10. - Development Impact Fee Advisory Committee (Section 7-6-1604, MCA).

- A. The City shall establish a Development Impact Fee Advisory Committee (DIFAC). This Committee shall be composed of three (3) citizens of the City of Livingston with the following qualifications: one (1) certified public accountant; one (1) member of the development community (i.e., real estate professional, land developer, professional surveyor, appraiser, etc.); one (1) person, who may be a City employee, who is qualified to the satisfaction of the City Commission.
- B. The Development Impact Fee Advisory Committee shall serve in an advisory capacity to the City Commission and shall serve four (4) year terms concurrent with the City Commission.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-11. - Credits and exemptions.

The City Commission may by resolution grant a credit for or exemption from all or any part of the impact fees upon such finding that such credit or waiver is in the best interests of the public by encouraging activities that provide significant social, economic or cultural benefits. ~~Whenever any capital related fee is waived, the City Commission shall direct that the waived fee be paid by the general fund or another appropriate fund.~~

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-12. - Refunds.

- A. The current owner of record of property on which an impact fee has been paid may request a refund of such fee if:
 - 1. The project for which a building permit has been issued within one (1) year has been lawfully altered resulting in a decrease in the amount of the impact fee due;
 - 2. The City, after collecting the fee when service is not available, has failed to appropriate and expend the collected development impact fees pursuant to Section 7-6-1603, MCA; or
 - 3. A building permit is denied or abandoned prior to construction.
- B. The request for refund must be in writing and submitted to the Director on a form provided by the City for such purpose. The owner shall provide such documentation as the Director may require proving such satisfaction, reconveyance, or releases from contract sellers, mortgagees, lien holders, and/or others having an interest in the real property for which an impact fee has been paid.
- C. A request for refund must be filed within the time allowed by law.
- D. Within ninety (90) days of the date of receipt of a request for refund, the City Manager ~~Director~~ must provide the owner, in writing, with a decision on the refund request, including the reasons for the decision. If a right to a refund exists, the City is required to send a refund to the owner of record within ninety (90) days after it is determined that a refund is due. A refund shall not include a refund of interest.
- E. Owner may appeal the determination of the City Manager ~~Director~~ to the DIFAC pursuant to the provisions in Section 24-13 of this Chapter.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-13. - Appeals.

- A. A fee payer may appeal the written determination of the applicability and amount of the development impact fee, or refund, or any discretionary action or inaction by or on behalf of the City to the DIFAC.
- B. The fee payer must file a notice of appeal with the Director within thirty (30) days following the written determination, discretionary action or inaction. When filing an appeal, the fee payer shall submit a letter providing a full explanation of the request, the reason for the appeal, as well as all supporting documentation. The Director, or his or her duly designated agent,

shall evaluate the appeal and may make a recommendation to the DIFAC if the fee payer has shown by clear and convincing evidence that the established impact fee is inappropriate and that the following facts and conditions exist:

1. Exceptional or extraordinary circumstances or conditions apply to the development that do not apply generally to other properties in the vicinity of the development.
2. An individualized assessment is necessary for the reasonable and acceptable development of the property.
3. The approval of the individualized assessment will not be materially detrimental to the public welfare or injurious to property in the vicinity in which the development is located.
4. The approval of the individualized assessment will not adversely affect the Strategic Plan of the City.

- C. The decision of the DIFAC shall be final unless appealed to the City Commission within ten (10) days after the filing of the written decision of the DIFAC. Such appeal shall be based on the record before the DIFAC and on such other written argument which appellant has filed with the appeal and the staff response to such argument. No oral argument or other evidence shall be before the City Commission.
- D. The filing of an appeal shall not stay required payment of the impact fee; however, a fee payer can pay a development impact fee under protest in order to obtain development approval or building permit.
- E. The burden of proof shall be on the appellant to demonstrate that the decision of the City is erroneous.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

~~Sec. 24-14. Impact fee study.~~

~~The report entitled the "Impact Fee Study, City of Livingston, Montana" dated March, 2006, "Service Area Report and Impact Fee Study" dated October 15, 2020 along with all footnotes, exhibits, appendices, addenda, and other attachments referenced therein including, but not limited to, the capital improvements plan, all of which are by this reference incorporated herein as if set forth fully, as modified by the Stahly update dated April, 2012.~~

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06; Ord. No. [2041](#), § 1, 9/4/12)

Sec. 24-~~15~~[14](#). - Bonding.

Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other City revenues as may be allocated by the City Commission.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

Sec. 24-~~16~~15. - Effect of impact fee on zoning and subdivision regulations.

This Chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Sec. 24-~~17~~16. - Other powers and rights not affected.

- A. Nothing in this Chapter shall prevent the City from requiring a developer to construct reasonable project improvements in conjunction with a development project.
- B. Nothing in this Chapter shall be construed to prevent or prohibit private agreements between property owners or developers, the Montana Transportation Department, the City, and other governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvements or providing for credits or reimbursements for system improvements costs incurred by a developer, including inter-project transfers of credits or providing for reimbursement for project improvements which are used or shared by more than one (1) development project.
- C. Nothing in this Chapter shall obligate the City to approve a development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee ordinance. To this end, the City may impose a development impact fee for system improvements costs incurred subsequent to adoption of the ordinance codified in this Chapter to the extent that new growth and development will be served by the system improvements.
- D. Nothing in this Chapter shall be construed to create any additional right to develop real property or diminish the power of the City in regulating the orderly development of real property.
- E. Nothing in this Chapter shall work to limit the use by the City of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Montana Code for local improvement districts or general obligation bond issues.
- F. Nothing herein shall restrict or diminish the power of the City to annex property into its territorial boundaries or exclude property from its territorial boundaries upon request of a developer or owner, or to impose reasonable conditions thereon, including the recovery of project or system improvements costs required as a result of such voluntary annexation.

(Ord. 1968, 4/3/06; Ord. 1972, 7/17/06)

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings Provision:

This ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred or proceedings that begun before the effective dates of this ordinance.

SECTION 5

Effective date:

This ordinance will become effective 30 days after second and final adoption.

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of October, 2020.

DOREL HOGLUND, CHAIR

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the ____ day of November, 2020.

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

PUBLIC NOTICE

NOW TAKE NOTICE, that the Livingston City Commission will conduct a public hearing during the November 15th, 2020, City Commission meeting during a second reading of Ordinance No. 2089 entitled, **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1968, 1972 AND 2041 AS CODIFIED BY CHAPTER 24 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED DEVLOPMENT IMPACT FEES**. All persons are invited to attend and make comments or objections thereto. Public comments will be limited to four minutes. For additional information, contact the City of Livingston, Finance Department at 110 South B Street, Livingston, MT 59047, or by phone at 222-1142.

Please publish Friday, October 1, 2020, October 23, 2020, and Friday, November 6, 2020.

Faith Kinnick
City of Livingston
September 30, 2020

File Attachments for Item:

B. ORDINANCE NO. 2090: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, ARTICLE IV, and ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO ACCESSORY DWELLINGS.

ORDINANCE NO. 2090

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, ARTICLE IV and ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO ACCESSORY DWELLINGS.

* * * * *

Preamble.

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes.

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the text of the officially adopted Zoning Ordinance;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as required by Section 76-2-304 of Montana Code Annotated;

WHEREAS, the amendments meet the goals and objectives of the Growth Policy as adopted by the City of Livingston; and

WHEREAS, the City of Livingston Zoning Commission voted unanimously (5:0) to recommend approval of the amendments to the Zoning Ordinance to the City Commission;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, as follows:

SECTION 1

That Chapter 30- Zoning Ordinance, Article II- Definitions, Article IV- District Regulations and Article V- Supplementary General Requirements, be amended as follows with deletions struck-through and additions underlined as follows:

Chapter 30 - ZONING

Articles

Article II. - Definitions

For the purpose of the ordinance certain terms or words used herein are defined as follows:

The word "person" includes a firm, association or organization, partners, trust, company or corporation as well as an individual; the present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular; the word "shall" is mandatory; the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designated," or "arranged to be used or occupied;" and the word "lot" includes the words "plot" or "parcel."

"Accessory" means a use, a building or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building, structure or the use on the same lot; in addition, a private garage can an accessory building is attached to the main building by a door on wall or roof; such accessory building shall be considered a part of the main building.

"Adult bookstore" means a place of entertainment, having a substantial portion of its stock in trade consisting of books, magazines, motion pictures, DVD and videos which explicitly or relate to nudity or sexually explicit material and whose clientele must be at least eighteen (18) years of age.

"Adult movie theater" means a place of entertainment which presents or shows rated movies, DVDs or videos on a screen or television.

Atty See Street

"Alteration" means a change or rearrangement of the structural parts of a building, a reduction in the size of the structure or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another.

"Bars, taverns or lounges" means an establishment where alcoholic beverages are sold and consumed on the premises even if such sales are incidental to or accessory to the principal business of such establishment.

"Bed and breakfast" means a place of business operated in a house which is used partially or primarily for providing overnight accommodations to the public even though the owner may live on the premises. The accommodations for a bed and breakfast shall have no more than five guest rooms. Breakfast is the only meal served on the premises; is included in the charge for the room and there is no other food or beverage served upon the premises.

"Board" means the Board of Adjustment of the City of Livingston.

"Boarding house" means a building other than a hotel or club where meals are regularly served for compensation to more than six persons who are not members of the family there residing.

"Building" means a structure, more or less permanent construction, having a roof and intended to be used for sheltering people, animals, a person's property or business activity.

"Building height" means height of building is the vertical distance from the "grade" to the highest point of the building on a flat roof or the design line on a mansard roof or to the average height of the highest cable on a pitched or gable roof.

"Building official" means the City Building Inspector of the City of Livingston or his designated representative.



"Business and Professional Offices" means a structure used primarily for housing the offices of a physician, dentist, architect, engineer, attorney, musician, artist or similar professional person.

"Clinic" means a building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses, but where no surgery other than minor emergency care is performed.

"Drive-in restaurant" means a use whose retail character is dependent upon a driveway, a road and parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises in a vehicle.

Dwelling types

- a) "Dwelling one family" means a building designed for occupancy by one family and containing one dwelling unit.
- b) "Dwelling two family duplex" means a building designed for occupancy by two families living independently of each other and containing two dwelling units.
- c) "Dwelling multiple" means a building designed primarily for occupancy by three or more families living independently of each other and containing three or more dwelling units.
- d) "Dwelling accessory" means one independent dwelling unit which is smaller in area and subordinate in use to the principal one family or two family dwelling or townhouse on the same lot whether attached or detached.

"Dwelling unit" means one or more rooms designed for or occupied by one family or sleeping purposes or for use solely by one family.

A room is considered a dwelling unit shall have access through an interior door to other parts of the dwelling unit. An entirely attached constitutes a dwelling unit within the meaning of this ordinance codified in this Chapter.

"Prohibit entertainment" means the prohibition or display of a living person however total nudity is prohibited.

"Family" means one or more persons related by blood, adoption or marriage or not more than three unrelated persons living, sleeping and usually eating on the premises as a single household unit.

"Fence" means a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. It may include a masonry wall.

"Grade" means the lowest point of elevation of the finished surface of the ground, lawn or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Gross Floor Area" means the area of each floor within the exterior walls, not including the thickness of the exterior walls.

"Heavy manufacturing" means any manufacturing process which requires the storage of stock, content materials within cubit view, is conducted partially or entirely outdoors or causes significant noise, odor, glare or vibration which is detectable beyond the parcel on which it is located.

"Hotel" means a building in which lodging is provided with or without meals and open to transient guests.

"Light manufacturing" means any manufacturing process which requires no storage of stock, content materials within cubit view, is entirely contained indoors, and does not cause any significant noise, odor, glare or vibration detectable beyond the parcel on which it is located.

Livestock and fowl "Livestock" shall include animals of the equine, bovine and swine class including goats, sheep, ues, horses, goats, cattle and other farm animals. "Fowl" includes chickens, geese, ducks, turkeys, geese, and other poultry.

Lot for the purpose of this ordinance a "lot" is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or on an approved private street and may consist of:

- a. A single lot or record;
- b. A portion of a lot or record;
- c. A combination of lots or records or lots or records and portions of lots or records or portions of records;
- d. A parcel of land described by lines and bounds provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Chapter.

"Lot coverage" means that portion of any lot upon which a structure as herein defined is located.

"Lot frontage" means the side of a lot boundary which is nearest the street or the purposes of determining yard requirements on corner lots and through lots, the sides of a lot adjacent to streets shall be considered frontage.

"Lot record" means a lot which is part of a subdivision recorded in the office of the County Clerk and Recorder or a lot or parcel described by lines and bounds the description of which has been so recorded.

Lot types: The diagram figure shows on page illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.

In the diagram A corner lot defined as a lot located at the intersection of two or more streets A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots line to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees See lots marked A in the diagram

B interior lot defined as a lot other than a corner lot with only one frontage on a street

C through lot defined as a lot other than a corner lot with frontage on more than one street Through lots abutting two streets may be referred to as double frontage lots

D reversed frontage lot defined as a lot on which the frontage is at a right angle or a ninety degree right angle interior angle less than one hundred thirty-five degrees to the general pattern in the area A reversed frontage lot may also be a corner lot AD in the diagram an interior lot BD or a through lot DD

"Manufactured housing" means a single-family dwelling built on site in a factory on or after January 1, 2000 that is placed on a permanent foundation is at least one thousand square feet in size as a finished roof and siding and roofline materials that are customary as defined by local regulations used on site built homes and is in compliance with applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production A manufactured home does not include a mobile home

"Material" means a book, a magazine, newspaper, calendar, poster, print, picture, picture, a video description, motion picture film, record, recording, tape, DVD or videotape, internet motion picture, DVD or videotape rated R or R by the motion picture association of America

"Medicaid pharmacy facility" means an establishment where a Montana licensed "care giver" grows, cultivates, processes or sells medicinal marijuana for use by State approved quality inpatient card holders

Mobile Home "Mobile home" means a trailer or semitrailer which is designed, constructed and equipped as a dwelling, a temporary abode or sleeping place and is equipped as a dwelling, a temporary abode or sleeping place and is equipped for movement on streets or highways and exceeds twenty-five feet in length exclusive of trailer hitch

"Mobile home car" means any motor vehicle or vehicle and used, maintained or intended to be used, leased or rented or otherwise by two or more mobile homes This definition shall not include trailer sales lots on which unoccupied mobile homes are stored for the purpose of inspection and sales

"Motorhome" means a group of attached or detached buildings containing individual sleeping units where a majority of such units often individually and directly to the outside or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit and for the temporary use by auto mobile tourist or transient and such word shall include tourist courts motor courts auto mobile courts and motor homes

"Nursing center" means a facility which provides services and care which do not require nursing skills to residents needing some assistance in performing in the activities of daily living

"Planning board" means the Livingston City Planning Board

"Public recreation facility" means a facility which is available for use by the public for recreational or other purposes A fee may be charged but the facility may not be owned and/or operated for profit purposes which are covered by this definition shall include but are not limited to a Civic Center, swimming pool, fitness center and park

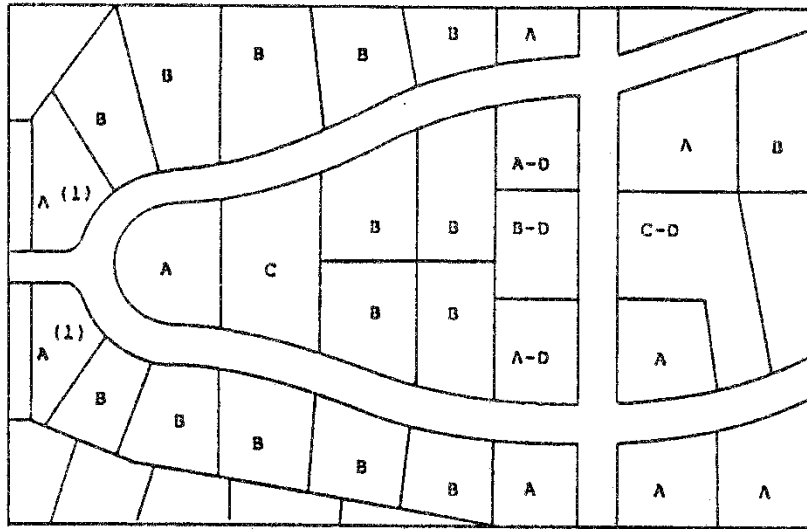


Figure 1
Lot Types

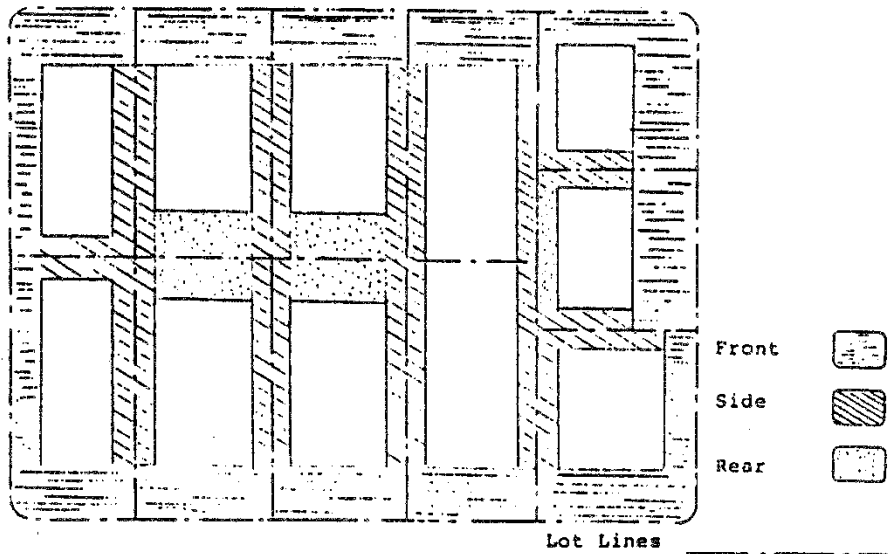


Figure 2
Location of yards on lots

"Restaurant" means a commercial establishment whose primary function is providing prepared meals to customers for consumption within the structure

"Right-of-way" means a strip of land dedicated or acquired for use as a public way

"School preparatory junior or senior high" means an institution of learning either public or private which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education

"School building" means a building where instruction is given to pupils and operated as a business enterprise as distinguished from schools endowed and/or supported by taxation and not providing instruction for trades

"School trade" means a building where primary instruction is given to students in industrial arts such as auto mechanics, welding and carpentry

"Seasonally oriented business" means a business enterprise which operates as an adult book store, adult theater or features shows, toys, or notes or sponsors motion picture entertainment

"Sectional conditions" means a sectional condition to the terms of this ordinance to which it uses other than those specifically permitted in each district in appropriate cases and subject to appropriate conditions

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above which that the top of the story shall be that portion of a building included between the upper surface of the top floor and the ceiling or roof above the finished floor level directly above a basement level or unused underfloor space is more than six feet above grade as defined herein or more than fifty percent of the total exterior is more than twelve feet above grade as defined herein at any point, such as basement level or unused underfloor space shall be considered as a story

Street

- a "Street" is a public way for vehicular traffic whether designated as a street, way, or boulevard or otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines or any dedicated public way as recorded by the County Clerk and Recorder whenever any portion is open to vehicular traffic
- b "Alley" is a minor way which is used primarily for vehicular service access to the back or the side properties of otherwise abutting on a street
- c "Arterial street" is a fast or heavy traffic street used primarily as a traffic artery for intercommunication among large areas
- d "Local street" is a street used primarily for access to the abutting properties
- e "Collector street" is a street which carries traffic from local streets to arterial streets including the principal center streets of a residential development and streets for circulation within such a development

"Street front" means a street abutting the predominantly narrow sides of the lot within a block which is the street that abuts within a block, shall be the street that addresses are assigned to

"Street side" means a street parallel or nearly parallel to the predominantly long sides of the lots within a block and intersecting at right angles or nearly right angles the front street. Addresses are not normally assigned along a side street

"Structure" means a building or anything constructed in the ground or anything erected which requires location on the ground or water or is attached to something having location on or in the ground but not including fences six feet or less in height, paved areas, or seasonal accessory use structures such as storage sheds which would not require a building permit to be erected under any building code adopted by the City of Livingston however, in no case will such accessory building be allowed to violate the line of sight restrictions for street and alley or private drive approaches as specified in Section 10-10-01B of this code or the height limitations of the applicable zoning district

"Townhouses" means two or more semi-detached dwelling units situated on their own lots and having one or more common walls where no side setback exists

"Trail'er" or "mobile homes" means a factory-assembled structure equipped with the necessary service connections and constructed to be readily moveable as a unit or units on its own chassis and designed to be used as a dwelling unit.

"Variance" means an adjustment in the application of the site regulations of this Charter pursuant to Section 100000.

"Unrated movies and sexually explicit materials" are those materials which depict or show an act of genitalia in a state of exhibition or arousal or acts of sexual intercourse or masturbation or nudity or sexual intercourse or bestiality.

"Yard" means a space on the same lot with a principal building enclosed and unobstructed by any structure or portion of a structure, provided however that fences, walls, poles, and accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any yard subject to certain limitations and requirements in the absence of visibility in Section 100000 of Article V. See figure for illustration of yard types defined below.

Yard-Front-"Front yard" means a yard extending between side lot lines across the front of a lot adjoining a public street. The front yard shall extend from the front property line to the front of the building located on the lot. In the case of corner lots where one of the front yards that would normally be required is not in line with the prevailing yard pattern, the Planning Coordinator may waive the requirement for the normal front yard and substitute therefor a special yard requirement with a special deed the average of the yards provided on abutting lots.

Yard-Side-"Side yard" means a yard extending from the rear line of the required front yard to the rear lot line or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remain after front yards have been established shall be considered side yards.

Yard-Rear-"Rear yard" means a yard extending across the rear of the lot line between inner side yard lines. In the case of through lots and corner lots there will be no rear yards, but only front and side yards.

"Planning Coordinator" means the planner for the Livingston City/County Planning Board or successor official as the City Commission may designate.

(Ord. 1798, 12/19/94; Ord. 1810, 7/3/95; Ord. 1868, 2/2/98; Ord. 1894 § 1, 3/6/2000; Ord. 1949, 10/18/04; Ord. No. 2011, § 1, 4/6/09; Ord. No. 2022, § 1, 9/7/10)

Article IV. - District Regulations

Sec. 30.40. - List of uses.

Table 30.40 designates a list of uses permitted within a zoning district. Designated uses shall be permitted only in the zones indicated.

Table 30.40
List of Uses

A = Acceptable S = Special Exception Permit Required N = Not Accepted											
	R-I	R-II	RII-MH	R-III	RMO	NC ²	CBD ¹	HC	LI	I	P
Single-Family Dwellings*	A	A	A	A	A	N	A	A	N	N	N
Duplexes	N	A	A	A	N	N	A	A	N	N	N

Multifamily Dwellings	N	N	N	A	N	N	A	A	N	N	N
Accessory Dwellings	A	A	A	N	N	N	N	N	N	N	N
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N
Churches	S	S	S	A	N	A	N	A	N	N	N
Schools, Public and Commercial	A	A	A	A	A	A	N	N	N	N	A
Schools, Trade	N	N	N	N	N	S	A	A	A	A	N
Hospitals	N	N	N	A	N	A	N	N	A	N	N
Clinics	N	N	N	A	N	A	A	A	A	A	N
Adult Foster Care Center ³	N	A	A	A	N	N	N	N	A	N	N
Nursing Homes	N	A	A	A	N	A	N	N	N	N	N
Personal Care Center	N	A	A	A	N	N	A	N	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	A	N	A	N
Self-Service Laundry	N	N	N	N	A	A	A	A	N	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	N	N	N
Motels/Hotels	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	S
Retail Stores	N	N	N	N	N	A	A	A	A	S	N

Barber Shop and Beauty Parlors	N	N	N	N	N	A	A	A	A	S	N
Restaurants	N	N	N	N	N	A	A	A	A	A	N
Bars	N	N	N	N	N	N	A	A	A	A	N
Drive-In Restaurants	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	A	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	S	S	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	A	S	A	N
Light Manufacturing	N	N	N	N	N	N	A	A	A	A	N
Heavy Manufacturing	N	N	N	N	N	N	N	N	N	A	N
Lumberyards	N	N	N	N	N	N	N	A	A	N	N
Transportation Terminals	N	N	N	N	N	N	A	A	N	N	N
Utility Substations	S	S	S	S	S	S	S	S	N	S	S
Armory	N	N	N	N	N	N	N	N	N	N	A
Cemetery	N	N	N	N	N	N	N	N	N	N	A

Government Offices	N	N	N	N	N	A	A	A	N	N	A
Public Recreation Facility	A	A	A	A	N	N	N	N	N	N	A
Medical Marijuana Facility	N	N	N	N	N	N	N	N	A	A	N

1 C.B.D.—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."

2 NC-A single residential unit may be established within a commercial building to allow living space for a business owner.

3 Adult Foster Care Center.

a. No more than four (4) residents;

b. Staff member must be on board twenty-four (24) hours a day.

* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. , § 1(Exh. A), 9/17/13)

Sec. 30.41. - Residential density requirements.

Residential density requirements are set out in Table

Table 30.41						
Residential Density Requirements						
Zoning Classification District						
	Low Density R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)
Min. Lot Area per Dwelling Unit in Square Feet ¹						

One Unit	9,600	3,500	3,500	6,000		3,500
Two Units	N/A	7,000	6,000	12,000		7,000
Three Units	N/A	N/A	7,500	18,000		N/A
Four Units	N/A	N/A	9,000	24,000	N/A	N/A
Five Units	N/A	N/A	10,500	6,000 ft. ²		N/A
Six Units	N/A	N/A	12,000 1,500 ft. ² for each add. unit	for ea. add. unit		N/A
Min. Yard Requirements						
Front	25'	25'	20'	20'	20'	25'
Side	15'	5' or C)	5' or C)	10'	5'	5' or C)
Rear	5'	5'	5'	5'	15'	15'
Side adj. to street	15'	10'	10'	10'	10'	10'
Max. Height for all Bldgs.	27'	27'	45'	15'	27'	27'
Off-Street Parking Requirements	2 per one (1) family dwelling 1 per accessory dwelling	2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit	Refer to Art. V Sec. 30.51	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit

In a residential zoning district in which accessory dwellings are permitted, the maximum number of accessory dwellings allowed is equivalent to the number of primary dwelling units allowed on the lot as shown in Table 11.01 above. The total number of dwelling units allowed on any lot is the allowed density

of the lot in Table 30.42 above plus the equivalent number of accessory dwellings. There shall be not be a greater number of accessory dwellings than primary dwellings on any lot. A lot less than 10,000 square feet lot with one primary dwelling in the R-1 zoning district allows one accessory dwelling unit and the same lot with two primary dwelling units allows two accessory dwellings.

Accessory Dwelling Units to Mobile Home Subdivisions only

Side setbacks required for approved townhouse development

Ordinance Ordinance Ordinance

Sec. 30.42. - Commercial density requirements.

Commercial density requirements are set out in Table 30.42

Table 30.42					
Commercial Density Requirements					
Zoning Classification District					
	Neighborhood Commercial	Highway Commercial	Industrial	Light Industrial	Central Business District
Min. Lot Requirements in Square Feet	N/A	6,000	6,000	6,000	N/A
Minimum Yard Requirements					
Front	20'	20'	20'	0' with boulevard 10' without boulevard	N/A
Side	0'	0'	0'	10'	N/A
Side Adj. to Street	10'	10'	10'	10'	N/A
Rear	0'	0'	0'	20'	N/A
Maximum Height for all Buildings	27'	45'	N/A	33'	N/A

Parking Requirements	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51
Loading Space Required	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51

Ord

Sec. 30.43. - Accessory dwellings

A. Accessory dwellings are subject to applicable regulations listed in this ordinance including but not limited to setbacks and building heights and building design standards.

B. Detached accessory dwellings shall be located to the rear of the primary dwelling on the property.

C. On lots with an area less than 5,000 square feet accessory dwellings shall not exceed 500 square feet of floor area. On lots with an area of 5,000 square feet or greater accessory dwellings shall not exceed 500 square feet of floor area. Accessory dwellings must be situated in cross floor area than the primary dwelling on the property. An accessory dwelling is attached to another building only the cross floor area of the accessory dwelling shall be calculated towards the attached cross floor area. Accessory dwellings attached to existing primary dwelling units are not subject to the cross floor area limitations but must be wholly contained within the existing building. Any attached accessory dwelling that increases or modifies the footprint or profile of the primary dwelling unit in any way whether above or below ground shall not exceed the above listed attached cross floor area for an accessory dwelling.

D. A detached accessory dwelling shall maintain a 5-foot separation measured from the exterior walls of the dwelling unit to another building on site.

E. Accessory dwellings shall be on the same lot as the primary dwelling.

F. Accessory dwellings shall not be subdivided or sold separately from the primary dwelling on the lot. An accessory dwelling is subdivided from the primary dwelling unit the accessory dwelling is no longer an accessory dwelling and must meet a density requirements listed in Table prior to use of the accessory dwelling. The property owner must record a deed restriction provided by the City Attorney's Office stating that the accessory dwelling shall not be sold separately from the primary dwelling and provide a copy of the recorded deed restriction to the Department of Building and Planning prior to the issuance of a Certificate of Occupancy.

G. Accessory Dwellings are encouraged to be combined with other buildings to preserve open space on the lot.

Sec. 30.44. - Bed and breakfasts.

A. "Bed and breakfast" means a temporary business operated in a house which is used partially or primarily for providing overnight accommodations to the public.

B. The purpose of this section is to establish the allowable locations and operations of bed and breakfast facilities.

C A bed and breakfast shall be allowed in the following zoning districts: Low Density Residential, Medium Density Residential, High Density Residential, Residential Neighborhood, Commercial, Highway Commercial, and the Central Business District (CBD).

D Reserved.

The above provisions for a bed and breakfast shall have no more than five guest rooms. Breakfast shall be the only meal served on the premises and is included in the charge for the room plus other food or beverage served upon the premises.

On-street parking shall be provided by a bed and breakfast facilities. There shall be two on-street parking spaces plus one for each guest room. On-street parking shall be required to be used by guests.

No bed and breakfast shall be located on a lot closer than two hundred feet in a straight line distance to any other lot containing a bed and breakfast. The owner shall live on the premises.

Signage shall be limited to that allowed for home occupations five signs by twenty-four signs non-inflated signs counted.

Rates shall be charged for semi-monthly or monthly rates only. Weekly or nightly rates will not be allowed.

A bed and breakfast already in existence at the time of this section's effective date shall have ninety days to conform with the provisions of this section except existing establishments shall be grandfathered as to the requirements of subsection C of this section.

Any property receiving a special-use permit for a bed and breakfast shall have ninety days from the date of the final City Commission action to meet any special conditions and obtain a City business license. If a City business license is not obtained in that time period, the special-use permit shall be automatically rescinded as of that date. If a license for a bed and breakfast is not renewed within ninety days after January 1 of any calendar year, the special-use permit for that bed and breakfast shall be automatically rescinded.

Any application for a bed and breakfast shall be accompanied by a detailed plan drawn to scale showing aspects of the physical layout for the property including the on-street parking provisions.

The table uses Table 30.45.1 is amended to comply with subsection C of this section.

No sexually oriented business shall be operated or maintained within the corporate limits of the City of Livingston except within the Industrial zone with the further limitation that no sexually oriented business shall be front on Park Street and shall be set back from Bennett Street a minimum distance of two hundred fifty feet. No sexually oriented business shall be operated or maintained within six hundred feet of either a City or County residential zone, a church, an elementary or high school, a State-licensed day care facilities, libraries, parks or playgrounds, or another sexually oriented business. The distance limitation in this section shall be measured in a straight line from the main public entrance of said sexually oriented business to the property line of properties in residential zoned districts, churches, elementary or high schools, State-licensed day care facilities, libraries, parks or playgrounds, or another sexually oriented business.

(Ord. 1702, 7/20/92; Ord. 1868, 2/2/98; Ord. 1894, 3/6/2000; Ord. No. 2029, § 2, 4/19/11)

Sec. 30.45. - Uses in the Preservation Zoning District.

Uses in the Preservation Zoning District may be reduced or expanded from the uses allowed in the areas surrounding the Preservation Zoning District. Allowable uses will be set forth in the plan adopted for each Preservation Zoning District.

(Ord. 1954, 5/16/05)

Sec. 30.45.1. - Preservation Zoning District Plan.

The Livingston City Commission shall make a recommendation to the City Commission for a reservation within District in which shall be taken into consideration the following

- A. Definition of the boundaries of each separate use within district
- B. Identification of the structures and/or natural features which contributed to the creation of the reservation within District
- C. Identification of the uses and development standards or guidelines intended to preserve the structures and/or natural features which may vary from reservation within District to reservation within District but shall be taken into consideration
 - Setbacks
 - Land use standards
 - Signage standards
 - Parking standards
 - A list of uses to be allowed
 - Any other standard that would serve the purpose of preserving historic or architectural structures or natural features in each reservation within District

(Ord. 1954, 5/16/05)

Sec. 30.46. - Building design standards.

- A. This Section provides guidelines and standards for the design of buildings in the Design Review Overlay Zone. In general they focus on proportion buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such they address only broad scale topics and do not dictate specific architectural styles or building details
- B. Objectives for Building Design
 - Achieve High Quality Design Buildings in the overlay zone shall convey a high quality of design in terms of their materials and details as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community
 - Retain the Design Traditions of Livingston Buildings shall retain the design traditions of the region in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Sloping roofs in gable and shed varieties are historically precedents to gable and they also help reduce the apparent bulk of larger buildings and help to shed snow from flat roofs with varied character lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally shall also be encouraged. Where a new building would be larger than those existing in the area it shall establish a transition in scale to reduce the impact of building scale on the adjacent property as well as on the neighborhood
 - Gable Buildings that fit with the natural setting. Structures shall be sited to fit with the land and incorporate colors seen in the natural setting
 - Gable Buildings that Retain Pedestrian Scale. Human scale shall be an integral part of all buildings. Large flat windowless box buildings do not retain human scale or the design traditions of Livingston. Thoughtful use of landscaping or building materials and architectural details bring human scale to buildings
- C. Building and Topography
 - Quality. A building shall respect the natural topography of the site

- Standards □ Ste □ a bui d i n □ oundation to □ o w t h e s o e o f t h e s i t e w h e n f e a s i b l e □ In □ e n e r a l □ a n e □ o s e d b u i d i n □ oundation s □ a □ n o t e □ e e d t h e e □ e t i n □ e i □ i t □

D □ B u i d i n □ C □ a r a □ t e r □

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- a □ D e s i g n s t h a t d r a w u p o n r e □ i o n a □ d e s i g n t r a d i t i o n s a r e □ r e □ e r r e d □ S t a n d a r d i z e d " t r a n □ i s e " s t y l e a r □ i t e □ t u r e w i □ l b e s t r o n □ y d i s □ o u r a □ e d b y □ o □ w i n □ t h e s e s t a n d a r d s □
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- d □ □ s e b u i d i n □ □ a t e r i a □ s t h a t □ e □ e s t a b l i s h a □ u □ a n s □ a e □
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 - iii □ A l a r □ e s u r f a c e o f s t u □ □ o r s i □ i a r □ a t e r i a □ t h a t l a □ □ s a r t i □ u a t i o n o r d e t a i l i n □ s □ a □ b e a v o i d e d □
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- S t a n d a r d s □

- a □ D e s i g n t h e p r i □ a r y e n t r a n c e t o b e □ e a r □ y i d e n t i f i a b l e □
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 - ii □ W h e r e □ m o r e t h a n o n e □ u s e r s □ a r e a s t r u c t u r e □ e a □ □ i n d i v i d u a □ e n t r a n c e s □ a □ b e i d e n t i f i e d □
- b □ O r i e n t t h e p r i □ a r y e n t r a n c e o f a b u i d i n □ t o □ a □ c e a s t r e e t □ □ a □ a □ o r □ e d e s t r i a n w a □ □
 - i □ □ o □ u s i n □ a n e n t r a n c e t o w a r d a □ a r □ i n □ □ o □ t w i t h o u t a □ s o a d d r e s s i n □ t h e s t r e e t i s i n a □ □ r o □ a r i a t e □
 - ii □ C o n s i d e r u s i n □ a " d o u b □ e □ f r o n t e d " d e s i g n w h e r e t h e e n t r a n c e t o □ a r □ i n □ a n d t o t h e s t r e e t i s r e □ u i r e d □ T h a t i s □ p r o v i d e a d o o r t o t h e s t r e e t a n d a n o t h e r t o t h e □ a r □ i n □ □ o □ t □
 - iii □ C o n s i d e r □ o □ a t i n □ a □ e d e s t r i a n □ a □ a □ a t t h e e n t r a n c e □ t h i s □ m a □ y b e e n □ a n □ e d w i t h □ a n d s □ a □ i n □ a n d s t r e e t s □ a □ e □ u r n i s □ i n □ s □

□□ S t r e e t L e v e □ I n t e r e s t □

- □ o i □ y □ W h e n a b u i d i n □ i s □ o □ c a t e d □ c □ o s e t o a s t r e e t o r w a □ w a □ y □ i t s □ a □ b e d e s i g n e d t o □ p r o v i d e i n t e r e s t t o □ e d e s t r i a n s □ □ o r e □ a □ □ e □ e □ o □ □ e r □ a □ b u i d i n □ s w i t h s t o r e f r o n t s a r e o f i n t e r e s t t o p a s s e r s b y □ S u □ □ f e a t u r e s e n □ o u r a □ e □ e d e s t r i a n a t t i v i t y a n d s □ a □ b e u s e d w h e n e v e r f e a s i b l e □

The overall mass of a building should appear to be in scale with buildings seen traditionally. This will be the new structures in the Livingston context. At the same time, newer structures may be larger than those seen before they should be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.

Standards

- a. Develop the street level of a building to provide visual interest to pedestrians. A building should include interesting details and materials to avoid presenting a "blank side" to neighboring properties. For example, the sides of restaurants and specialty stores should incorporate windows and display cases over at least a third of the facade area. A large expanse of blank walls is inappropriate on any street-oriented facade.

Building Mass and Scale

Quality: A building should appear to have a "human scale." In general, this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions, as noted throughout this Chapter's additional details visible to pedestrians.

Standards: In order to reduce building scale of a building project should provide a portion of the following:

- a. Divide a building into visual modules that express dimensions of structures seen traditionally.
 - i. Buildings should employ a portion of the following design techniques:
 - A. Can be material or color with each building module to reduce the perceived mass.
 - B. Can be the height of a wall pane or building module.
 - C. Can be roof or to help express the different modules of the building mass and
 - D. Can be the arrangement of windows and other facade articulation features such as columns or structural that divide large wall panes into smaller components.
 - ii. Express facade components in ways that will help to establish a human scale details oriented towards pedestrians.
 - A. Establish a pattern and rhythm on exterior walls to establish a human scale.
 - B. Windows, columns and other architectural treatments used repetitively can create this effect.
 - C. Similar windows and doors that are similar in scale to those seen traditionally also can help establish a human scale.
 - D. Also, recess these elements even slightly and articulate them with leaders, sills, columns and/or unions.

Roofing

Quality: The primary roofing of a structure should reduce the perceived scale of the building. For that reason, gabled roofs should be used in most contexts. These also will be the building fit into the mountain backdrop. Varied roofings in the appropriate context are also encouraged.

Standards

- a. Similar gabled roofings to reduce the perceived scale of a building is encouraged.
 - i. Varying roofings is encouraged.
 - ii. Providing variety in ridge line height is encouraged.
- b. All roofings should have no less than two of the following features:
 - i. A flat roof with parapet.
 - ii. A cornice or eave to define the top of a parapet.

and vequar safety reserve the histori assets o the City o Livingston and rote the Conservation o energy by reuatin itted signs

B Definitions

- "Ani ated sign" eans a sign wit a tion or otion as in or inter ittent itts and or or ances reuiring e tri a energy e e troni or anu atured sources o a tivation but not in uding wind a tivated e e ents su as as and banners
- "Awnin signs" eans a sign w is an inte ra art o a window awnin asse b y to in ude the rintin or aintin o words onto awnin a teria
- "Bi board sign" eans any standard outdoor advertisin sign ar er than two undred square eet in area w is desined to advertise rodu ts ser uices or businesses not o ated on the re eses on w the sign is o ated
- "ree standin signs" eans a sign w is su orted by one or ore o u ns u ri ts or bra es and is er anent y ited in the ound
- "Monu ent sign" eans a sign sin e or doub esided ounted us wit the sur ace o the ade u on w sets the business industry or other o er ia enter rise w the sign advertises A onu ent sign ust be and a ed wit rass s rubs or other ants or other and ace a teria in an area not ess than three eet surroundin su sign in a dire tions
- "Revolvin sign" eans a sign w revolves three undred sixty de ees
- "Menu board" eans a sign se i a y desined to advise usto ers o the enu o ood avai ab e in the estab is ent by w the enu board is owned
- "Reader board" eans a sign desined to a ow the etters on the sign to be a tered re oved and added
- "Mar quee sign" eans a se i ty e o reader board but restri ted to use by a tive o vie t eaters
- "Te orary sign" eans a sign ade o a er or so e other itted it es an a teria advertisin a s orter event ite a sa e Te orary signs are not sub e t to in uision in a business sign square oota e e asure ent Te orary signs sa be re oved wit in twenty our ours a ter the o otion o the advertised event
- "ro e tin sign" eans a sign insta ed on the a ade o a bu idin w is atta ed to su bu idin in a er endi uar a nner or at an an e to the bu idin wa
- "Sandwi board sign" eans a sign ainted on bot o t e outside o two boards a stened to et er at the to wit a in e it e de i e desined to be a ed on the sidewa area in front o an estab is ent
- "Sign" eans any de i e desined to in or or attra t the attention o persons not on the re eses on w the sign is o ated in uding but not itted to signs des ribed in sub tions B t rou B o t is Section or the ur ose o dete in nu ber o signs a sign w be considered to be a sin e dis ay de i e wit not ore than two dis ay sur aces ba to ba or dis ay de i e contain e e ents or anied re ated and o osed to or a unit or e asure ent ur poses the square oota e o a sign w e o ys ba to ba dis ay sur aces w on y be considered as the square oota e o one side o t at sign W ere a tter is dis ayed in a rando a nner wit out or anied re ations o e e ents or w ere there is reasonab e doubt about the re ations o e e ents ea e e ent w be considered a se arate sign
- Square oota e T e square oota e o a sign sa be e asured as the rodu t o t e tota inear oot e asure ent u tified by the tota e i t e asure ent T e inear e asure ent sa be attained by e asurin ro the e t ost ed e o t e sign on tinu a y e asured to the ri t ost ed e o t e sign Any on tin a teria sa be art o t e e asure ent

- "Actual business premises" means the owned or leased real property from which the primary business is actively transacted
- "Outdoor signs" means a sign located on property other than the actual business premises
- "Banner signs" means a strip of rotatable or other material displaying advertising or other information
- "Portable sign" means any sign designed to be easily moved or transported whether by carrying by mounted wheels by trailer or otherwise
- "Voluntary modification" means any modification to an existing sign which reflects a conscious business or personal decision. This may include a change in corporate or sole ownership or for any other change which would require the reapplication of existing sign rules. It does not include the replacement or repair of signs with new identical signs as part of normal maintenance or due to damage by windfire or other hazard

C. General

- Not in this Section shall be interpreted as prohibiting or excluding such signs as are required by law. This includes real notices and advertisements prescribed by law or posted by any law or other authority
- Any sign which is readily visible from the public right-of-way in an exterior window of a building whether on the exterior or interior side of the window shall be regulated by the provisions of this Section. Temporary sale signs are excluded. However, no single temporary sign shall exceed six square feet in size and the total of all such temporary signs shall not exceed fifty percent of the transparency of the window in which they are visible
- Signs as permitted by this Section shall be maintained by the owner and kept in good repair and shall be painted and repaired at reasonable intervals. The surface of the ground under and about any sign shall be kept clear of weeds, rubbish, and other debris
- Signs shall be designed and constructed in accordance with the sign code
- A permit must be obtained from the Building Official by the person who is erecting the sign prior to the construction of any sign except for those signs listed in subsection of this Section
- Signs not in use by reason of change of occupancy or use by vacation of the building shall be removed within thirty days of such change by the owner of the sign or the owner of the property. The City has the option of removing such sign at the end of the thirty day period after giving fifteen days written notice by certified mail to the owner and upon removal of the sign, the removal shall constitute a lien against the real property enforceable pursuant to State law
- Existing signs that have been constructed pursuant to City sign permits and variances through the official date of the ordinance codified in this Section (Ordinance effective date October 1, 2008) shall be grandfathered and do not have to conform as to the permitted size or prohibited signs subsections of this Section. Other provisions of this Section shall apply to existing signs grandfathered signs which are voluntarily modified. Must meet all requirements of this Section. Signs which have previously been granted variances may continue to exist within the parameters of those variances
- The Building Official shall be responsible for the enforcement of this sign ordinance
- All buildings with more than one business occupant must submit to the Board of Adjustment a master sign plan which identifies the number and location of all potential signs on the property before any sign permits may be issued. For properties located in the Downtown Historic District, this master plan will be submitted to the Historic Preservation Commission. Any deviation from an approved master plan must be approved by the appropriate body prior to permit issuance
- All existing multi-occupant buildings will not be issued any new sign permits until a master plan is approved by the appropriate body

Any sign variance issued to a utility or property shall constitute an amendment to that property's signage master plan

Ads signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay Ordinance

D Prohibited Signs

No animated signs shall be erected in any ordinance district except time and temperature signs which may be erected in the Central Business District only and existing illuminated signs in the Downtown Historic Preservation District which as a base may revolve or rotate but in no case shall vary in intensity or color however such signs must be turned off when the business is closed

No revolving sign may be permitted in any district

No billboard sign shall be erected in any ordinance district

In the Central Business District one no banner signs are allowed

Visibility at Corners Alleys and Driveway Approaches On the street side of lots where an alley or driveway enters the street right of way and on a corner lots a triangular clear vision cone shall be maintained. The cone shall measure ten feet into the lot as measured from the edge of the sidewalk nearest the property line and twenty feet parallel to the street measured from the edge of any alley, driveway or street corner along the edge of the sidewalk nearest the property line. No structure of any kind over three feet in height shall be erected or maintained within the above defined clear vision cone. No sidewalk exists at the point of reference for a measurements shall be determined by the Building Official

Notwithstanding any other provisions contained in this Section no free standing sign shall be erected or maintained upon any sign pole, pole, tower, water tower, radio aerial or television antenna

No sign shall be erected on any property without the express permission of the ordinance owner, lessee or any authorized agent thereof

No sign shall be erected in such a manner that a portion of the sign or their supports are attached to or interfere with the free use of any fire escape, exit or stand pipe or obstruct any required stairway, door, ventilator or window

No sign shall be attached to any tree

Menu boards are not permitted on any property other than that occupied by a restaurant type business

Portable and/or trailer mounted signs shall be allowed

No sign not in conformance with this Code shall be allowed

Signs Permitted in All Districts Without a Permit The following signs are permitted in all ordinance districts and will not require a permit

Signs advertising the sale, lease or rental of the premises upon which the sign is located which do not exceed twelve square feet in area except in a residential districts where the area of the sign shall not be more than six square feet. Only two such signs shall be allowed on any one property

Signs bearing only property numbers, post box numbers, names of occupants or premises or other identification or premises not having commercial or other identification

Flags and insignia of the government effect when displayed in connection with commercial or other identification

Legal notices, identification information or directional signs erected or required by governmental bodies

- Interdecorative or architectural features of buildings except letters, trade marks or signs on carts or other vehicles
- Signs directing and guiding traffic and parking on private property but bearing no advertising matter
- Detailed bulletin boards for churches, schools or other public religious or educational institutions provided such sign is located not less than ten feet from the established right-of-way line of any street or alleyway and does not obstruct traffic visibility at street or alleyway intersections
- Construction information signs providing the signs are removed immediately following final completion of construction
- Nonilluminated color illumination signs on any residence which is the site of a color illumination in accordance with Section 10-10-030. Such signs shall not exceed two square feet
- Signs advertising a candidate for political office. Such signs shall not exceed sixteen square feet and shall be removed within seven days after any election
- Signs advertising yard sale and the like. Such signs shall not exceed two square feet and must be removed by the owner within forty-eight hours of the completion of the sale
- Signs in a Residential District. Within a residential district only the following signs shall be permitted
 - Signs listed in subsection c of this Section which do not require a permit and
 - Signs advertising a permitted or existing commercial use within a residential district. Such signs require a permit from the Building Official and shall be permitted only under the following conditions
 - a □ Only one illuminated sign will be allowed for each business
 - b □ The maximum allowable size for each sign shall be twelve square feet
 - Illuminated signs shall be illuminated only as long as the advertised business is open
 - d □ No sign shall be erected or placed closer than five feet to the lot line adjacent to the street
- Signs in Commercial and Industrial Districts Requiring a Permit
 - Setback-free standing and non-illuminated signs shall be located a minimum of five feet inside a private property lines
 - Lighting. All lighting shall comply with the requirements of Ordinance 10-10-030 and only referred to as the City Protection Ordinance. In no event may an illuminated sign or lighting device be placed or directed so the beams constitute a traffic hazard or nuisance. All wiring, fitting and material used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code
 - Number of Signs. In Commercial and Industrial Districts each use is limited to two awning signs. In addition, one non-illuminated sign or one setback-free standing sign is permitted for each building regardless of the number of businesses or industrial uses conducted in any one building
 - Height
 - a □ Non-illuminated sign shall not exceed five feet in height
 - b □ Setback-free standing sign shall not exceed thirty feet in height
 - Permitted Surface Area
 - a □ Wall Signs. The total surface area of awning signs is limited to one hundred square feet in the Central Business District and otherwise to two square feet of sign for each

line foot of frontage width of the business provided that the area of total surface area for a wall sign does not exceed three hundred square feet

b) Monument Signs Monument signs shall not exceed one hundred square feet in total surface area

c) Free Standing Signs Free standing signs shall not exceed one hundred fifty square feet in total surface area

d) Roof Mounted Signs Any sign located on the roof of a building shall not exceed twenty four inches in height and shall not exceed the total roof area of the square footage of roof mounted signs shall be counted as a portion of the limitation on wall mounted signs the total surface area of wall mounted signs added to any roof mounted signs shall not exceed three hundred square feet or less if the linear front footage of the building is less than one hundred fifty feet

e) Overhead Signs A business may have up to four overhead signs however the total square footage of these overhead signs shall not exceed one hundred fifty square feet. Other overhead signs shall be allowed as set forth in this provision are

a) Parade sign or lobby sign no greater than two square feet in area on the date only of the activity

b) Auction and special event signs no greater than nine square feet in area or no longer than three days (seventy two hours)

c) Directional signs for public facilities and use of signs

d) Banner signs for public services or agencies not exceeding one hundred twenty square feet to be posted for no more than twenty days

i) No signs in the public right of way or in any required right of way shall be allowed except for government traffic control signs unless a business premises is on the railroad right of way. Permitted sandwich board signs not to exceed six square feet per side are exempt from this provision provided that they shall be limited to one per business being advertised. The City Commission request from a property owner in front of whose property a sign is to be located may where deemed in the public interest allow a sandwich board sign to be placed other than in front of the business being advertised

ii) Banner Signs Temporary banner type signs shall be allowed for a period of no more than sixty days limited to no more than seventy five square feet and used by any business or entity no more than once per year

H) Variance Parameters for Signs Variances may be granted only if there is undue hardship from the application of these sign regulations due to the particular location and site characteristics of the applicant that are different from those cited generally

I) Dismantled Signs Any existing sign not in conformity with this Section that is dismantled in either surface area of the sign or in the structure by more than fifty percent shall be removed and any new sign shall meet requirements of this Section

J) Complaint and Notice of Violation Procedure The City Code Enforcement Officer shall issue a notice of violation in person to the offending property owner, business owner or agent as the case may be specifying the violation and steps necessary for correction. If the violation is not brought into compliance within fifteen working days from the personal delivery of the notice of violation, the City shall file a civil complaint against the offending person. Failure to provide the written notice identified herein shall not preclude the filing of a civil complaint in City Court

K) Violation and Civil Penalty It shall be a civil infraction for any person to violate any provision of this Section. Any violation of any provision of this Section is a civil infraction punishable by a civil fine not to exceed Three Hundred Dollars

(Ord. 1738, 3/2/93; Ord. 1749, 9/20/93; Ord. 1819, 10/16/95; Ord. 1820, 10/16/95; Ord. 1860, 6/16/97; Ord. 1873, 5/18/98; Ord. 1883, 2/1/99; Ord. 1975, 9/5/06)

Sec. 30.51. - Off street parking and loading zones.

- A. Off street parking spaces shall have a net area not less than one hundred eighty square feet exclusive of driveways or aisles and shall be usable space and condition.
- B. Location of off street parking facilities shall be located as hereafter specified any distance specified shall be in within distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve
 - 1. For one family two family and accessory dwellings off street parking is required on the same lot or an adjoining lot with the building they are required to serve
 - 2. For utility dwellings and townhouses off street parking is required within a within distance of one hundred feet
 - 3. For hospitals sanitariums convalescent homes nursing homes rest homes homes for the aged asylums retirement homes boarding houses off street parking is required within six hundred feet
 - 4. For uses other than those specified above off street parking within five hundred feet is required
- C. Expansion or enlargement Whenever any building is enlarged in floor area by more than ten percent off street parking shall be provided for the expansion or enlargement portion only in accordance with the requirements of this article not in this provision shall be construed to require off street parking spaces for the portion of such building previously established before enlargement or for existing buildings that under a plan in use
- D. Non Conforming Use Voluntary establishment of off street parking or loading facilities to serve any existing use on land or buildings even though non conforming is allowed and encouraged
 - 1. Mixed Occupancies In the case of mixed uses the total requirements for the various uses shall be counted separately off street parking facilities for one use shall not be considered as a substitute or for joint use
 - 2. Use Not Specified In the case of a use not specifically mentioned in a code the requirements for off street parking facilities shall be determined by the City Superintendent or his authorized representative Such determination shall be based upon the requirements for the most comparable use listed
 - 3. Joint Use The Building Official or his authorized representative may authorize the joint use of parking facilities for the following uses or activities under conditions specified
 - 1. Up to fifty percent of the parking facilities required for primary "night time" uses such as theaters bowling alleys bars restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as "day time" uses such as banks stores retail personal service stores food furniture and amusements or work space and related uses
 - 2. Up to one hundred percent of the parking facilities required for a court or for an auditorium incidental to a public or charitable purpose may be supplied by the off street parking facilities provided by uses primarily of a day time nature
- H. Conditions Required for Joint Use The building or work authorization is being made to jointly utilize the off street parking facilities provided by another building shall be located within one hundred feet of such parking facilities

The applicant must show that there is no substantial conflict in the operating hours at the two buildings or uses for work joint use of off street parking facilities as is proposed

The applicant must also present a detailed agreement executed by the parties concerned for joint use of on-street parking facilities.

- Central Business District: In the Central Business District, one any commercial enterprise that is required to meet the minimum standards for on-street parking shall be required to have only fifty percent of the parking space requirements in the Table of Minimum Standards. Apartment units in the Central Business District shall meet the on-street parking space requirements.
- Table of Minimum Standards: On-street parking spaces shall be required as set forth in the following table and where alternatives or continuing standards are indicated the greater requirements shall apply. Where the total quota results in a fraction the next highest unit shall be provided and in case of a use not specifically mentioned the requirements of the most similar mentioned use shall apply.

USE	SPACE REQUIRED
Bowling alleys.	Five per alley.
Medical and dental clinic.	One per 200 square feet of gross floor area.
Banks, business and professional offices with on-site customer service.	One per 400 square feet of gross floor area.
Offices not providing on-site customer services.	One per 4 employees or one per 800 sq. ft. of gross floor area, whichever is greater.
Mortuaries.	One per 5 seats in the principal auditorium.
Manufacturing uses, research testing, and processing, assembling, all industries.	One per 2 employees on maximum shift but not less than one per each 800 square feet of gross floor area.
Libraries and museums.	One per 500 square feet of gross floor area.
Schools, elementary and junior high, public, private or parochial.	One per each employee.
School, high school, public or private.	One per each employee and one per 5 students.
Service stations and drive-in restaurants.	One per 80 sq. ft. gross floor area, with 10 spaces minimum requirement.
Residential, single-family.	2 per dwelling unit.
Residential, duplex or multi-family.	2 per dwelling unit for first 4 dwelling units, then 1.5 for each dwelling unit thereafter.
Boarding houses and similar uses.	One per dwelling unit or lodging unit.

Convalescent homes, nursing homes, rest homes	One per 6 beds plus one per each staff member on duty on a maximum shift.
Warehouses, storage and wholesale business and freight terminals.	10 spaces for the first 20,000 square feet of gross floor area* and one space for each additional 10,000 square feet.
Food or beverage places with sale and consumption on premises.	One per 100 sq. ft. of gross floor area for the first 4,000 sq. ft. with 10 spaces minimum requirement and one space for each additional 300 square feet.
Furniture, appliance, hardware, clothing, shoe, personal-service stores.	One per 600 square feet of gross floor space.
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and service.	One per 1,000 sq. ft. of gross floor area plus one per three employees.
Retail stores or service businesses not otherwise named.	One per 500 square feet of gross floor area.
Retirement homes, housing projects for senior citizens.	1-6 dwelling units 0.5 per dwelling unit; 7-18 dwelling units 0.33 per dwelling unit; over 18 dwelling units 0.25 per dwelling unit; minimum of 5 spaces.
Motels, hotels and motor courts.	One per sleeping room.
Hospitals and institutions.	One per 3 beds plus one per 3 employees.
Theaters.	One per 10 seats.
Churches, auditoriums and similar open assemblies.	One per 5 seats or one per 100 linear inches of pew or one per 65 sq. ft. of gross floor area used for assembly purposes, whichever is greater.
Stadiums, sport arenas and similar open assemblies.	One per 8 fixed seats plus one per 100 sq. ft. of assembly space without fixed seats.
*In calculating minimum required parking, gross floor area shall not include car ports and garage areas.	

- Traffic Control Devices □ Traffic control devices such as parking stripes designating streets directional arrows raised curbs and other developments shall be installed and located as shown on the approved plans. Hard surfaced parking areas shall use paint to delineate streets and directional arrows.
- L □ Screening Required □ Screening in the form of walls, earthen berms or dense coniferous trees shall be required where the parking lot is a common boundary with any residential zoned property. Such screening shall be located no closer than three feet from the property line and shall be properly maintained.
- M □ Limiting Restrictions □ Limiting areas to be provided for on street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic and where the lot joins any residential zoned property the limiting devices shall be so sited and directed to lay away from residential zoned property.
- Maintenance □ Maintenance of areas provided for on street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, repair and maintenance of drains and repair of traffic control devices, signs, light standards, benches, walls, surfacing, curbs and railings.
- O □ On Street Loading Warehouse and Wholesale □ On street loading space for warehouse, wholesale, storage and similar facilities shall be determined by the Building Official or his authorized representative.
- On Street Loading Retail and Commercial □ In any building or part thereof having a gross floor area of 10,000 square feet or more, it is to be provided by a user requiring the receipt or distribution by vehicles on a street or thoroughfare shall be provided and maintained on the same lot with such building at least one on street loading space plus one additional loading space for each 10,000 square feet or a proportion thereof of twenty feet in width, thirty-five feet in length and fourteen feet in height.

Sec. 30.52. - Fences and hedges.

- A □ Heights of Fences, Walls and Hedges □ may be erected or maintained in any residential zoning district provided that no fence, wall or hedge over four feet in height shall be erected or maintained in any front yard or the side yard extending from the foremost edge of the house to the point where the side yard line intersects the front lot line. Fences and walls located along side yards from the foremost edge of the house to the rear lot line or rear yard and along the rear lot line shall not exceed a height of six feet.

Height for the purpose of this section shall be defined as the vertical distance from the top rail of boardwalk or to the top edge to the ground directly below.

- B □ Visibility at Alley and Private Drive Approaches □ On the street side of lots where an alley or driveway enters the street right-of-way, a triangular clear vision cone shall be maintained. Said cone shall measure ten feet into the lot as measured from the edge of the sidewalk nearest the property line and twenty feet parallel to the street as measured from the edge of any alley or driveway along the edge of the sidewalk nearest the property line. No fence, wall, hedge or shrub over three feet in height shall be erected or maintained within the above defined clear vision cone. No sidewalk exists the point of reference for a measurements shall be determined by the Building Official.

Regardless of other provisions of this section, no fence, wall or hedge shall be erected or maintained in any yard with a utility or public utility overhead wires entering an abutting street.

- C □ Prohibited Fences □ No electric fences shall be permitted in any zoning district. No barbed wire fence shall be permitted in any residential zoning district.
- D □ Prohibited Locations □ No fence, wall or hedge shall be erected or maintained in a public street or right-of-way.
- Prohibited Materials □ All fences shall be constructed from approved lumber, masonry and shall not be constructed from railroad ties, rubble or salvaged.

Sec. 30.53. - Animals.

Prohibited Animals or livestock or fowls as defined in Article II of this ordinance may be kept or maintained in any zoning district in the City of Livinston or licensed veterinarian services and except for those kept pursuant to permit obtained pursuant to Section 30.54 through the office of the Sanitarian.

Sec. 30.54. - Motor vehicles or parts.

Unoperable motor vehicles or any parts thereof parked or stored in the open on any property for a period exceeding five (5) days will not be allowed and will be deemed a public nuisance. Any vehicle that is found to be abandoned will be removed in accordance with the Livinston City Ordinances.

Sec. 30.55. - Home occupations.

A. General

- It is the intent of this ordinance to permit home occupations that meet the following criteria in any residential district of other home occupations except those meeting this criteria will be allowed upon or in home occupations shall meet the criteria within one year from the effective date of this ordinance.
- The purpose of this ordinance is to protect the residential characteristics of the neighborhoods in Livinston. It is to ensure that the home occupations will be allowed to operate without impose any burdens on the neighboring landowners.

B. Definitions

- A home occupation is defined as any business or commercial activity that is conducted or permitted to be conducted from a property which is zoned for residential use and which meets the conditions set forth in Section 30.55C and Section 30.55D. However, a medical marijuana facility is hereby specifically excluded from consideration as a home occupation.
- A home occupation permit is a permit issued for a home occupation that is authorized by Section 30.55E without hearing.
- A home occupation conditional use permit is a permit authorized by the City Board of Adjustment only after a public hearing by the Board.

C. Criteria Home occupations must fit a home occupation following criteria

- No person shall be employed other than the residents of said dwelling.
- The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property.
- The floor area devoted to the occupation shall not exceed fifteen percent of the total floor area of the dwelling plus accessory buildings on the property.
- The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, odors, fumes, or operation, traffic or electrical interference. The above shall not be detectable by normal sensory perception beyond the dwelling or accessory building in which the business is located.
- Direct sales of products or display signs or racks is not allowed but a person may display an order which was placed earlier by telephone or at a sales party.
- There shall be no signs erected other than those allowed by this ordinance in residential districts.
- A sign on one side of street or on one side of business related vehicle shall be provided on the property and sign shall meet minimum standards for street sign established elsewhere in this code.
- Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area.

- There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling or for the permitted sign
- Outdoor storage of materials for the above occupancy is prohibited
- No toxic, flammable, hazardous or explosive industrial substances shall be used or stored on the premises unless registered with the Local Emergency Planning Committee Said premises shall be subject to regular fire inspections
- No occupancy shall be permitted without the prior issuance of a code occupancy permit or occupancy conditional use permit
- D □ Enforcement
 - The permit shall be valid only for the proposed business as operated by the applicant The permit shall be non-transferable either to another property or to another owner or operator It may be revoked upon sufficient showing that a permit order is violating the terms of the permit
 - The business shall be subject to regular inspections by the City Fire Marshal and/or the City Building Inspector The inspections shall be done during regular business hours
 - The Building Official shall be responsible for enforcing this section of this ordinance and shall report any violations to the Livingston City Attorney
 - Code Intent It is the intent of this subsection to provide the Building Official with the means to enforce the Home Occupation section of this ordinance
 - Businesses shall be divided into two categories based on the effect they will have on the residential neighborhood they are proposed for
 - a □ A Major Home Occupation is one which can be expected to have some impact on the neighborhood it is proposed for It is one which has some visible evidence of the occupancy and shall require a code book update both the residential and business related parking needs on the property Additional characteristics include
 - The business may have a sign
 - The business may create some additional traffic for deliveries and customers
 - b □ A Minor Home Occupation is one which has no visible exterior evidence of the conduct of the occupancy which does not generate additional traffic and in which no equipment other than that normally used in household domestic or general office use Additional characteristics may include
 - The business shall not have a sign
 - No use of materials or equipment not recognized as being part of the normal activities of ownership and maintenance a residence shall be allowed
 - No hazardous, flammable, explosive or toxic industrial substances may be used in a minor occupancy
 - A Home Occupations in existence at the time of the adoption of this Ordinance and a new code occupancy shall meet the criteria of a minor occupancy shall be required to get a Home Occupation permit
 - a □ The purpose of the Home Occupation permit is to ensure compliance with this section of the Ordinance
 - b □ The Home Occupation permit may be issued by the Building Inspector upon application by the owner of a Home Occupation
 - The application shall be administered by a door man for the residence with the area to be used for the business clearly marked

- d. The application shall be accompanied with a fee of twenty dollars to cover processing.
- 1. A new Major Home Occupations shall be required to be reviewed by the City Board of Adjustment or a Home Occupation Conditional use permit.
 - a. The Home Occupation Conditional use permit process shall be initiated by an application to the City Council Administrator.
 - b. The Council Administrator shall review the application for completeness and prepare it for review by the City Board of Adjustment.
 - 1. The Council Administrator shall schedule a public hearing and advertise it two weeks beginning at least fifteen days and not more than thirty days prior to the public hearing date.
 - d. The Council Administrator shall notify the adjoining landowners within three hundred feet of the proposed Home Occupation location on the proposed business and the date of the public hearing by mail at least fifteen days prior to the date of the public hearing. The request shall be posted on the property at least ten days prior to the public hearing.
 - e. The City Board of Adjustment shall conduct the public hearing and decide on the application.
 - 1. The City Board of Adjustment shall have the power to require any mitigation measures it deems necessary to protect the public health, safety and welfare.
 - 1. The Special Review shall have a fee of fifty dollars.

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

A. Residential Mobile Homes. Mobile homes are permitted in approved mobile home RMOs and RMH districts only. Mobile homes shall be placed in other Council districts except those specified in Section 30.56B.

Any mobile home or replacement of any existing mobile home moved onto a site in one of the approved Council districts must contain a minimum of one hundred square feet and must meet all of the following requirements before a Certificate of Occupancy can be issued by the Building Official:

- A. All mobile homes must be completely skirted.
- B. All mobile homes must be securely anchored at all four corners.
- C. The running gear must be removed.
- D. The tongue must be removed.
- 1. All mobile homes must be placed on a permanent foundation or the purpose of this part a permanent foundation means a foundation system which has been designed and certified by a professional engineer or architect or which has been specified by the mobile home manufacturer.

B. Commercial Use. Mobile homes shall not be utilized for any commercial use other than an office or uses otherwise in connection with a mobile home sales business or as a temporary job space located on a construction site. Such job space must be removed within ten days after completion of construction.

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

- A. Manufactured homes are permitted in all residential zoning districts. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand square feet.
- B. All manufactured homes must be placed on a permanent foundation or the purpose of this part a permanent foundation means a standard footings type perimeter foundation built to frost depth with or without a basement.

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

Whenever a commercial building is permitted in a residential district either as a matter of right or by special use permit that building must meet the density requirements of the residential zone in which it is located except for the on-street parking requirements. The minimum on-street parking requirement will be established by the Building Ordinance in accordance with Section _____

Sec. 30.58. - Townhouses.

- A. Townhouses are permitted in RII, RII-MH, and RIII districts only.
- B. A townhouse development must comply with the density and setback requirements set forth in Table _____ of the on-street parking requirements found in Section _____ and a lot of a _____ applicable regulations.

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

- A. The purpose of the purpose of the ordinance codified in this section is to set forth minimum landscaping requirements for new or altered commercial, industrial, RIII and RMO zones in order to minimize the visual impact upon public rights-of-way and in compatible uses in said zones and adjacent or abutting RII or RIII zones as well as establish minimum buffering requirements between new or altered commercial, industrial, RIII and RMO zones and existing incompatible uses and abutting or adjacent RII or RIII zones and to lessen the impact on traffic.
- B. Definitions for the purposes of this section. The following definitions shall apply:
 - "Ornamental tree" means any variety of tree which is not expected at maturity to reach a height of fifteen feet or more feet nor be a substantial provider of shade.
 - "Shade tree" means any variety of tree which is expected at maturity to be in excess of twenty-five feet in height and sufficiently wide or to provide substantial shade effects.
 - "DBH" means diameter at breast height.
- C. Prohibition of land shall be used or occupied and no structure shall be designed, erected, used, occupied or altered where a building permit is required nor shall any variance or special exception be granted except in conformity with the regulations established in this section.
- D. General Landscaping Requirements. Landscaping shall be required as follows:
 - Parking or Storage Areas. Screening in the form of trees, hedges or other vegetation shall be required between commercial, industrial and utility parking and/or storage areas and any public rights-of-way. Such screening shall be entirely on private property shall be a minimum of four feet in height and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section _____ of the Livingston Municipal Code. Decorative walls or fences or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.
 - Requirements for the Interior of Parking Areas.

- a. Option _____ parking areas will be designed so that parking rows will consist of not more than ten _____ auto _____ obies. Any parking area will have a capacity of twenty _____ or more auto _____ obies will be required to provide landscaped islands between parking rows. The islands will be at least five _____ feet wide and shall consist of vegetation or other landscaped treatment as well as a minimum of one _____ shade tree per every ten _____ parking spaces or portion thereof. The islands will be separated from the parking surface by a curb of at least six _____ inches in height.
- b. Option _____ In the alternative where parking rows are to consist of more than ten _____ parking spaces landscaped islands will be provided in accordance with an approved landscape plan. The plan will provide for landscaped area equal to a minimum of five _____ percent of the gross parking space area. _____ parking space _____ square feet. Landscaped requirement _____ _____ number of spaces. When using this option at least two _____ islands will be required and each island must be a minimum side of _____ square feet. _____ island will contain vegetation or other landscaped treatment as well as a minimum of one _____ shade tree per every ten _____ parking spaces or portion thereof.
- _____ Buffering Required Between Different Land Uses. Where _____ commercial, industrial, utility or _____ obies _____ land uses abut or are adjacent to lower density residential uses or _____ either directly or when separated by an alley or street right-of-way or other natural or man-made structure the _____ commercial, industrial, utility or _____ obies _____ use will provide a landscaped buffer zone screen _____ it _____ from the lower density residential use.
 - a. Buffer Zone. The buffer zone shall be a minimum of five _____ feet in width with an additional five _____ feet required for each story of the _____ commercial or utility use above one _____ story, not to exceed twenty-five _____ feet in width.
 - b. Screening. Screening shall be installed within the buffer zone which shall consist of vegetation or vegetation and a combination of berms, _____ or masonry walls to a minimum height of _____ feet in a manner which does not create a safety hazard for vehicular or pedestrian movement or interfere with the requirements of Section _____ of the Liveston Municipal Code.
 - _____ Shade Trees. In addition a minimum of one _____ shade tree within each two _____ hundred _____ square feet of buffer zone shall be required. Shade trees required hereunder shall be a minimum of two and one-half _____ inches DBH in size at the time of planting.
- _____ Purpose of Limiting Restrictions. The goal in regulating exterior illumination is to direct to the maximum extent possible _____ light _____ onto the property from which it originates. This section does not apply to street lighting provided by a governmental agency.
- _____ Parking or Storage Area. In any area required to buffer itself from adjacent land uses _____ exterior lighting shall be limited in height to no more than sixteen _____ feet and will be required to be on a design which directs light downward through the use of a directional shade.
- _____ Signs and Decorative Lighting. In _____ commercial and industrial areas adjacent to any land use from which it must be buffered the following lighting regulations shall apply.
 - a. Internally Illuminated Signs. Internally illuminated signs shall not exceed sixteen _____ feet in height. Internally illuminated canopies or structural canopies are prohibited. Alternatively, _____ signs, canopies or canopies may be approved at standard heights if they will not adversely affect neighboring property from which illumination rests with the discretion of the city manager or the subject to a request to the Board of Adjustment.
- _____ Penalty. A violation of this section is a misdemeanor unless otherwise provided by the not to exceed five hundred dollars _____ a day that a violation is allowed to continue shall be deemed a separate and _____ offense.

(Ord. 1852, 4/21/97)

Sec. 30.59.1. - Wind powered generators.

A Definitions

- "Wind powered generator" or "W" means any device such as a wind tower or wind turbine and associated facilities including the support structure of the system such as a tower that converts wind energy to electrical energy which has been certified to conform to applicable industry standards by a nationally recognized certifying organization such as Underwriters Laboratories or similar certifying organization
- "Wind powered generator height" means the height of a freestanding W such as measured from the ground level to the highest point on the W including the vertical extent of any extensions of the W such as the blade
- "Tower" as used herein includes the support structure and all components of the W

B Section 30.59.1 Wind powered generators W as defined herein are permitted upon the issuance of a Section permit within any zone provided the following standards and any related conditions imposed by the Board of Adjustments are satisfied

- The permit application shall be accompanied with a non-refundable fee in the amount of one hundred dollars
- The permit application shall contain a narrative describing the proposed project, the location of the proposed generator facility, a site plan and a photograph of the safety of wind powered generator being proposed and whether the system will be standalone or interconnected to a public utility under the provisions of Montana Code Annotated

C Maximum Height The maximum height of a freestanding W on any parcel or combination of parcels thereon having a total square footage of one acre or less is limited to sixty feet in height

- The Board of Adjustments may increase the height of freestanding W provided that in the residential and commercial districts such increase shall not exceed the maximum height by more than fifty percent
- The applicant shall demonstrate to the Board of Adjustments satisfaction that the surrounding topography, structures, vegetation and other factors place a tower that complies with the height restrictions in violation
- Notwithstanding the height limitations of the zoning district, building mounted W shall be permitted in a zoning district subject to approval by the Board of Adjustments and shall comply with the following standards
 - a Building mounted W shall not exceed fifteen feet in height
 - b Building mounted W shall be prohibited on residential structures less than four stories and forty-two feet in height
 - On nonresidential buildings less than four stories and forty-two feet in height building mounted W shall be set back at least ten feet from the front side and rear exterior walls of the structure on which it will be mounted
 - d Building mounted W shall be installed on the top story
 - e The structure upon which the proposed W is to be mounted shall have the structural integrity to carry the weight and wind loads of the W and have minimal vibration impacts on the structure as determined by a structural engineer
 - Minimum ground clearance The blade tip of any W shall at its lowest point have ground clearance of no less than fifteen feet

D Mini-tower Setback Mini-tower setback for any tower line shall be one hundred percent of the total tower height as defined herein and no guy wire may extend more than thirty feet from any tower line to any part of the wind generator shall extend over or across any part of a public right-of-way

Noise Standard Shadow Interference and Signal Interference

Any noise produced by a tower permitted under this Section shall be less than sixty decibels as measured from the closest neighboring occupied building and it is incumbent upon the applicant to demonstrate to the plan prior to the issuance of any permits by the Board of Adjustment

The facility owner and operator shall make reasonable efforts to minimize shadow interference to any occupied building not on the property upon which the tower is located

The applicant shall make reasonable efforts to avoid any disruption or loss of radio, television or signal interference and shall mitigate any harm caused by the tower powered generators

Lighting Requirement and Warning All tower installations other than signal towers shall be enclosed by a fence with lighting gate or incorporate other effective measures to discourage unauthorized climbing of the tower Towers shall not be visible up to fifteen feet above ground surface A visible warning sign concerning voltage must be placed at the base of all towers Reflective and brightly colored tubing shall be placed on guy wires up to a height of ten feet from the ground

Control and Brakes All wind powered generators shall be equipped with a redundant braking system This includes both aerodynamic overspeed controls including variable pitch and other signal systems and mechanical brakes Mechanical brakes shall be operated in a fail-safe mode Stall regulation shall not be considered a sufficient braking system for overspeed protection

Liability Insurance Construction Case There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one million dollars per occurrence and one million dollars in the aggregate Certificates of insurance shall be filed with the City of Livingston who will also be named as an additional insured

Aesthetics All towers shall be of neutral subdued tones such as earth tones or green or brown ray including darkened painted rays is also acceptable constructed on top of structure and visible from the ground The tower colors shall be a shade of sky blue All shall not be finished in bright or vivid colors intended to draw attention to the structure or property All shall not be illuminated by artificial means except where required by the Federal Aviation Administration or other federal state or local law

Approved tower shall be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with the standards established by this Section and all other federal state and local law

Wind towers shall not display any advertising or reasonable identification of the manufacturer and facility owner/operator not to exceed one square foot in size

Building Electrical Other permits All tower shall comply with applicable building electrical mechanical and other permits required and issued by the City of Livingston the State of Montana and/or federal regulations This is to include any approvals required from the Historic Preservation Commission or other local entity

Technology Obsolescence An applicant can demonstrate to the satisfaction of the Board of Adjustment that improvements in tower technology have made some parts of this Section and requirements obsolete or unnecessary The Board of Adjustment may waive those requirements with the satisfaction of the original intent and a justification of this Section On the every two years the City shall review existing tower technology for comparison to this Section to be sure technology improvements are addressed

Requirements for Removal Any tower that is abandoned damaged inoperable or unused for power generation shall be removed within twelve months of the cessation of operations unless an extension is approved by the Board of Adjustment unless an extension is not approved such tower

shall be deemed a nuisance and require its removal at the property owner's expense. After the Work is removed the owner of the site shall restore the site to its original or an improved condition.

M. Application of Nuisance Law. After a Section 30.59.1 is issued by the Board of Adjustment or a Work and the same Work fails to comply with any part of this Section it may be deemed a nuisance and applicable nuisance laws and regulations may be utilized for mitigation.

(Ord. No. 2002, § 1, 8/4/08)

Editor's note— Ord. No. 2002, § 1, adopted Aug. 4, 2008, amended Ch. 30 with the addition of a new, unnumbered section. Said section has been numbered § 30.59.1 at the discretion of the editor.

FIRST passed and approved by the City Commission of the City of Livingston, Montana during its first reading on this _____ day of _____, 2020.

DOREL HOGLUND, Chair

ATTEST:

FAITH KINNICK
Recording Secretary

FINALLY PASSED, APPROVED AND ADOPTED, during a second reading by the City Commission, of the City of Livingston, Montana, this _____ day of _____, 2020.

DOREL HOGLUND, Chair

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

LEGAL NOTICE OF PUBLIC HEARING

A public hearing before the Livingston City Commission will be held at 5:30 p.m. on Tuesday, October 6, 2020 virtually via Zoom (details below).

Accessory Dwelling Unit Zoning Text Amendment: The Purpose of this hearing is to receive public comment regarding a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to allow for, and regulate, accessory dwelling units within the City of Livingston. Specifically, the amendment allows for accessory dwellings on all lots in the R-I and R-II zoning districts within the city without requiring additional lot square footage. The amendment also addresses accessory dwelling density, size, and parking. The proposed Amendments were heard at the August 13th and September 8th, City of Livingston Zoning Commission meetings. The Zoning Commission voted unanimously to recommend approval of the proposed amendments to the City Commission.

Personal Care Centers and Zoning Cleanup Zoning Text Amendment: The purpose of this hearing is to receive public comment regarding a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to define “personal care centers”, update the use table to allow personal care centers in specific zoning districts, correct typographic errors in the current zoning, and ensure consistency throughout the zoning. Specifically, the amendment proposes that the undefined term nursing home be consolidated into the defined term “personal care centers” and that personal care centers be allowed to be placed in all districts that allow nursing homes as well as the Highway Commercial and Public districts. The amendment also addresses language and use consistency, typographic errors, and section labeling errors. The proposed Amendments were heard at the September 8th, City of Livingston Zoning Commission meeting. The Zoning Commission voted unanimously to recommend approval of the proposed amendments to the City Commission.

For further information, please contact the City Planning Office at (406)222-4903 or planning@livingstonmontana.org.

To attend via Zoom please use the link or call the phone number below, the passcode listed will be required to join the meeting:

<https://us02web.zoom.us/j/85403198616?pwd=Kzd5empJNSsvbmVuWGMreWl1TEhudz09>

Meeting ID: 854 0319 8616
Passcode: 898354
Call In: (669) 900-6833

Mathieu Menard
City Planner

PLEASE PUBLISH ON FRIDAY, SEPTEMBER 18, 2020

September 25, 2020

STAFF REPORT
ZONING TEXT AMENDMENT – ACCESSORY DWELLING UNITS

Background

Planning staff has been asked to explore the possibility of addressing accessory dwellings, often known as mother-in-law suites, granny flats, or ADUs, within the Livingston Zoning Ordinance (Section 30, Livingston Municipal Code). Currently, accessory dwellings of any kind are not allowed under the Zoning Ordinance, all lots must meet the required minimum lot size to allow multiple dwelling units on the property. Staff is proposing that additional language be added to the Zoning Ordinance to allow one (1) accessory dwelling for every existing primary dwelling unit on the lot in the R-I, R-II, and R-II (MH) zoning districts. For example, if a property allows two (2) primary dwelling units each existing primary dwelling unit would be allowed an accessory dwelling, allowing up to two (2) accessory dwellings and two (2) primary dwellings on the property. The amendment proposes that accessory dwellings on lots less than 7,000 square feet be limited to 600 square feet in size and limited to 800 square feet in size on lots 7,000 square feet and larger, unless wholly contained within an existing, primary dwelling unit (e.g.: within the basement of an existing single-family residence). Accessory dwellings are proposed to be required to provide one (1) off-street parking space. Accessory dwellings cannot be sold separately from the primary dwelling on the property, and generally would either be used by the property owners to house related individuals or rented.

The proposed zoning update addresses the increasing need for rental housing, infill development, and decreasing housing affordability in Livingston. According to the American Community Survey (ACS), the population within the City limits was approximately 7,487 in 2018 (the last year which data from the ACS is available), up from approximately 7,060 in 2014. The five-year average year-over-year population growth rate is approximately 1.2%. The year-over-year population growth rate has increased every year in the past five years, with a low of approximately .39% 2013-2014 and a high of approximately 2.5% 2017-2018, indicating accelerating population growth within the City. Increasing population and an accelerating growth rate drive the need for

additional housing units of all types. Between 2014 and 2018, as the population increased, the residential vacancy rate decreased each year from an estimated high of 18.8% in 2014 to an estimated low of 4.6% (both estimations from the ACS). At the time of the ACS survey in 2018 there were an estimated 24 vacant units for rent in Livingston, 0.6% of total dwelling units within the city, this was an improvement from 2017 in which there were an estimated zero (0) vacant rentals within the City at the time of the ACS survey. The recent Growth Policy citizen input survey also identified rental housing as the greatest housing need in the City (Attachment II). All these factors point to the need for an increase in overall housing within the City, especially an increase in rental housing. The addition of accessory dwelling regulations aims to address both the need for additional housing and allows rental units be added to each existing residential lot in the City. Increasing density within the existing footprint of the City allows for infill development without the need for extension of existing services.

Coupled with the decrease in available housing is an increase in median rent cost. According to the ACS, median rent has risen every year between 2014-2018 from an estimated low of \$638/ month to a high of \$794/month, included in this increase is a 16.25% rise in median monthly rents between 2017 and 2018. Despite the rise in rents the percentage of renters that are paying over 30% of their income in gross rent has decreased from an estimated high of 57.3% in 2016 to 43.7% in 2018, likely due to a significant increase in the median renter income (\$29,453 in 2016 vs. \$35,279 in 2018). The United States Department of Housing and Urban Development (HUD) classifies those who spend more than 30% of their monthly income on rent “cost-burdened” by housing. Through the addition of size limited dwelling units, the zoning update aims to provide a source of moderately priced rental units to address both the increasing rents and limit the number of households in the City that are cost-burdened.

Proposed Findings of Fact

The following changes to the existing ordinance would accomplish what the Planning Staff has been asked to pursue:

Proposed Zoning Updates: Significant changes to the Zoning Ordinance are listed below, a strikethrough-underline version of the zoning with all of the changes proposed shown is included as Attachment I.

Section 30.30 Definitions:

Dwelling (types of):

- d. “Dwelling, accessory” means one (1) independent dwelling unit which is smaller in area and subordinate in use to the principal one (1) family or two (2) family dwelling, or townhouse, on the same lot, whether attached or detached.

“Gross Floor Area” means the area of each floor within the external walls, not including the thickness of the external walls.

Section 30.40. List of Uses:

Accessory Dwellings shall be allowed in the R-I, R-II, and R-II (MH) districts.

Section 30.41. Residential Density Requirements:

1. In all residential zoning districts in which accessory dwellings are permitted, the maximum number of accessory dwellings allowed is equivalent to the number of primary dwelling units allowed on the lot as shown in Table 30.41 above. The total number of dwelling units allowed on any lot is the allowed density of the lot in Table 30.41 above plus the equivalent number of accessory dwellings. There shall be not be a greater number of accessory dwellings than primary dwellings on any lot. E.g.: a 7,000 square foot lot with one (1) primary dwelling in the R-II zoning district allows one (1) accessory dwelling unit and the same lot with two (2) two primary dwelling units allows two (2) accessory dwellings.

Off-street parking requirements: One (1) per accessory dwelling unit.

Sec. 30.43 Accessory dwellings:

- A. Accessory dwellings are subject to all applicable regulations listed in this ordinance, including but not limited to: setbacks, maximum building heights, parking, and building design standards.
- B. Detached accessory dwellings shall be located to the rear of the primary dwelling on the property.
- C. On lots with an area of less than 7,000 square feet accessory dwellings shall not exceed 600 square feet of gross floor area. On lots with an area of 7,000 square feet or greater feet accessory dwellings shall not exceed 800 square feet of gross floor area. Accessory dwellings must be smaller in gross floor area than the primary dwelling on the property. If an accessory dwelling is attached to another building only the gross floor area of the accessory dwelling shall be calculated towards the maximum gross floor area. Accessory dwellings attached to existing, primary dwelling units are not subject to the gross floor area limitations, but must be wholly contained within the existing building. Any attached accessory dwelling that increases or modifies the footprint or profile of the primary dwelling unit in any way, whether above or below ground, shall not exceed the above listed maximum gross floor area for an accessory dwelling.
- D. All detached accessory dwellings shall maintain a 6-foot separation, measured from the external walls of the dwelling unit, to all other buildings on site.
- E. Accessory dwellings shall be on the same lot as the primary dwelling

- F. Accessory dwellings shall not be subdivided or sold separately from the primary dwelling on the lot. If an accessory dwelling is subdivided from the primary dwelling unit, the accessory dwelling is no longer an accessory dwelling and must meet all density requirements listed in Table 30.41. Prior to use of the accessory dwelling, the property owner must record a deed restriction provided by the City Attorney’s Office stating that the accessory dwelling shall not be sold separately from the primary dwelling, and provide a copy of the recorded deed restriction to the Department of Building and Planning prior to the issuance of a Certificate of Occupancy.
- G. Accessory Dwellings are encouraged to be combined with other buildings to preserve open space on the lot.

Sec. 30.51. - Off street parking and loading zones:

- B. Location. Off-street parking facilities shall be located as hereafter specified: any distance specified shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve:
 - 1. For one (1) family, two (2) family, and accessory dwellings: Off-street parking is required on the same lot or an adjoining lot with the building they are required to serve.

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304): (1) Zoning regulations must be:

(a) made in accordance with a growth policy:

Growth Policy Introduction:

Goal 1: Strengthen Livingston’s economy by supporting industries and initiatives that increase employment opportunities and personal income

Objectives:

- 1. *Support existing local businesses and enhance the economic opportunity for new businesses by establishing policy to:*
 - e. *Explore options to enhance the downtown district and support downtown businesses*
- 3. *Address affordable housing needs.*

Staff Comments:

- The proposed zoning update has the potential to significantly increase density within the existing developed area of Livingston. Increasing the number of dwelling units and population in the R-II districts adjacent to downtown creates a larger consumer base to support downtown businesses.

- The potential residential density allowed through the proposed zoning update within walking distance of downtown acts to increase the foot-traffic through downtown adding to the vibrancy and activity of downtown while simultaneously minimizing the impact on street infrastructure and traffic.
- The proposed zoning update addresses a critical affordable housing need by allowing limited size, *rental only*, dwelling units on existing lots. Rental housing has been identified as the most pressing housing need in Livingston by the recent Growth Policy update outreach survey (Attachment II).
- The Growth Policy update survey has also noted that employers within the City of Livingston have difficulty recruiting employees due to the shortage of affordable housing units, consistent with the experiences of neighboring communities of Bozeman and Big Sky which are facing significant affordable housing shortages. The addition of accessory dwellings has the potential to benefit, not only those in need of affordable housing, but also employers within the City.
- Accessory dwellings have the potential to fill the rental type and price gap between apartments and single-family homes.

Goal 3: Develop infrastructure to enhance community services and improve public safety for Livingston residents.

Objectives:

5. Update and review land use regulations to fulfill the needs and desires of the community

Staff Comments:

- As noted above, rental housing was listed as the greatest housing need in the community by the Growth Policy Update survey. The zoning update addressed this need by allowing for a significant number of additional rental housing units to be built within the City of Livingston.
- As the City continues to grow, additional dwelling units allow the City to accommodate additional population without the need to increase the land area of the City, minimizing sprawl and the need to extend existing services and infrastructure.

Growth Policy Chapter 6, Implementation:

Zoning Recommendations: The City should pursue the idea of providing more area for high density residential zoning. This might include re-zoning, by private application or by the City’s own initiative, vacant property already in the City.

The City should continue to promote the utilization of available, underdeveloped lots in, or bordering the city, to increase density and reduce infrastructure and public facilities costs.

Staff Comments:

- The proposed zoning update increases the allowed density of the R-I and R-II zoning districts within the City of Livingston. As the update applies to existing lots, the additional allowed density increases the users utilizing existing infrastructure, decreasing per capita infrastructure and services costs.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- All accessory dwellings are required to meet State building and fire codes, and must comply with all City building and zoning regulations. No increase in fire or other dangers is anticipated with the proposed zoning update.

(ii) promote public health, public safety, and the general welfare; and

Staff Comments:

- All additional dwelling units would be on existing lots served by City services including, police, fire, ambulance, and water and wastewater. There are no detrimental effects on public health and safety anticipated with the zoning update.
- The zoning update promotes the general welfare by allowing for an additional source of potential affordable housing, a noted need within the City.

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Staff Comments:

- All additional dwelling units would be on existing lots served by City services including, police, fire, ambulance, and water and wastewater.
- As units are limited to a gross floor area of 800 square feet minimal impact on the provision of schools is anticipated.
- The City and surrounding area has adequate parks and open space to accommodate a significantly larger population than currently residing within the City.
- Impacts on transportation are limited by the 800 square foot gross floor area size limit of accessory dwelling, no extension or expansion of roads is anticipated to be required by the zoning update.
- All accessory dwellings are required to provide one (1) off-street parking space.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

Staff Comments:

- Accessory dwellings are required to meet all setbacks and height requirements of the Zoning Ordinance. The zoning update should have no impact on the reasonable provision of light and air.

(b) the effect on motorized and non-motorized transportation systems;

Staff Comments:

- The potential increase in density will have an impact on motorized and non-motorized transportation systems through potential increased vehicular, bicycle, and pedestrian traffic. The 800 square foot gross floor area restriction limits the impact of the zoning update on transportation systems.
- At the August Zoning Commission Meeting, a member of the public raised concerns about the potential impact of alley loaded accessory dwellings on unpaved alleys. Staff responses to questions and concerns raised at the August meeting were addressed by Staff in an addendum to the staff report which was presented to the Zoning Commission at their September Meeting. All materials presented to the Zoning Commission have been included as Attachments III (August materials) and IV (September materials) for complete transparency and to provide the City Commission access to all the information the Zoning Commission was provided.

(c) promotion of compatible urban growth;

Staff Comments:

- The zoning update promotes compatible urban growth by encouraging increased density in the existing developed neighborhoods of Livingston, minimizing the need for infrastructure expansion and preserving agricultural and rural areas adjacent to the city.
- Accessory dwellings are generally effective in increasing the housing stock in growing areas with a high percent of single-family dwellings, such as the City of Livingston. Many local and national cities and towns have allowed accessory dwellings as a mechanism to grow and increase housing stock without relying on outlying areas.
- At the Zoning Commission meetings members of the Zoning Commission and the public expressed concerns that the density increase allowed by the proposed zoning changes is not compatible with the character of Livingston. Staff made changes to the proposed language between the August and September meetings in an attempt to mitigate some of these concerns. The staff response to these concerns is included in Attachment IV.

- Additionally, members of the Zoning Commission and public raised concerns that the originally proposed 800 square foot limit on accessory dwellings was too large, especially concerning green space on the lots. Staff subsequently proposed a 600 square foot size limit on accessory dwellings to the Zoning Commission. After significant discussion the Zoning Commission recommended that a tiered system based on lot size be utilized.

(d) the character of the district and its peculiar suitability for particular uses;

Staff Comments:

- The existing character of the affected zoning districts are residential, the proposed zoning updates continues the residential character of the districts.
- The historic block and alley development pattern of Livingston is conducive to the placement of accessory dwellings, especially alley accessed “carriage-house” style development as seen in many cities in the western United States. To further encourage development in the historic pattern detached accessory dwellings are proposed to only be allowed to the rear of the primary dwelling on the lot.

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

Staff Comments:

- By allowing property owners to construct an additional dwelling unit on their property the value of land throughout the affected districts should increase.
- The majority of land within the City of Livingston is used residentially, the continuation of this use at a higher density is an appropriate use of land for a growing municipality.

Zoning Commission Hearings

The Zoning Commission held a meeting to discuss the proposed amendments on August 13, 2020. At that meeting there were several concerns from both the public and Zoning Commission with the proposed language as presented. These concerns, the staff response to the concerns, and the changes to the originally proposed language (Attachment III) are included in Attachment IV, including the written public comment received after the August 13th hearing. Due to these concerns the Zoning Commission voted unanimously to continue the hearing at the next meeting and for staff to make changes to the proposed language consistent with Zoning Commission and public concerns.

The Zoning Commission held a second meeting September 8, 2020, to discuss the proposed amendment. At that meeting staff presented the proposed changes to the proposed amendment as requested at the August meeting, public comment was taken, the Zoning Commission held a lengthy discussion, and a recommendation was formulated. There was one public comment at the second meeting, which was also stated at the first meeting; a member of the public had concerns that the requirement for any detached accessory dwelling be six (6) feet from the primary dwelling was too close and that the required distance should be increased.

The Zoning Commission voted to make two amendments to the proposed language. The first amendment was to remove the requirement that one (1) dwelling on the property be owner occupied. The proposed amendment passed 4:1. The second amendment was to change the maximum gross floor area from a flat 600 square feet to a maximum of 600 square feet for parcels under 7,000 square feet, and a maximum of 800 square feet for parcels 7,000 square feet and greater. The proposed amendment passed 5:0.

Finally, the Zoning Commission voted unanimously (5:0) to recommend approval of the proposed zoning amendment with the two changes as approved by the Zoning Commission. Staff has included the changes recommended by the Zoning Commission in the final proposed zoning amendments included in the draft ordinance (Attachment I).

Staff Recommendation

The Zoning Coordinator believes that the new language listed above meets both the requirements of State Statute and the needs, goals, and objectives of the adopted Growth Policy and the City of Livingston. Additionally, the City Zoning Commission voted unanimously to recommend the City Commission approve the amendment with the two aforementioned changes. Staff recommends that the Commission adopt the proposed text amendment.

Attachments

- Attachment I.....Draft Ordinance
- Attachment II.....Growth Policy Public Outreach Summary
- Attachment III.....August 8, 2020, Zoning Commission Materials
- Attachment IV.....September 8, 2020, Zoning Commission Materials

Chapter 30 - ZONING

Articles:

Article I. - Introductory Provisions

Sec. 30.10. - Title.

This ordinance shall be known as the Zoning Ordinance of the City of Livingston, Montana and may be referred to as the "Zoning Ordinance" and the map referred to herein is identified by the title "Official Zoning Map of Livingston, Montana" and may be known as the "Zoning Map".

Sec. 30.11. - Purpose.

The purpose of this ordinance is to promote the health, safety and general welfare of the community by regulating the height and site of buildings and structures, the percentage of lots that may be occupied, the site of yards and open space, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes within the city limits.

Sec. 30.12. - Territorial jurisdiction.

The zoning jurisdiction of the City of Livingston shall include the land within the corporate limits of the City.

Sec. 30.13. - Incorporation of Official Zoning Map.

The "Official Zoning Map of Livingston, Montana" and annotations, references and other information shown on the map are hereby incorporated by reference and made a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 30.10 of the Zoning Ordinance of the City of Livingston, Montana" to be effective with the date of adoption of this ordinance.

In an ordinance with the provisions of this ordinance, annexes are made in district boundaries or other matter portrayed on the Official Zoning Map, such annexes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry on the Official Zoning Map as follows: "On [date] by ordinance of the City Council, the following annexes were made in the Official Zoning Map: [brief description of nature of annexes] with entry shall be signed by the Mayor and attested by the City Clerk. In case of a conflict between the ordinance and the Official Zoning Map, the text of the ordinance shall govern."

No annexes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of annexes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereto. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted [date of adoption] and is being replaced as part of the Zoning Ordinance of the City of Livingston, Montana" unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remain shall be preserved to be effective with a available records pertaining to its adoption or amendment.

Sec. 30.14. - Rules for interpretation of zoning boundaries.

The boundaries of zones as shown on the Official Map shall be interpreted according to the following rules:

- A) The boundaries indicated as appearing to follow the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B) Boundaries indicated as appearing to follow plotted lot lines shall be construed to follow such lot lines.
- C) Boundaries indicated as appearing to follow city limits shall be construed to follow the City limits.
- D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of natural changes in the shore line shall be construed as moving with the actual shore line boundaries indicated as approximately following the shore line of the stream, rivers, canals, ditches and other bodies of water and in the event of natural changes in location of streams, rivers, canals, ditches and other bodies of water shall be construed as moving with the actual body of water and following the shore lines.
- Boundaries indicated as curbside or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the Official Map may be determined by the same of the same.

(Zoning Map Amendments: Ord. 1482, 7/6/81; Ord. 1496, 3/15/82; Ord. 1534, 11/19/84; Ord. 1532, 11/5/84; Ord. 1545, 3/3/86; Ord. 1559, 11/3/86; Ord. 1564, 2/2/87; Ord. 1576, 7/6/87; Ord. 1586, 2/1/88; Ord. 1628, 8/7/89; Ord. 1629, 8/14/89; Ord. 1635, 11/89; Ord. 1654, 5/7/90; Ord. 1661, 6/4/90; Ord. 1662, 6/4/90; Ord. 1663, 6/18/90; Ord. 1669, 9/4/90; Ord. 1670, 9/4/90; Ord. 1671, 9/4/90; Ord. 1672, 9/4/90; Ord. 1699, 1/21/92; Ord. 1700, 1/21/92; Ord. 1723, 10/19/92; Ord. 1828, 2/5/96; Ord. 1840, 9/3/96; Ord. 1930, 11/17/03; Ord. 1936, 2/2/04; Ord. 1976, 9/18/06; Ord. 1985, 4/16/07; Ord. 1986, 4/16/07; Ord. 1987, 8/20/07; Ord. 1988, 8/20/07; Ord. 1989, 10/15/07; Ord. 1993, 12/17/07; Ord. 1994, 12/17/07; Ord. No. 2005, § 1, 8/18/08; Ord. No. 2006, § 1, 9/2/08)

Article II. - Definitions

For the purpose of the ordinance certain terms or words used herein are defined as follows:

The word "person" includes a firm, association or organization, partners, trust, company or corporation as well as an individual. The present tense includes the future tense. The singular number includes the plural and the plural number includes the singular. The word "shall" is mandatory. The word "may" is permissive. The words "used" or "occupied" include the words "intended," "designated" or "arranged to be used or occupied" and the word "lot" includes the words "plot" or "parcel."

"Accessory" means a use, a building or structure, part of a building or other structure which is subordinate to and the use of which is incidental to that of the main building structure or the use on the same lot in a private garage. An accessory building is attached to the main building by a wall on the roof or roof surface. Accessory buildings shall be considered a part of the main building.

"Adult bookstore" means a commercial establishment having a substantial portion of its stock in trade consisting of books, audio tapes, cassettes, DVD and videos which are obscene, depict or relate to nudity or sexually explicit material and whose clientele must be at least eighteen years of age.

"Adult movie theater" means a commercial establishment which presents or shows rated movies, DVDs or videos on a screen or television.

Alley - See Street

"Alteration" means a change or rearrangement of the structural parts of a building or a reduction in the size of the structure or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another.

"Bars, taverns, or cocktail lounges" means an establishment where alcoholic beverages are sold and consumed on the premises even if such sales are incidental to or accessory to the principal business of such establishment.

"Bed and breakfast" means a commercial business operated in a house which is used partially or primarily for providing overnight accommodations to the public even though the owner may live on the premises. The accommodations for a bed and breakfast shall have no more than five guest rooms. Breakfast is the only meal served on the premises is included in the charge for the room and there is no other food or beverage served upon the premises.

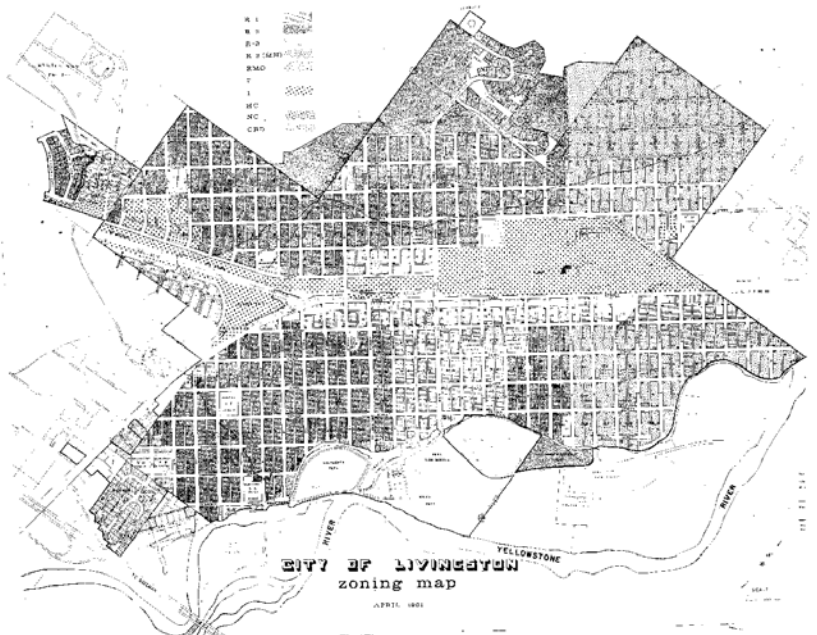
"Board" means the Board of Adjustment of the City of Livingston.

"Boarding house" means a building other than a hotel or club where meals are regularly served for compensation to more than six persons who are not members of the family there residing.

"Building" means a structure of any kind or less permanent construction having a roof and intended to be used for sheltering, enclosing, or any other personal property or business activity.

"Building height" means height of building is the vertical distance from the "grade" to the highest point of the building at roof or the defined line of a mansard roof or to the average height of the highest cable attached to the roof.

"Building official" means the City Building Inspector of the City of Livingston or his designated representative.



"Business and Professional Offices" means a structure used primarily for housing the offices of a physician, dentist, architect, engineer, attorney, musician, artist or similar professional person.

"Clinic" means a building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses but where no surgery other than minor emergency care is performed.

"Drive-in restaurant" means a use whose retail character is dependent upon a driveway, apron and parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises in a vehicle.

Dwellin Types are:

a. "Dwellin one family" means a building designed for occupancy by one family and containin one dwellin unit.

b. "Dwellin two family dupe" means a building designed for occupancy by two families livin independently one of the other and containin two dwellin units.

c. "Dwellin three" means a building designed primarily for occupancy by three or more families livin independent one of the other and containin three or more dwellin units.

d. "Dwellin accessory" means one independent dwellin unit which is siter in area and subordinate in use to the principal one family or two family dwellin or town house on the same lot whether attached or detached.

"Dwellin unit" means one or more rooms designed for or occupied by one family or livin or sleeping purposes or for use solely by one family.

All rooms of a dwellin unit shall have access through an interior door to other parts of the dwellin unit. An entirely apartment constitutes a dwellin unit within the meaning of this ordinance modified in this chapter.

"Total entertainent" means the total of the showin or display of a livin person however total nudity is prohibited.

"Family" means one or more persons related by blood, adoption or marriage or not more than three unrelated persons livin together and usually eatin on the premises as a single household in unit.

"Fence" means a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space for separating parcels and it may include a masonry wall.

"Grade" means the lowest point of elevation of the finished surface of the ground, avin or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building between the building and a line five feet from the building.

Roof over Area means the area over which is within the eaves not includin the thickness of the eaves.

"Heavy manufacturin" means any manufacturin process which requires the storage of components, materials within cub view is conducted partially or entirely outdoors or causes significant noise, odor, glare or vibration which is detectable beyond the parcel on which it is located.

"Hotel" means a building in which lodging is provided with or without meals and open to transient guests.

"Light manufacturin" means any manufacturin process which requires no storage of components, materials within cub view is entirely contained indoors and does not cause any significant noise, odor, glare or vibration detectable beyond the parcel on which it is located.

Livestock and fow "Livestock" shall include animals of the equine, bovine and swine class includin goats, sheep, ues, horses, cats, cattle and other farm animals. "Fow" includes chickens, geese, ducks, turkeys, peacocks and other poultry.

Lot or the purpose of this ordinance "lot" is a parcel and of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide sufficient yards and other open spaces as are herein required. Such lot shall have frontage on a public street or on an approved private street and may consist of:

- a. A single lot or record
- b. A portion of a lot or record
- c. A combination of lots or records or lots or records and portions of lots or records or portions of records
- d. A parcel and described by metes and bounds provided that in no case of division or combination shall any residual lot or parcel be treated which does not meet the requirements of this Chapter

"Lot coverage" means that portion of any lot upon which a structure as herein defined is located

"Lot frontage" means the side of a lot boundary which is nearest the street or the purposes of determining yard requirements on corner lots and through lots, a sides of a lot adjacent to streets shall be considered frontage

"Lot record" means a lot which is part of a subdivision recorded in the office of the County Clerk and Recorder or a lot or parcel described by metes and bounds the description of which has been so recorded

Lot types: The diagram figure shows on page illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots

In the diagram A corner lot defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots line to the foremost point of the lot meet at an interior angle less than one hundred thirty five degrees. See lots A and B in the diagram

B interior lot defined as a lot other than a corner lot with only one frontage on a street

C through lot defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots

D reversed frontage lot defined as a lot on which the frontage is at a right angle or a diagonally right angles interior angle less than one hundred thirty five degrees to the general pattern in the area. A reversed frontage lot may also be a corner lot. A in the diagram an interior lot B D or a through lot D D

"Manufactured housing" means a single-family dwelling built on site in a factory on or after January 1, 2000 that is placed on a permanent foundation, is at least one thousand square feet in size, has a pitched roof and siding and roofline materials that are customarily defined by local regulations used on site built homes and is in compliance with applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home

"Material" means a book, a magazine, newspaper, a poster, print, picture, picture, image, description, motion picture, recording, recording, tape, DVD or video tape, text, a motion picture, DVD or videotape rated R or R by the Motion Picture Association of America

"Medicaid eligibility" means an establishment where a Montana licensed "care giver" grows, cultivates, processes or sells medicinal marijuana for use by State approved qualifying patient card holders

Mobile Home: "Mobile home" means a trailer or semi-trailer which is designed, constructed and equipped as a dwelling, a place of abode or sleeping place and is equipped as a dwelling, a place of abode or sleeping place and is equipped for movement on streets or highways and exceeds twenty five feet in length exclusive of trailer hitch

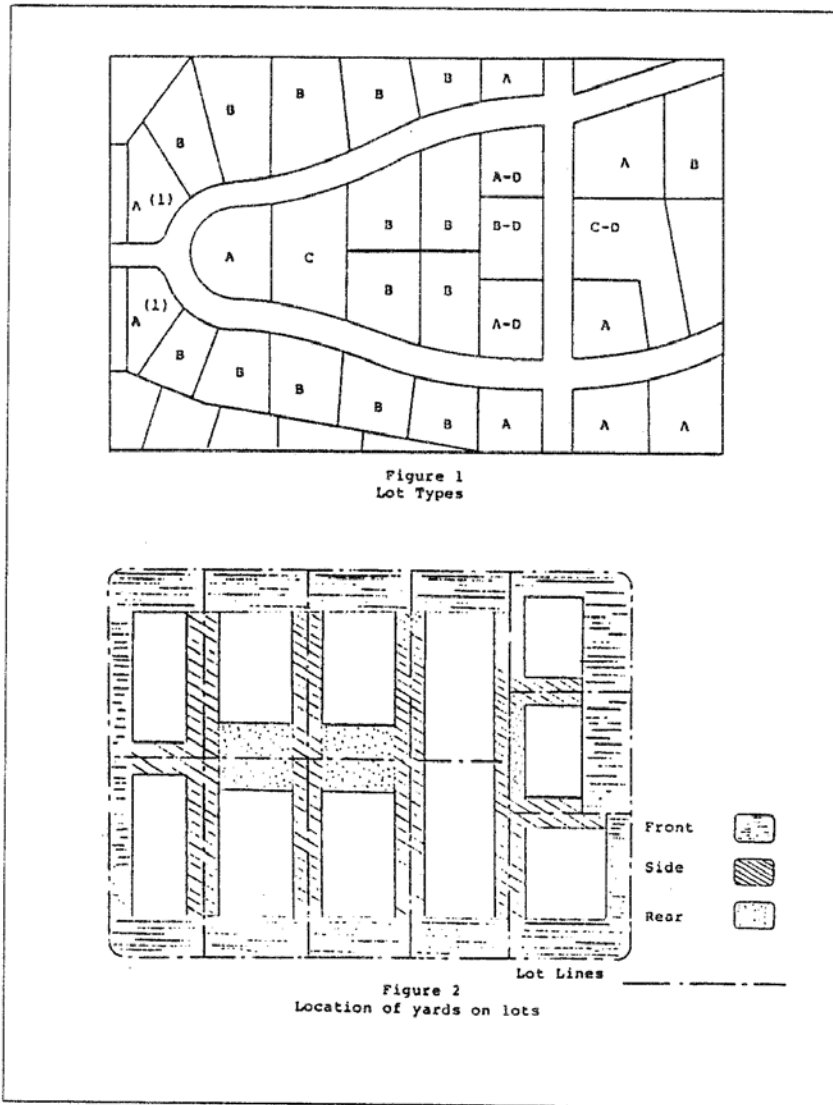
"Mobile home car" means any lot, tract or parcel and used, maintained or intended to be used, leased or rented or occupied by two or more mobile homes. This definition shall not include trailers sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sales.

"Motor home" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside or to a common corridor and where a garage is attached to or a car port space is conveniently located at each unit and for the temporary use by auto mobile tourist or transient and such word shall include tourist courts, motor courts, auto mobile courts and motor homes.

"Personal care center" means a facility which provides services and care which do not require nursing services to residents needing some assistance in performing the activities of daily living.

"Planning board" means the Livingston City Planning Board.

"Public recreation facility" means a facility which is available for use by the public for recreation or other purposes. A fee may be charged but the facility may not be owned and/or operated for profit purposes which are covered by this definition shall include but are not limited to a Civic Center, swimming pool, fitness center and car.



"Restaurant" means a commercial establishment whose primary function is providing prepared meals to customers for consumption within the structure.

"Right-of-way" means a strip of land dedicated or acquired for use as a public way.

"School secondary junior or senior school" means an institution of learning either public or private which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education

"School property" means a building where instruction is given to pupils and operated as a school enterprise as distinguished from schools endowed and/or supported by taxation and not providing instruction for trades

"School trade" means a building where primary instruction is given to students in industrial arts such as auto mechanics, welding and carpentry

"Seasonally oriented business" means a business establishment which operates as an adult bookstore, adult theater or features shows, toys, records or sponsors motion picture entertainment

"Setback regulations" means a setback regulation to the terms of this ordinance to which it uses other than those specifically permitted in each district in appropriate cases and subject to appropriate conditions

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above it that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling or roof above the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein or more than fifty percent of the total exterior or is more than twelve feet above grade as defined herein at any point, such basement or unused underfloor space shall be considered as a story

Street

- a "Street" is a public way for vehicular traffic whether designated as a street, way, thoroughfare, carway, thoroughway, road, avenue, boulevard and alley or otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines or any dedicated public way as recorded by the County Clerk and Recorder whenever any portion is open to vehicular traffic
- b "Alley" is a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street
- c "Arterial street" is a fast or heavy traffic street used primarily as a traffic artery for intercommunication among large areas
- d "Local street" is a street used primarily for access to the abutting properties
- e "Collector street" is a street which carries traffic from local streets to arterial streets including the principal center streets of a residential development and streets for circulation within such a development

"Street front" means a street abutting the predominantly narrow sides of the lot within a block is the street that faces within a block, shall be the street that addresses are assigned to

"Street side" means a street parallel or nearly parallel to the predominantly long sides of the lots within a block and intersecting at right angles or nearly right angles the front street. Addresses are not normally assigned along a side street

"Structure" means a building or anything constructed in the ground or anything erected which requires location on the ground or water or is attached to something having location on or in the ground but not including fences six feet or less in height, paved areas or seasonal accessory use structures such as storage sheds which would not require a building permit to be erected under any building code adopted by the City of Livingston. However, in no case will such accessory building be allowed to violate the line of sight restrictions for street and alley or private drive approaches as specified in Section 10.04.01B of this code or the height limitations of the applicable zoning district

"Townhouses" means two or more self-contained dwelling units situated on their own lots and having one or more lots on which were no side setbacks

"Trailer" or "mobile homes" means a factory-assembled structure equipped with the necessary service connections and constructed to be readily moveable as a unit or units on its own chassis and designed to be used as a dwelling unit.

"Variance" means an adjustment in the application of the specified regulations of this Chapter pursuant to Section 17-10-03.

"Unrated movies and sexually explicit materials" are those materials which depict or show upon a screen in a state of exhibition or arousal acts of sexual intercourse, masturbation, nudity, incest, sodomy, or bestiality.

"Yard" means a space on the same lot with a principal building open, unobstructed and unobstructed by any structure or portion of a structure provided however that fences, walls, poles, a necessary use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any yard subject to certain limitations and requirements in the obstruction of visibility in Section 17-10-03 of Article V. See Figure 1 for illustration of yard types defined below.

Yard-Front-"Front yard" means a yard extending between side lot lines across the front of a lot adjoining a public street. The front yard shall extend from the front property line to the front of the building located on the lot. In the case of corner lots where one of the front yards that would normally be required is not in compliance with the prevailing yard pattern of the zoning, the Coordinator may waive the requirement for the normal front yard and substitute therefor a side yard requirement which shall exceed the average of the yards provided on abutting lots.

Yard-Side-"Side yard" means a yard extending from the rear line of the required front yard to the rear lot line or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of corner lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.

Yard-Rear-"Rear yard" means a yard extending across the rear of the lot line between inner side yard lines. In the case of corner lots and corner lots there will be no rear yards, but only front and side yards.

"Zoning Coordinator" means the Zoning Administrator for the Livingston City/County Planning Board or successor thereof as the City Commission by resolution may designate.

(Ord. 1798, 12/19/94; Ord. 1810, 7/3/95; Ord. 1868, 2/2/98; Ord. 1894 § 1, 3/6/2000; Ord. 1949, 10/18/04; Ord. No. 2011, § 1, 4/6/09; Ord. No. 2022, § 1, 9/7/10)

Article III. - Zoning Districts

Sec. 30.30. - Zoning districts.

To carry out the provisions of this Chapter the City is divided into the following zoning districts in which the erection, construction, alteration, reconstruction, repair or use of buildings, structures and land shall be regulated and restricted. The regulation in each district shall be uniform throughout each district but may differ from those in other districts.

DISTRICT	DESIGNATION
Low Density Residential	R-I
Medium Density Residential	R-II

Medium Density Residential: Mobile Home	R-II (MH)
High Density Residential	R-III
Mobile Home Residential	RMO
Public	P
Industrial	I
Light Industrial	LI
Highway Commercial	H.C.
Neighborhood Commercial	N.C.
Central Business District	C.B.D.
Preservation Zoning District	PZD

R-I Low Density Single-family residential district with a large lot area required and including customary residential accessory uses

R-II Medium Density Single-family residential district. Dwellings and two accessory dwellings may also be accommodated on lots of adequate lot sizes

R-III Medium Density Mobile Home A district primarily intended for single and two accessory dwellings which also allows for the placement of mobile homes

R-III High Density Residential A residential classification intended to provide adequate sites for multifamily developments including condominiums and row houses

RMO Residential Mobile Home A district for lot-in-lot mobile home development

P Public The public zone is intended to reserve and exclusively for public and semi-public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare

I Industrial A district intended to accommodate a variety of businesses, warehousing, transportation terminals and light and heavy industries

LI Light Industrial A district intended to accommodate types of light industry including those defined as light manufacturing as well as business and professional offices

H.C Highway Commercial A district intended to provide areas for residential structures, offices and service enterprises which serve the needs of the tourist, traveler, recreationist or the general traveler in public Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access freeways or adjacent to primary and secondary freeways

Community Center The Community Center Association is intended to primarily provide for community retail services, facilities or convenience retail development.

CBD Central Business District The Central Business District is intended to accommodate stores, hotels, government and cultural centers, professional offices, service establishments and a manner of housing with an emphasis on high density apartment housing. In order to protect the public interest and welfare and to facilitate an attractive, efficient and prosperous CBD, the emphasis is on large scale dense buildings.

D The preservation district is designed to supplement land uses and development standards by recognizing the unique characteristics of an existing structure. Such may be important to the community to preserve either a historical or architectural design, distinctive or by recognizing the unique characteristics of a site or property due to natural features, including topographical features, water courses, woodlands and wildlife habitats. It is the intent that the uses to be allowed are an inducement to the preservation of the historical or architectural design of the building or the natural features and shall not be construed as creating a benefit for the owner of the property to the detriment of other property owners surrounding the preservation district. This is not to be construed as creating speculation for the benefit of the preservation district property owners, but rather a method for the preservation of historical or architectural designs or natural features important to the community.

In the case of a use not specifically mentioned in the list of uses in Article IV of this Chapter, the decision regarding whether the proposed use of a structure is allowable in a specific zone shall be made by the zoning coordinator. Such decisions shall be based upon the most compatible uses contained in Article IV of this Chapter.

(Ord. 1949, 10/18/04; Ord. 1954, 5/16/05; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08)

Article IV. - District Regulations

Sec. 30.40. - List of uses.

Table 30.40 designates a list of uses permitted within a zoning district. Designated uses shall be permitted only in the zones indicated.

Table 30.40
List of Uses

A = Acceptable S = Special Exception Permit Required N = Not Accepted											
	R-I	R-II	RII-MH	R-III	RMO	NC ²	CBD ¹	HC	LI	I	P
Single-Family Dwellings*	A	A	A	A	A	N	A	A	N	N	N
Duplexes	N	A	A	A	N	N	A	A	N	N	N
Multifamily Dwellings	N	N	N	A	N	N	A	A	N	N	N
<u>Accessory Dwellings</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A

Mobile Homes	N	N	A	N	A	N	N	N	N	N	N	N
Churches	S	S	S	A	N	A	N	A	N	N	N	N
Schools, Public and Commercial	A	A	A	A	A	A	N	N	N	N	A	
Schools, Trade	N	N	N	N	N	S	A	A	A	A	N	
Hospitals	N	N	N	A	N	A	N	N	A	N	N	
Clinics	N	N	N	A	N	A	A	A	A	A	N	
Adult Foster Care Center ³	N	A	A	A	N	N	N	N	A	N	N	
Nursing Homes	N	A	A	A	N	A	N	N	N	N	N	
Personal Care Center	N	A	A	A	N	N	A	N	N	N	N	
Child Care Center	A	A	A	A	A	A	A	A	A	N	N	
Veterinarian Clinics	N	N	N	N	N	N	N	A	A	A	N	
Kennels and Catterys	N	N	N	N	N	N	N	A	N	A	N	
Self-Service Laundry	N	N	N	N	A	A	A	A	N	N	N	
Bed and Breakfasts	A	A	N	A	N	A	A	A	N	N	N	
Motels/Hotels	N	N	N	N	N	N	A	A	A	N	N	
Travel Trailer Parks	N	N	N	N	N	N	N	A	N	N	N	
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	S	
Retail Stores	N	N	N	N	N	A	A	A	A	S	N	
Barber Shop and Beauty Parlors	N	N	N	N	N	A	A	A	A	S	N	

Restaurants	N	N	N	N	N	A	A	A	A	A	N
Bars	N	N	N	N	N	N	A	A	A	A	N
Drive-In Restaurants	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	A	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	S	S	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	A	S	A	N
Light Manufacturing	N	N	N	N	N	N	A	A	A	A	N
Heavy Manufacturing	N	N	N	N	N	N	N	N	N	A	N
Lumberyards	N	N	N	N	N	N	N	A	A	N	N
Transportation Terminals	N	N	N	N	N	N	A	A	N	N	N
Utility Substations	S	S	S	S	S	S	S	S	N	S	S
Armory	N	N	N	N	N	N	N	N	N	N	A
Cemetery	N	N	N	N	N	N	N	N	N	N	A

Government Offices	N	N	N	N	N	A	A	A	N	N	A
Public Recreation Facility	A	A	A	A	N	N	N	N	N	N	A
Medical Marijuana Facility	N	N	N	N	N	N	N	N	A	A	N

1 C.B.D.—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."

2 NC-A single residential unit may be established within a commercial building to allow living space for a business owner.

3 Adult Foster Care Center.
 a. No more than four (4) residents;
 b. Staff member must be on board twenty-four (24) hours a day.

* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. 2030, § 1(Exh. A), 9/17/13)

Sec. 30.41. - Residential density requirements.

Residential density requirements are set out in Table 30.41

Table 30.41						
Residential Density Requirements						
Zoning Classification District						
	Low Densitye R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)

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Min. Lot Area per Dwelling Unit in Square Feet ¹						
One Unit	9,600	3,500	3,500	6,000		3,500
Two Units	N/A	7,000	6,000	12,000		7,000
Three Units	N/A	N/A	7,500	18,000		N/A
Four Units	N/A	N/A	9,000	24,000	N/A	N/A
Five Units	N/A	N/A	10,500	6,000 ft. ²		N/A
Six Units	N/A	N/A	12,000 1,500 ft. ² for each add. unit	for ea. add. unit		N/A
Min. Yard Requirements						
Front	25'	25'	20'	20'	20'	25'
Side	15'	5' or C)	5' or C)	10'	5'	5' or C)
Rear	15'-or-B)	15'-or-B)	15'-or-B)	15'-or-B)	15'	15'
Side adj. to street	15'	10'	10'	10'	10'	10'
Max. Height for all Bldgs.	27'	27'	45'	15'	27'	27'
Off-Street Parking Requirements	2 per <u>one (1) family dwelling unit</u> <u>1 per accessory dwelling</u>	2 per dwelling unit <u>in one (1) family and two (2) family dwellings</u> <u>1 per accessory dwelling</u>	2 per dwelling unit for first 6 units <u>in one (1) family, two (2) family, and multifamily dwellings</u> -and then 1.5 for each additional unit <u>1 per accessory dwelling</u>	<u>2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit</u> <u>2 per dwelling unit for first 6</u>	Refer to Art. V Sec. 30.51	<u>2 per dwelling unit in one (1) family and two (2) family dwellings</u> <u>1 per accessory dwelling</u>

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				units and then 1.5 for each additional unit		per dwelling unit
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In a residential zoning district in which accessory dwellings are permitted the number of accessory dwellings allowed is equivalent to the number of dwelling units allowed on the lot as shown in Table 30.42 above. The total number of dwelling units allowed on any lot is the allowed density of the lot in Table 30.42 above plus the equivalent number of accessory dwellings allowed on the square foot of the residential zoning district allows two dwelling units and two accessory dwellings.

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- A. Accessory Dwelling Units on Mobile Home Subdivisions only
- B. Rear setback in a residential zoning district on this table shall be five feet.
- C. Side setback required for a proposed townhouse development

Ord Ord Ord

Sec. 30.42. - Commercial density requirements.

Commercial density requirements are set out in Table 30.42

Table 30.42					
Commercial Density Requirements					
Zoning Classification District					
	Neighborhood Commercial	Highway Commercial	Industrial	Light Industrial	Central Business District
Min. Lot Requirements in Square Feet	N/A	6,000	6,000	6,000	N/A
Minimum Yard Requirements					
Front	20'	20'	20'	0' with boulevard	N/A
				10' without boulevard	

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Side	0'	0'	0'	10'	N/A
Side Adj. to Street	10'	10'	10'	10'	N/A
Rear	0'	0'	0'	20'	N/A
Maximum Height for all Buildings	27'	45'	N/A	33'	N/A
Parking Requirements	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51
Loading Space Required	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51

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Ordinance

Section A - Accessory dwellings

A. Accessory dwellings are subject to applicable regulations listed in this ordinance but not limited to setbacks, building heights, and building design standards.

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B. Detached accessory dwellings shall not be located in the front yard but may be located in the side or rear yard so long as the required setbacks listed in Table are met.

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C. Accessory dwellings shall not exceed 100 square feet of gross floor area and must be situated in gross floor area than the primary dwelling on the property. An accessory dwelling is attached to another building only if the gross floor area of the accessory dwelling is attached towards the attached gross floor area. Accessory dwellings attached to existing primary dwelling units are not subject to the gross floor area limitations but must be wholly contained within the existing building. Any attached accessory dwelling that increases or modifies the footprint or profile of the primary dwelling unit in any way, whether above or below ground, shall not exceed 100 square feet of gross floor area.

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D. A detached accessory dwelling shall maintain a foot separation measured to the eave/wall of the dwelling unit to another building on site.

Accessory dwellings shall be on the same lot as the primary dwelling.

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Accessory dwellings shall not be subdivided or sold separately from the primary dwelling on the lot. If an accessory dwelling is subdivided from the primary dwelling unit, the accessory dwelling is no longer an accessory dwelling and must meet all density requirements listed in Table prior to use of the accessory dwelling. The property owner must record a deed restriction provided by the City Attorney's Office stating that the accessory dwelling shall not be sold separately from the primary dwelling and provide a copy of the recorded deed restriction to the Department of Building and Planning prior to the issuance of a Certificate of Occupancy. Accessory dwellings may be rented.

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Accessory Dwelling Units are encouraged to be combined with other buildings to reserve open space on the lot.

Sec. 30.443.1. - Bed and breakfasts.

- A "Bed and breakfast" means a commercial business operated in a house which is used partially or primarily for providing overnight accommodations to the public.
- B The purpose of this section is to establish the allowable locations and operations of bed and breakfast facilities.
- C A bed and breakfast shall be allowed in the following zoning districts: Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, Highway Commercial, and the Central Business District (CBD).
- D Reserved.
- E The accommodations for a bed and breakfast shall have no more than five guest rooms. Breakfast shall be the only meal served on the premises and is included in the charge for the room. No other food or beverage served upon the premises.
- F On-street parking shall be provided by a bed and breakfast facilities. There shall be two on-street parking spaces for each guest room. On-street parking shall be required to be used by guests.
- G No bed and breakfast shall be located on a lot closer than two hundred feet in a straight line distance to any other lot containing a bed and breakfast. The owner shall live on the premises.
- H Signs shall be limited to that allowed for other accommodations. There shall be no signs by twenty-four hours non-illuminated signs mounted.
- I Rates shall be charged for single occupancy only. Weekly or monthly rates will not be allowed.
- J A bed and breakfast already in existence at the time of this section's effective date shall have ninety days to conform with the provisions of this section. Existing establishments shall be grandfathered as to the requirements of subsections of this section.
- K Any property receiving a special-use permit for a bed and breakfast shall have ninety days from the date of the final City Commission action to meet any specified conditions and obtain a City business license. A City business license is not obtained in that time period, the special-use permit shall be automatically rescinded as of that date. A license for a bed and breakfast is not renewed within ninety days after January 1 of any calendar year, the special-use permit for that bed and breakfast shall be automatically rescinded.
- L Any application for a bed and breakfast shall be accompanied by a detailed plan drawn to scale showing aspects of the physical layout for the property including the on-street parking provisions.
- M The table of uses table attached is amended to comply with subsections of this section.
 - No sexually oriented business shall be operated or maintained within the corporate limits of the City of Livingston except within the Industrial zone with the further limitation that no sexually oriented business shall be front on Park Street and shall be set back from Bennett Street a minimum distance of two hundred feet. No sexually oriented business shall be operated or maintained within six hundred feet of either a City or County residential zone, a church, an elementary or middle school, a State-licensed day care facilities, public libraries, bars or playgrounds, or another sexually oriented business. The distance limitation in this section shall be measured in a straight line from the main public entrance of said sexually oriented business to the property line of properties in residential zoned districts, churches, elementary or middle schools, State-licensed day care facilities, public libraries, bars or playgrounds, or another sexually oriented business.

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(Ord. 1702, 7/20/92; Ord. 1868, 2/2/98; Ord. 1894, 3/6/2000; Ord. No. 2029, § 2, 4/19/11)

Sec. 30.45. - Uses in the Preservation Zoning District.

Uses in the Preservation Zoning District may be reduced or expanded from the uses allowed in the areas surrounding the Preservation Zoning District. Allowable uses will be set forth in the plan adopted for each Preservation Zoning District.

(Ord. 1954, 5/16/05)

Sec. 30.45.1. - Preservation Zoning District Plan.

The Livingston City Commission shall take a resolution to the City Commission for a Preservation Zoning District plan which shall take into consideration the following:

- A. Definition of the boundaries of each special use zoning district
- B. Identification of the structures and/or natural features which contributed to the creation of the Preservation Zoning District
- C. Identification of the uses and development standards or guidelines intended to preserve the structures and/or natural features which may vary from Preservation Zoning District to Preservation Zoning District but shall take into consideration
 - Setbacks
 - Landscaping standards
 - Signage standards
 - Parking standards
 - A list of uses to be allowed
 - Any other standard that would serve the purpose of preserving historic or architectural structures or natural features in each Preservation Zoning District

(Ord. 1954, 5/16/05)

Sec. 30.46. - Building design standards.

A. This Section provides policies and standards for the design of buildings in the Design Review Overlay Zone. In general, they focus on rooftop buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such, they address only broad scale topics and do not dictate specific architectural styles or building details.

B. Objectives for Building Design

- Achieve High Quality Design Buildings in the overlay zone shall convey a high quality of design in terms of their materials and details as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.
- Retain the Design Traditions of Livingston Buildings shall reflect the design traditions of the region in terms of building and rooftop distinctive roof forms are a key part of this tradition. Steep roofs in gables and shed varieties are historically precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snow and rain at roofs with varied parapet lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale to reduce the impact of building scale on the adjacent property as well as on the neighborhood.

☐☐ **Pro**ote Buidin's t'at it wit' t'e Natu'a Sett'n' Structures s'ab' sited to it wit' t'e land and incor'orate co'ors seen in t'e natu'a sett'n'

☐☐ **Pro**ote Buidin's t'at Re't' Pedestrian S'ae' Hu'an s'ae' s'ab' an inte'ra'art o'a' buidin's. Lar'at' window'ss b'or' buidin's do not re't' t'u' an s'ae' or t'e des'n traditions o' Liv'n'ston' t'u' use o' lands a' n' b'or' buidin' a'teria's and ar'ite'ura' deta's br'n' t'u' an s'ae' to buidin's

C Buidin' and To'ogra'y

☐☐ **Co**l'y' A buidin' s'ab' res'e't t'e natu'a to'ogra'y o' t'e site

☐☐ **Standards** Ste' a buidin' oundation to b'ow t'e s'oe o' t'e site w'en easib' In 'enera' an e'osed buidin' oundation s'ab' not e'eed t'ree 'ee't in 'ei't'

D Buidin' Character'

☐☐ **Co**l'y' Buidin's s'ab' re't' t'e re'iona'urban 'ara'cter'

☐☐ **Guide**line

a) Des'n's t'at draw u'on re'iona' des'n traditions are 're'err'd' Standard'ed "tran'sise" style ar'ite'ure w'be stron'y dis'oura'ed by b'ow'n' t'ese standards

b) T'e 'ri'ary entran'ce to a buidin' s'ab' ave a t'u' an s'ae' 'rovide a one 'story e'ent at t'e buidin' entran'ce to 'e' estab'is' a sense o' s'ae'

☐☐ W'ere no windows or o'er obvious ind'ication e'ists 'e'ress t'e 'osition o' ea' 'oor in t'e e'terna's' n' des'n o' a buidin' to estab'is' a t'u' an s'ae'

i) 'se be' courses or o'er 'ori'onta'ri' bands o' contrast'n' co'or and 'ateria's to de'ine 'oor lines

ii) Arti'uate stru'ura' e'ents 'or 'an'ce 'ateria's as a 'ethod o' de'ine'n' 'oors

d) 'se buidin' 'ateria's t'at 'e' estab'is' a t'u' an s'ae'

i) 'or e'ae' 'e' use bri' n' a standard 'odu'e to e'ress a t'u' an s'ae'

ii) Avoid us'n' 'ar'ce sur'aces o' 'ane'ied 'rodu'cts or 'eature'ess 'ateria's

iii) A 'ar'ce sur'ace o' stu'ob or si'iar 'ateria's t'at 'ae's arti'ua'ion or deta'ln' s'ab' be avoided

e) 'ew 'onstru'ion s'ab' re'te to ad'acent residentia' and 'istori' resour'es. W'ere a new 'ro'e't' abuts a residentia' nei'bor'ood or a 'istori' stru'ure 'ste' t'e buidin' down at t'e 'ro'erty ed'ge to 'ini'ie abru't 'an'ces in s'ae' or in'ease side yards to redu'e t'e i'ca't'

☐☐ **Tri**ary Buidin' 'ntran'ce

☐☐ **Co**l'y' T'e 'ri'ary entran'ce o' a stru'ure s'ab' orient to a street 'a' or sidewa' 'pedestrian way 'a' a 'ourtyard or o'er outdoor 'ub' s'ae'

☐☐ **Standards**

a) Des'n t'e 'ain entran'ce to be 'ear'y ident'iable

i) 'rovide a s'e'erin' e'ent su' as a 'ano'y 'awn'n' 'ar'ade or 'orti'o to si'ni'y t'e 'ri'ary entran'ce to a buidin'

ii) W'ere 'ore t'an one 'user s'ares a stru'ure 'ea' individua' entran'ce s'ab' be ident'ied

b) Orient t'e 'ri'ary entran'ce o' a buidin' to 'ae' a street 'a' or 'pedestrian way

i) 'o' us'n' an entran'ce toward a 'ar' n' ot wit'out a'so address'n' t'e street is ina'ro'iate

- ii) Consider using a "double-fronted" design where the entrance to the building and to the street is required that it provide a door to the street and another to the building lot.
- iii) Consider providing a pedestrian ramp at the entrance that may be enclosed with landscaping and streetscape furnishings.

□□ Street Level Interest

□□ Policy When a building is located close to a street or walkway it shall be designed to provide interest to pedestrians and for other users. Buildings with storefronts are of interest to passersby. Such features encourage pedestrian activity and shall be used whenever feasible. The overall mass of a building shall appear to be in scale with buildings seen traditionally. This will be new structures fit with the Liveston context. At the same time newer structures may be larger than those seen before they shall still be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.

□□ Standards

- a) Develop the street level of a building to provide visual interest to pedestrians. Besides of a building shall include interesting details and materials to avoid presenting a "blank side" to neighboring properties or other side of the street. Sides of restaurants and specialty stores shall incorporate windows and display cases over at least a third of the facade area. A large expanse of blank walls is inappropriate on any street-oriented facade.

□□ Building Mass and Scale

□□ Policy A building shall appear to have a "human scale." In general this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions as noted throughout this Charter. Scale details visible to pedestrians.

□□ Standards In order to reduce building scale effects on a building project shall provide a window.

- a) Divide a building into visual modules that express dimensions of structures seen traditionally.

□□ Building scale may affect the window design techniques.

- A) Can be a material or color with building module to reduce the perceived mass.
- B) Can be the height of a wall or building module.
- C) Can be roof or to help express the different modules of the building mass and
- D) Can be the arrangement of windows and other facade articulation features such as columns or structural that divide large wall planes into smaller components.

- ii) Express facade components in ways that will help to establish a human scale details oriented towards pedestrians.

- A) Establish a pattern and rhythm on exterior walls to establish a human scale.
- B) Windows, doors and other architectural treatments used repetitively can create this effect.
- C) Small windows and doors that are similar in scale to those seen traditionally also can help establish a human scale.
- D) Also recess these elements even slightly and articulate them with leaders, sills, columns and/or pilasters.

H) Roof

□□ Policy The primary roof of a structure shall reduce the perceived scale of the building for that reason. In roof shall be used in most contexts. These also will be the building fit into the mountain backdrop. Varied roofs in the appropriate context are also encouraged.

Standards

- a. Varying roof pitches to reduce the perceived scale of a building is encouraged
 - i. Varying roof pitches is encouraged
 - ii. Providing variety in ridge line height is encouraged
- b. All roof pitches shall have no less than two of the following features
 - i. A flat roof with parapet
 - ii. A cornice or eave to define the top of a parapet
 - iii. Overhanging eaves
 - iv. Solid roof with a finished flat surface
 - v. Multiple roof planes

Signage

City Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development it will be important within this overlay zone to see signage as unobtrusive as possible

Standards

- a. Free standing and permanent signs will be constructed of materials and contain details which at the building being advertised
 - i. Use brickwood or stone facades on signage structures to help them blend into and at the site
 - ii. Signage architectural details of the building such as doors, features and geometric forms in design of sign structures
- b. Signs that detract from the site design of a development shall be avoided. The use of internally backlit signs will not be allowed. Signage or other lighting methods shall be approved

Design Standards Administration: The building design standards and review procedures contained herein shall apply to a nonresidential property annexed into the City and within the Gateway Overlay Zone in District 10. It has been adopted and amended to the City's Growth Policy. These design standards will be applied through the use of an overlay zone that will add the provisions of this Section to the underlying zoning designation. Within the Design Review Overlay Zone a new construction, exterior remodels and additions to existing buildings will be subject to the review process.

Application: A completed application for a sign with a site plan and other detailed drawings including but not limited to building elevations indicating exterior materials, doors and necessary architectural details required to determine compliance with this Section shall be submitted to the Planning Department along with the required application fee. Once accepted by the Planning Department the applicant will be notified as to whether or not the plans submitted comply with adopted City standards. This notification will occur as soon as the review is completed but in any case shall not be later than thirty (30) days from the date the application was accepted by the Planning Department. Failure of the City to complete a review and notify the applicant within the allotted thirty (30) day period will constitute approval of the application.

If a plan is rejected for non-compliance it will be returned to the applicant with an explanation as to how the plan fails to comply with City standards and/or this Section. The applicant will then be allowed to resubmit the application with no additional application fee provided the City receives the revised application within sixty (60) days from the original rejection.

Review Fees: The fee for design review shall be established by separate resolution.

(Ord. 1974, 9/5/07)

Article V. - Supplementary General Requirements

Sec. 30.50. - Signs.

A. Intent The intent of this Section is to provide standards for erection, design and placement of signs and sign structures. Design standards are established to achieve the proper relationships of signs to their environment, enhance the outward appearance of the community as a whole, ensure pedestrian and vehicular safety, preserve the historic assets of the City of Livingston and promote the conservation of energy by regulating illuminated signs.

B. Definitions

- "Activated sign" means a sign with a motion picture or intermittent lights and/or other means requiring electrical, electronic or manually actuated sources of activation but not including wind activated elements such as flags and banners.
- "Awning signs" means a sign which is an integral part of a window awning assembly to include the printing or painting of words onto awning material.
- "Billboard signs" means any standard outdoor advertising sign larger than two hundred square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located.
- "Free standing signs" means a sign which is supported by one or more posts, brackets or braces and is permanently fixed in the ground.
- "Monument sign" means a sign, single or double sided, mounted with the surface of the grade upon which sets the business, industry or other commercial enterprise which the sign advertises. A monument sign must be landscaped with grass, shrubs or other plants or other landscape material in an area not less than three feet surrounding such sign in all directions.
- "Revolving sign" means a sign which revolves three hundred sixty degrees.
- "Menu board" means a sign specifically designed to advise customers of the menu of food available in the establishment by which the menu board is owned.
- "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.
- "Marquee sign" means a specific type of reader board but restricted to use by active movie theaters.
- "Temporary sign" means a sign made of paper or some other flammable material advertising a short-term event. Temporary signs are not subject to inclusion in a business sign square footage measure. Temporary signs shall be removed within twenty-four hours after the conclusion of the advertised event.
- "Projection sign" means a sign installed on the facade of a building which is attached to such building in a perpendicular manner or at an angle to the building wall.
- "Sandwich board sign" means a sign painted on both sides of two boards fastened together at the top with a hinged device designed to be placed on the sidewalk area in front of an establishment.
- "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, including but not limited to signs described in subsections B through H of this Section, for the purpose of determining number of signs. A sign will be considered to be a single display device with not more than two display surfaces back to back or display device containing elements or panels created and enclosed to form a unit for purposes of the square footage of a sign which enjoys back to back display.

surfaces will only be considered as the square footage of one inside or flat sign. Where matter is displayed in a random manner without organized relations of elements or where there is reasonable doubt about the relations of elements, each element will be considered a separate sign.

- Square footage. The square footage of a sign shall be measured as the product of the total linear foot measure multiplied by the total height measure. The linear measure of the sign shall be attained by measuring from the least elevated to the sign continuously measured to the rightmost elevated to the sign. Any continuous materials shall be part of the measure.
- "Actual business premises" means the owned or leased real property to which the primary business is actively transacted.
- "Outdoor signs" means a sign located on property other than the actual business premises.
- "Banner signs" means a strip of rotatable or other material displaying advertising or other information.
- "Portable sign" means any sign designed to be easily moved or transported whether by carrying by mounted wheels by trailer or otherwise.
- "Voluntary modification" means any modification to an existing sign which results in a continuous business or personal use. This may include a change in corporate or other ownership or for any other change which would require the replacement of existing signs. It does not include the replacement or repair of signs with new identification as part of normal maintenance or due to damage by wind, fire or other hazard.

C. General

- Not in this Section shall be interpreted as prohibiting or restricting signs as are required by law. This includes notices and advertisements prescribed by law or posted by any law or order or agent.
- Any sign which is readily visible from the public right-of-way in an exterior window of a building whether on the exterior or interior side of the window shall be regulated by the provisions of this Section. Temporary signs are excluded, however, no sign taller than the sign shall exceed six square feet in size and the total area of temporary signs shall not exceed fifty percent of the transparency of the window in which they are visible.
- Signs as permitted by this Section shall be maintained by the owner and kept in good repair and shall be painted and repaired at reasonable intervals. The surface of the ground under and about any sign shall be kept clear of weeds, rubbish, and flammable waste materials.
- Signs shall be designed and constructed in accordance with the Minor Sign Code.
- A permit must be obtained from the Building Official by the person who is erecting the sign prior to the construction of any sign except for those signs listed in subsection of this Section.
- Signs not in use by reason of change of occupancy or use by vacation of the building shall be removed within thirty days unless arranged by the owner of the sign or the owner of the property. The City has the option of removing a sign at the end of the thirty day period after fifteen days written notice by certified mail to the owner and upon removal of the structures or removal shall constitute a permanent lien against the real property enforceable pursuant to State law.
- Existing signs that have been constructed pursuant to City sign permits and variances through the ordinance of the ordinance codified in this Section Ordinance effective date October 1, 2011 shall be grandfathered and do not have to conform as to the permitted signs or prohibited signs subsections of this Section. Other provisions of this Section shall apply to existing signs grandfathered signs which are voluntarily modified must meet the requirements of this Section. Signs which have previously been granted variances may continue to exist within the parameters of those variances.

- The Building Official shall be responsible for the enforcement of this sign ordinance.
- All buildings with more than one business occupant must submit to the Board of Adjustments a master sign plan which identifies the number and location of all potential signs on the property before any sign permit may be issued for properties located in the Downtown Historic District. This master plan will be submitted to the Historic Preservation Commission. Any deviation from an approved master plan must be approved by the appropriate body prior to permit issuance.
- All residential or multifamily buildings will not be issued any new sign permits until a master plan is approved by the appropriate body.
- Any sign variance issued to multifamily property shall constitute an amendment to that property's sign master plan.
- All signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay Ordinance.

D Prohibited Signs

- No animated signs shall be erected in any zoning district except time and temperature signs which may be erected in the Central Business District only and existing illuminated signs in the Downtown Historic Preservation District which shall be allowed to remain in place over, revolve, rotate, spin, flip, or vary in intensity or color however such lights must be turned off when the business is closed.
- No revolving sign may be permitted in any district.
- No billboard sign shall be erected in any zoning district.
- In the Central Business District, no neon banner signs are allowed.
- Visibility at Corners, Aways and Driveway Approaches. On the street side of lots where an alley or driveway enters the street right-of-way and on all corner lots a triangular clear vision cone shall be maintained. The cone shall measure ten feet into the lot as measured from the edge of the sidewalk nearest the property line and twenty feet parallel to the street as measured from the edge of any alley, driveway or street corner along the edge of the sidewalk nearest the property line. No structure of any kind over three feet in height shall be erected or maintained within the above defined clear vision cone. No sidewalk exists at the point of reference for a measurement shall be determined by the Building Official.
- Notwithstanding any other provisions contained in this Section, no free standing sign shall be erected or maintained upon any structure, chimney, radio tower, water tower, radio aerial, or television antenna.
- No sign shall be erected on any property without the express permission of the occupant, owner, lessee or any authorized agent thereof.
- No sign shall be erected in such a manner that a portion of the sign or their supports are attached to or interfere with the free use of any fire escape, exit or standpipe or obstruct any required stairway, door, ventilator or window.
- No sign shall be attached to any tree.
- Menu boards are not permitted on any property other than that occupied by a restaurant type business.
- Portable and/or trailer mounted signs shall be allowed.
- No sign not in conformance with this Code shall be allowed.
- Signs permitted in All Districts Without a Permit. The following signs are permitted in all zoning districts and will not require a permit.
 - Signs advertising the sale, lease or rental of the premises upon which the sign is located which do not exceed twelve square feet in area located in a residential district where the area of

the sign shall not be more than six square feet. Only two such signs shall be allowed on any one property.

- Signs bearing only property numbers, cost book numbers, names of occupants, addresses or other identification addresses not having commercial promotion.
- Signs and insignia of the Government when displayed in connection with commercial promotion.
- Legal notices, identification information or directional signs erected or required by governmental bodies.
- Intracreative or architectural features of buildings, street letters, trade marks, signs, signs, signs or signs.
- Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- Detailed bulletin boards for churches, schools or other public religious or educational institutions provided such sign is located not less than ten feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections.
- Construction information signs, provided the signs are removed immediately following completion of construction.
- Non-illuminated commercial signs on any residence which is the site of a commercial operation in accordance with Section 10-10-010. Such signs shall not exceed two square feet.
- Signs advertising a candidate for political office. Such signs shall not exceed sixteen square feet and shall be removed within seven days after any election.
- Signs advertising yard sale and the like. Such signs shall not exceed two square feet and must be removed by the owner within forty-eight hours of the completion of the sale.
- Signs in Residential District. Within a residential district, only the following signs shall be permitted:
 - Signs listed in subsection (a) of this Section which do not require a permit and
 - Signs advertising a permitted or existing commercial use within a residential district. Such signs require a permit from the Building Official and shall be permitted only under the following conditions:
 - a. Only one commercial sign will be allowed for each business.
 - b. The maximum allowable size for each sign shall be twelve square feet.
 - Illuminated signs shall be illuminated only as long as the advertised business is open.
 - d. No sign shall be erected or placed closer than five feet to the lot line adjacent to the street.
- Signs in Commercial and Industrial Districts Requiring a Permit:
 - Setback, free standing and monument signs shall be located a minimum of five feet inside a private property lines.
 - Lighting. All lighting shall comply with the requirements of Ordinance 10-10-010 and only referred to as the City Protection Ordinance. In no event shall any illuminated sign or lighting device be placed or directed so the beams constitute a traffic hazard or nuisance. All wiring, fitting and materials used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electrical Code.
 - Number of Signs. In Commercial and Industrial Districts, the use is limited to two wall signs. In addition, one monument sign or one free standing sign is permitted for each building regardless of the number of businesses or industrial uses conducted in any one building.

- City Code Enforcement Officer shall issue a notice of violation in person to the offending property owner/business owner or agent as the case may be specifying the violation and steps necessary for correction. If the violation is not brought into compliance within fifteen (15) working days from the personal delivery of the notice of violation, the City shall file a civil complaint against the offending person for failure to provide the written notice identified herein shall not preclude the filing of a civil complaint in City Court.**
- Violation and Civil Penalty. It shall be a civil infraction for any person to violate any provision of this Section. Any violation of any provision of this Section is a civil infraction punishable by a civil fine not to exceed Three Hundred Dollars (\$300.00).**

(Ord. 1738, 3/2/93; Ord. 1749, 9/20/93; Ord. 1819, 10/16/95; Ord. 1820, 10/16/95; Ord. 1860, 6/16/97; Ord. 1873, 5/18/98; Ord. 1883, 2/1/99; Ord. 1975, 9/5/06)

Sec. 30.51. - Off street parking and loading zones.

- A **General. Off street parking shall have a net area of not less than one hundred (100) square feet exclusive of driveways or aisles and shall be of usable space and condition.**
- B **Location. Off street parking facilities shall be located as hereafter specified any distance specified shall be in within distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve.**
 - For one family and two family and a cessory dwellings. Off street parking is required on the same lot or an adjoining lot with the building they are required to serve.**
 - For multiple dwellings and townhouses. Off street parking is required within a within distance of one hundred (100) feet.**
 - For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, hospices for the aged, day care centers, retirement homes, schools, and boarding houses. Off street parking is required within six hundred (600) feet.**
 - For uses other than those specified above. Off street parking within five hundred (500) feet is required.**
- C **Expansion or Enlargement. Whenever any building is enlarged in floor area by more than ten (10) percent, off street parking shall be provided for the expansion or enlargement portion only in accordance with the requirements of this article. Notwithstanding in this provision shall be construed to require off street parking spaces for the portion of such building previously existing before enlargements or for existing buildings that under a plan are in use.**
- D **Non-Conforming Use. Voluntary establishment of off street parking or loading facilities to serve any existing use and or buildings even though non-conforming is allowed and encouraged.**
- Mixed Conditions. In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off street parking facilities for one use shall not be considered as a substitute or joint use.**
- Use Not Specified. In the case of a use not specifically mentioned in a code, the requirements for off street parking facilities shall be determined by the City Superintendent or his authorized representative. Such determination shall be based upon the requirements for the most comparable use listed.**
- Joint Use. The Building Official or his authorized representative may authorize the joint use of parking facilities for the following uses or activities under conditions specified.**
 - to fully percent of the parking facilities required for primary "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses may be satisfied by certain other types of buildings or uses herein referred to as "day time" uses such as banks, offices, retail, personal service stores, food, furniture, and furniture or wholesales and related uses.**

Service stations and drive-in restaurants.	One per 80 sq. ft. gross floor area, with 10 spaces minimum requirement.
Residential, single-family.	2 per dwelling unit.
Residential, duplex or multi-family.	2 per dwelling unit for first 4 dwelling units, then 1.5 for each dwelling unit thereafter.
Boarding houses and similar uses.	One per dwelling unit or lodging unit.
Convalescent homes, nursing homes, rest homes	One per 6 beds plus one per each staff member on duty on a maximum shift.
Warehouses, storage and wholesale business and freight terminals.	10 spaces for the first 20,000 square feet of gross floor area* and one space for each additional 10,000 square feet.
Food or beverage places with sale and consumption on premises.	One per 100 sq. ft. of gross floor area for the first 4,000 sq. ft. with 10 spaces minimum requirement and one space for each additional 300 square feet.
Furniture, appliance, hardware, clothing, shoe, personal-service stores.	One per 600 square feet of gross floor space.
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and service.	One per 1,000 sq. ft. of gross floor area plus one per three employees.
Retail stores or service businesses not otherwise named.	One per 500 square feet of gross floor area.
Retirement homes, housing projects for senior citizens.	1-6 dwelling units 0.5 per dwelling unit; 7-18 dwelling units 0.33 per dwelling unit; over 18 dwelling units 0.25 per dwelling unit; minimum of 5 spaces.
Motels, hotels and motor courts.	One per sleeping room.
Hospitals and institutions.	One per 3 beds plus one per 3 employees.
Theaters.	One per 10 seats.

Churches, auditoriums and similar open assemblies.	One per 5 seats or one per 100 linear inches of pew or one per 65 sq. ft. of gross floor area used for assembly purposes, whichever is greater.
Stadiums, sport arenas and similar open assemblies.	One per 8 fixed seats plus one per 100 sq. ft. of assembly space without fixed seats.
*In calculating minimum required parking, gross floor area shall not be the total built up area of all floors, excluding include car ports and garage areas.	

- Traffic Control Devices - Traffic control devices such as parking stripes designating stalls, directional arrows, raised curbs and other developments shall be installed and painted as shown on the approved plans. Hard surfaced parking areas shall use paint to delineate stalls and directional arrows.
- L Screening Required - Screening in the form of walls, earthen berms or dense coniferous hedges shall be required where the parking lot is a lot on boundary with any residential zoned property. Such screening shall be located no closer than three feet to the property line and shall be properly maintained.
- M Lighting Restrictions - Lighting in areas to be provided for on-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic and where the lot joins any residential zoned property the lighting devices shall be so sited and directed to lay away from residentially zoned property.
- Maintenance - Maintenance of areas provided for on-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, repair and maintenance of drains and repair of traffic control devices, signs, street standards, benches, walls, surfacing, curbs and railings.
- O On-Street Loading Warehouse and Warehouse - On-street loading space for warehouse, warehouse storage and similar facilities shall be determined by the Building Official or his authorized representative.
- On-Street Loading Retail and Commercial - In any building or part thereof having a gross floor area of 10,000 square feet or more, it is to be occupied by a use requiring the receipt or distribution by vehicles of materials or merchandise. There shall be provided and maintained on the same lot with such building at least one on-street loading space plus one additional loading space for each 10,000 square feet or a fraction thereof. Twenty feet in width, thirty-five feet in length and fourteen feet in height.

Sec. 30.52. - Fences and hedges.

- A Heights - Fences and hedges may be erected or maintained in any residential zoning district provided that no fence, wall or hedge over four feet in height shall be erected or maintained in any front yard or the side yard extending from the foremost edge of the house to the point where the side yard line intersects the front lot line. Fences and walls located along side yards from the foremost edge of the house to the rear lot line or rear yard and along the rear lot line shall not exceed a height of six feet.

Height for the purpose of this section shall be defined as the vertical distance from the top rail, board, wire or top edge to the ground directly below.

B Visibility at Alley and Private Drive Approaches On the street side of lots where an alley or driveway enters the street right-of-way a triangular clear vision cone shall be maintained. Said cone shall measure ten feet into the lot as measured from the edge of the sidewalk nearest the property line and twenty feet parallel to the street measured from the edge of any alley or driveway on the edge of the sidewalk nearest the property line on entranceways or scrub over trees feet in height shall be erected or maintained within the above defined clear vision cone. No sidewalk exists the point of reference for a measurements shall be determined by the Building Official.

Regardless of other provisions of this section no fences walls or edifice shall be erected or maintained in any yard which materially impedes vision of vehicles entering an abutting street.

C Prohibited Fences No electric fences shall be permitted in any zoning district no barbed wire fence shall be permitted in any residential zoning district.

D Prohibited Locations No entranceways or edifice shall be erected or maintained in a public street or right-of-way.

E Prohibited Materials All fences shall be constructed from approved fencing materials and shall not be constructed from railroad ties rubble or salvage.

Sec. 30.53. - Animals.

Prohibited Animals No livestock or fow as defined in Article II of this ordinance may be kept or maintained in any zoning district in the city except for licensed veterinarian services and except for those kept pursuant to permit obtained pursuant to Section 30.54 of the official Sanitarian.

Sec. 30.54. - Motor vehicles or parts.

Abandonable Motor Vehicles or any parts thereof parked or stored in the open on any property for a period exceeding five days will not be allowed and will be deemed a public nuisance. Any vehicle that is found to be abandoned will be removed in accordance with the Livingston City Ordinances.

Sec. 30.55. - Home occupations.

A General

- It is the intent of this ordinance to permit home occupations that meet the following criteria in any residential district other than those occupations exempt from these criteria which are allowed on or in home occupations shall meet the criteria within one year from the effective date of this ordinance.
- The purpose of this ordinance is to protect the residential character of the neighborhoods in Livingston. It is to ensure that the home occupations which are allowed to operate will not pose any burdens on the neighboring landowners.

B Definitions

- A home occupation is defined as any business or commercial activity that is conducted or conditioned to be conducted on a property which is zoned for residential use and which meets the conditions set forth in Section 30.53C and Section 30.53D. However, a medical marijuana facility is hereby specifically excluded from consideration as a home occupation.
- A home occupation permit is a permit issued for a home occupation that is authorized by Section 30.53E without hearing.
- A home occupation conditional use permit is a permit authorized by the City Board of Adjustment only after a public hearing by the Board.

C Criteria Home occupations must fit a home occupation criteria.

- No person shall be employed other than the residents of said dwelling.

- The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property
- The floor area devoted to the occupation shall not exceed fifteen percent of the total floor area of the dwelling or an accessory building on the property
- The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, odors, fumes, or operation, traffic or electrical interference. The above shall not be detectable by normal sensory perception beyond the dwelling or an accessory building in which the business is located
- Direct sales of products or displays of wares or raw materials is not allowed but a person may display an order which was placed earlier by telephone or at a sales party
- There shall be no signs erected other than those allowed by this ordinance in residential districts
- A minimum of one on-street parking space for each business related vehicle shall be provided on the property and a parking space shall meet minimum standards for on-street parking established elsewhere in this code
- Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area
- There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling or for the permitted sign
- Outdoor storage of materials for the home occupation is prohibited
- No toxic, flammable, hazardous or explosive industrial substances shall be used or stored on the premises unless registered with the Louisiana Emergency Planning Committee. Said premises shall be subject to regular fire inspections
- No home occupation shall be permitted without the prior issuance of a home occupation permit or home occupation conditional use permit

D. Enforcement

- The permit shall be valid only for the proposed business as operated by the applicant. The permit shall be nontransferable either to another property or to another owner or operator. It may be revoked upon sufficient showing that a permit holder is violating the terms of the permit
- The business shall be subject to regular inspections by the City Fire Marshal and/or the City Building Inspector. The inspections shall be done during regular business hours
- The Building Official shall be responsible for enforcing this section of this ordinance and shall report any violations to the Livingston City Attorney
- Compliance: It is the intent of this subsection to provide the Building Official with the means to enforce the Home Occupation section of this ordinance
- Businesses shall be divided into two categories based on the extent to which they will have on the residential neighborhood they are proposed for
 - a. A Major Home Occupation is one which can be expected to have some impact on the neighborhood it is proposed for. It is one which has some visible evidence of the occupation and shall maintain a schedule both the residential and business related parking needs on the property. Additional characteristics include
 - The business may have a sign
 - The business may create some additional traffic or deliveries and customers
 - b. A Minor Home Occupation is one which has no visible exterior evidence of the conduct of the occupation which does not generate additional traffic and in which no equipment other

than that normally used in household domestic or general office use. Additional characteristics may include:

- ☐ The business shall not have a sign.
- ☐ No use of materials or equipment not recognized as being part of the normal activities of owning and maintaining a residence shall be allowed.
- ☐ No hazardous, flammable, explosive or toxic industrial substances may be used in a minor home occupation.

☐ A Home Occupations in existence at the time of the adoption of this Ordinance and a new home occupations within the criteria of a minor home occupation shall be required to get a Home Occupations permit.

- a) The purpose of the Home Occupations permit is to ensure compliance with this section of the Ordinance.
- b) The Home Occupations permit may be issued by the Building Inspector upon application by the owner of a Home Occupations.
- ☐ The application shall be accompanied by a floor plan for the residence with the area to be used for the business clearly marked.
- d) The application shall be accompanied with a fee of twenty dollars (\$20.00) to cover processing.

☐ A New Major Home Occupations shall be required to be reviewed by the City Board of Adjustment for a Home Occupations Conditional use permit.

- a) The Home Occupations Conditional use permit process shall be initiated by an application to the City Council Administrator.
- b) The Council Administrator shall review the application for completeness and prepare it for review by the City Board of Adjustment.
- ☐ The Council Administrator shall schedule a public hearing and advertise it two (2) weeks beginning at least fifteen (15) and not more than thirty (30) days prior to the public hearing date.
- d) The Council Administrator shall notify the adjoining landowners within three hundred (300) feet of the proposed Home Occupations location on the proposed business and the date of the public hearing by mail at least fifteen (15) days prior to the date of the public hearing. The request shall be posted on the property at least ten (10) days prior to the public hearing.
- e) The City Board of Adjustment shall conduct the public hearing and decide on the application.
- ☐ The City Board of Adjustment shall have the power to require any mitigation measures it deems necessary to protect the public health, safety and welfare.
- ☐ The Staff Review shall have a fee of fifty dollars (\$50.00).

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

A) Residential Mobile Homes. Mobile homes are permitted in approved mobile home (RMO) lots and R11 MH districts only. No mobile homes shall be placed in other council districts except those specified in Section 30.56B.

Any mobile home or replacement of any existing mobile home moved onto a site in one of the approved council districts must contain a minimum of one hundred (100) square feet and must meet all of the following requirements before a Certificate of Occupancy can be issued by the Building Official.

- A All oblique corners must be completely skirted
- B All oblique corners must be securely anchored at all four corners
- C The running gear must be removed
- D The tongue must be removed
- All oblique corners must be placed on a permanent foundation or the purpose of this part a permanent foundation means a foundation system which has been designed and certified by a professional engineer or architect or which has been specified by the oblique corner manufacturer
- B Corner cases mobile homes shall not be utilized for any other purpose other than an on premises office in connection with a mobile home sales business or as a temporary job space located on a construction site. Such job space must be removed within ten (10) days after completion of construction

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

- A Manufactured homes are permitted in a residential zoning district. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand (1000) square feet
- B All manufactured homes must be placed on a permanent foundation or the purpose of this part a permanent foundation means a standard footings foundation built to frost depth with or without a basement

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

Whenever a commercial building is permitted in a residential district either as a matter of right or by special use permit that building must meet the density requirements of the residential zone in which it is located. The lot or the street carline requirements of the minimum street carline requirement will be established by the Building Official in accordance with Section 30.57.

Sec. 30.58. - Townhouses.

- A Townhouses are permitted in RII, RII-MH and RIII districts on any
- B A townhouse development must comply with the density and setback requirements set forth in Table 30.58 of the street carline requirements found in Section 30.58 and a lot area applicable regulations

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

- A Purpose: The purpose of the ordinance codified in this section is to set forth minimum landscaping requirements for new or altered commercial, industrial, R-III and RMO zones in order to minimize the visual impact on public rights-of-way and incompatible uses in said zones and adjacent or abutting R-I or R-II zones as well as establish minimum buffering requirements between new or altered commercial, industrial, R-III and RMO zones and existing incompatible uses and abutting or adjacent R-I or R-II zones and to lessen the impact of traffic

- B Definitions for the purposes of this section the following definitions shall apply
 - "Ornamental tree" means any variety of tree which is not expected at maturity to reach a height of fifteen feet nor be a substantial provider of shade
 - "Shade tree" means any variety of tree which is expected at maturity to be in excess of twenty five feet in height and sufficiently grown for to provide substantial shade benefits
 - "DBH" means diameter at breast height
- C Prohibition of and shall be used or occupied and no structure shall be designed hereafter used or occupied or altered where a building there it is required nor shall any variance or special exception be granted there in conformity with the regulations established in this section
- D General Landscaping Requirements Landscaping shall be required as follows
 - Carving or Storage Areas Screening in the form of trees, hedges or other vegetation shall be required between commercial industrial and utility carving and/or storage areas and any curb or right-of-way. Such screening shall be entirely on private property shall be a minimum of four feet in height and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 10.04 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City
 - Requirements for the Interior of Carving Areas
 - a Option for carving areas will be designed so that carving rows will consist of not more than ten automatics. Any carving area which has a capacity of twenty or more automatics will be required to provide landscaped islands between carving rows. The islands will be at least five feet wide and shall consist of vegetation or other landscaped treatment as well as a minimum of one shade tree per every ten carving spaces or portion thereof. The islands will be separated from the carving surface by a curb of at least six inches in height
 - b Option in the alternative where carving rows are to consist of more than ten carving spaces landscaped islands will be provided in accordance with an approved landscape plan. The plan will provide for landscaped area equal to a minimum of five percent of the gross carving space area of the carving space of 100 square feet. Landscaping requirements of 100 or more number of spaces. When using this option at least two islands will be required and each island must be a minimum side of fifty square feet. Each island will contain vegetation or other landscaped treatment as well as a minimum of one shade tree per every ten carving spaces or portion thereof
 - Buffering Required Between Different Land Uses Where commercial industrial utility or office commercial uses abut or are adjacent to lower density residential uses or zones either directly or when separated by an alley or street right-of-way or other natural or manmade structure the commercial industrial utility or office commercial use will provide a landscaped buffer zone screening itself from the lower density residential use
 - a Buffer zone The buffer zone shall be a minimum of five feet in width with an additional five feet required for each story of the commercial industrial or utility use above one story not to exceed twenty five feet in width
 - b Screening Screening shall be installed within the buffer zone which shall consist of vegetation or vegetation and a combination of berms fencing or masonry walls to a minimum height of six feet in a manner which does not create a safety hazard for vehicular or pedestrian movement or interfere with the requirements of Section 10.04B of the Livingston Municipal Code
 - Shade Trees In addition a minimum of one shade tree within each two hundred fifty square feet of buffer zone shall be required. Shade trees required hereunder shall be a minimum of two and one inches in diameter DBH in size at the time of planting

- Purpose of Limitation Restrictions The main requirement of this section is to direct the applicant to direct the sign onto the property to which it originates. This section does not apply to street signs provided by a governmental agency.
- Car Wash or Storage Area In any area required to buffer itself from adjacent land uses, the exterior signs shall be limited in height to no more than sixteen feet and will be required to be a design which directs sight downward through the use of a directional shade.
- Signs and Decorative Limitations In commercial and industrial areas adjacent to any land use to which it must be buffered, the following limitations shall apply:
 - a. Internally Illuminated Signs Internally illuminated signs shall not exceed sixteen feet in height. Internally illuminated canopies or structures are prohibited. Alternately, signs with signs canopies or canopies may be approved at standard heights if they will not adversely affect neighboring property and no determination rests with the discretion of the City Planning Office subject to a plea to the Board of Adjustment.
- Penalty A violation of this section is a misdemeanor punishable by fine not to exceed five hundred dollars per day that a violation is allowed to continue shall be deemed a separate and punishable offense.

(Ord. 1852, 4/21/97)

Sec. 30.59.1. - Wind powered generators.

A. Definitions

- "Wind powered generator" or "WPG" means any device such as a wind tower, wind turbine and associated facilities including the support structure of the system such as a tower that converts wind energy to electrical energy which has been certified to conform to applicable industry standards by a nationally recognized certifying organization such as Underwriters Laboratories or similar certifying organization.
- "Wind powered generator height" means the height of a freestanding WPG shall be measured from the ground level to the highest point on the WPG including the vertical extent of any extensions of the WPG such as the blade.
- "Tower" as used herein includes the support structure and all components of the WPG.

B. Section Application Wind powered generators WPG as defined herein are permitted upon the issuance of a Section Application permit within any zone provided the following standards and any related conditions imposed by the Board of Adjustment are satisfied. WPG or modification thereto shall be constructed within the City of Livingston unless a permit has been issued by the City.

- The permit application shall be accompanied with a non-refundable fee in the amount of one hundred dollars.
- The permit application shall contain a narrative describing the proposed project, the project location, the approximate generating capacity of the facility, a site plan and a photograph of the site type of wind powered generator being proposed and whether the system will be standard or interconnected to a public utility under the provisions of Montana Code Annotated.

C. Maximum Height The maximum height of a freestanding WPG on any parcel or combination of parcels hereinafter having a total square footage of one acre or less is limited to sixty feet in height. The maximum height of a freestanding WPG on any parcel or combination of parcels hereinafter having a total square footage of one acre or more is limited to one hundred feet in height.

- The Board of Adjustment may increase the height of freestanding WPG provided that in the residential and commercial districts such increase shall not exceed the maximum height by more than fifty percent. The applicant shall demonstrate to the Board of Adjustment's satisfaction.

that the surrounding topography, structures, vegetation and other factors make a tower that does not fit with the aesthetic restrictions in practice.

□□ Notwithstanding the aesthetic limitations of the zoning district, building-mounted WPP shall be permitted in a zoning district subject to approval by the Board of Adjustments and shall comply with the following standards:

- a□ Building-mounted WPP shall not exceed fifteen feet in height.
- b□ Building-mounted WPP shall be prohibited on residential structures less than four stories and forty-two feet in height.
- On nonresidential buildings less than four stories and forty-two feet in height, building-mounted WPP shall be setback at least ten feet from the front side and rear exterior walls of the structure on which it will be mounted.
- d□ Building-mounted WPP shall be installed on the top story.
- e□ The structure upon which the proposed WPP is to be mounted shall have the structural integrity to carry the weight and wind loads of the WPP and have minimal vibration impacts on the structure as determined by a structural engineer.

□□ Mini-Umound Clearance: The blade tip of any WPP shall at its lowest point have a ground clearance of no less than fifteen feet.

D□ Mini-Umound Setback: Mini-Umound setbacks from any property line shall be one hundred percent of the total tower height as defined herein and no guy wire may extend more than thirty feet from any property line to a part of the wind generator structure or across any part of a public right-of-way.

□□ Noise Standard: Shadow Flicker and Signal Interference

□□ Any noise produced by a WPP permitted under this Section shall be less than sixty db as measured from the closest neighboring occupied building and it is incumbent upon the applicant to demonstrate compliance prior to the issuance of any permits by the Board of Adjustments.

□□ The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building not on the property upon which the WPP is located.

□□ The applicant shall make reasonable efforts to avoid any disruption or loss of radio telephone television or similar signals and shall mitigate any harm caused by the wind-powered generators.

□□ Design Requirement and Warning: A WPP installation other than signal towers shall be enclosed by a fence with openings or incorporate other effective measures to discourage unauthorized climbing of the tower. Towers shall not be fabricated to fifteen feet above ground surface. A visible warning sign concerning voltage must be placed at the base of all towers. Reflective and brightly colored tubings shall be placed on guy wires up to a height of ten feet from the ground.

□□ Control and Brakes: A wind-powered generator shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls including variable pitch and other similar systems and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

H□ Liability Insurance: Construction Case: There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one million dollars per occurrence and one million dollars in the aggregate. Certificates of insurance shall be filed with the City of Livingston who will also be named as an additional insured.

I□ Aesthetic: WPP colors shall be neutral, subdued tones such as earth tones or green or brown. Ray-including darkening or vanishing rays is also acceptable if constructed on top of structure and visible from the ground. The WPP colors shall be a shade of sky blue. WPP shall not be finished in bright or vivid colors intended to draw attention to the structure or property. WPP shall not be illuminated by artificial means unless required by the Federal Aviation Administration or other federal, state or local law.

ordinances into compliance with the terms of this ordinance within one year after the adoption of this ordinance and therefore the terms of this section shall not apply in those instances.

Sec. 30.61. - Non-conforming lots of record.

In any district the authorized uses may be continued on any single lot of record at the effective date of adoption or amendment of this ordinance even though such lots fail to meet the requirements for area or width or both that are generally applicable in the district and provided that yard dimensions for the district can be met. Such lots must be in separate ownership and not continuous frontage with other lots in the same ownership. Variances of yard requirements shall be obtained only through action of the Board of Adjustment.

Two or more lots or combination of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if any of the lots do not meet the requirements established for lot width and area the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcels shall be used or sold in a manner which divides compliance with lot width and area requirements established by this ordinance nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Sec. 30.62. - Non-conforming uses of land and structure.

Where at the time of passage of this ordinance a lawful use and or a structure exists which would not be permitted by the regulations imposed by this ordinance the use may be continued where it remains otherwise lawful provided:

- No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area and or structure than was occupied at the effective date of adoption or amendment of this ordinance.
- No such nonconforming use shall be moved within or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- If any such nonconforming use ceases for any reason for a period of more than one year any subsequent use of such land or structure shall conform to the regulations specified by this chapter for the district in which such land is located. A building used for commercial purposes is not open to the public for a period of one year its use shall subsequently conform to the regulations of this chapter. This subsection shall not apply to structures which come into the possession of financial institutions or other lien holders to include the Veterans Administration, Federal Housing Administration and Federal Home Administration through the process of foreclosure or default.
- No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use and or structure.
- One nonconforming use may not be converted to another nonconforming use.

(Ord. 1763, 4/4/94)

Sec. 30.63. - Non-conforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this chapter that could not be built under the terms of this chapter by reason of restrictions on area of coverage or setbacks its location on the lot or other requirements concerning the structure such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity.

Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than seventy percent of its replacement cost at the time of destruction it shall not be reconstructed except in conformity with the provisions of this chapter.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any ordinance enacted with reference to the public safety upon order of such officials.

Sec. 30.64. - Exemption for non-conforming residential structures.

The reconstruction of existing non-conforming residential dwelling units is allowed in accordance with applicable fire and building codes in addition to expansion of up to twenty percent of the existing dwelling unit as long as the number of dwelling units on the lot is not increased.

Further, it is the intent of this section to allow non-conforming residential dwelling units to be reconstructed even though the lot or parcel on which they exist fails to meet the site requirements for that zone type. The lot dimension and setback requirements for the district in which the lot is located may be reduced by the smallest amount that will permit reconstruction of the allowed twenty percent expansion. Such reduction shall be determined by the Board of Adjustment.

(Ord. 1782, 9/6/94; Ord. 1814, 9/18/95)

Article VII. - Zoning Commission and Board of Adjustment

Sec. 30.70. - Zoning commission.

There is created for the City of Livingston a Zoning Commission as provided by statute consisting of five members appointed by the Mayor and subject to the confirmation of the City Council. Terms of each member shall run concurrent with the term of the Mayor.

A. Powers and Duties. The duties and powers of the Zoning Commission shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein and to hold public hearings and to make recommendations to the City Council on all requests to amend such ordinances or to repeal the regulations, restrictions and boundaries in the zoning districts. The City Council shall not hold public hearings or take action until it has received a final report from the Zoning Commission.

B. Proceedings of the Zoning Commission. The Zoning Commission shall hold its meetings in the City/County Courthouse and the presence of three members shall constitute a quorum.

The Zoning Commission shall keep minutes of their proceedings showing the vote of each member or if absent or failure to vote indicating such fact and shall keep records of its examinations and other official actions. A copy of such shall be filed in the office of the Zoning Coordinator. The official minutes of the Zoning Commission shall be signed by the Mayor and a Zoning Commissioner and attested to by the Secretary.

(Ord. 1868, 2/2/98)

Sec. 30.71. - Amendments to City zoning ordinance and zone change.

A. General. This chapter in addition to the Official Zoning Map may be amended by the City Council by a regular ordinance and no amendment shall be effective unless it shall have been submitted to the Zoning Commission for review according to the procedures in Section 30.70 and recommendation.

B. Applications for Map Amendments and Amendments to Text. Applications initiated by the City Council or the Zoning Commission shall be submitted to the Official Map Amendments Committee for review.

owner of such property. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months.

Each application to amend the Official Map shall be filed with the Planning Coordinator and each application shall be submitted under the following conditions:

- It shall include but not be limited to the following information:
 - a. A detailed description of the traffic proposed to be reformed;
 - b. A plan showing the dimensions, area, and location of the traffic and adjacent land uses;
 - c. The names and addresses of the owners of the adjacent land;
 - d. A receipt showing payment of applicable fees to the City.

In the case of an application to amend the text of this Ordinance, the application shall include the proposed change of the text and that portion of the text proposed to be amended.

An application for an amendment to the Official Map or text shall be submitted at least twenty days prior to the date of the public hearing before the City Planning Commission.

An application for a one change may not be withdrawn or amended after the fee advertisement as required by this section has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Planning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve month waiting period provided however that no application be allowed to be withdrawn more than once within the twelve month period after the application shall have first been submitted.

C. Planning Coordinator's Study and Responsibility. The Planning Coordinator upon receiving an application for rezone of an area or a particular piece of property or for an amendment to the text shall do the following:

Consult with other departments of the City or County to evaluate the impact of any Planning Commission action upon public facilities and services including but not limited to sewer, drainage, traffic and related facilities.

Study each application with reference to its appropriateness and effect on existing and proposed land use.

In the case of a protest petition filed in the matter of an application for rezone, determine the validity of such petition.

Advertise in the local news paper fifteen days in advance of the time and place of the public hearing at the same time and place as a site plan of the subject property in the local news paper.

Notify by certified return receipt requested, in writing, the applicant and all property owners within three hundred feet of the exterior boundaries of the property subject to the rezone of the time date and place of the public hearing and the existing and proposed land use classification. Such notification shall be mailed to the applicant and the surrounding property owners no sooner than ten days and no later than five days prior to the date of the public hearing. Post the subject property not less than five days prior to the public hearing. Posted notice shall include the nature of the change being requested as well as the time date and location of the public hearing.

Report the findings and conclusions in writing to the City Planning Commission. Such report shall be a matter of public record and shall be forwarded to the City Commission with the Planning Commission's recommendation.

D. City Planning Commission Action. The City Planning Commission shall review and take action upon each application in accordance with the provisions of this article and after a public hearing at which the application has been fully advertised. Each application shall be presented to the Planning Commission by the Planning Coordinator to get herewith his findings and conclusions on the matter. A written report

of the Commission's decision and the Commission Coordinator's findings and conclusions in addition to the basis for the decision shall be submitted to the City Commission.

The City Commission shall advise a recommendation to the City Commission to:

- Deny the application for amendment to the Official Map.
- Grant the application for amendment to the Official Map.
- Delay action on the application for a period not to exceed thirty days.

The City Commission shall use Roberts Rules of Order for the Conduct of Meetings and Meetings.

No member of the Commission may vote on any request with respect to or for any partner who has worked for in work for or for any partner who has any financial interest or ownership.

The recommendation of the Commission and the time and date of the City Commission hearing shall be published in the newspaper at least fifteen days prior to the date of the hearing by the City Commission. The City Commission may vote upon the first reading of the amendment at the same meeting at which the published hearing is held. A vote may only be taken after the published hearing is held.

- City Commission Public Hearing: Before taking action on an application for an amendment to the Official Map and after presentation of the Commission report, the City Commission shall hold a public hearing on the application.

In case however, a valid protest petition against such plan is signed by the owners of twenty percent or more either of the area of the lot included in such proposed plan or of those immediately adjacent in the rear extending one hundred fifty feet from the street frontage of such lots. Such amendment shall not be effective except by the favorable vote of two-thirds of the members of the City Commission.

When such proposed amendment has been denied by the City Commission neither it nor one involving the same tract shall be offered for adoption within one year after such denial.

(Ord. 1861, 6/16/97; Ord. 1868, 2/2/98; Ord. No. 2004, § 1, 8/4/08)

Sec. 30.72. - Reserved.

Editor's note— Ord. No. 2004, § 1, adopted Aug. 4, 2008, repealed § 30.72 which pertained classification of newly annexed area and derived from Ord. No. 1868, adopted Feb. 2, 1998.

Sec. 30.73 - Board of adjustment.

There is created for the City of Livingston a Board of Adjustment consisting of five members appointed by the City Commission. The terms of each member shall be three years.

Vacancies shall be filled by the City Commission for the unexpired term of any member whose term becomes vacant.

- A. Proceedings of the Board of Adjustment: Meetings of the Board shall be scheduled at a regular time each month and special meetings may also be called by the Chair and the Chair may cancel the regular monthly meeting if no matters are pending for the Board's consideration. The Chair and/or in his absence the acting Chair may conduct the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of their proceedings showing the vote of each member or if absent or failure to vote indicating such fact and shall keep records of its deliberations and other official actions. A copy shall be a public record and shall be filed in the Office of the Commission.

Coordinator. The official minutes of the Board's proceedings shall be signed by the Chair or an acting Chair and attested to by the recording secretary. The Chair or an officer of the Board of Adjustment shall designate a secretary of the Board. The zoning Coordinator shall be custodian of the records of the meetings, minutes, conclusions and recommendations of the Board.

B. Hearings. Appeals. Notices. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city aggrieved by any decisions of the administrative officer. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Board of Adjustment a notice of appeal and shall forthwith transmit it to the Board of Appeals constituting the record upon which the action appealed was taken.

The Board of Adjustment shall file a reasonable time for the hearing on appeal not to exceed thirty (30) days give public notice thereof as well as due notice to the parties in interest and render a decision within a reasonable time not to exceed ten (10) days thereafter. At the hearing any party may appear in person or by attorney.

C. Appeals. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with it that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

D. Decisions. Appeals. Rehearing. In exercising the above mentioned powers the Board of Adjustment may in conformity with the provisions of this act reverse or affirm wholly or partly or modify the order, require, entertain, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of our members of the Board shall be necessary to reverse any order, require, entertain, decision or determination of any administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under such resolution.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or board of the City may present to a court of record a petition setting forth that such decision is illegal in whole or in part, set aside in the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

If an application for an administrative review is denied by the Board of Adjustment, another application shall not be filed within a period of one year from the date of denial thereof upon the initiation of the Board of Adjustment after a showing of a change of circumstances which would warrant a rehearing.

- Powers and Duties. The Board of Adjustment shall have the following powers:
 - To hear and decide appeals where it is alleged there is error in any order, require, entertain, decision or determination made by an administrative officer in the enforcement or interpretation of this act or of any resolution adopted pursuant thereto.
 - To grant Special Exceptions regarding specific cases or variances from the terms of the ordinance as will not be contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and so that the spirit of the ordinance shall be observed and substantial justice done.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.74. - Variances—application procedures.

A. Applications. An application for variance shall be filed with the zoning Coordinator under the following conditions:

- The application shall include but not be limited to the following:
 - a. A description and general description of the tract upon which a variance is sought
 - b. The name and address of the owner(s) of the land subject to the variance
- The applicant shall present a map showing the location of the property for which the application is submitted and its relationship to adjoining property
- The applicant shall present a dimensioned site plan of the property for which the application is submitted which shall include but not be limited to the following:
 - a. The location and dimension of all major points of ingress and egress, drives, street carlines, setbacks, annotations and traffic circulation and
 - b. The location and site of all existing and proposed buildings, structures and improvements and
 - The existing buildings, structures and improvements shall be labeled as such and indicated by a solid line. The proposed buildings, structures and improvements shall be labeled as such and indicated by a dashed or dotted line.
- The reason why the variance is being sought
- Be accompanied by appropriate payment of applicable fees
- An application for a variance may not be withdrawn or amended by the applicant after the public advertising as required by this article shall have first appeared. However, the Board of Adjustment may by a two-thirds vote of all members allow the application to be withdrawn without prejudice with respect to the twelve month limitation of this article.

B. Zoning Coordinator Action. The Zoning Coordinator upon receiving an application for a variance shall do the following:

- Consult with other departments of the City to help evaluate the impact upon public facilities and services
- Study each application with reference to its appropriateness and effect on existing and proposed land uses
- Place notice of the time date and place of the public hearing in a newspaper of general circulation at least fifteen (15) days in advance of the date set for the public hearing
- Notify the applicant and property owners by mail within three (3) hundred (100) feet of the exterior boundaries of the property subject to the variance of the time date and place of the public hearing and the proposed variance on the subject property at least ten (10) days prior to the date of the public hearing
- Place a notice of the time date and place of the public hearing on the property at least ten (10) days prior to the hearing date
- Report the findings to the Board of Adjustment

C. Board of Adjustment Action. The Board of Adjustment before the Board shall make a decision granting or denying a variance as determined in wetter:

- Specific conditions and circumstances exist which are peculiar to the land or lot or so inherent in the land which causes the hardships and which are not applicable to other lands in the same district
- A literal interpretation of the provisions of this ordinance would deprive the applicant of rights or only enjoyed by other tracts in the same district

- Granting the variance request will not counter on the applicant any special privilege that is denied by this ordinance to other land in the same district
- The granting of the variance will be in harmony with the general purpose and intent of this ordinance
- In granting a variance the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance

Violation of such conditions and safeguards when made a part of the terms upon which the variance is granted shall be deemed a violation of this ordinance

The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed or both failure to begin or complete such action within the time limit set shall void the variance

- D The Board of Adjustent may authorize upon application special cases such variances from the terms of this ordinance that will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and so that the spirit of the ordinance shall be observed and substantially justice done

Under no circumstances shall the Board of Adjustent grant a variance that would allow a use not permitted under the terms of the ordinance in the district involved. A variance shall not be a grant of special privilege inconsistent with the limitations placed upon property in the district

The Board of Adjustent may prescribe a time limit within which the action for which the variance is required shall be begun or completed or both failure to begin or complete such action within the time limit set by the Board of Adjustent shall void the variance

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.75. - Special exceptions.

A General Special Exceptions for uses other than those specifically permitted in each district are intended to provide in appropriate cases and subject to appropriate conditions and safeguards to be Special Exceptions to the terms of the Zoning Ordinance of the City of Livingston when granted in harmony with its general purposes and intent of the ordinance

Special Exceptions shall be granted by the Board of Adjustent unless the Board of Adjustent finds

- The use will not cause a substantial adverse effect upon nearby properties or their occupants
- That the proposed use is in harmony with the general purposes and intent of the Zoning Ordinance
- If desired the Board of Adjustent may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception

B Applications: An application for a Special Exception must be filed by the property owner

Such an application shall be filed with the Zoning Coordinator and shall be submitted under the following conditions

- The application shall include but not be limited to the following information
 - a The exact general description of the tract upon which the Special Exception is sought
 - b The proposed dimensions, area and location of the tract
 - c The name and address of the owner of the tract
 - d A site plan showing a clear details of the proposed development in addition but not limited to the location of proposed and existing buildings and structures, street car and loading

when required service and reuse areas means on ingress and egress lands within screening signs and other scenic areas

- A time schedule for development
- Any other information the applicant believes will support his request

The application must be submitted to the zoning Coordinator on or before the day of a public hearing to the City must also pay any application fees or a fee to determine the validity of any such application

C. Zoning Coordinator Action: The zoning Coordinator upon receiving an application for a Special Use Permit shall do the following:

- Consult with other departments of the City and/or County to fully evaluate the impact of the use(s) contemplated under the application upon public facilities and services
- Study each application with reference to its appropriateness and effect on existing and proposed land uses
- Place a notice of the time of date and place of the public hearing before the appropriate body in the local newspaper of the City at least fifteen days in advance of the date of the public hearing
- Notify the applicant and property owners by first class mail within three hundred feet of the exterior boundaries of the tract of the proposed Special Use Permit area of the time of date of the public hearing and the proposed use of the subject property at least ten days prior to the date of the public hearing

D. Board of Adjustment Action: The Board of Adjustment shall consider each application in accordance with provisions of this Article and at a public hearing at which time the application has been fully advertised and a public hearing shall be presented by the zoning Coordinator to get together with conclusions and recommendations

The Board of Adjustment shall:

- Deny the application for a Special Use Permit
- Grant the application for a Special Use Permit
- Delay action on the application for a period not to exceed thirty days
- Grant the application with special conditions and safeguards

(Ord. No. 2004, § 1, 8/4/08)

Article VIII. - Administration and Enforcement

Sec. 30.80. - Building official.

The provisions of this ordinance shall be enforced by the Building Official subject to such variations or interpretations as may be made by the Board of Adjustment

The Building Official shall:

- Issue building permits for all construction alterations demolition or movement of buildings or structures after first determining that all applicable provisions of this ordinance are complied with
- Conduct inspections as are necessary to ensure compliance with the provisions of this ordinance
- Institute appropriate action or proceedings to prevent or correct unlawful construction alterations or movement of buildings or structures or unapproved occupancy of buildings structures or land

Sec. 30.81. - Zoning coordinator.

The Zoning Coordinator shall administer and coordinate the Zoning Ordinance for the City of Livingston.

The Zoning Coordinator shall supervise and facilitate the processing of applications for amendments to the Official Zoning Map, Special Ordinance and requests for variances. Further, it shall be the responsibility of the Zoning Coordinator to present any applications or requests to the appropriate board.

It shall further be the responsibility of the Zoning Coordinator to aid the various boards and departments in transmitting recommendations, records and reports to the City Council and to otherwise promote procedural regularity in the administration of this ordinance.

The Zoning Coordinator shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate body.

Sec. 30.82. - Procedure in abatement of violation.

If on any inspection the condition of a building or premises or its use or occupancy is found not to conform to the provisions of this ordinance the Building Official shall issue written notice to the owner or tenant residing in the manner in which the building or premises or its use or occupancy fails to conform and the owner or tenant shall take steps to abate it conform as directed by the Building Official.

Appeals from the actions of the Building Official shall be made with the Board of Adjustment in accordance with the provisions of Article VII of this ordinance.

Sec. 30.83. - Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with written notice of correction shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction therefor be fined not more than \$500 or imprisoned for not more than six months or both a day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties therein provided.

Nothing herein contained shall prevent the City from taking such other law enforcement as is necessary to prevent or remedy any violation or to bring an action to enforce any violation of this ordinance.

Sec. 30.84. - Investigation fee.

Whenever work or work a variance is required as provided without first obtaining a variance an investigation fee in addition to the variance fee shall be charged. The investigation fee shall be fifty Dollars. The fee must be paid prior to submission of a variance application. The day of payment of such investigation fee shall not exempt any person from compliance with a portion of provisions of this ordinance nor from any penalty prescribed by law.

Article IX. - Conflict With Other Laws, Separability Clause, Repeal of Conflicting Ordinances, Schedule of Fees, Effective Date

Sec. 30.90. - Conflict with other laws.

In their interpretation and application the provisions of this chapter shall be held to the minimum requirements adopted for the protection of the public health, safety and general welfare. Whenever the requirements of this chapter are in variance with requirements of any lawfully adopted rules, regulations, ordinance, deeds, restrictions or covenants, the most restrictive or that imposes the higher standards shall govern.

Sec. 30.91. - Separability clause.

If any provision of this chapter or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

Sec. 30.92. - Repeal of conflicting ordinances.

All ordinances or parts of the ordinance in conflict herewith are hereby repealed to the extent necessary to give this chapter force and effect.

Sec. 30.93. - Schedule of application fees.

The following fee must be paid to the City at the time an application is submitted.

Change of zone \$1000.00

Variance - Single Family Unit \$1000.00

Variance - Others \$1000.00

Special Applications \$1000.00

(Ord. 1479, 3/16/81; Ord. 1532, 11/5/84; Ord. 1544, 2/4/86; Ord. 1548, 4/21/86; Ord. 1573, 5/4/87; Ord. 1578, 10/5/87; Ord. 1667, 7/3/90; Ord. 1861, 6/16/97; Ord. 1871, 4/20/98)



Survey Results Summary

CITY OF LIVINGSTON GROWTH POLICY

December 12, 2019 – February 17, 2020

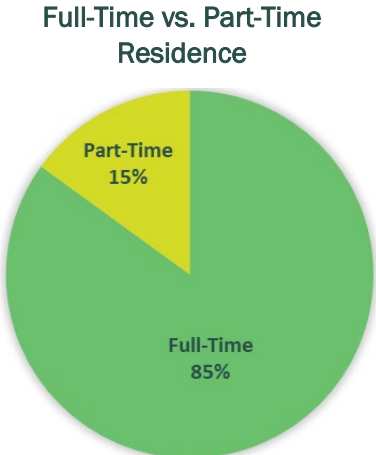
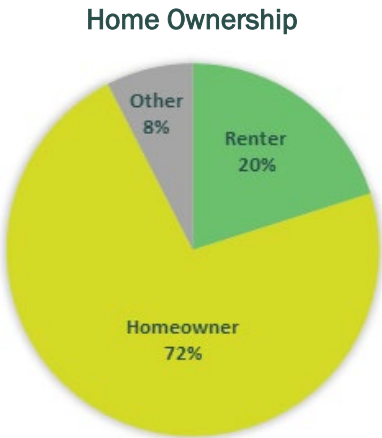
Total Surveys Collected: **1,196** (online and handwritten)

RESPONDENT DEMOGRAPHICS

Respondent Age	
Under 18	.4%
18-24	3.0%
25-34	16.3%
35-44	21.8%
45-54	20.4%
55-64	21.30%
65+	15.75%

Place of Residence	
Within the city limits of Livingston	81.2%
In Park County outside of Livingston City Limits	24.7%
Elsewhere in Montana	3.3%
Out-of-state	3.9%

Household Yearly Gross Income	
Income Range	%
<\$15,000	4.8%
\$15,000 – \$29,999	11.4%
\$30,000 – \$49,999	18.6%
\$50,000 – \$74,999	23.4%
\$75,000 – \$99,000	17.3%
\$100,000 – \$150,000	15.6%
Over \$150,000	8.8%



ECONOMIC DEVELOPMENT

- Most Popular Policies**
- Attract skilled trade industries.
 - Attract professional level jobs.
 - Workforce development and training.
 - Retention and expansion programs for existing businesses
 - Buy local campaign.
 - Redevelop railroad properties for economic development.
 - Attract tech sector jobs.

LAND USE

- Most Popular Policies**
- Regulate big-box stores (design standard, location, etc.).
 - Limit the number of billboards.
 - Discourage urban sprawl.
 - Cluster homes to protect green space.

INFRASTRUCTURE

- Most Popular Policies**
- The city should promote energy efficiency.
 - New development should pay impact fees to help pay for upgrades to infrastructure.
 - The city should promote resilient designs for infrastructure.
 - The city should promote water conservation to reduce growth pressures on water and wastewater facilities.
 - The city should plan for better broadband services.

TRANSPORTATION

- Most Popular Policies**
- Build a new separated grade crossing on the west side of town.
 - Design transportation improvements for people with disabilities.
 - Design pedestrian-friendly transportation improvements.
 - Invest in sidewalk and street improvements in older parts of town.

NATURAL RESOURCES

Most Popular Policies

- Enact appropriate measures to protect ground water resources.
- Enact appropriate measures to protect water quality in the Yellowstone River.
- Protect natural areas such as floodplains, wetlands, wildlife habitat.
- Support clean-up of contaminated brownfields and superfund properties.
- Reduce non-point water pollution through best practices for stormwater management.
- Promote practices that result in good, healthy air quality.
- Discourage development in hazardous areas with steep slopes, poor soils, floodplain and other high-risk areas.
- Reduce waste and promote recycling in the city.
- Promote landscaped areas and preserve the urban forest.

HOUSING

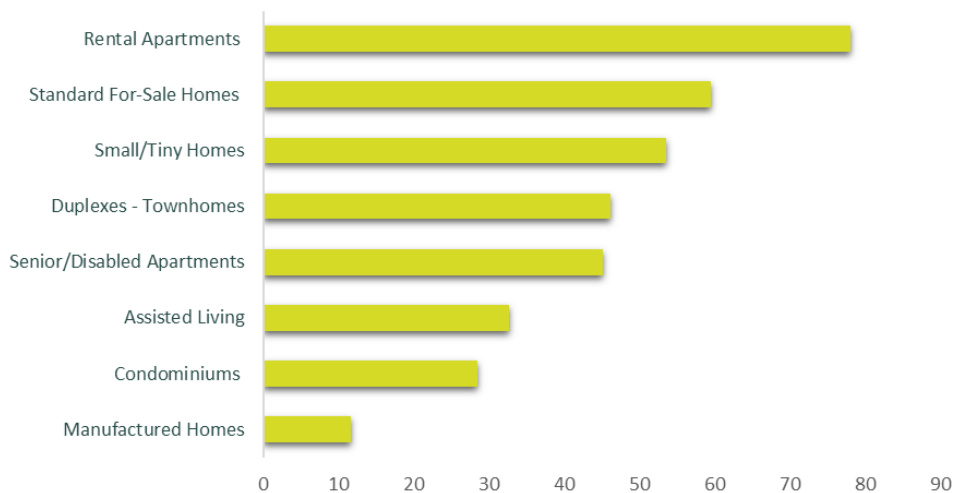
Most Popular Programs

- Weatherization - energy conservation.
- Allow residential units above first floor commercial spaces.
- Down payment assistance for first time home buyers.

Agree / Strongly Agree

- There is a shortage of rental units.
- It is difficult to recruit employees due to shortage of affordable housing units
- The cost to purchase a home is too high for the average worker.
- Rents are too high for the average worker.
- There are run-down homes in town that need repair.
- The city needs better regulations for short term rentals.

Housing Needed in Livingston



% respondents that selected each housing type
Growth Policy Summary

Mathieu Menard

From: Jim Woodhull
Sent: Thursday, July 23, 2020 8:23 AM
To: Michael Kardoes; Mathieu Menard
Subject: FW: Growth Policy Trends

From: Amelia Mansfield [mailto:amansfield@burtonplanning.com]
Sent: Thursday, July 23, 2020 7:44 AM
To: Jim Woodhull <jwoodhull@livingstonmontana.org>
Cc: Michael Kardoes <mkardoes@livingstonmontana.org>
Subject: RE: Growth Policy Trends

Jim,

Thanks for asking. We are finishing drafting goals and objectives this week; then we will move into drafting related strategies and recommendations. We are also simultaneously working on the future land use map which will influence recommendations related to zoning code changes, among other things. I am aiming to have something to you to review the week of our quarterly call, but it won't be a full set of recommendations at that point. Housing issues will likely fall high in terms of overall priority; zoning language changes tend to be "simpler" and prime for near-term priorities, so you moving forward with introducing ADUs will align.

I'd like to get started on the ETJ report as soon as possible; I still need some guidance from you and Mike on getting data, any staff expertise/assistance available, and any related efforts that might affect our recommendations (i.e. county subcommittee's work).

Overall, our goal is to get a full draft Growth Policy document in your hands at the end of August. This will give you and the Planning Board time to review before the public comment period and hearing by Commission.

Did I answer your questions adequately?

Amelia Mansfield, AICP
Planning Manager
Burton Planning Services, LLC
252 Electric Ave, Westerville, OH 43081
(614) 392-2284 ext. 2 (W) | (614) 561-0342 (M)
amansfield@burtonplanning.com | <http://www.burtonplanning.com>



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From: Jim Woodhull <jwoodhull@livingstonmontana.org>
Sent: Wednesday, July 22, 2020 4:59 PM
To: Amelia Mansfield <amansfield@burtonplanning.com>
Cc: Michael Kardoes <mkardoes@livingstonmontana.org>
Subject: Growth Policy Trends

Amelia,
In advance of our quarterly call on 8/5 I have a couple of questions. First, can you remind me where we are at in the overall schedule. When should we expect any draft policy recommendations? Second, where do you think the City's housing issues will fall in terms of overall priority in the Growth Policy. I ask this because my department would like to

get ahead of this and start introducing some Accessory Dwelling Unit zoning language prior to the Growth Policy being finished. Any insight would be appreciated. Thanks.

August 27, 2020

STAFF REPORT ADDENDUM
TEXT AMENDMENT – ACCESSORY DWELLING UNITS (ADUs)

Background

On August 13, 2020, the Zoning Commission held a public hearing to discuss the proposed Accessory Dwelling Unit (ADU) updates to the Zoning Ordinance. After public comment and Commission discussion, the Commission decided to continue the hearing until the next regularly scheduled Commission hearing on September 8th. Based on these discussions the Commission has requested that staff identify and report on Commission and public concerns with the proposed update. Questions and discussion items have been listed below with additional information, changes to the proposed language, and/or staff comments on the items.

Public and Commission Concerns

The following list is a staff compiled list of concerns with the proposed language from the public hearing:

Both the public and Commission had Major concerns with vacation rentals.

- Based on the Growth Policy *Draft Community Profile* there are approximately 255 active vacation rentals in Livingston, 90 percent being entire homes.
- Staff is aware of the concerns with vacation rentals. Staff believes that vacation or short term rentals are best handled through their own ordinance.
- Proposed language has been added to require owner occupancy or family of owner occupancy of either the primary or accessory dwelling unit on the property to minimize ADUs being used as unsupervised vacation rentals.

The public expressed concerns over increased alley traffic, especially on unpaved alleys, and potential curb cuts in lots without alleys.

- Staff has spoken with Shannon Holmes, City Public Works Director, in regards to both curb cuts and alleys. Currently, there is no plan to improve any of the alleys in the City. Any alley improvement would likely require a Special Improvement District (SID).
- Distances between curb cuts are evaluated on a lot by lot basis based on sightlines and other safety concerns. Residential driveways may be no wider than 24 feet.

The public requested that no size minimum is placed on ADUs.

- No size minimum is included in the Ordinance, building code does have residential square footage requirements, likely the smallest unit allowed under current building code would be in the range of 200 to 250 square feet.

The public and Commission requested that language be added that either the ADU or the primary dwelling be owner occupied.

- Additional language has been proposed requiring either the ADU or primary dwelling be owner occupied by the owner of the lot or their immediate family as defined by State Statute.

The public was concerned with viewshed issues.

- ADUs must meet all height requirements of the Zoning Ordinance. ADUs shouldn't have greater impacts on views than existing allowed buildings within the city.

Written public comment has been submitted requesting that setbacks for ADUs are stated.

- It is clear in the proposed zoning that ADUs must meet the setbacks. Even if this were not stated all buildings built in the City that require a building permit must meet the setbacks for their zoning district.

Both the public and Commission expressed concerns over lot sizes, open space on lots, and configuration of buildings on lots.

- The proposed language was changed to lower the maximum size of an ADU from 800 square feet to 600 square feet. This restriction is consistent with other Montana Cities, Bozeman and Missoula, and minimizes the amount of total lot coverage of an ADU. Staff has provided illustrations showing what 600 square feet of lot coverage could look like for both a 3,500 square foot and 7,000 square foot lot (Attachment 2).
- Staff has provided the Commission with a map of existing lots under approximately 3,500 square feet (existing lot size data is in acres), and 7,000 square feet (Attachment 3), as concerns were expressed that the standard 25 by 140 foot or 3,500 square foot lots were too small to accommodate ADUs.

- Currently, there is no lot coverage maximum within the City’s Zoning Ordinance and allowed buildings could cover the entire lot as long as the required setbacks are met. With existing setbacks, the maximum lot coverage for 3,500 square foot lots in the R-II and R-III districts is 47%, and 63% on a 7,000 square foot lot. As there is no lot coverage maximum in the ordinance staff believes that allowing ADUs would have minimal effect on current development patterns, and have no effect on allowed lot coverage potential within the City. Aerial imagery has been attached showing current building configurations within the residential districts in the City (Attachment 4). Based on the aerial imagery it is clear that a large number of lots with alley access have constructed some form of accessory structure to the rear of the primary dwelling unit (often a garage), while in the newer subdivisions without alley access the primary dwelling is often centered on the lot with little room to place additional structures. As such, staff believes that lot coverage concerns should be addressed through an ordinance change that takes the entire lot into account not simply ADUs as they are already proposed to be limited in size. At this time, staff is not aware of any significant concerns with the historic residential development pattern and building layout within the City.
- To ensure that the historic development pattern of the house fronting the street and accessory structures located to the rear of the house is continued, the proposed language has been updated to require that detached ADUs be located to the rear of the primary dwelling on the lot.

The Commission was concerned that the allowance for one (1) ADU per primary dwelling was too great an increase in density.

- Staff has suggested modifying the proposed language to only allow ADUs in the R-I and R-II zones as R-III and HC both allow for multi-family dwelling units and there is no density restriction in HC. As R-III allows multi-family it seems appropriate to adjust the required square footage required per dwelling unit rather than allow ADUs and multi-family dwelling units.
- Added language to allow no more ADUs on a single lot than primary dwellings. Therefore, no matter the lot size if there were one home on the property only one (1) ADU would be allowed. As R-I only allows one (1) primary dwelling on any lot, no lot in the R-I district would be allowed more than one (1) ADU. The R-II district allows for up to two (2) dwelling units on lots greater than or equal to 7,000 square feet of lot area. As such the maximum number of ADUs on any R-II lot would be two (2). If a lot of this size were to have a duplex the lot would allow two (2) ADUs. This should limit the potential density impact to a doubling of the current *existing* density rather than an increase of doubling the potential *theoretically maximum* density.

Attachments

- Attachment I.....Updated Strikethrough-underline version of amendment
- Attachment II.....Lot Diagrams
- Attachment III.....Map of lots allowing ADUs under 7,000 sq. ft.
- Attachment IV.....Aerial Imagery of the City
- Attachment V.....Public Comment

July 28, 2020

STAFF REPORT
TEXT AMENDMENT – ACCESSORY DWELLING UNITS (ADUs)

Background

Planning staff has been asked to explore the possibility of addressing accessory dwellings, often known as mother-in-law suites, granny flats, or ADUs, within the Livingston Zoning Ordinance (Section 30, Livingston Municipal Code). Currently, accessory dwellings of any kind are not allowed under the Zoning Ordinance and all lots must meet the required minimum lot size to allow multiple dwelling units on a single property. Staff is proposing that additional language be added to the Zoning Ordinance to allow one (1) accessory dwelling for every allowed primary dwelling unit allowed on a property in HC and all residential zoning districts that allow one (1) or two (2) family dwellings other than RMO. For example, if a property allows two (2) primary dwelling units each primary dwelling unit would be allowed an accessory dwelling, allowing two (2) accessory dwellings and two (2) primary dwellings on the property. The updated language proposes that accessory dwellings be limited to 800 square feet in size unless wholly contained within an existing, primary dwelling unit (e.g.: within the basement of an existing single-family residence), and are required to provide one (1) off-street parking space per accessory dwelling. Accessory dwellings cannot be sold separately from the primary dwelling on the property, and generally would either be used by the property owners to house related individuals or rented.

The proposed zoning update addresses the increasing need for rental housing, infill development, and decreasing housing affordability in Livingston. According to the American Community Survey (ACS), the population within the city limits was approximately 7,487 in 2018 (the last year which data from the ACS is available), up from approximately 7,060 in 2014. The five-year average year-over-year population growth rate is approximately 1.2%. The year-over-year population growth rate has increased every year in the past five years, with a low of approximately 0.39% 2013-2014 and a high of approximately 2.5% 2017-2018, indicating accelerating population growth within the City. Increasing population and an accelerating growth rate drive the need for additional housing units of all types. Between 2014 and 2018, as the population

increased, the residential vacancy rate decreased each year from an estimated high of 18.8% in 2014 to an estimated low of 4.6% (both estimations from the ACS). At the time of the ACS survey in 2018 there were an estimated 24 vacant units for rent in Livingston, 0.6% of total dwelling units within the city, this was an improvement from 2017 in which there were an estimated zero (0) vacant rentals within the City at the time of the ACS survey. The recent Growth Policy citizen input survey also identified rental housing as the greatest housing need in the City (Attachment II). All these factors point to the need for an increase in overall housing within the City, especially an increase in rental housing. The addition of accessory dwelling regulations aims to address both the need for additional housing and rental units by setting standards for accessory dwellings to be added to each existing residential lot in the City. Increasing density within the existing footprint of the City allows for infill development without the need for extension of existing City infrastructure.

Coupled with the decrease in available housing is an increase in median rent cost. According to the ACS, median rent has risen every year between 2014-2018 from an estimated low of \$638/month in 2014 to a high of \$794/month in 2018, included in this increase is a 16.25% rise in median monthly rents between 2017 and 2018. Despite the rise in rents the percentage of renters that are paying over 30% of their income in gross rent has decreased from an estimated high of 57.3% in 2016 to 43.7% in 2018, likely due to a significant increase in the median renter income (\$29,453 in 2016 vs. \$35,279 in 2018). The United States Department of Housing and Urban Development (HUD) classifies those who spend more than 30% of their monthly income on rent “cost-burdened” by housing. Through the addition of size limited dwelling units, the zoning update aims to provide a source of moderately priced rental units to address both the increasing rents and limit the number of households in the City that are cost-burdened.

Proposed Findings of Fact

The following changes to the existing ordinance would accomplish what the Planning Staff has been asked to pursue:

Proposed Zoning Updates: Significant changes to the Zoning Ordinance are listed below, a strikethrough-underline version of the zoning with all of the changes proposed shown is included as Attachment I.

Section 30.30 Definitions:

Dwelling (types of):

- d. “Dwelling, accessory” means one (1) independent dwelling unit which is smaller in area and subordinate in use to the principal one (1) family or two (2) family dwelling, or townhouse, on the same lot, whether attached or detached.

“Gross Floor Area” means the area of each floor within the external walls, not including the thickness of the external walls.

Section 30.40. List of Uses:

Accessory Dwellings shall be allowed in all zoning districts which allow one (1) family dwelling units and/or two (2) family dwelling units, specifically R-I, R-II, R-II(MH), R-III, and HC with the restrictions listed in Sections 30.41 and 30.43 (below).

Section 30.41. Residential Density Requirements:

1. In all residential zoning districts in which accessory dwellings are permitted the number of accessory dwellings allowed is equivalent to the number of dwelling units allowed on the lot as shown in Table 30.41 above. The total number of dwelling units allowed on any lot is the allowed density of the lot in Table 30.41 above plus the equivalent number of accessory dwellings. E.g.: a 7,000 square foot lot in the R-II zoning district allows two (2) dwelling units *and* two (2) accessory dwellings.

Off-street parking requirements: One (1) off-street parking space per accessory dwelling unit.

Sec. 30.43 Accessory dwellings:

- A. Accessory dwellings are subject to all applicable regulations listed in this ordinance, including but not limited to: setbacks, maximum building heights, parking, and building design standards.
- B. Detached accessory dwellings shall not be located in the front yard, but may be located in the side or rear yard so long as the required setbacks listed in Table 30.41 are met.
- C. Accessory dwellings shall not exceed 800 square feet of gross floor area and must be smaller in gross floor area than the primary dwelling on the property. If an accessory dwelling is attached to another building only the gross floor area of the accessory dwelling shall be calculated towards the maximum gross floor area. Accessory dwellings attached to existing, primary dwelling units are not subject to the gross floor area limitations, but must be wholly contained within the existing building. Any attached accessory dwelling that increases or modifies the footprint or profile of the primary dwelling unit in any way, whether above or below ground, shall not exceed 800 square feet of gross floor area.
- D. All detached accessory dwellings shall maintain a 6-foot separation, measured from the external walls of the dwelling unit, to all other buildings on site.
- E. Accessory dwellings shall be on the same lot as the primary dwelling.

- F. Accessory dwellings shall not be subdivided or sold separately from the primary dwelling on the lot. If an accessory dwelling is subdivided from the primary dwelling unit, the accessory dwelling is no longer an accessory dwelling and must meet all density requirements listed in Table 30.41. Prior to use of the accessory dwelling, the property owner must record a deed restriction provided by the City Attorney’s Office stating that the accessory dwelling shall not be sold separately from the primary dwelling, and provide a copy of the recorded deed restriction to the Department of Building and Planning prior to the issuance of a Certificate of Occupancy. Accessory dwellings may be rented.
- G. Accessory Dwellings are encouraged to be combined with other buildings to preserve open space on the lot.

Sec. 30.51. - Off street parking and loading zones:

- B. Location. Off-street parking facilities shall be located as hereafter specified: any distance specified shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve:
 - 1. For one (1) family, two (2) family, and accessory dwellings: Off-street parking is required on the same lot or an adjoining lot with the building they are required to serve.

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304): (1) Zoning regulations must be:

(a) made in accordance with a growth policy:

Growth Policy Introduction:

Goal 1: Strengthen Livingston’s economy by supporting industries and initiatives that increase employment opportunities and personal income

Objectives:

- 1. Support existing local businesses and enhance the economic opportunity for new businesses by establishing policy to:

 - e. Explore options to enhance the downtown district and support downtown businesses**
- 3. Address affordable housing needs.*

Staff Comments:

- The proposed zoning update has the potential to significantly increase density within the existing developed area of Livingston. Increasing the number of dwelling units and population in the R-II districts adjacent to downtown creates a larger consumer base to support downtown businesses.

- The potential residential density allowed through the proposed zoning update within walking distance of downtown acts to increase the foot-traffic through downtown adding to the vibrancy and activity of downtown while simultaneously minimizing the impact on street infrastructure and traffic.
- The proposed zoning update addresses a critical affordable housing need by allowing limited size dwelling units on existing lots.
- The proposed standards do not allow ADUs to be sold separately from the primary dwelling unit on the property, and therefore will generally will be used as rentals or housing persons related to the property owner (i.e.: mother-in-law suites). Rental housing has been identified as the most pressing housing need in Livingston by the recent Growth Policy update outreach survey.
- The Growth Policy update survey has also noted that employers within the City of Livingston have difficulty recruiting employees due to the shortage of affordable housing units, consistent with the experiences of neighboring communities of Bozeman and Big Sky which are facing significant affordable housing shortages. The addition of accessory dwellings has the potential to benefit, not only those in need of affordable housing, but also employers within the City.
- Accessory dwellings have the potential to fill the rental type and price gap between apartments and single-family homes.

Goal 3: Develop infrastructure to enhance community services and improve public safety for Livingston residents.

Objectives:

5. Update and review land use regulations to fulfill the needs and desires of the community

Staff Comments:

- As noted above, rental housing was listed as the greatest housing need in the community by the Growth Policy Update survey. The zoning update addressed this need by allowing for a significant number of additional rental housing units to be built within the City of Livingston.
- As the City continues to grow, additional dwelling units allow the City to accommodate additional population without the need to increase the land area of the City, minimizing sprawl and the need to extend existing services and infrastructure.

Growth Policy Chapter 6, Implementation:

Zoning Recommendations: The City should pursue the idea of providing more area for high density residential zoning. This might include re-zoning, by private application or by the City’s own initiative, vacant property already in the City.

The City should continue to promote the utilization of available, underdeveloped lots in, or bordering the city, to increase density and reduce infrastructure and public facilities costs.

Staff Comments:

- The proposed zoning update increases the allowed density of all residential zoning districts within the City of Livingston. As the update applies to existing lots, the additional allowed density increases the users utilizing existing infrastructure, decreasing per capita infrastructure and services costs.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- All accessory dwellings are required to meet State building and fire codes, and must comply with all City building and zoning regulations. No increase in fire or other dangers is anticipated with the proposed zoning update.

(ii) promote public health, public safety, and the general welfare; and

Staff Comments:

- All additional dwelling units would be on existing lots served by City services including, police, fire, ambulance, and water and wastewater. There are no detrimental effects on public health and safety anticipated with the zoning update.
- The zoning update promotes the general welfare by allowing for an additional source of affordable housing, a noted need within the City.

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Staff Comments:

- All additional dwelling units would be on existing lots served by City services including, police, fire, ambulance, and water and wastewater.
- As units are limited to a gross floor area of 800 square feet minimal impact on the provision of schools is anticipated.
- The City and surrounding area has adequate parks and open space to accommodate a significantly larger population than currently residing within the City.
- Impacts on transportation are limited by the 800 square foot gross floor area size limit of accessory dwelling, no extension or expansion of roads is anticipated to be required by the zoning update.
- All accessory dwellings are required to provide one (1) off-street parking space.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

Staff Comments:

- Accessory dwellings are required to meet all setbacks and height requirements of the Zoning Ordinance. The zoning update should have no impact on the reasonable provision of light and air.

(b) the effect on motorized and nonmotorized transportation systems;

Staff Comments:

- The potential increase in density will have an impact on motorized and non-motorized transportation systems. The 800 square foot gross floor area restriction limits the impact of the zoning update on transportation systems.

(c) promotion of compatible urban growth;

Staff Comments:

- The zoning update promotes compatible urban growth by encouraging increased density in the existing developed neighborhoods of Livingston, minimizing the need for infrastructure expansion and preserving agricultural and rural areas adjacent to the city.
- Accessory dwellings are generally effective in increasing the housing stock in growing areas with a high percent of single-family dwellings, such as the City of Livingston. Many local and national cities and towns have allowed accessory dwellings as a mechanism to grow and increase housing stock without relying on outlying areas.

(d) the character of the district and its peculiar suitability for particular uses;

Staff Comments:

- The existing character of the affected zoning districts are residential, the proposed zoning updates continues the residential character of the districts.
- The historic block and alley development pattern of Livingston is conducive to the placement of accessory dwellings, especially alley accessed “carriage-house” style development as seen in many cities in the western United States.

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

Staff Comments:

- By allowing property owners to construct an additional dwelling unit on their property the value of land throughout the residential districts should increase.
- The majority of land within the City of Livingston is used residentially, the continuation of this use at a higher density is an appropriate use of land for a growing municipality.

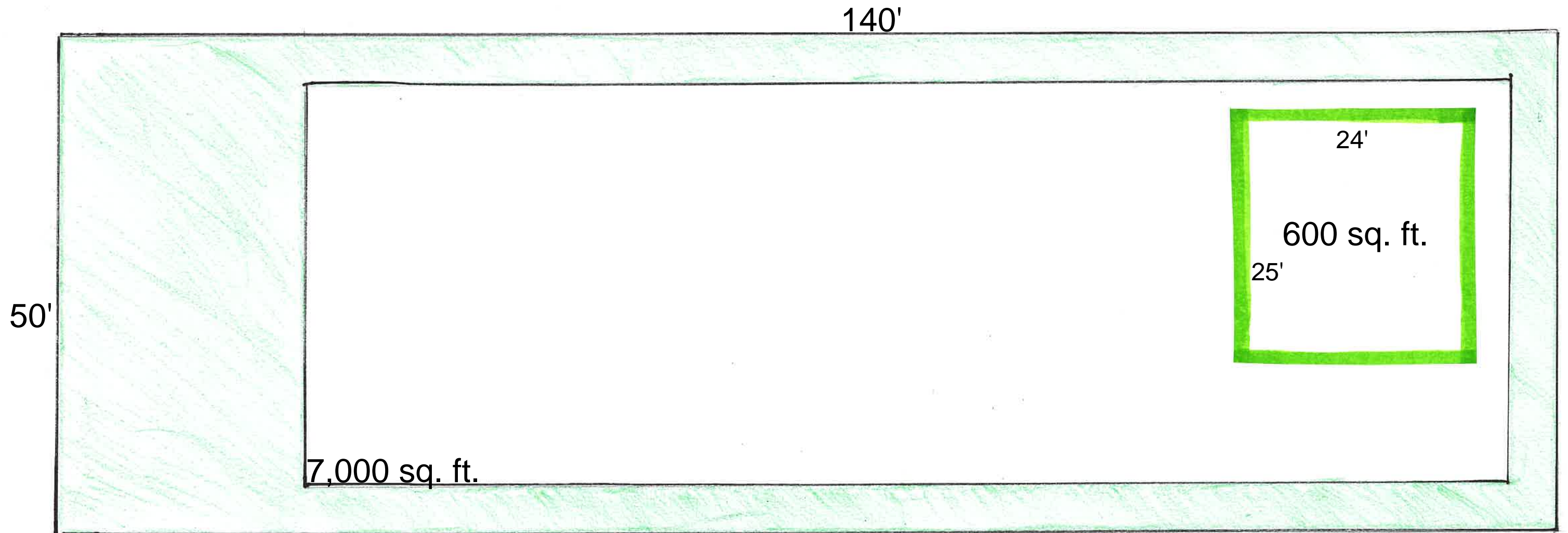
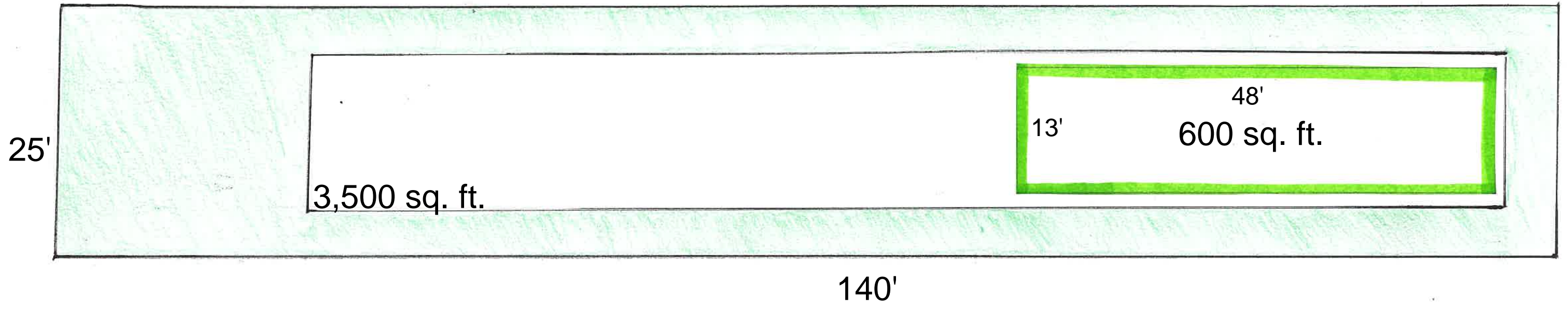
Public Hearing

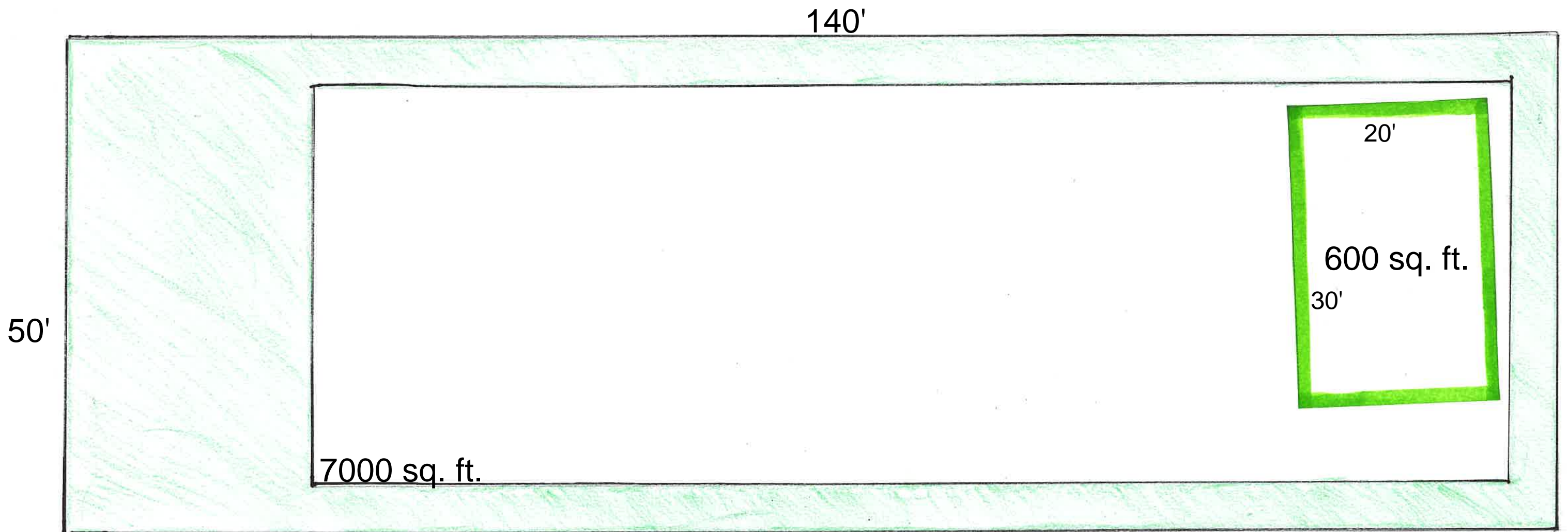
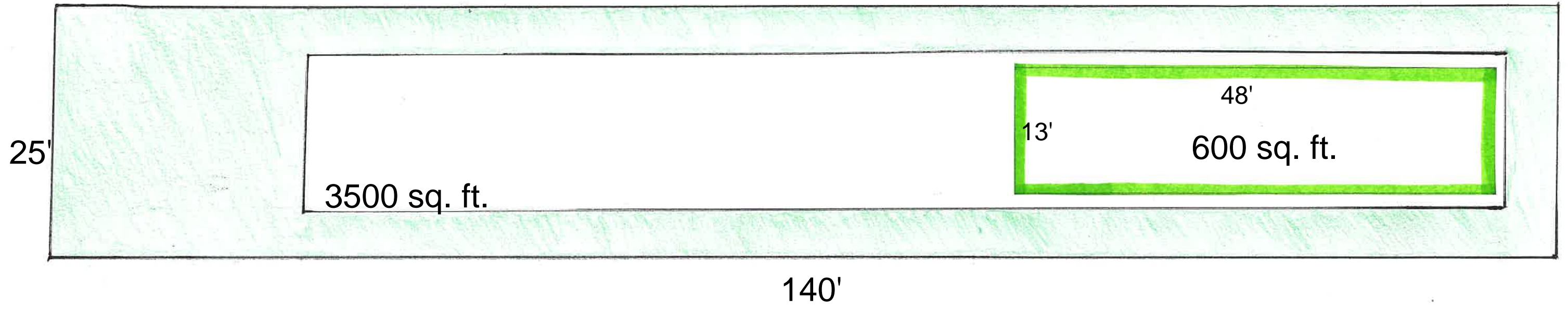
Staff Recommendation

The Zoning Coordinator believes that the new language listed above meets both the requirements of State Statute and the needs, goals, and objectives of the adopted Growth Policy and the City of Livingston. Staff recommends that the Commission adopt the proposed zone text amendment.

Attachments

- Attachment I.....Strikethrough-underline version of amendment
- Attachment II.....Growth Policy Public Outreach Summary
- Attachment III.....Email from Burton Planning addressing housing in the upcoming Growth Policy update







American Lutheran Church

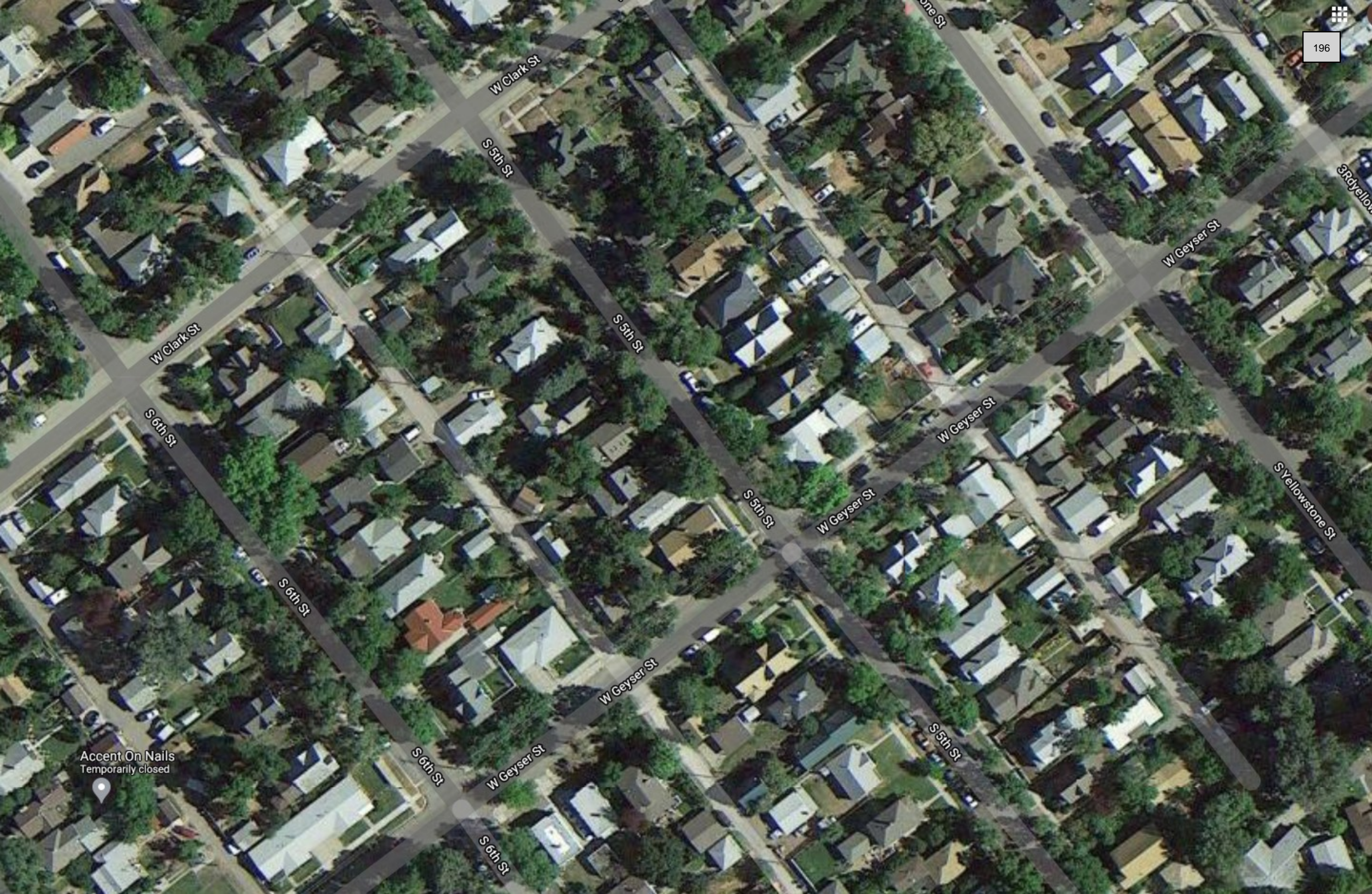
HRDC - Head Start



St. Lawrence St
W. 1st St
Mehuda St
Nehru St



Livingston Bible Church



Accent On Nails
Temporarily closed



From: Scott Weisbeck <weisbeck.scott@gmail.com>
Sent: Friday, August 21, 2020 4:25 PM
To: Mathieu Menard
Cc: Brian Konkell; Jessica Wilcox; Melissa Nootz; Shannon Holmes; Stacy Jovick
Subject: Re: Updates to last night's questions

Thanks for the update.

I spoke to Sean Mascia who is on Zoning Board about ADU. One comment is making sure if we state setback for the new zoning - declare what the setback is measured to and also state allowed projections if any (examples eaves, window wells etc.) I am not sure what the interpretation is or has been on setback interpretation is so it can't be worked around.

I have been in development for 25 years as both developer and civil engineer and worked with all types of architects, engineers and developers and if there is any grey in my opinion they will exploit it to benefit them either way.... and then there is the checks of that during construction and prior to Cert of Occupancy that they are adhered to. Pretty hard to go back if a person or land owner has a C/O.

Thank you!

Scott

File Attachments for Item:

C. ORDINANCE NO. 2091: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING.

ORDINANCE NO. 2091

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING.

* * * * *

Preamble.

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes.

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the text of the officially adopted Zoning Ordinance;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as laid out by Section 76-2-304 of Montana Code Annotated; and

WHEREAS, the City of Livingston Zoning Commission voted unanimously (5:0) to recommend approval of the amendments to the Zoning Ordinance to the City Commission;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, as follows:

SECTION 1

That Chapter 30- Zoning Ordinance, Article I- Introductory Provisions, Article II- Definitions, Article III- Zoning Districts, Article IV- District Regulations, Article V- Supplementary General Requirements, Article VI- Non-conforming Lots, Uses and Structures, Article VII- Zoning Commission and Board of Adjustment be amended as follows with deletions struck through and additions redlined as follows:

Chapter 30 - ZONING

Articles:

Article I. - Introductory Provisions

Sec. 30.10. - Title.

This ordinance shall be known as the [] Ordinance of the City of Livingston, Montana and may be referred to as the "[] Ordinance" and the [] referred to herein is identified by the title "[] Ordinance of the City of Livingston, Montana" and may be known as the "[] Ma[]"

Sec. 30.11. - Purpose.

The purpose of this ordinance is to promote the health, safety and general welfare of the community by regulating the height and side buildings and structures, the percentage of lots that may be occupied, the side yards and open space, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes within the city in its []

Sec. 30.12. - Territorial jurisdiction.

The [] jurisdiction of the City of Livingston shall include the land within the corporate limits of the City []

Sec. 30.13. - Incorporation of Official Zoning Map.

The "[] Ordinance of the City of Livingston, Montana" and all notations, references and other information shown on the [] are hereby incorporated by reference and made a part of this ordinance []

The [] Ordinance of the City of Livingston, Montana shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the [] Ordinance of the City of Livingston, Montana" to get her with the date of adoption of this ordinance []

In an ordinance with the provisions of this ordinance, annexes are made in district boundaries or other matter portrayed on the [] Ordinance of the City of Livingston, Montana shall be entered on the [] Ordinance of the City of Livingston, Montana as follows: "On [] date by ordinance of the City Council of the following annexes were made in the [] Ordinance of the City of Livingston, Montana: [] ordinance" with entry shall be signed by the Mayor and attested by the City Clerk. In case of a conflict between the ordinance and the [] Ordinance of the City of Livingston, Montana, the ordinance shall govern []

No annexes of any nature shall be made on the [] Ordinance of the City of Livingston, Montana or matter shown thereon except in conformity with the procedures set forth in this ordinance []

In the event that the [] Ordinance of the City of Livingston, Montana be lost, destroyed, lost or difficult to interpret because of the nature or number of annexes and additions, the City Council may by ordinance adopt a new [] Ordinance of the City of Livingston, Montana which shall supersede the prior [] Ordinance of the City of Livingston, Montana. The new [] Ordinance of the City of Livingston, Montana may correct drafting or other errors or omissions in the prior [] Ordinance of the City of Livingston, Montana but no such correction shall have the effect of amending the original [] Ordinance of the City of Livingston, Montana or any subsequent amendment thereof. The new [] Ordinance of the City of Livingston, Montana shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this [] Ordinance of the City of Livingston, Montana supersedes and replaces the [] Ordinance of the City of Livingston, Montana adopted [] date of adoption of [] and being replaced as part of the [] Ordinance of the City of Livingston, Montana" unless the prior [] Ordinance of the City of Livingston, Montana has been lost or has been totally destroyed, the prior [] or any significant parts thereof remain shall be preserved to get her with a available records pertaining to its adoption or amendment []

Sec. 30.14. - Rules for interpretation of zoning boundaries.

The boundaries of zones as shown on the [] Ordinance of the City of Livingston, Montana shall be interpreted according to the following rules []

- A ☐ The boundaries indicated as a bearing to show the center lines of streets, ways or alleys shall be construed to show such center lines ☐
- B ☐ Boundaries indicated as a bearing to show plotted lot lines shall be construed to show such lot lines ☐
- C ☐ Boundaries indicated as a bearing to show city lot lines shall be construed to show the City lot lines ☐
- D ☐ Boundaries indicated as shown railroad lines shall be construed to be midway between the main tracks ☐
- ☐☐ Boundaries indicated as shown shore lines shall be construed to show such shore lines and in the event of natural changes in the shore line shall be construed as moving with the actual shore line boundaries indicated as a naturally shown the shore line of the stream, rivers, canals, lakes and other bodies of water and in the event of natural changes in location of stream, rivers, canals, lakes and other bodies of water shall be construed as moving with the actual body of water and shown the shore lines ☐
- ☐☐ Boundaries indicated as curbs or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the Official Map may be determined by the scale of the map ☐

(Zoning Map Amendments: Ord. 1482, 7/6/81; Ord. 1496, 3/15/82; Ord. 1534, 11/19/84; Ord. 1532, 11/5/84; Ord. 1545, 3/3/86; Ord. 1559, 11/3/86; Ord. 1564, 2/2/87; Ord. 1576, 7/6/87; Ord. 1586, 2/1/88; Ord. 1628, 8/7/89; Ord. 1629, 8/14/89; Ord. 1635, 11/89; Ord. 1654, 5/7/90; Ord. 1661, 6/4/90; Ord. 1662, 6/4/90; Ord. 1663, 6/18/90; Ord. 1669, 9/4/90; Ord. 1670, 9/4/90; Ord. 1671, 9/4/90; Ord. 1672, 9/4/90; Ord. 1699, 1/21/92; Ord. 1700, 1/21/92; Ord. 1723, 10/19/92; Ord. 1828, 2/5/96; Ord. 1840, 9/3/96; Ord. 1930, 11/17/03; Ord. 1936, 2/2/04; Ord. 1976, 9/18/06; Ord. 1985, 4/16/07; Ord. 1986, 4/16/07; Ord. 1987, 8/20/07; Ord. 1988, 8/20/07; Ord. 1989, 10/15/07; Ord. 1993, 12/17/07; Ord. 1994, 12/17/07; Ord. No. 2005, § 1, 8/18/08; Ord. No. 2006, § 1, 9/2/08)

Article II. - Definitions

For the purpose of the ordinance certain terms or words used herein are defined as follows

The word "person" includes a firm, association or organization, partners, trust, company or corporation as well as an individual. The present tense includes the future tense. The singular number includes the plural and the plural number includes the singular. The word "shall" is mandatory. The word "may" is permissive. The words "used" or "occupied" include the words "intended," "designated" or "arranged to be used or occupied" and the word "lot" includes the words "plot" or "parcel."

"Accessory" means a use, a building or structure, part of a building or other structure which is subordinate to and the use of which is incidental to that of the main building, or structure or the use on the same lot. In addition, a private garage on an accessory building is attached to the main building by a door on wall or roof. Such accessory building shall be considered a part of the main building.

"Adult bookstore" means a business establishment having a substantial portion of its stock in trade consisting of books, audio tapes, cassettes, DVD and videos which are obscene, depict or relate to nudity or sexually explicit material and whose clientele must be at least eighteen years of age.

"Adult movie theater" means a business establishment which presents or shows rated movies, DVDs or videos on a screen or television.

Alley - See Street

"Alteration" means a change or rearrangement of the structural parts of a building or a reduction in the size of the structure or an enlargement by extending the sides or increasing the height or the moving from one location to another.

"Bars, taverns, or lounges" means an establishment where alcoholic beverages are sold and consumed on the premises even if such sales are incidental to or accessory to the principal business of such establishment.

"Bed and breakfast" means a commercial business operated in a house which is used partially or primarily for providing overnight accommodations to the public even though the owner may live on the premises. The accommodations for a bed and breakfast shall have no more than five guest rooms. Breakfast is the only meal served on the premises included in the charge for the room and there is no other food or beverage served upon the premises.

"Board" means the Board of Adjustment of the City of Livingston.

"Boarding house" means a building other than a hotel or club where meals are regularly served for compensation to more than six persons who are not members of the family there residing.

"Building" means a structure of any kind or less permanent construction having a roof and intended to be used for sheltering, enclosing, or any other personal property or business activity.

"Building height" means height of building is the vertical distance from the "grade" to the highest point of the building or a flat roof or the defined line of a mansard roof or to the average height of the highest cable attached to the roof.

"Building official" means the City Building Inspector of the City of Livingston or his designated representative.



"Business and Professional Offices" means a structure used primarily for housing the offices of a physician, dentist, architect, engineer, attorney, musician, artist or similar professional person.

"Clinic" means a building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses, but where no surgery other than minor emergency care is performed.

"Drive-in restaurant" means a use whose retail character is dependent upon a driveway, apron and parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises in a vehicle.

Dwelling Types

- a. "Dwelling one family" means a building designed for occupancy by one family and containing one dwelling unit.
- b. "Dwelling two family duplex" means a building designed for occupancy by two families living independently of each other and containing two dwelling units.
- c. "Dwelling multiple" means a building designed primarily for occupancy by three or more families living independently of each other and containing three or more dwelling units.

"Dwelling unit" means one or more rooms designed for or occupied by one family or living or sleeping purposes or for use solely by one family.

A room is considered a dwelling unit shall have a pass through an interior door to other parts of the dwelling unit. An entirely apartment constitutes a dwelling unit within the meaning of this ordinance modified in this Chapter.

"Dormitory" means the collection of rooms or display of a living person, however, total nudity is prohibited.

"Family" means one or more persons related by blood, adoption or marriage or not more than three unrelated persons living together and usually eating on the premises as a single household unit.

"Fence" means a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space for separation of parcels and it may include a masonry wall.

"Grade" means the lowest point of elevation of the finished surface of the ground, driveway or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Heavy manufacturing" means any manufacturing process which requires the storage of hazardous materials within cubicles conducted partially or entirely outdoors or causes significant noise, odor or vibration which is detectable beyond the parcel on which it is located.

"Hotel" means a building in which lodging is provided with or without meals and open to transient guests.

"Light manufacturing" means any manufacturing process which requires no storage of hazardous materials within cubicles entirely contained indoors and does not cause any significant noise, odor or vibration detectable beyond the parcel on which it is located.

Livestock and fowl "Livestock" shall include a animal as of the equine, bovine and swine class including goats, sheep, horses, cats and other farm animals. "Fowl" includes chickens, geese, ducks, turkeys, geese and other poultry.

Lot or the purpose of this ordinance a "lot" is a parcel and of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or on an approved private street and may consist of:

- a. A single lot or record.
- b. A portion of a lot or record.
- c. A combination of lots or records or lots or records and portions of lots or records or portions of records.
- d. A parcel and described by lines and bounds provided that in no case of division or combination shall any residual or parcel be created which does not meet the requirements of this Chapter.

"Lot coverage" means that portion of any lot upon which a structure as herein defined is located.

"Lot frontage" means the side of a lot boundary which is nearest the street or the purposes of determining yard requirements on corner lots and through lots, sides of a lot adjacent to streets shall be considered frontage.

"Lot record" means a lot which is part of a subdivision recorded in the office of the County Clerk and Recorder or a lot or parcel described by lines and bounds the description of which has been so recorded.

Lot types: The diagram figure which follows on page illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.

In the diagram a corner lot defined as a lot located at the intersection of two or more streets, a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the

Foremost points of the side lots line to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees. See lots marked A in the diagram.

B Interior lot defined as a lot other than a corner lot with only one frontage on a street.

C Lot fronted lot defined as a lot other than a corner lot with frontage on more than one street. Fronted lots abutting two streets may be referred to as double fronted lots.

D Reversed frontage lot defined as a lot on which the frontage is at a right angle or approximately right angles interior angle less than one hundred thirty-five degrees to the general pattern in the area. A reversed frontage lot may also be a corner lot. A D in the diagram an interior lot B D or a fronted lot D D.

"Manufactured housing" means a single-family dwelling built on-site in a factory on or after January 1, 2000 that is placed on a permanent foundation, is at least one thousand square feet in size, has a pitched roof and siding and roofing materials that are durably as defined by the regulations used on site built homes and is in compliance with applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home.

"Material" means a book, magazine, newspaper, calendar, poster, print, picture, picture, image, description, motion picture, recording, recording tape, DVD or videotape, text, a motion picture, DVD or videotape rated R or by the motion picture association of America.

"Medical marijuana facility" means an establishment where a Montana licensed "care giver" grows, cultivates, processes or sells medicinal marijuana for use by State approved qualified patient card holders.

[Mobile Home](#) "Mobile home" means a trailer or semi-trailer structure which is designed, constructed and equipped as a dwelling, an abode or sleeping place and is equipped as a dwelling, a sleeping abode or sleeping place and is equipped for movement on streets or highways and exceeds twenty five feet in length exclusive of trailer hitch.

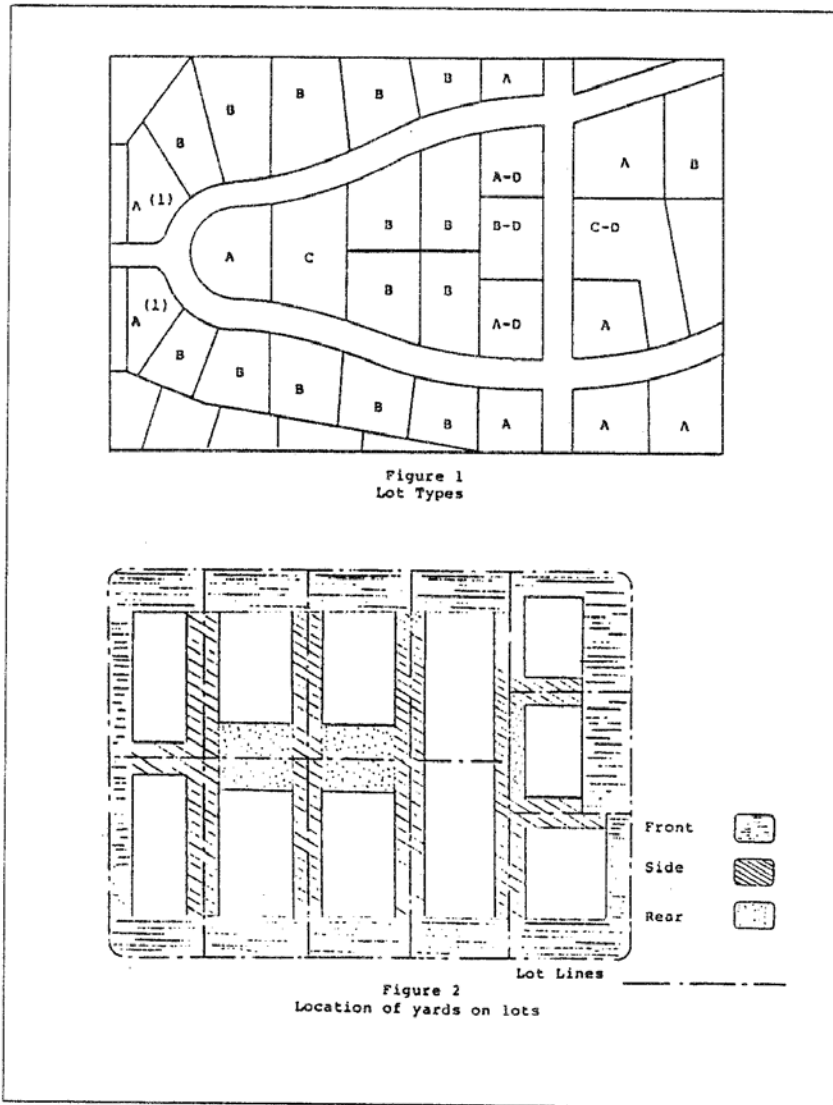
"Mobile home car" means any trailer or car used, maintained or intended to be used, leased or rented or otherwise by two or more mobile homes. This definition shall not include trailer sales lots on which unoccupied mobile homes are stored for the purpose of inspection and sales.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit and for the temporary use by auto mobile tourist or transient and such word shall include tourist courts, motor courts, auto mobile courts and motor lodges.

"Personnel care center" means a facility which provides services and care [which do not require nursing services](#) to residents needing some assistance in performing in the activities of daily living [includes assisted living facilities and nursing homes](#).

"Planning board" means the Livingston City Planning Board.

"Public recreation facility" means a facility which is available for use by the public for recreational or other purposes. A fee may be charged but the facility may not be owned and/or operated for profit purposes which are covered by this definition shall include but are not limited to a Civic Center, swimming pool, fitness access and car.



"Restaurant" means a commercial establishment whose primary function is providing prepared meals to customers for consumption within the structure.

ORDINANCE NO. 2091: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING. Page 8 of 49

"Right-of-way" means a strip and dedicated or acquired for use as a public way.

"Secondary or senior school" means an institution of learning either public or private which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education.

"School property" means a building where instruction is given to pupils and operated as a school enterprise as distinguished from schools endowed and/or supported by taxation and not providing instruction for trades.

"School trade" means a building where any instruction is given to students in industrial arts such as auto mechanics, welding and carpentry.

"Seasonally oriented business" means a commercial establishment which operates as an adult book store, adult theater or features shows, toys, notes or sponsors motion entertainment.

"Setback regulations" means a setback regulation to the terms of this ordinance to which it uses other than those specifically permitted in each district in appropriate cases and subject to appropriate conditions.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above it that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling or roof above the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than fifty percent of the total exterior is more than twelve feet above grade as defined herein at any point such basement or unused underfloor space shall be considered as a story.

Street

- a "Street" is a public way or vehicular traffic way designated as a street, way, boulevard, or otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines or any dedicated public way as recorded by the County Clerk and Recorder whenever any portion is open to vehicular traffic.
- b "Alley" is a minor way which is used primarily for vehicular service access to the back or the side properties of otherwise abutting on a street.
- c "Arterial street" is a fast or heavy traffic street used primarily as a traffic artery for intercommunication among large areas.
- d "Local street" is a street used primarily for access to the abutting properties.
- e "Collector street" is a street which carries traffic from local streets to arterial streets including the principal center streets of a residential development and streets for circulation within such a development.

"Street front" means a street abutting the predominantly narrow sides of the lot within a block is the street that faces within a block square and shall be the street that addresses are assigned to.

"Street side" means a street parallel or nearly parallel to the predominantly long sides of the lots within a block and intersecting at right angles or nearly right angles the front street. Addresses are not normally assigned along a side street.

"Structure" means a building or any other structure constructed in the ground or any other erected which requires location on the ground or water or is attached to something existing on or in the ground but not including fences six feet or less in height, paved areas, or seasonal accessory use structures such as storage sheds which would not require a building permit to be erected under any building code adopted by the City of Livingston. However, in no case will such accessory building be allowed to violate the line or sight restrictions for street and alley or private drive approaches as specified in Section 10-10-01B of this code or the height limitations of the applicable zoning district.

"Townhouses" means two or more separate dwellings units situated on their own lots and having one or more lots on which were no side setbacks.

"Trailer" or "mobile homes" means a factory assembled structure equipped with the necessary service connections and constructed to be readily moveable as a unit or units on its own chassis and designed to be used as a dwelling unit.

"Variance" means an adjustment in the application of the special regulations of this Chapter pursuant to Section 10000.

"Unrated movies and sexually explicit materials" are those materials which depict or show upon exhibition in a state of sexual stimulation or arousal acts of sexual intercourse, masturbation, unnatural sexual intercourse or bestiality.

"Yard" means a space on the same lot with a principal building open unobstructed and unobstructed by any structure or portion of a structure provided however that fences, walls, posts, a necessary use structures as defined herein, posts of other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any yard subject to certain limitations and requirements in the obstruction of visibility in Section 10000 of Article V. See Figure 1 for illustration of yard types defined below.

Yard Front "Front yard" means a yard extending between side lot lines across the front of a lot adjoining a public street. The front yard shall extend to the front property line to the front of the building located on the lot. In the case of corner lots where one of the front yards that would normally be required is not in line with the prevailing yard pattern, the zoning coordinator may waive the requirement for the normal front yard and substitute therefor a side yard requirement with a shall exceed the average of the yards provided on abutting lots.

Yard Side "Side yard" means a yard extending from the rear line of the required front yard to the rear lot line or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of corner lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.

Yard Rear "Rear yard" means a yard extending across the rear of the lot line between inner side yard lines. In the case of corner lots and corner lots there will be no rear yards but only front and side yards.

"Zoning Coordinator" means the manager for the Livingston City/County Planning Board or such other official as the City Commission by motion may designate.

(Ord. 1798, 12/19/94; Ord. 1810, 7/3/95; Ord. 1868, 2/2/98; Ord. 1894 § 1, 3/6/2000; Ord. 1949, 10/18/04; Ord. No. 2011, § 1, 4/6/09; Ord. No. 2022, § 1, 9/7/10)

Article III. - Zoning Districts

Sec. 30.30. - Zoning districts.

To carry out the provisions of this Chapter the City is divided into the following zoning districts in which the erection, construction, alteration, reconstruction, repair or use of buildings, structures and land shall be regulated and restricted. The regulation in each district shall be uniform throughout each district but may differ from those in other districts.

DISTRICT	DESIGNATION
Low Density Residential	R-1

Medium Density Residential	R-II
Medium Density Residential: Mobile Home	R-II (MH)
High Density Residential	R-III
Mobile Home Residential	RMO
Public	P
Industrial	I
Light Industrial	LI
Highway Commercial	H.C.
Neighborhood Commercial	N.C.
Central Business District	C.B.D.
Preservation Zoning District	PZD

R-I Low Density Residential A single-family residence district with a large lot area required and including customary residential accessory uses

R-II Medium Density Residential A single-family residence district. Dwellings and two accessory dwellings may also be accommodated on lots of adequate lot sizes

R-II Medium Density Mobile Home A district primarily intended for single and two accessory dwellings which also allows for the placement of mobile homes

R-III High Density Residential A residential classification intended to provide adequate sites for multifamily developments including condominiums and townhouses

RMO Residential Mobile Home A district permitting mobile home development

P Public The public zone is intended to reserve land exclusively for public and semi-public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare

I Industrial A district intended to accommodate a variety of businesses, warehousing, transportation terminals and light and heavy industries

LI Light Industrial A district intended to accommodate a variety of light industry including those defined as light manufacturing as well as business and professional offices

H.C Highway Commercial A district intended to provide areas for residential structures, offices, retail and service enterprises which serve the needs of the tourist traveler, recreationist or the general traveler

Sub: Areas designated as Highway Commercial could be located in the vicinity of freeway interchanges intersections on limited access freeways or adjacent to primary and secondary freeways

Community Center: The Community Center is intended to primarily provide for community retail services, activities or convenient retail development

CBD: Central Business District: The Central Business District is intended to accommodate stores, hotels, government and cultural centers, professional services establishments and a manner of housing with an emphasis on density and variety. In order to protect the public interest and welfare and to facilitate an attractive, efficient and prosperous CBD, the emphasis is on large scale, dense buildings.

D: The preservation of the District is designed to supplement land uses and development standards by recognizing the unique characteristics of an existing structure. It may be important to the community to preserve either a historical or architectural design, perspective or by recognizing the unique characteristics of a site due to natural features including topographical features, water courses, woodlands and wildlife habitats. It is the intent that the uses to be allowed are an industry to the preservation of the historical or architectural design of the building or the natural features and shall not be construed as creating a benefit for the owner of the property to the detriment of other property owners surrounding the preservation. This is not to be construed as creating speculation for the benefit of the preservation District property owners, but rather a method for the preservation of historical or architectural designs or natural features important to the community.

In the case of a use not specifically mentioned in the list of uses in Article IV of this Chapter, the decision regarding whether the proposed use of a structure is allowable in a specific zone shall be made by the Planning Commission. Decisions shall be based upon the most compatible uses contained in Article IV of this Chapter.

(Ord. 1949, 10/18/04; Ord. 1954, 5/16/05; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08)

Article IV. - District Regulations

Sec. 30.40. - List of uses.

Table 30.40 designates a list of uses permitted within a zoning district. Designated uses shall be permitted only in the zones indicated.

Table 30.40
List of Uses

A = Acceptable S = Special Exception Permit Required N = Not Accepted											
	R-I	R-II	RII-MH	R-III	RMO	NC ²	CBD ¹	HC	LI	I	P
Single-One (1) Family Dwellings*	A	A	A	A	A	N	A	A	N	N	N
Duplexes-Two (2) Family Dwellings	N	A	A	A	N	N	A	A	N	N	N
Multifamily Dwellings	N	N	N	A	N	N	A	A	N	N	N
Townhouse	N	A	A	A	N	N	N	N	N	N	N

Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N
Churches	S	S	S	A	N	A	N	A	N	N	N
Schools, Public and Commercial	A	A	A	A	A	A	N	N	N	N	A
Schools, Trade	N	N	N	N	N	S	A	A	A	A	N
Hospitals	N	N	N	A	N	A	N	N	A	N	N
Clinics	N	N	N	A	N	A	A	A	A	A	N
Adult Foster Care Center ³	N	A	A	A	N	N	N	N	A	N	N
Nursing Homes	N	A	A	A	N	A	N	N	N	N	N
Personal Care Center	N	A	A	A	N	AN	A	AN	N	N	AN
Child Care Center	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	A	N	A	N
Self-Service Laundry	N	N	N	N	A	A	A	A	N	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	N	N	N
Motels/Hotels	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	S
Retail Stores	N	N	N	N	N	A	A	A	A	S	N
Barber Shop and Beauty Parlors	N	N	N	N	N	A	A	A	A	S	N

Restaurants	N	N	N	N	N	A	A	A	A	A	N
Bars	N	N	N	N	N	N	A	A	A	A	N
Drive-In Restaurants	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	A	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	S	S	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	A	S	A	N
Light Manufacturing	N	N	N	N	N	N	A	A	A	A	N
Heavy Manufacturing	N	N	N	N	N	N	N	N	N	A	N
Lumberyards	N	N	N	N	N	N	N	A	A	N	N
Transportation Terminals	N	N	N	N	N	N	A	A	N	N	N
Utility Substations	S	S	S	S	S	S	S	S	N	S	S
Armory	N	N	N	N	N	N	N	N	N	N	A
Cemetery	N	N	N	N	N	N	N	N	N	N	A
Government Offices	N	N	N	N	N	A	A	A	N	N	A

Zoning Classification District					
	Neighborhood Commercial	Highway Commercial	Industrial	Light Industrial	Central Business District
Min. Lot Requirements in Square Feet	N/A	6,000	6,000	6,000	N/A
Minimum Yard Requirements					
Front	20'	20'	20'	0' with boulevard	N/A
				10' without boulevard	
Side	0'	0'	0'	10'	N/A
Side Adj. to Street	10'	10'	10'	10'	N/A
Rear	0'	0'	0'	20'	N/A
Maximum Height for all Buildings	27'	45'	N/A	33'	N/A
Parking Requirements	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51
Loading Space Required	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51

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Sec. 30.43.1. - Bed and breakfasts.

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A "Bed and breakfast" means a commercial business operated in a house which is used primarily or primarily for providing overnight accommodations to the public.

- B The purpose of this section is to establish the allowable locations and operations of bed and breakfast facilities.
- C A bed and breakfast shall be allowed in the following zoning districts: Low Density Residential, Medium Density Residential, Residential, Neighborhood Commercial, Highway Commercial, and the Central Business District (CBD).
- D Reserved.
- E The allowable operations for a bed and breakfast shall have no more than five guest rooms. Breakfast shall be the only meal served on the premises and is included in the charge for the room. No other food or beverage served upon the premises.
- F On-street parking shall be provided by a bed and breakfast facilities. There shall be two on-street parking spaces for every one guest room. On-street parking shall be required to be used by guests.
- G No bed and breakfast shall be located on a lot closer than two hundred feet in a straight line distance to any other lot containing a bed and breakfast. The owner shall live on the premises.
- H Signs shall be limited to that allowed for home occupations. Twelve signs by twenty-four inches in size non-illuminated signs are counted.
- I Rates shall be charged for single occupancy or double occupancy rates will not be allowed.
- J A bed and breakfast already in existence at the time of this section's effective date shall have ninety days to conform with the provisions of this section. Existing establishments shall be grandfathered as to the requirements of subsection (C) of this section.
- K Any property receiving a special exception for a bed and breakfast shall have ninety days from the date of the final City Commission action to meet any specified conditions and obtain a City business license. A City business license is not obtained in that time period the special exception shall be automatically rescinded as of that date. A license for a bed and breakfast is not renewed within ninety days after January 1 of any calendar year the special exception for that bed and breakfast shall be automatically rescinded.
- L Any application for a bed and breakfast shall be accompanied by a detailed plan drawn to scale showing a site plan of the physical layout for the property including the on-street parking provisions.
- M The table of uses in Table 30.45 is amended to comply with subsection (C) of this section.

~~Sequoyia oriented business shall be operated or maintained within the corporate limits of the City of Livingston or within the Industrial zone with the further limitation that no sequoyia oriented business shall be front on Bar Street and shall be set back from Bennett Street a minimum distance of two hundred feet. No sequoyia oriented business shall be operated or maintained within six hundred feet of either a City or County residential zone, a church, an elementary or high school, a State licensed day care facilities, libraries, bars or day rounds or another sequoyia oriented business. The distance limitation in this section shall be measured in a straight line from the main entrance of said sequoyia oriented business to the property line of properties in residential zoned districts, churches, elementary or high schools, State licensed day care facilities, libraries, bars or day rounds or another sequoyia oriented business.~~

(Ord. 1702, 7/20/92; Ord. 1868, 2/2/98; Ord. 1894, 3/6/2000; Ord. No. 2029, § 2, 4/19/11)

Sec. 30.45. - Uses in the Preservation Zoning District.

Uses in the Preservation Zoning District may be reduced or expanded from the uses allowed in the areas surrounding the Preservation Zoning District. Allowable uses will be set forth in the plan adopted for each Preservation Zoning District.

(Ord. 1954, 5/16/05)

Sec. 30.45.1. - Preservation Zoning District Plan.

The Livingston City Commission shall make a recommendation to the City Commission for a preservation zoning district plan which shall take into consideration the following:

- A. Definition of the boundaries of each special-use zoning district
- B. Identification of the structures and/or natural features which contributed to the creation of the preservation zoning district
- C. Identification of the uses and development standards or guidelines intended to preserve the structures and/or natural features which may vary from preservation zoning district to preservation zoning district but shall take into consideration
 - Setbacks
 - Landmark standards
 - Signage standards
 - Parking standards
 - A list of uses to be allowed
 - Any other standard that would serve the purpose of preserving historic or architectural structures or natural features in each preservation zoning district

(Ord. 1954, 5/16/05)

Sec. 30.46. - Building design standards.

A. This Section provides guidelines and standards for the design of buildings in the Design Review Overlay Zone. In general, they focus on the exterior buildings that will be visible in space and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such, they address only broad-scale topics and do not dictate specific architectural styles or building details.

B. Objectives for Building Design

- Achieve High Quality Design Buildings in the overlay zone shall convey a high quality of design in terms of their materials and details as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.
- Retain the Design Traditions of Livingston Buildings shall retain the design traditions of the region in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Steep roof forms in gables and shed varieties are historically precedents to gable and they also help reduce the apparent bulk of larger buildings and help to shed snow and water at roofs with varied parapet lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale to reduce the impact of building scale on the adjacent property as well as on the neighborhood.
- Roofline Buildings that fit with the natural setting. Structures shall be sited to fit with the land and incorporate colors seen in the natural setting.
- Roofline Buildings that Retain Pedestrian Scale. Human scale shall be an integral part of all buildings. Large flat windowless block buildings do not retain human scale or the design

traditions of Livingston. The use of bands and/or building materials and architectural details bring out an sense to buildings.

C. Building and Toorway

- □□□□□□ A building shall preserve the natural toorway of the site.
- Standards shall be a building foundation to show the slope of the site when feasible. In general, an enclosed building foundation shall not exceed the feet in feet.

D. Building Character

- □□□□□□ Buildings shall reflect the regional urban character.
- □□□□□□
- a. Designs that draw upon regional design traditions are preferred. Standardized "ranchise" style architecture will be strongly discouraged by showing these standards.
- b. The primary entrance to a building shall have a unique sense provide a one story element at the building entrance to establish a sense of scale.
- Where no windows or other obvious indication exists to express the position of a door in the exterior design of a building to establish a unique sense.
 - i. Use belt courses or other horizontal bands of contrasting color and materials to define door lines.
 - ii. Articulate structural elements or pane materials as a method of defining doors.
- d. Use building materials that establish a unique sense.
 - i. For exterior use brick in a standard mode to express a unique sense.
 - ii. Avoid using rare surfaces of painted products or featureless materials.
 - iii. A rare surface of stone or similar material that lacks articulation or detail shall be avoided.
- e. Few construction shall create to adjacent residential and historic resources. Where a new roof abuts a residential neighborhood or a historic structure, set the building down at the property edge to minimize abrupt changes in scale or increase side yards to reduce the impact.

□□ Primary Building Entrance

- □□□□□□ The primary entrance of a structure shall orient to a street or sidewalk, pedestrian way, a courtyard or other outdoor public space.
- Standards
 - a. Design the main entrance to be clearly identifiable.
 - i. Provide a sheltering element such as a canopy, awning, arcade or portico to signify the primary entrance to a building.
 - ii. Where more than one user shares a structure, each individual entrance shall be identified.
 - b. Orient the primary entrance of a building to face a street, a or pedestrian way.
 - i. Do not use an entrance toward a parking lot without also addressing the street is inappropriate.
 - ii. Consider using a "double-fronted" design where the entrance to parking and to the street is required that is provide a door to the street and another to the parking lot.

iii) Consider locating a pedestrian plaza at the entrance of buildings may be enhanced with landscaping and streetscape furnishings

□□ Street Level Interest

□□ Policy When a building is located close to a street or walkway it should be designed to provide interest to pedestrians. For exterior buildings with storefronts are of interest to passersby. Such features encourage pedestrian activity and should be used whenever feasible. The overall mass of a building should appear to be in scale with buildings seen traditionally. This will be the new structures fit with the Livingston context. At the same time newer structures may be larger than those seen before they should be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.

□□ Standards

a) Develop the street level of a building to provide visual interest to pedestrians. Besides a building should include interesting details and materials to avoid presenting a "blank side" to neighboring properties or exterior sides of restaurants and specialty stores should incorporate windows and display cases over at least a third of the facade area. A large expanse of blank walls inappropriate on any street-oriented facade.

□□ Building Mass and Scale

□□ Policy A building should appear to have a "human scale." In general this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions as noted throughout this Chapter's architectural details visible to pedestrians.

□□ Standards In order to reduce building scale exterior of a building should provide a portion of the window

a) Divide a building into visual modules that express dimensions of structures seen traditionally.

i) Buildings should employ a portion of the window design techniques

- A) Can be material for color with exterior building module to reduce the perceived mass
- B) Can be the height of a wall or building module
- C) Can be roof or to be express the different modules of the building mass and
- D) Can be the arrangement of windows and other facade articulation features such as columns or structural that divide large wall planes into smaller components

ii) Express facade components in ways that will be to establish a human scale details oriented towards pedestrians

- A) Establish a pattern and rhythm on exterior walls to establish a human scale
- B) Windows openings and other architectural treatments used repetitively can create this effect
- C) Small windows and doors that are similar in scale to those seen traditionally also can be establish a human scale
- D) Also recess these elements even slightly and articulate them with leaders, sills, copings and other details

H) Roofing

□□ Policy The primary roofing of a structure should reduce the perceived scale of the building or that reason sloped roofs should be used in most contexts. These also will be the building fit into the mountain landscape. Varied roofing in the appropriate context are also encouraged.

□□ Standards

- a. Signs on roofs or signs to reduce the perceived scale of a building is encouraged
 - i. Varying roof colors is encouraged
 - ii. Providing variety in ridge line color is encouraged
- b. All roofs or signs shall have no less than two of the following features
 - i. A flat roof with parapet
 - ii. A cornice or eave to define the top of a parapet
 - iii. Overhanging eaves
 - iv. Signs on roofs with a minimum of 100 square feet
 - v. Multiple roof planes

1. Signage

Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development it will be important within this overlay zone to see signage as minimal and unobtrusive as possible.

Standards

- a. Free standing and prominent signs will be constructed on pillars and contain details which at least one of the building being advertised
 - i. Use brick, wood or stone facades on signage structures to help them blend into and at the site
 - ii. Signage architectural details of the building such as doors, features and decorative elements in design of sign structures
- b. Signs that detract from the site design of a development shall be avoided. The use of internally illuminated signs will not be allowed. Signage or other lighting methods shall be considered.

Design Standards Administration. The building design standards and review procedures contained herein shall apply to all nonresidential property annexed into the City and within the Gateway Overlay Zone in District 7. It has been adopted and amended to the City's Growth Policy. These design standards will be applied through the use of an overlay zone that will add the provisions of this Section to the underlying zoning designation. Within the Design Review Overlay Zone, all new construction, interior remodels and additions to existing buildings will be subject to the review process.

Application. A completed application for a sign with a site plan and other detailed drawings including but not limited to building elevations indicating exterior materials, colors and necessary architectural details required to determine compliance with this Section shall be submitted to the Planning Department along with the required application fee. Once accepted by the Planning Department the applicant will be notified as to whether or not the plans submitted comply with adopted City standards. This notification will occur as soon as the review is completed but in any case shall not be later than thirty (30) days from the date the application was accepted by the Planning Department. It is the duty of the City to complete a review and notify the applicant within the allotted thirty (30) day period will constitute approval of the application.

If a plan is rejected for non-compliance it will be returned to the applicant with an explanation as to how the plan fails to comply with City standards and/or this Section. The applicant will then be allowed to resubmit the application with no additional application fee provided the City receives the revised application within sixty (60) days from the original rejection.

Review Fees. The fee for design review shall be established by separate resolution.

(Ord. 1974, 9/5/07)

Article V. - Supplementary General Requirements

Sec. 30.50. - Signs.

A. Intent. The intent of this Section is to provide standards for erection, design and placement of signs and sign structures. Design standards are established to achieve the proper relationship of signs to their environment, enhance the outward appearance of the community as a whole, ensure pedestrian and vehicular safety, preserve the historical aspects of the City of Livingston and promote the conservation of energy by regulating illuminated signs.

B. Definitions.

- "Activated sign" means a sign with a light or motion mechanism or intermittent lights and/or other features requiring electrical energy, electronic or manufactured sources of activation, but not including wind-activated elements such as flags and banners.
- "Awning signs" means a sign which is an integral part of a window awning, attached by to include the printing or painting of words onto awning material.
- "Billboard signs" means any standard outdoor advertising sign larger than two hundred square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located.
- "Free standing signs" means a sign which is supported by one or more posts, supports or braces and is permanently fixed in the ground.
- "Monument sign" means a sign, single or double sided, mounted with the surface of the grade upon which sets the business, industry or other commercial enterprise which the sign advertises. A monument sign must be landscaped with grass, shrubs or other plants or other landscaped material in an area not less than three feet surrounding such sign in all directions.
- "Revolving sign" means a sign which revolves three hundred sixty degrees.
- "Menu board" means a sign specifically designed to advise customers of the menu of food available in the establishment by which the menu board is owned.
- "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.
- "Marquee sign" means a scroll type or reader board but restricted to use by active movie theaters.
- "Temporary sign" means a sign made of paper or some other flammable material advertising a short-term event. The same temporary signs are not subject to inclusion in a business sign square footage measurement. Temporary signs shall be removed within twenty-four hours after the completion of the advertised event.
- "Projecting sign" means a sign installed on the facade of a building which is attached to such building in a perpendicular manner or at an angle to the building wall.
- "Sandwich board sign" means a sign painted on both sides of two boards fastened together at the top with a hinged device designed to be placed on the sidewalk area in front of an establishment.
- "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, including but not limited to signs described in subsections B through H of this Section, for the purpose of determining number of signs a sign will be considered to be a single display device with not more than two display surfaces, but to be a single or display device containing elements or animated related and enclosed to form a unit or

Measurement purposes the square footage of a sign which employs back-to-back display surfaces will only be considered as the square footage of one outside of that sign. Where matter is displayed in a random manner without organized relations of elements or where there is reasonable doubt about the relations of elements each element will be considered a separate sign.

□□□ Square Footage: The square footage of a sign shall be measured as the product of the total linear foot measurement utilized by the total height measurement. The linear measurement shall be attained by measuring from the least edge of the sign continuously measured to the rightmost edge of the sign. Any mounting material shall be part of the measurement.

□□□ "Active business premises" means the owned or leased real property from which the primary business is actively transacted.

□□□ "Overhanging sign" means a sign located on property other than the active business premises.

□□□ "Banner signs" means a strip of rotatable or other material displaying advertising or other information.

□□□ "Portable sign" means any sign designed to be easily moved or transported whether by carrying by mounted wheels by trailer or otherwise.

□□□ "Voluntary modification" means any modification to an existing sign which results a conscious business or personal decision. This may include a change in corporate or sole ownership of the sign or any other change which would require the replacement of existing sign faces. It does not include the replacement or repair of sign faces with new identification faces as part of normal maintenance or due to damage by wind, fire or other hazard.

C. General

□□□ Notwithstanding to this Section shall be interpreted as prohibiting or restricting signs as are required by law. This includes real estate notices and advertisements prescribed by law or posted by any law enforcement or agent.

□□□ Any sign which is readily visible from the public right-of-way in an exterior window of a building whether on the exterior or interior side of the window shall be regulated by the provisions of this Section. Temporary signs are excluded however, no single temporary sign shall exceed six square feet in size and the total cumulative temporary signs shall not exceed fifty percent of the transparency of the window in which they are visible.

□□□ Signs as permitted by this Section shall be maintained by the owner and kept in good repair and shall be painted and repaired at reasonable intervals. The surface of the ground under and about any sign shall be kept clear of weeds, rubbish, and flammable waste material.

□□□ Signs shall be designed and constructed in accordance with the Uniform Sign Code.

□□□ A permit must be obtained from the Building Official by the person who is erecting the sign prior to the construction of any sign except for those signs listed in subsection of this Section.

□□□ Signs not in use by reason of inactivity or use by vacation of the building shall be removed within thirty days of such inactivity by the owner of the sign or the owner of the property. The City has the option of removing such sign at the end of the thirty day period after giving fifteen days written notice by certified mail to the owner and upon removal of the sign, the removal shall constitute a permanent lien against the real property and shall be pursuant to State law.

□□□ All existing signs that have been constructed pursuant to City sign permits and variances through the ordinance of the ordinance codified in this Section (Ordinance effective date: October 2011) shall be grandfathered and do not have to conform as to the permitted size or prohibited signs subsections of this Section. Other provisions of this Section shall apply to existing signs grandfathered signs which are voluntarily modified must meet all requirements of this Section.

Signs which have previously been granted variances may continue to exist within the parameters of those variances

- The Building Official shall be responsible for the enforcement of this sign ordinance
- All buildings with more than one occupant must submit to the Board of Adjustments a sign plan which identifies the number and location of all potential signs on the property before any sign permits may be issued for properties located in the Downtown Historic District. This sign plan will be submitted to the Historic Preservation Commission. Any deviation from an approved sign plan must be approved by the appropriate body prior to permit issuance.
- Pre-existing multi-tenant buildings will not be issued any new sign permits until a sign plan is approved by the appropriate body.
- Any sign variance issued to multi-tenant property shall constitute an amendment to that property's sign plan.
- All signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay zoning.

D Prohibited Signs

- Animated signs shall be erected in any zoning district except time and temperature signs which may be erected in the Central Business District only and existing illuminated signs in the Downtown Historic Preservation District which shall be removed, rotated, or replaced or vary in intensity or color however such signs must be turned off when the business is closed.
- Revolving signs may be permitted in any district.
- Billboard signs shall be erected in any zoning district.
- In the Central Business District, one-way banner signs are allowed.
- Visibility at Corners, Aways and Driveway Approaches: On the street side of lots where an alley or driveway enters the street right-of-way and on all corner lots, a triangular clear vision cone shall be maintained. The cone shall measure ten feet into the lot as measured from the edge of the sidewalk nearest the property line and twenty feet parallel to the street measured from the edge of any alley, driveway or street corner along the edge of the sidewalk nearest the property line. The structure of any sign over three feet in height shall be erected or maintained within the above defined clear vision cone. No sidewalk exists at the point of reference for a measurements shall be determined by the Building Official.
- Notwithstanding any other provisions contained in this Section, free standing signs shall be erected or maintained upon any structure, chimney, radio tower, water tower, radio aerial or television antenna.
- No sign shall be erected on any property without the express permission of the occupant, owner, lessee or any authorized agent thereof.
- No sign shall be erected in such a manner that a portion of the sign or their supports are attached to or interfere with the free use of any fire escape, exit door or stand, or obstruct any required stairway, door, ventilator or window.
- No sign shall be attached to any tree.
- Menu boards are not permitted on any property other than that occupied by a restaurant, cafe or business.
- Portable and/or trailer-mounted signs shall be allowed.
- No sign not in conformance with this Code shall be allowed.

- Signs permitted in A Districts Without a Permit The following signs are permitted in a non-industrial districts and will not require a permit
 - Signs advertising the sale, lease or rental of the premises upon which the sign is located will do not exceed twelve square feet in area located in a residential districts where the area of the sign shall not be more than six square feet. Only two square signs shall be allowed on any one property.
 - Signs bearing only property numbers, box numbers, names of occupants or premises or other identification purposes shall not require a permit.
 - Signs and insignia of the government shall not be displayed in connection with a commercial activity.
 - Legal notices, identification information or directional signs erected or required by governmental bodies.
 - Interchange or architectural features of buildings shall not require a permit.
 - Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
 - Detached bulletin boards for churches, schools or other public religious or educational institutions provided such sign is located not less than ten feet from the established right-of-way line of any street or driveway and does not obstruct traffic visibility at street or driveway intersections.
 - Construction information signs provided the signs are removed immediately following the completion of construction.
 - Non-illuminated public information signs on any residence which is the site of a home occupation in accordance with Section 20.01.03. Signs shall not exceed two square feet.
 - Signs advertising a candidate for political office. Signs shall not exceed sixteen square feet and shall be removed within seven days after any election.
 - Signs advertising yard sale. Signs shall not exceed two square feet and must be removed by the owner within forty-eight hours of the completion of the sale.
- Signs in a Residential District Without a permit The following signs shall be permitted
 - Signs listed in subsection 20.01.03 shall not require a permit and
 - Signs advertising a permitted or existing commercial use within a residential district. Signs require a permit from the Building Official and shall be permitted only under the following conditions:
 - a) Only one non-illuminated sign will be allowed for each business.
 - b) The maximum allowable size for each sign shall be twelve square feet.
 - Illuminated signs shall be illuminated only as long as the advertised business is open.
 - d) No sign shall be erected or placed closer than five feet to the lot line adjacent to the street.
- Signs in Commercial and Industrial Districts Requiring a permit
 - Setback, free standing and monument signs shall be located a minimum of five feet inside a private property lines.
 - Lighting. Advertising signs shall comply with the requirements of Ordinance 20.01.04 and only referred to as the Sign Protection Ordinance. In no event shall an illuminated sign or lighting device be placed or directed so the beams constitute a traffic hazard or nuisance. Advertising signs shall not be placed so as to constitute a traffic hazard or nuisance.

- Material used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electrical Code.
- Number of Signs: In Commercial and Industrial Districts, use is limited to two signs. In addition, one illuminated sign or one free standing sign is permitted for each building regardless of the number of businesses or industrial uses conducted in any one building.
- Height
 - a □ Illuminated sign shall not exceed five feet in height.
 - b □ Free standing sign shall not exceed thirty feet in height.
- Permitted Surface Area
 - a □ Wall Signs: The total surface area of wall signs is limited to one hundred square feet in the Central Business District and otherwise to two square feet of sign for each linear foot of frontage width of the business, provided that the actual total surface area for wall signs does not exceed three hundred square feet.
 - b □ Monument Signs: Monument signs shall not exceed one hundred square feet in total surface area.
 - Free Standing Signs: Free standing signs shall not exceed one hundred fifty square feet in total surface area.
- Roof Mounted Signs: Any sign located on the roof of a building shall not exceed twenty-four inches in height and shall not exceed ten to one of the roofline. The square footage of roof mounted signs shall be counted as a portion of the limitation on wall mounted signs. The total surface area of wall mounted signs added to any roof mounted signs shall not exceed three hundred square feet. Actual or less of the linear front footage of the building is less than one hundred fifty feet.
- Overhead Signs: A business may have up to four overhead signs, however, the total square footage of these overhead signs shall not exceed one hundred fifty square feet. All other overhead signs shall be allowed as provided for in this provision are:
 - a □ Parade sign or lobby show signs no greater than two square feet in area on the date only of the activity.
 - b □ Auction and sale event signs no greater than nine square feet in area for no longer than three days, seventy-two hours.
- Directional Signs for Public Facilities and Useless
 - d □ Banner Signs for Public Services and not exceeding one hundred twenty square feet to be posted for no more than twenty days
 - i □ No signs in the Suburban Parkway or in any required right-of-way shall be allowed except for Governmental traffic control signs unless a business premises is on the railroad right-of-way. No other permitted sandwich board signs not to exceed six square feet per side are exempt from this provision provided that they shall be limited to one per twenty-five feet of building frontage and may only be located in front of the business being advertised. The City Commission upon request from a property owner in front of whose property a sign is to be located may where deemed in the public interest allow a sandwich board sign to be placed other than in front of the business being advertised.
- Banner Signs: Temporary banner type signs shall be allowed for a period of no more than sixty days, limited to no more than seventy-five square feet and used by any business or entity no more than once per year.

- H Variance Parameters for Signs Variance may be granted only if there is undue hardship to the applicant of these sign regulations due to the particular location and site characteristics of the applicant that are different from those listed generally.
- I Dashed Signs Any existing sign not in conformity with this Section that is dashed in either surface area of the sign or in the structure by more than fifty percent shall be removed and any new sign shall meet requirements of this Section.
- J Complaint and Notice of Violation Procedure The City Code Enforcement Officer shall issue a notice of violation in person to the offending property owner, business owner or agent as the case may be, setting in the violation and steps necessary for correction. If the violation is not brought into compliance within fifteen working days from the personal delivery of the notice of violation, the City shall file a civil complaint against the offending person. Failure to provide the written notice identified herein shall not preclude the filing of a complaint in City Court.
- K Violation and Civil Penalty It shall be a civil infraction for any person to violate any provision of this Section. Any violation of any provision of this Section is a civil infraction punishable by a fine not to exceed Three Hundred Dollars.

(Ord. 1738, 3/2/93; Ord. 1749, 9/20/93; Ord. 1819, 10/16/95; Ord. 1820, 10/16/95; Ord. 1860, 6/16/97; Ord. 1873, 5/18/98; Ord. 1883, 2/1/99; Ord. 1975, 9/5/06)

Sec. 30.51. - Off street parking and loading zones.

- A General Area of Offstreet Parking shall have a net area not less than one hundred eighty square feet exclusive of driveways or aisles and shall be of usable space and condition.
- B Location of Offstreet Parking Facilities shall be located as hereafter specified. Any distance specified shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve.
 - 1 For one family and two family and accessory dwellings Offstreet parking is required on the same lot or an adjoining lot with the building they are required to serve.
 - 2 For multi-dwelling and townhouses Offstreet parking is required within a walking distance of one hundred feet.
 - 3 For cositas, sanitarium, convalescent homes, nursing homes, rest homes, homes for the aged, day care, retirement homes, rookeries and boarding houses Offstreet parking is required within six hundred feet.
 - 4 For uses other than those specified above Offstreet parking within five hundred feet is required.
- C Expansion or Encroachment Whenever any building is encroached in cross door area by more than ten percent Offstreet parking shall be provided for the expansion or encroachment portion only in accordance with the requirements of this article. Notwithstanding in this provision shall be construed to require Offstreet parking spaces for the portion of such building previously existing before encroachments or for existing buildings that undergo a change in use.
- D Non-Conforming Use Voluntary establishment of Offstreet parking or loading facilities to serve any existing use of land or buildings even though nonconforming is allowed and encouraged.
- E Mixed Ordinances In the case of mixed uses the total requirements for the various uses shall be computed separately. Offstreet parking facilities for one use shall not be considered as a substitute for joint use.

- Use Not Specified In the case of a use not specifically mentioned in a code, the requirements for on-street parking facilities shall be determined by the City Superintendent or his authorized representative. Such determination shall be based upon the requirements for the most comparable use listed.
- Joint Use of The Building Owner or his authorized representative may authorize the joint use of parking facilities for the following uses or activities under conditions specified:
 - 50 to 75 percent of the parking facilities required for primary "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as "day time" uses such as banks, offices, retail, personal service, stores, food, furniture and amusements or work areas and related uses.
 - 50 to one hundred percent of the parking facilities required for a church or for an auditorium incidental to a church or charitable purpose may be supplied by the on-street parking facilities provided by uses primarily of a day time nature.
- H) Conditions Required for Joint Use of The building or work appropriation is being made to jointly utilize the on-street parking facilities provided by another building shall be located within 100 feet of such parking facilities.
 - The applicant must show that there is no substantial conflict in the principal operation hours at the two buildings or uses for which joint use of on-street parking facilities as is proposed.
 - The applicant must also present a deed agreement executed by the parties concerned for joint use of on-street parking facilities.
- Central Business District In the Central Business District, no new commercial enterprise that is required to meet the minimum standards for on-street parking shall be required to have only fifty percent of the parking space requirements in the Table of Minimum Standards. All other units in the Central Business District shall meet the minimum parking space requirements.
- Table of Minimum Standards On-street parking spaces shall be required as set forth in the following table and where alternatives or continuation standards are indicated, the greater requirements shall apply. Where the total quota results in a fraction, the next highest unit shall be provided and in case of a use not specifically mentioned, the requirements of the most similar mentioned use shall apply.

USE	SPACE REQUIRED
Bowling alleys.	Five per alley.
Medical and dental clinic.	One per 200 square feet of gross floor area.
Banks, business and professional offices with on-site customer service.	One per 400 square feet of gross floor area.
Offices not providing on-site customer services.	One per 4 employees or one per 800 sq. ft. of gross floor area, whichever is greater.
Mortuaries.	One per 5 seats in the principal auditorium.
Manufacturing uses, research testing, and processing, assembling, all industries.	One per 2 employees on maximum shift but not less than one per each 800 square feet of gross floor area.

Libraries and museums.	One per 500 square feet of gross floor area.
Schools, elementary and junior high, public, private or parochial.	One per each employee.
School, high school, public or private.	One per each employee and one per 5 students.
Service stations and drive-in restaurants.	One per 80 sq. ft. gross floor area, with 10 spaces minimum requirement.
Residential, single-family.	2 per dwelling unit.
Residential, duplex or multi-family.	2 per dwelling unit for first 4 dwelling units, then 1.5 for each dwelling unit thereafter.
Boarding houses and similar uses.	One per dwelling unit or lodging unit.
Convalescent homes, nursing homes, rest homes Personal care centers and adult foster care center.	One per 6 beds plus one per each staff member on duty on a maximum shift.
Warehouses, storage and wholesale business and freight terminals.	10 spaces for the first 20,000 square feet of gross floor area* and one space for each additional 10,000 square feet.
Food or beverage places with sale and consumption on premises.	One per 100 sq. ft. of gross floor area for the first 4,000 sq. ft. with 10 spaces minimum requirement and one space for each additional 300 square feet.
Furniture, appliance, hardware, clothing, shoe, personal-service stores.	One per 600 square feet of gross floor space.
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and service.	One per 1,000 sq. ft. of gross floor area plus one per three employees.
Retail stores or service businesses not otherwise named.	One per 500 square feet of gross floor area.
Retirement homes, housing projects for senior citizens.	1-6 dwelling units 0.5 per dwelling unit; 7-18 dwelling units 0.33 per dwelling unit; over 18 dwelling units 0.25 per dwelling unit; minimum of 5 spaces.

Motels, hotels and motor courts.	One per sleeping room.
Hospitals and institutions.	One per 3 beds plus one per 3 employees.
Theaters.	One per 10 seats.
Churches, auditoriums and similar open assemblies.	One per 5 seats or one per 100 linear inches of pew or one per 65 sq. ft. of gross floor area used for assembly purposes, whichever is greater.
Stadiums, sport arenas and similar open assemblies.	One per 8 fixed seats plus one per 100 sq. ft. of assembly space without fixed seats.
*Gross floor area shall be the total built-up area of all floors, excluding car ports and garage areas.	

- Traffic Control Devices □□ Traffic control devices such as carlin stripes designating sta s directional arrows □□ curbs and other developments shall be installed and □□ eted as shown on the approved □□ s □□ Hard surfaced carlin areas shall use paint to delineate sta s and directional arrows □□
- L □□ Screening Required □□ Screening in the □□ r □□ o □□ wa s □□ ar □□ te □□ tu □□ en □□ ces or dense □□ ni □□ erous □□ ed □□ es shall be required where the carlin □□ t □□ as a □□ □□ on boundary with any residentially zoned □□ r □□ erty □□ Su □□ s □□ ree □□ n □□ s □□ shall be □□ ated no □□ ser than three feet fro □□ the □□ r □□ erty line and shall be □□ r □□ erty □□ a □□ in □□ ed □□
- M □□ Li □□ tin □□ Restri □□ tions □□ Li □□ tin □□ o □□ areas to be □□ rovided □□ r □□ o □□ street carlin □□ s □□ shall be so arranged to not constitute a nuisance or □□ ar □□ d to □□ ass □□ n □□ tra □□ ff □□ and where the □□ t □□ ins any residentially zoned □□ r □□ erty □□ the □□ □□ in □□ tin □□ devices shall be so □□ aded and directed to □□ ay away fro □□ residentially □□ ass □□ ed □□ r □□ erty □□
- Maintenance □□ Maintenance o □□ a □□ areas □□ rovided □□ r □□ o □□ street carlin □□ s □□ shall include re □□ o □□ va □□ and re □□ a □□ e □□ ent □□ dead and dy □□ n □□ trees □□ grass and s □□ rubs □□ re □□ o □□ va □□ o □□ tras □□ and weeds □□ re □□ air and □□ a □□ in □□ ten □□ ce □□ drains and re □□ air □□ tra □□ ff □□ control devices □□ signs □□ □□ □□ standards □□ en □□ ces □□ wa s □□ s □□ r □□ a □□ n □□ □□ a □□ r □□ i □□ a □□ s □□ curbs and r □□ i □□ n □□ s □□
- O □□ Street Loading Warehouse and Warehouse □□ O □□ street loading □□ a □□ e □□ r □□ ware □□ ouse □□ w □□ o □□ e □□ a □□ e □□ s □□ □□ n □□ and s □□ i □□ ar □□ a □□ ct □□ i □□ es shall be determined by the Building Official or □□ s □□ au □□ r □□ ized re □□ re □□ sentative □□
- O □□ Street Loading □□ Retail and Commercial □□ In any building or □□ art □□ t □□ ere □□ □□ a □□ v □□ n □□ a □□ cross □□ o □□ r □□ area o □□ □□ □□ □□ s □□ u □□ are □□ e □□ t or □□ o □□ re □□ w □□ □□ is to be □□ □□ d by a use requiring the re □□ e □□ t or distribution by vehicles □□ o □□ a □□ r □□ i □□ a □□ r □□ e □□ r □□ and s □□ i □□ e □□ re □□ s □□ shall be □□ rovided and □□ a □□ in □□ ed on the □□ a □□ e □□ t with s □□ □□ building at least one □□ street loading □□ a □□ e □□ us one additional loading □□ a □□ e □□ r □□ ea □□ □□ □□ □□ s □□ u □□ are □□ e □□ t or □□ a □□ r □□ a □□ ct □□ i □□ on □□ t □□ ere □□ o □□ twenty □□ □□ e □□ t in width □□ t □□ r □□ ty □□ ve □□ □□ e □□ t in □□ n □□ t □□ and □□ our □□ teen □□ □□ e □□ t in □□ e □□ i □□ t □□

Sec. 30.52. - Fences and hedges.

- A □□ He □□ □□ t □□ s □□ en □□ e □□ wa s □□ and □□ e □□ d □□ es □□ ay be e □□ r □□ e □□ d or □□ a □□ in □□ tained in any residential □□ n □□ in □□ distri □□ t □□ rovided that no □□ n □□ e □□ wa □□ r □□ e □□ d □□ e □□ ver □□ ur □□ □□ e □□ t in □□ e □□ t □□ s □□ shall be e □□ r □□ e □□ d or □□ a □□ in □□ tained in any front yard or the side yard e □□ tending □□ r □□ the □□ r □□ e □□ ost e □□ d □□ e □□ o □□ t □□ e □□ ouse to the □□ o □□ int where the side

yard line intersects the front lot line fences and walls located along side yards from the foremost edge of the house to the rear lot line or rear yard and along the rear lot line shall not exceed a height of six feet.

Height for the purpose of this section shall be defined as the vertical distance from the top rail of boardwalk or top of edge to the ground directly below.

- B. Visibility at Alley and Private Drive Approaches. On the street side of lots where an alley or driveway enters the street right-of-way a triangular clear vision cone shall be maintained. Said cone shall measure ten feet into the lot as measured from the edge of the sidewalk nearest the property line and twenty feet parallel to the street measured from the edge of any alley or driveway along the edge of the sidewalk nearest the property line to fence walls or shrub over three feet in height shall be erected or maintained within the above defined clear vision cone. No sidewalk exists the point of reference for a measurements shall be determined by the Building Official.

Regardless of other provisions of this section no fences walls or edifice shall be erected or maintained in any yard which materially impedes vision of vehicles entering an abutting street.

- C. Prohibited Fences. No electric fences shall be permitted in any zoning district or barbed wire fence shall be permitted in any residential zoning district.
- D. Prohibited Locations. No fence walls or edifice shall be erected or maintained in a public street or right-of-way.
- E. Prohibited Materials. All fences shall be constructed from approved fencing materials and shall not be constructed from railroad ties rubble or sawdust.

Sec. 30.53. - Animals.

Prohibited Animals. No livestock or fow as defined in Article II of this ordinance may be kept or maintained in any zoning district in the city except for licensed veterinarian services and except for those kept pursuant to permit obtained pursuant to Section 30.04 of the Ordinance of the Sanitarian.

Sec. 30.54. - Motor vehicles or parts.

Unoperable Motor Vehicles or any parts thereof parked or stored in the open on any property for a period exceeding five days will not be allowed and will be deemed a public nuisance. Any vehicle that is found to be abandoned will be removed in accordance with the Livingston City Ordinances.

Sec. 30.55. - Home occupations.

A. General.

- 1. It is the intent of this ordinance to permit home occupations that meet the following criteria in any residential district or other zoning districts except those meeting this criteria will be allowed on or in home occupations shall meet the criteria within one year from the effective date of this ordinance.
- 2. The purpose of this ordinance is to protect the residential characteristics of the neighborhoods in Livingston. It is to ensure that the home occupations which are allowed to operate will not impose any burdens on the neighboring landowners.

B. Definitions.

- 1. A home occupation is defined as any business or professional activity that is conducted or conditioned to be conducted from a property which is zoned for residential use and which meets the conditions set forth in Section 30.04C and Section 30.04D. However, a medical marijuana facility is hereby specifically excluded from consideration as a home occupation.
- 2. A home occupation permit is a permit issued for a home occupation that is authorized by Section 30.04 without hearing.

☐☐ A Coe oouation Condition use Per it is a Per it aut oried by the City Board o Adjust ent only after a ubi hearing by the Board

C☐ Criteria Ho e oouations ust fit a o t e owin criteria

☐☐ No person shall be employed other than the residents o said dwe in

☐☐ The oouation shall be conducted w o y w in the dwe in or w in an a essory buid in o ated on the ro erty

☐☐ The Cross oor area devoted to the oouation shall not exceed fifteen (15) percent o the total Cross oor area o the dwe in unit us a essory buid ins on the ro erty

☐☐ The oouation shall not impose upon adjacent residences unreasonable burdens due to noise vibration or odors or operation or electrical interference The above shall not be detectable by normal sensory perception beyond the dwe in or a essory buid in in w h the business is o ated

☐☐ Direct sales o products o display selves or racks is not allowed but a person may display an order w h was o ad earlier by telephone or at a sales arty

☐☐ There shall be no signs erected other than those allowed by this ordinance in residential districts

☐☐ A sign o one o street car in space for each business related vehicle shall be provided on the ro erty a car in space shall meet o ini uo standards for o street car in established elsewhere in this code

☐☐ Commercial deliveries shall not restrict regular deliveries made by tractor trailer vehicles to Co e oouations are prohibited in a residential area

☐☐ There shall be no display or evidence apparent to the exterior o the ot that the premises are being used for any purpose other than that o a dwe in o e e t for the Per itted sign

☐☐ Outdoor storage o materials for the Co e oouation is prohibited

☐☐ No toxic or hazardous or explosive industrial substances shall be used or stored on the premises unless registered w the Local Emergency Planning Committee Said premises shall be subject to regular fire inspections

☐☐ No Co e oouation shall be Per itted w out the prior issuance o a Co e oouation Per it or Co e oouation Condition use Per it

D☐ Enore ent

☐☐ The Per it shall be valid only for the proposed business as operated by the applicant The Per it shall be nontransferable either to another ro erty or to another owner or operator It may be revoked upon sufficient showing that a Per it order is violating the terms o the Per it

☐☐ The business shall be subject to regular inspections by the City Fire Marshal and/or the City Building Inspector The inspections shall be done during regular business hours

☐☐ The Building Official shall be responsible for enforcing this section o this ordinance and shall report any violations to the Livingston City Attorney

☐☐ Co an e It is the intent o this subsection to provide the Building Official w the means to enforce the Ho e Oouation section o this ordinance

☐☐ Businesses shall be divided into two categories based on the e e e t e d i o a t they w ave on the residential neighborhood they are proposed for

- a☐ A Major Ho e Oouation is one w h can be e e e t e d to ave so e i o a t on the neighborhood it is proposed for It is one w h has so e visible evidence o the oouation and shall a o o o date bot the residential and business related car in needs on the ro erty Additional characteristics include

- The business may have a sign
- The business may create some additional traffic for deliveries and customers
- b. A Minor Home Occupation is one which has no visible exterior evidence of the conduct of the occupation which does not generate additional traffic and in which no equipment other than that normally used in household domestic or general office use. Additional characteristics may include
 - The business shall not have a sign
 - No use of materials or equipment not recognized as being part of the normal activities of owning and maintaining a residence shall be allowed
 - No hazardous, flammable, explosive or toxic industrial substances may be used in a minor home occupation
- All Home Occupations in existence at the time of the adoption of this Ordinance and a new home occupations which fit the criteria of a minor home occupation shall be required to get a Home Occupation Permit
 - a. The purpose of the Home Occupation Permit is to ensure compliance with this section of the Ordinance
 - b. The Home Occupation Permit may be issued by the Building Inspector upon application by the owner of a Home Occupation
 - The application shall be accompanied by a floor plan for the residence with the area to be used for the business clearly marked
 - d. The application shall be accompanied with a fee of twenty dollars to cover processing
- All New Major Home Occupations shall be required to be reviewed by the City Board of Adjustment for a Home Occupation Conditional use Permit
 - a. The Home Occupation Conditional use Permit process shall be initiated by application to the City Planning Administrator
 - b. The Planning Administrator shall review the application for completeness and prepare it for review by the City Board of Adjustment
 - The Planning Administrator shall educate a public hearing advertise it two weeks beginning at least fifteen and not more than thirty days prior to the public hearing date
 - d. The Planning Administrator shall notify the adjoining landowners within three hundred feet of the proposed Home Occupation location on the proposed business and the date of the public hearing by mail at least fifteen days prior to the date of the public hearing. The request shall be posted on the property at least ten days prior to the public hearing
 - e. The City Board of Adjustment shall conduct the public hearing and decide on the application
 - The City Board of Adjustment shall have the power to require any mitigation measures it deems necessary to protect the public health, safety and welfare
 - The Staff Review shall have a fee of fifty dollars

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

A. Residential Mobile Homes. Mobile homes are permitted in approved mobile home RMO zones and R.II, R.III, MH districts only. No mobile homes shall be placed in other zoning districts except those specified in Section 30.56.B.

Any mobile home or replacement of any existing mobile home moved onto a site in one of the approved zoning districts must contain a minimum of one hundred square feet and must meet all of the following requirements before a Certificate of Occupancy can be issued by the Building Official:

- A. All mobile homes must be completely sited.
- B. All mobile homes must be securely anchored at all four corners.
- C. The running gear must be removed.
- D. The tongue must be removed.
- E. All mobile homes must be placed on a permanent foundation or the purpose of this part a permanent foundation means a foundation system which has been designed and certified by a professional engineer or architect or which has been certified by the mobile home manufacturer.

B. Commercial Use. Mobile homes shall not be utilized for any commercial use other than an on-premises office in connection with a mobile home sales business or as a temporary job space located on a construction site. Such job space must be removed within ten days after completion of construction.

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

A. Manufactured homes are permitted in all residential zoning districts. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand square feet.

B. All manufactured homes must be placed on a permanent foundation or the purpose of this part a permanent foundation means a standard foot-cast concrete foundation built to frost depth without or without a basement.

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

Whenever a commercial building is permitted in a residential district either as a matter of right or by special use permit that building must meet the density requirements of the residential zone in which it is located. The lot or the street parking requirements of the zoning district in which the building is located shall be established by the Building Official in accordance with Section 30.57.

Sec. 30.58. - Townhouses.

A. Townhouses are permitted in R.II, R.III, MH and R.III districts only.

B. All townhouse development must comply with the density and setback requirements set forth in Table 30.58 of the zoning code and a lot area and other applicable regulations.

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

- A. The purpose of the ordinance codified in this section is to set forth minimum landscaping requirements for new or altered commercial, industrial, R1 and RMO zones in order to minimize the visual impact upon public rights-of-way and incompatible uses in said zones and adjacent or abutting R1 or RMO zones as well as establish minimum buffering requirements between new or altered commercial, industrial, R1 and RMO zones and existing incompatible uses and abutting or adjacent R1 or RMO zones and to lessen the impact of parking.
- B. Definitions of the purposes of this section of the following definitions shall apply.
 - 1. "Ornamental tree" means any variety of tree which is not expected to attain a height of fifteen feet or more feet nor be a substantial provider of shade.
 - 2. "Street tree" means any variety of tree which is expected to be in excess of twenty-five feet in height and substantially within or to provide substantial shade benefits.
 - 3. "DBH" means diameter at breast height.
- C. Prohibition of land shall be used or occupied and no structure shall be designed, erected, used, occupied or altered where a building thereon is required nor shall any variance or special exception be granted thereon in conformity with the regulations established in this section.
- D. General Landscaping Requirements Landscaping shall be required as follows.
 - 1. Parking or Storage Areas Screening in the form of trees, hedges or other vegetation shall be required between commercial and utility parking and/or storage areas and any public rights-of-way. Such screening shall be entirely on private property shall be a minimum of four feet in height and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section of the Livingston Municipal Code. Decorative walls or fences or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.
 - 2. Requirements for the Interior of Parking Areas.
 - a. Option parking areas will be designed so that parking rows will consist of not more than ten automobile bays. Any parking area which has a capacity of twenty or more automobiles will be required to provide landscaped islands between parking rows. The islands will be at least five feet wide and shall consist of vegetation or other landscape treatment as well as a minimum of one shade tree per every ten parking spaces or portion thereof. The islands will be separated from the parking surface by a curb of at least six inches in height.
 - b. Option In the alternative where parking rows are to consist of more than ten parking spaces landscaped islands will be provided in accordance with an approved landscape plan. The plan will provide for landscaped area equal to a minimum of five percent of the gross parking space area. The parking space of one square feet. Landscaping requirement of one number of spaces. When using this option at least two islands will be required and each island must be a minimum size of fifty square feet. Each island will contain vegetation or other landscape treatment as well as a minimum of one shade tree per every ten parking spaces or portion thereof.
 - 3. Buffering Required Between Different Land Uses. Where commercial, industrial, utility or office zone or parking land uses abut or are adjacent to lower density residential land uses or zones either directly or when separated by an alley or street rights-of-way or other natural or man-made structure the commercial, industrial, utility or office zone or parking use will provide a landscaped buffer zone screening it from the lower density residential use.

- a. Buffer Zone. The buffer zone shall be a minimum of five feet in width with an additional five feet required for each story of the commercial, industrial or utility use above one story, not to exceed twenty-five feet in width.
 - b. Screening. Screening shall be installed within the buffer zone which shall consist of vegetation or vegetation and a combination of berms, fences or masonry walls to a minimum height of six feet in a manner which does not create a safety hazard for vehicular or pedestrian movement or interfere with the requirements of Section 10.01.01 of the Livingston Municipal Code.
 - c. Shade Trees. In addition to a minimum of one shade tree within each two hundred fifty square feet of buffer zone shall be required. Shade trees required hereunder shall be a minimum of two and one-half inches DBH in size at the time of planting.
- 10.01.02. Landscaping Restrictions. The landscaping and interior illumination is to direct to the adjacent lot or onto the property from which it originates. This section does not apply to street lighting provided by a governmental agency.
- a. Canopy or Storage Area. In any area required to buffer itself from adjacent land uses, the interior lighting shall be limited in height to no more than sixteen feet and will be required to be a design which directs light downward through the use of a directional shade.
 - b. Signs and Decorative Lighting. In commercial and industrial areas adjacent to any land use from which it must be buffered, the following lighting regulations shall apply:
 - a. Internally Illuminated Signs. Internally illuminated signs shall not exceed sixteen feet in height. Internally illuminated canopies or structural elements are prohibited. Alternately, rooftop signs, canopies or awnings may be approved at standard heights if they will not adversely affect neighboring property. The determination rests with the discretion of the City Planning Office, subject to a veto to the Board of Adjustment.
- 10.01.03. Penalty. A violation of this section is a misdemeanor punishable by fine not to exceed five hundred dollars for each day that a violation is allowed to continue shall be deemed a separate and punishable offense.

(Ord. 1852, 4/21/97)

Section 10.01.04. Seaview oriented businesses

no seaview oriented business shall be operated or maintained within the corporate limits of the City of Livingston except within the Industrial zone with the further limitation that no seaview oriented business shall be front on Car Street and shall be set back from Bennett Street a minimum distance of two hundred fifty feet. no seaview oriented business shall be operated or maintained within six hundred feet of either a City or County residential zone, a church, an elementary or high school, a State licensed day care facilities, libraries, parks or playgrounds or another seaview oriented business. The distance limitation in this section shall be measured in a straight line from the main public entrance of said seaview oriented business to the property line of properties in residential zoned districts, churches, elementary or high schools, State licensed day care facilities, libraries, parks or playgrounds or another seaview oriented business.

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Sec. 30.6159-1. - Wind powered generators.

A. Definitions

- "Wind powered generator" or "Wind" means any device such as a wind tower, wind mill or wind turbine and associated facilities including the support structure of the system such as a tower that covers wind energy to electrical energy which has been certified to conform to

acceptable industry standards by a nationally recognized certifying organization such as Underwriters Laboratories or similar certifying organization

"Wind powered generator height" means the height of a freestanding WPP shall be measured from the ground level to the highest point on the WPP including the vertical extent of any extensions of the WPP such as the blade

"Tower" as used herein includes the support structure and all components of the WPP

Section 30-1-01 Wind powered generators WPP as defined herein are permitted upon the issuance of a Section permit within any zone provided the following standards and any related conditions imposed by the Board of Adjustments are satisfied: WPP or modification thereto shall be constructed within the City of Livingston unless a permit has been issued by the City

The permit application shall be accompanied with a non-refundable fee in the amount of one hundred dollars

The permit application shall contain a narrative describing the proposed project, the location of the proposed generating capacity of the facility, a site plan, a photograph of the site type of wind powered generator being proposed and whether the system will be standalone or interconnected to a public utility under the provisions of Montana Code Annotated

Maximum Height: The maximum height of a freestanding WPP on any parcel or combination of parcels therein having a total square footage of one acre or less is limited to sixty feet in height. The maximum height of a freestanding WPP on any parcel or combination of parcels therein having a total square footage of one acre or more is limited to one hundred feet in height

The Board of Adjustments may increase the height of freestanding WPP provided that in the residential and commercial districts such increase shall not exceed the maximum height by more than fifty percent. The applicant shall demonstrate to the Board of Adjustments satisfaction that the surrounding topography, structures, vegetation and other factors make a tower that complies with the height restrictions is practical

Outstanding: The height limitations of the zoning district building outlined WPP shall be permitted in a zoning district subject to approval by the Board of Adjustments and shall comply with the following standards:

- a) Building outlined WPP shall not exceed fifteen feet in height
- b) Building outlined WPP shall be prohibited on residential structures less than four stories and forty-two feet in height
- c) On nonresidential buildings less than four stories and forty-two feet in height building outlined WPP shall be set back at least ten feet from the front, side and rear exterior walls of the structure on which it will be mounted
- d) Building outlined WPP shall be installed on the top story
- e) The structure upon which the proposed WPP is to be mounted shall have the structural integrity to carry the weight and wind loads of the WPP and have minimal vibration impacts on the structure as determined by a structural engineer
- f) Minimum ground clearance: The blade tip of any WPP shall at its lowest point have ground clearance of no less than fifteen feet

Minimum Setback: Minimum setback from any property line shall be one hundred percent of the total tower height as defined herein and no guy wire may extend more than thirty feet from any property line into or over the wind generator shall extend over or across any part of a public right-of-way

Noise Standard: Shadow flicker and Signal Interference

- Any noise produced by a Wind Tower fitted under this Section shall be less than sixty (60) db as measured to the closest neighboring occupied building and it is incumbent upon the applicant to demonstrate compliance prior to the issuance of any permits by the Board of Adjustments
- The facility owner and operator shall make reasonable efforts to minimize shadow impact to any occupied building not on the property upon which the Wind is located
- The applicant shall make reasonable efforts to avoid any disruption or loss of radio, television or similar signals and shall mitigate any harm caused by the wind powered generators
- General Requirement and Warnings: All Wind installations other than single tower towers shall be enclosed by a fence with warning gate or incorporate other effective measures to discourage unauthorized climbing of the tower. Towers shall not be habitable up to fifteen feet above ground surface. A visible warning sign concerning voltage must be placed at the base of all towers. Reflective and brightly colored tubing shall be placed on guy wires up to a height of ten feet from the ground
- Control and Brakes: All wind powered generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls including variable pitch and other similar systems and mechanical brakes. Mechanical brakes shall be operated in a fail safe mode. Stall reduction shall not be considered a sufficient braking system for overspeed protection
- H** Liability Insurance: Construction Case: There shall be maintained a current General Liability Policy covering bodily injury and property damage with limits of at least one million dollars per occurrence and one million dollars per policy in the appropriate Certificates of Insurance shall be filed with the City of Livingston who will also be named as an additional insured
- I** Aesthetics: Wind towers shall be neutral, subdued tones such as earth tones or green or brown, ray including darkening. A Vanished Gray is also acceptable. Constructed on top of structure and visible from the ground. The Wind towers shall be a shade of sky blue. Wind shall not be finished in bright or vivid colors intended to draw attention to the structure or property. Wind shall not be illuminated by artificial means unless where required by the Federal Aviation Administration or other federal, state or local law
 - All permitted Wind shall be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with the standards established by this Section and all other federal, state and local law
 - Wind towers shall not display any advertising except for reasonable identification of the manufacturer and facility owner/operator not to exceed one square foot in size
- Building Electrical: Other permits: All Wind shall comply with all applicable building electrical mechanical and other permits required and issued by the City of Livingston, the State of Montana and/or federal regulations. This is to include any approvals required to the Historic Preservation Commission or other local entity
- Termination: Obsolescence: An applicant can demonstrate to the satisfaction of the Board of Adjustments that improvements in Wind technology have made some parts of this Section and requirements obsolete or unnecessary. The Board of Adjustments may waive those requirements which still satisfy the original intent and application of this Section. Once every two years the City shall review existing Wind technology for comparison to this Section to be sure technology improvements are addressed
- L** Requirements for Removal: Any Wind that is abandoned, damaged, inoperable or unused for power generation shall be removed within twelve months of the cessation of operations unless an extension is approved by the Board of Adjustments. If an extension is not approved, such Wind shall be deemed a nuisance and require its removal at the property owner's expense. After the Wind removal, the owner of the site shall restore the site to its original or an improved condition

M. Application of Nuisance Law After a State Action Permitted by the Board of Adjustments or a Waiver and the same Waiver fails to comply with any part of this Section it may deemed a nuisance and applicable nuisance laws and regulations may be utilized for mitigation.

(Ord. No. 2002, § 1, 8/4/08)

Editor's note— Ordinance adopted Amended Council with the addition of a new unnumbered section. Said section has been numbered [redacted] at the discretion of the editor.

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Article VI. - Non-conforming Lots, Uses and Structures

Sec. 30.629. - Intent.

Within the districts established by this chapter or amendments that may later be adopted there exists:

- A. Lots
- B. Structures and
- C. Uses and structures which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed but not to encourage their survival. Further, the intent of this chapter is that nonconformities shall not be enlarged, expanded or extended nor be used as grounds for additional structures or uses prohibited elsewhere in the same district.

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To avoid undue hardships not in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which a final construction or preparatory excavation or demolition was lawfully begun prior to the effective date of adoption or amendment of this chapter.

It is the specific intention of this ordinance to bring nonconforming uses into compliance with the terms of this ordinance within five years after the adoption of this ordinance and to bring nonconforming uses into compliance with the terms of this ordinance within one year after the adoption of this ordinance and therefore the terms of this section shall not apply in those instances.

Sec. 30.634. - Non-conforming lots of record.

In any district the authorized uses may be continued on any single lot of record at the effective date of adoption or amendment of this ordinance even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district and provided that yard dimensions for the district can be met. Such lot must be in separate ownership and not continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the Board of Adjustments.

Two or more lots or combination of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if any of the lots do not meet the requirements established for lot width and area the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which divides the lot width and area requirements established by this ordinance nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Sec. 30.642. - Non-conforming uses of land and structure.

Where at the time of passage of this ordinance a lawful use or a structure exists which would not be permitted by the regulations imposed by this ordinance the use may be continued where it remains otherwise lawful provided.

Sec. 30.70. - Zoning commission.

There is created for the City of Livingston a zoning Commission as provided by statute consisting of five members appointed by the City Council and subject to the confirmation of the City Commission. Terms of each member shall run concurrent with the term of the City Council.

A. Powers and Duties. The duties and powers of the zoning Commission shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein and to hold public meetings and to make recommendations to the City Commission on all requests to amend, supplement, amend, modify or repeal the regulations, restrictions and boundaries in the zoning districts of the City Commission shall not hold its public hearings or take action until it has received a final report from the zoning Commission.

B. Proceedings of the zoning Commission. The zoning Commission shall hold its meetings in the City/County Courthouse and the presence of three members shall constitute a quorum.

The zoning Commission shall meet on their proceedings showing the vote of each member or in absent or failure to vote indicating such and shall keep records of its actions and other communications that shall be filed in the office of the zoning Coordinator. The minutes of the zoning Commission shall be signed by the City Council and attested to by the secretary.

(Ord. 1868, 2/2/98)

Sec. 30.71. - Amendments to City zoning ordinance and zone change.

A. General. This chapter inordinating the Official Zoning Map may be amended by the City Commission by a regular ordinance amendment but no amendment shall be effective unless it shall have been submitted to the zoning Commission for review according to the procedures in Section 30.71 and recommendations.

B. Applications for Map Amendments and Amendments to Text. Applications initiated by the City Commission or the zoning Commission for Official Map amendments must be submitted by the owner of such property. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months.

Each application to amend the Official Map shall be filed with the zoning Coordinator and each application shall be submitted under the following conditions:

- It shall include but not be limited to the following information:
 - a. A detailed description of the tract proposed to be rezoned;
 - b. A drawing of the dimensions, area and location of the tract and adjacent land uses;
 - c. The names and addresses of the owners of the adjacent land;
 - d. A receipt showing payment of applicable fees to the City.
- In the case of an application to amend the text of this chapter the application shall include the proposed change of the text and that portion of the text proposed to be amended.
- An application for an amendment to the Official Map or text shall be submitted at least twenty days prior to the date of the public hearing before the City Commission.
- An application for a zone change may not be withdrawn or amended after the public hearing as required by this section as appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve month waiting period provided.

However, that no application be allowed to be withdrawn more than once within the twelve month period after the application shall have first been submitted.

C. **City of Livingston Coordinator's Study and Responsibility.** The City of Livingston Coordinator upon receiving an application for rezoning of an area or a particular piece of property or for an amendment to the text shall do the following:

- Consult with other departments of the City or County to evaluate the impact of any zoning change upon public facilities and services in addition but not limited to streets, drainage, traffic and related facilities.
- Study each application with reference to its appropriateness and effect on existing and proposed land use.
- In the case of a protest petition filed in the matter of an application for rezoning, determine the validity of such petition.
- Advertise in the newspaper at least fifteen days in advance of the time and place of the public hearing at the same time, publish a site plan of the subject property in the newspaper.
- Notify by certified return receipt requested of the applicant and all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning of the time, date, place of the public hearing and the existing and proposed land use classification. Such notification shall be mailed to the applicant and the surrounding property owners no sooner than ten days and no later than five days prior to the date of the public hearing. Post the subject property not less than five days prior to the public hearing. Posted notice shall include the nature of the change being requested as well as the time, date and location of the public hearing.
- Report the findings and conclusions in writing to the City of Livingston Commission. Such report shall be a matter of public record and shall be forwarded to the City Commission with the City of Livingston Commission's recommendation.

D. **City of Livingston Commission Action.** The City of Livingston Commission shall review and take action upon each application in accordance with the provisions of this article and after a public hearing at which the application has been lawfully advertised, an application shall be presented to the City of Livingston Commission by the City of Livingston Coordinator to set forth his findings and conclusions on the matter. A written report of the City of Livingston Commission's decision and the City of Livingston Coordinator's findings and conclusions in addition to the basis for the decision shall be submitted to the City Commission.

- The City of Livingston Commission shall make a recommendation to the City Commission to:
- Deny the application or amendment to the Ordinance.
 - Grant the application or amendment to the Ordinance.
 - Delay action on the application for a period not to exceed thirty days.

The City of Livingston Commission shall use Roberts Rules of Order for the Conduct of Meetings and Meetings.

Each member of the City Commission may vote on any request without fee or service or any partner has worked for in which fee or service or any partner has any financial interest or ownership.

The recommendation of the City Commission and the time and place of the City Commission's hearing shall be published in the newspaper at least fifteen days prior to the date of the hearing by the City Commission. The City Commission may vote upon the first reading of the amendment at the same meeting at which the public hearing is held. Such a vote may only be taken after the public hearing is held.

City Commission Public Hearing. Before taking action on an application or an amendment to the Ordinance and after presentation of the City Commission report, the City Commission shall hold a public hearing on the application.

In case however a valid protest petition against such plan is signed by the owners of twenty percent or more either of the area of the lot included in such proposed plan or of those immediately adjacent in the rear extending one hundred feet to the street frontage of such lots. Such a plan shall not be deemed effective until it is approved by the favorable vote of two thirds of the members of the City Commission.

When such proposed plan is denied by the City Commission neither it nor one involving the same transactions shall be considered for adoption within one year after such denial.

(Ord. 1861, 6/16/97; Ord. 1868, 2/2/98; Ord. No. 2004, § 1, 8/4/08)

Sec. 30.72. - Reserved.

Editor's note— Ord. 2000 adopted Authorized Area Re-zoned to be w/ certain classification of newly annexed area and derived to Ord. 2000 adopted Ord. 2000

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Sec. 30.73 - Board of adjustment.

There is created for the City of Livingston a Board of Adjustment consisting of five members appointed by the City Commission. The term of each member shall be three years.

Vacancies shall be filled by the City Commission for the unexpired term of any member whose term expires vacant.

A. Proceedings of the Board of Adjustment Meetings of the Board shall be scheduled at a regular time each month and shall be a public record and shall be held in the Office of the Planning Coordinator. The minutes of the Board's proceedings shall be signed by the Chair or an acting Chair and attested to by the recording secretary. The Chair or an acting Chair shall designate a secretary of the Board. The Planning Coordinator shall be custodian of the records of the meetings, findings, conclusions and recommendations of the Board.

B. Hearings. A hearing shall be held by the Board of Adjustment and may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such a hearing shall be taken within a reasonable time as provided by the rules of the Board. Within the Board of Adjustment a notice of a hearing and shall be transmitted to the Board members constituting the record upon which the action appealed was taken. The Board of Adjustment shall give a reasonable time for the hearing and shall not exceed thirty days. Five days notice thereof as well as due notice to the parties in interest and render a decision within a reasonable time not to exceed ten days thereafter. At the hearing any party may appear in person or by attorney.

C. Appeals. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with it that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

D. Decisions. Appeals. Rehearing. In exercising the above mentioned powers the Board of Adjustments may in conformity with the provisions of this act reverse or affirm wholly or partly or modify the order requirement decision or determination as ought to be made and to that end shall have all the powers of the office to which the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order requirement decision or determination of any administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under such resolution.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustments or any taxpayer or any officer department or board of the City may present to a court of record a petition setting forth that such decision is illegal in whole or in part setting in the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

If an application for an administrative review is denied by the Board of Adjustments another application shall not be filed within a period of one year from the date of denial effective upon the initiation of the Board of Adjustments after a showing of a change of circumstances which would warrant a rehearing.

- Powers and Duties. The Board of Adjustments shall have the following powers:
 - To hear and decide appeals where it is alleged there is error in any order requirement decision or determination made by an administrative officer in the enforcement or interpretation of this act or of any resolution adopted pursuant thereto.
 - To grant Special Exceptions regarding specific cases or variances from the terms of the ordinance as will not be contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and so that the spirit of the ordinance shall be observed and substantial justice done.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.74. - Variances—application procedures.

- Applications. An application for variance shall be filed with the zoning Coordinator under the following conditions:
 - The application shall include but not be limited to the following:
 - a. A clear and general description of the tract upon which a variance is sought.
 - b. The name and address of the owner(s) of the land subject to the variance.
 - The applicant shall present a map showing the location of the property for which the application is submitted and its relationship to adjoining property.
 - The applicant shall present a dimensioned site plan of the property for which the application is submitted which shall include but not be limited to the following:
 - a. The location and dimension of all four corners of the property and all streets, car lanes, easements and traffic circulation and
 - b. The location and site of all existing and proposed buildings, structures and improvements and
 - The existing buildings, structures and improvements shall be labeled as such and indicated by a solid line. The proposed buildings, structures and improvements shall be labeled as such and indicated by a dashed or dotted line.
 - The reason why the variance is being sought.

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The Board...s...h...a...ll...p...r...e...s...c...r...ibe...a...t...i...m...e......i...f...it...w...i...t...h...i...n...w...h...i...c...h...the...a...c...t...i...o...n...f...o...r...w...h...i...c...h...the varian...e...is...r...e...q...u...i...r...e...d...s...h...a...ll...be...b...e...g...u...n...o...r...c...o...n...t...e...n...e...d...o...r...b...o...t...h...o...t...a...l...l...y...t...o...b...e...i...n...o...r...c...o...n...t...e...n...e...t...e...s...u...c...h...a...c...t...i...o...n...w...i...t...h...i...n...the...t...i...m...e......i...f...it...is...s...e...t...s...h...a...ll...v...o...i...d...the varian...e...

D...The Board o...Adjust...ent...may...a...u...t...o...r...i...z...e...u...p...o...n...a...p...p...e...a...r...i...n...s...c...e...c...i...f...i...c...c...a...s...e...s...s...u...c...h...v...a...r...i...a...n...c...e...s...f...o...r...the...t...e...r...m...s...o...f...this ordinance...t...h...a...t...w...i...l...l...n...o...t...b...e...c...o...n...t...r...a...r...y...t...o...the...p...u...b...l...i...c...i...n...t...e...r...e...s...t...w...h...e...r...e...d...o...w...i...n...g...t...o...s...c...e...a...c...c...o...n...d...i...t...i...o...n...s...a...l...l...i...t...e...r...a...t...e...n...o...r...e...e...n...t...o...f...the...p...r...o...v...i...s...i...o...n...s...o...f...the...o...r...d...i...n...a...n...c...e...w...i...l...l...r...e...s...u...l...t...i...n...u...n...n...e...c...e...s...s...a...r...y...c...a...r...d...s...and...s...o...t...h...a...t...the...s...p...i...r...i...t...o...f...the...o...r...d...i...n...a...n...c...e...s...h...a...ll...b...e...o...b...s...e...r...v...e...d...and...s...u...b...s...t...a...n...t...i...a...t...i...o...n...d...o...n...e...

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The Board of Adjustment may prescribe a time in which the action or which the variance is required shall be begun or completed or both, and failure to begin or complete such action within the time if set by the Board of Adjustment shall void the variance.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.75. - Special exceptions.

A. General. Special exceptions for uses other than those specifically permitted in each district are intended to provide in appropriate cases and subject to appropriate conditions and safeguards to be set forth in the terms of the zoning Ordinance of the City of Livingston when granted in conformity with its general purposes and intent of the ordinance.

No special exceptions shall be granted by the Board of Adjustment unless the Board of Adjustment finds:

- The use will not cause a substantial adverse effect upon nearby properties or their occupants.
- That the proposed use is in conformity with the general purposes and intent of the zoning ordinance.
- If desired the Board of Adjustment may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception.

B. Applications. An application for a Special Exception must be filed by the property owner.

Such an application shall be filed with the zoning Coordinator and shall be submitted under the following conditions:

- The application shall include but not be limited to the following information:
 - a. A clear and general description of the tract upon which the Special Exception is sought.
 - b. The exact zoning dimensions, area, and location of the tract.
 - The name and address of the owner(s) of the tract.
 - d. A site plan showing a or details of the proposed development in addition but not limited to the location of proposed and existing buildings and structures, street parking and loading when required, service and reuse areas, means of ingress and egress, lands, screening signs and open space areas.
 - e. A time schedule for development.
 - Any other information the applicant believes will support his request.

The application must be submitted to the zoning Coordinator, who may or may not be responsible for the City must approve any applications or a application deems to be the validity of any such application.

C. Zoning Coordinator Action. The zoning Coordinator upon receiving an application for a Special Exception shall do the following:

- Consult with other departments of the City and/or County to fully evaluate the impact of the use(s) contemplated under the application upon public facilities and services.
- Study each application with reference to its appropriateness and effect on existing and proposed land uses.
- Make a notice of the time date and place of the public hearing before the appropriate body in the local news paper of the City at least fifteen days in advance of the date of the public hearing.
- Notify the applicant and property owners by first class mail within three hundred feet of the exterior boundaries of the tract of the proposed Special Exception area of the time date place of the public hearing and the proposed use(s) of the subject property at least ten days prior to the date of the public hearing.

D. Board of Adjustment Action. The Board of Adjustment shall consider each application in accordance with provisions of its Article and at a public hearing at which time the application has been ready.

advertised a public hearing shall be presented by the Planning Coordinator to the Board with recommendations and recommendations.

The Board of Adjustment shall

- Deny the application for a Special Use Permit
- Grant the application for a Special Use Permit
- Delay action on the application for a period not to exceed thirty (30) days
- Grant the application with special conditions and safeguards

(Ord. No. 2004, § 1, 8/4/08)

September 25, 2020

STAFF REPORT
TEXT AMENDMENT – ZONING CLEANUP AND PERSONAL CARE CENTERS

Background

Planning staff has performed minor cleanup, consistency edits, and use table adjustments to the Zoning Ordinance to improve the clarity, user friendliness, and the needs of the City. The majority of the changes proposed are typo cleanup and ensuring that the Ordinance utilizes defined terms throughout (e.g. one (1) family dwelling rather than single-family dwelling). Minor changes have been proposed to the use table including the addition of the defined term townhouses and consolidating nursing homes into personal care centers. Personal care centers are proposed to be allowed in NC, HC, and P zoning districts.

Proposed Findings of Fact

The following changes to the existing ordinance would accomplish what the Planning Staff has been asked to pursue:

Proposed Zoning Updates: Significant changes to the Zoning Ordinance are listed below, a strikethrough-underline version of the zoning with all of the changes proposed shown is included as Attachment I.

Section 30.30 Definitions:

The use of the word trailer has been removed from the definition of “Mobile home” to avoid confusion. Likewise, the use of the words mobile home has been removed from the definition of “Trailer” to avoid confusion.

“Personal care center” has been updated to read: "Personal care center" means a facility which provides services and care to residents needing

some assistance in performing the activities of daily living. Includes assisted living facilities and nursing homes.

Section 30.40. List of Uses:

Townhouse has been added to the to the list of uses as the current use table implies they are not allowed anywhere in the City of Livingston which was not the intent of the Ordinance. Townhouse has been listed as “acceptable”, consistent with language of Section 30.58 (Townhomes) of the City Ordinance.

Nursing homes has been removed as it now falls under the definition of “Personal care center”. In addition to where it is currently listed as acceptable, personal care center is now listed as acceptable in NC, HC, and P zoning districts to allow for additional housing for older adults in the City of Livingston.

Section 30.44. Bed and breakfasts:

The sexually oriented business regulations have been moved out of the Bed and breakfast section of the Ordinance, as currently the zoning implies that bed and breakfast inns are sexually oriented businesses or that the sexually oriented business regulations only apply to bed and breakfast inns. The existing language has been moved to a new Section 30.60, “Sexually oriented businesses”.

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304): (1) Zoning regulations must be:

(a) made in accordance with a growth policy:

Staff Comments:

- The proposed amendments are all minor and have no effect on the Zoning Ordinance’s compliance with the adopted Growth Policy.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- The proposed amendments will have no effect on fire or any other danger.

(ii) promote public health, public safety, and the general welfare; and

Staff Comments:

- The addition of personal care centers in NC, HC, and P would allow older adults in Livingston to age in place through the potential addition of assisted living and nursing home facilities.

- All proposed amendments are minor in nature and should not negatively impact health, safety, or welfare.

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Staff Comments:

- None of the proposed amendments should increase the adequate provision of transportation, water, sewerage, schools, or parks.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

Staff Comments:

- The proposed amendments will have no effect on light or air. Setbacks and building height limits are not proposed to change.

(b) the effect on motorized and nonmotorized transportation systems;

Staff Comments:

- The proposed amendments should have no effect on transportation systems.

(c) promotion of compatible urban growth;

Staff Comments:

- Personal care centers and townhomes are both compatible with the current form and growth of the City. Increasing housing stock is an important consideration as the City continues to grow.
- All other changes are minor and do not affect the growth of the city.

(d) the character of the district and its peculiar suitability for particular uses;

Staff Comments:

- Expanding personal care centers into areas of the City which currently allow for multi-family and commercial development should not cause any conflict with current and allowed uses in the districts.
- Townhome development will be required to meet all density standards and should not negatively impact districts which currently allow for two (2) family dwelling or multifamily dwellings.

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

Staff Comments:

- The proposed amendments should have no effect on the value of buildings within the City.

Zoning Commission

The Zoning Commission discussed the proposed updates at their September 8th meeting. After a brief discussion, and with no public comment, the Zoning Commission voted unanimously (5:0) to recommend approval of the proposed amendment with no recommended changes.

Staff Recommendation

The Zoning Coordinator believes that the new language listed above meets both the requirements of State Statute and the needs, goals, and objectives of the adopted Growth Policy and the City of Livingston. Staff recommends that the Commission adopt the proposed zone text amendment.

Attachments

Attachment I.....Draft Ordinance

File Attachments for Item:

RESOLUTION NO. 4924: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A TWO-YEAR SERVICES AGREEMENT WITH AUZMOR, INC. TO PROVIDE CITY EMPLOYEES WITH AN E- LEARNING SERVICES PLATFORM.

RESOLUTION NO. 4924

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A TWO-YEAR SERVICES AGREEMENT WITH AUZMOR, INC. TO PROVIDE CITY EMPLOYEES WITH AN E- LEARNING SERVICES PLATFORM.

WHEREAS, the City Commission has identified an action of pursuing outside training opportunities for employees, in the City’s organizational strategic plan; and

WHEREAS, Auzmor, Inc. is an online learning management system that helps employers to create, launch, and manage e-learning modules that help their employees learn and grow. Some trainings offered include diversity, equity, & inclusion training; and

WHEREAS, the City believes this platform and supportive services are the best option available to help carry out the wishes of the Livingston City Commission, and cultivate great employees, in a time of COVID and remote working environments; and

WHEREAS, Auzmor has provided the City of Livingston with a product Implementation and Professional Services agreement for two years totaling \$18,000.00 that provides an overview of services, description of anticipated implementation, timeline and ownership, said agreement is attached hereto and incorporated hereby as “Exhibit A”; and

WHEREAS, the City Manager and Human Resource Director have viewed a demonstration of this product and believes it is the best solution available to the City of Livingston employees. The City Manager is ready and willing to sign the agreement upon obtaining authorization from the City Commission; and

NOW THEREFORE BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

The City Manager is hereby authorized to enter into the Agreement with Auzmor, Inc. said document is attached hereto and incorporated herein as Exhibit A.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 6th day of October, 2020.

Resolution No. 4924, authorizing the City Manager to sign an agreement with Auzmor, Inc. for e-learning services for city employees.

DOREL HOGLUND, CHAIR

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney



Order Form

Effective Date (“Effective Date”): September 30, 2020
 Company Name (“Customer”): City of Livingston
 Company Address: 414 E. Callender Street
 Livingston, MT 59047

Primary Contact (Name, Title): Lisa Lowy, Administrative Services and HR Director
 Primary Contact Email: llowy@livingstonmontana.org

Billing Contact (Name, Title): Lisa Lowy, Administrative Services and HR Director
 Billing Contact Email: llowy@livingstonmontana.org

Service Term: 24 months

Current company size: 100 Employees

Platform and Support Services - Premium Plan

Description (each a “Platform or Support Service”)	Max. Users	Payment Terms	Amount (\$)
Auzmor Learn - Plus 100 Powered by OpenSesame License Premium Annual Fee	100	2 Year	\$18,000.00 USD

Total Platform and Support Services Fees: \$18,000.00 USD



Implementation and Professional Services

Auzmor will use commercially reasonable efforts to provide Customer the professional implementation and onboarding services outlined below and described in the Implementation Services attached as Exhibit A.

Implementation Services Description	One-time Fees (\$)
Standard Implementation Services for Auzmor Learn	\$2,000.00 USD
No Data Migration	N/A
Discount	-\$2,000.00 USD

Total Implementation and Professional Services Fees: \$0.00 USD

TOTAL FEES: \$18,000.00 USD



Agreement

This Services Agreement (“Agreement”) is between **Auzmor, Inc.** (“Auzmor”) and Customer and is effective as of the date set forth above (the “Effective Date”) of the Order Form. This Agreement includes and incorporates the above Order Form and any other written order form mutually executed by the parties which references this Agreement (each, an “Order Form”). In the event of any conflict between the terms and conditions of the Order Form and/or the Terms, the following order of precedence will apply (in descending order): (1) the Terms and (2) the Order Form. There will be no force or effect to any different terms of any related purchase order or similar form even if signed by the parties after the date hereof. Customer will allow Auzmor to use Customer logo on website.

ADDITIONAL INFORMATION:

Payment Terms

All fees for Services are due and payable via check or wire transfer within thirty (30) days of the “Effective Date”. Annual invoices for Platform Services shall be issued every twelve (12) months until the Customer’s subscription ends.

Renewal

The Initial Term of this Agreement shall be the number of months specified in the Service Term (“Initial Term”) of the Order Form above. Following the Initial Term, this Agreement will automatically renew for successive renewal terms of 12 months (each, a “Renewal Term”, and together with the “Initial Term”, the “Service Term”) unless either party gives the other party notice of non-renewal at least ninety (90) days prior to the end of the then-current term.

Additional Employee Pricing

The price for each Platform or Support Service is effective up to the Maximum Employees specified for that item in this Order Form (the “Employee Limit”). If the Customer’s employee count exceeds the Employee Limit for a Platform or Support Service, Auzmor will calculate and assess a new effective price annually for that Platform or Support Service.

Bundled Pricing

The price for each Platform or Support Service in this Order Form are set based on the Employee Limit along with discounts on individual items available when more than one Platform or support Service is bundled with another. The price for each Platform or Support Service on this Order Form and any terms related to Additional Employee Pricing, if any, are only valid upon renewal for a new Service Term if the included Platform and Support Service(s) for the new Service Term remain unchanged.

**Content**

Auzmor respects the intellectual property rights of third parties and responds to notices of alleged copyright infringement if they comply with the law. Auzmor reserves the right to delete Customer content or created content alleged to be infringing from Customer's account and terminate users or Customers that repeatedly infringe third-party rights.

Third-Party Services

If Customer uses any third-party services, products, websites, or applications, such as a service that interoperates with the Services or a website linked from the Services, (a) Auzmor will not be liable for any act or omission of the third party, including the third party's access to or use of Customer data or other information or reports, (b) any content submitted to the Services from a third-party service, product, website, or application will be Customer content, and (c) Auzmor does not warrant or support any services, product, website or application provided by a third party. Auzmor does not endorse any third-party services, products, websites, or applications, or any opinions, recommendations, or advice therein.

Support Policy and Service Level Agreement

Subject to the terms hereof, during the Service Term, Auzmor will provide the Support Services as set forth in the Support Policy and Service Level Agreement.

Inquiry & Notices

All Customer inquiries related to this Agreement should be directed to support@auzmor.com.

Accepted and agreed to as of the Effective Date by the authorized representative of each party:

CUSTOMER

AUZMOR, INC.

Signature:

Signature:

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:



Exhibit A – Implementation Services

1 Overview

This Exhibit details the implementation and professional services that Auzmor will perform for Customer (collectively, the “Professional Services”), which will include:

- Standard Implementation and Onboarding Services - Dedicated Customer Success Manager, design sessions with stakeholders, standard configuration and customization support, legacy data migration and training for project team, and human resources team. (“**Auzmor Implementation**”).

Included in this Exhibit is a summary of the contemplated services to be performed, key tasks and deliverables, estimated timeline, and estimated effort for each of these areas of work.

2 Auzmor Implementation

The Auzmor Implementation includes the effort performed by Auzmor as Implementation Services to assess requirements, document configuration, support the configuration and setup of Auzmor Platforms, migrate legacy data, conduct team training, provide expert product advice, project management and provide launch preparation and support.

2.1 Implementation Description

Standard Implementation and Onboarding Services is based on a forty-five (45) day implementation plan. Upon the Effective Date of the Order Form a Auzmor Customer Success Manager will be assigned to Customer. An implementation remote implementation kick-off call will be scheduled and hosted by the Customer Success Manager within ten (10) business days from the Effective Date of the Order Form. Additionally, the Auzmor Customer Success Manager will include focused sessions on best practices and reporting to ensure that Customer team is set up for success at every stage of growth. The Auzmor Customer Success Manager will also consult with Customer team to review career site options with Auzmor and how to integrate Customer career site with Customer’s Auzmor account.

The characteristics of a Standard Implementation and Onboarding project include:

- 45-day implementation plan
- Dedicated Customer Success Manager
- Implementation kick-off call & 6-10 calls for training and best practice consultation
- Administration training for core project team and recruiters



- Guidance on best practices
- Dedicated trainings for in-app integrations, offers, reports and Auzmor Nurture if included in Order Form

3 Project Timeline

The time required to complete the scope outlined in this Exhibit is estimated based on Auzmor's current understanding of Customer's talent strategy, organization structure, system topology, interoperability and custom integration requirements. The timeline assumes projected start date with ten (10) business days of the Effective Date of the Order Form. The estimated duration for each project phase are listed below which are dependent on the timely execution of the contract, the election by Customer to contract for the full Professional Services outlined in this Exhibit, and the availability of Customer team members.

Projected go live date for this project is six (6) to seven (7) weeks from the Effective Date of the Order Form.

4 Project Team and Resource Allocation

The project team for Customer will include resources from both Auzmor and Customer. Auzmor expects that Customer resources will participate and perform tasks over the course of the project alongside Auzmor building experience and knowledge for Auzmor Platforms while participating in the configuration of the system.

4.1 Party Personnel

The parties are responsible for the supervision, direction, control, and compensation of their respective personnel. Auzmor reserves the right to determine the assignment of its personnel.

Auzmor will assign and staff available resources best suited to complete the activities and deliverables on the behalf of Customer.

5 Fees

Auzmor will provide the Professional Services to Customer as set forth herein, on a fixed fee basis as specified in the Implementation and Professional Services section of the Order Form.

6 Ownership

The parties agree that any custom materials prepared specifically for Customer and delivered by Auzmor in the course of providing the Services (“Deliverables”) shall be considered works made for hire. All rights, title, and interests of such materials Deliverables shall be and are assigned to Customer as its sole and exclusive property.

Notwithstanding the foregoing, the parties recognize that performance of Auzmor hereunder will require the skills of Auzmor and, therefore, Auzmor shall retain the right to use, without fee and for any purpose, such "know-how", ideas, techniques and concepts used or developed by Auzmor in the course of performance of the services of this SOW.

7 Assumptions

- Customer will reimburse Auzmor for all pre-approved project related travel and expenses related to work performed under this SOW.
- If the project start date is delayed by Customer for any reason Customer understands that Auzmor’s ability to staff the engagement and meet the estimated duration and completion date could be at risk.
- If Customer cannot make the necessary resources available or meet set completion dates for reviews and milestones, Auzmor reserves the right to revisit and revise the project's estimated costs, completion date and approach to completing the project.

File Attachments for Item:

B. RESOLUTION NO. 4925: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2019-2020, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$2,407,206 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$1,073,697.

RESOLUTION NO. 4925

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2019-2020, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$2,407,206 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$1,073,697.

WHEREAS, by Resolution No. 4862 the City of Livingston adopted its budget for Fiscal Year 2019-2020 (FY 19-20); and

WHEREAS, Mont. Code Ann. § 7-6-4006(4), 7-6-4031(2) and 7-6-4006(3) provide that the budget may be amended by conducting a public hearing thereon; and

WHEREAS, any proposed budget amendment which provides for additional appropriations must identify the fund reserves, unanticipated revenue or previously unbudgeted revenue that will fund the appropriations; and

WHEREAS, the budget for FY 19-20 requires a budget amendment by making appropriation adjustments in the amount of \$2,407,206 and revenue adjustments in the amount of \$1,073,697 as specified herein.

NOW, THEREFORE, be it resolved by the City Commission of the City of Livingston, Montana, that the budget for Fiscal year 2019-2020 is amended as follows:

Revenue Estimate Adjustments

Fund	Description/Purpose	Account	Amount
General	COVID-19/Stimulus	1000-331991	461,197
Comprehensive Liability	Real property taxes	2190-311010	11,000
Sidewalks	Sidewalk assessments	2600-363030	144,500
Ambulance Services	Ambulance County Contribution	5510-343010	457,000
		TOTAL	<u>\$ 1,073,697</u>

Resolution No. 4923

Amending the budget for Fiscal Year 2019-2020 by making appropriation adjustments in the amount of \$2,407,206 and revenue adjustments in the amount of \$1,073,697.

Appropriation Adjustments

Fund	Description/Purpose	Account	Amount	Fund Reserves	Unanticipated Revenues	Unbudgeted Revenues
Comprehensive Liability	Insurance premiums	2190-460-510330-510	11,237			X
TIF - Downtown	Professional Services	2310-400-470300-350	4,625		X	
	Phase III & IV of Downtown	2310-400-470300-640	869,800	X		
Impact Fees	Fire Extracation Tool	2399-441-420400-940	17,150	X		
	MRL Underpass Engineering	2399-451-430240-350	3,919	X		
	O Street Trail Connector	2399-451-430240-960	5,059	X		
Sidewalks	Downtown sidewalk replacement	2600-400-430240-914	184,800	X		
Sewer	State Share of Pension Expense	5310-803-430610-145	41,289			X
	Treatment Plant Costs	5310-803-430640-225	5,600	X		
	Treatment Plant Costs	5310-803-430640-231	7,400	X		
	Treatment Plant Costs	5310-803-430640-341	25,600	X		
	Treatment Plant Costs	5310-803-430640-355	6,300	X		
	Treatment Plant Costs	5310-803-430640-361	11,800	X		
	Depreciation	5310-803-851331-830	1,011,280	X		
Solid Waste	State Share of Pension Expense	5410-804-430810-145	15,500			X
	Depreciation	5410-804-510331-830	129,151	X		
Ambulance	Depreciation	5510-442-510331-830	55,876	X		
Perpetual Cemetery	Interest transfer	8010-400-521000-822	820		X	
	TOTAL		<u>2,407,206</u>			

Dated this 15th day of September, 2020.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

Resolution No. 4923

Amending the budget for Fiscal Year 2019-2020 by making appropriation adjustments in the amount of \$2,407,206 and revenue adjustments in the amount of \$1,073,697.

NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on October 6th, 2020, at 5:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on **Resolution No. 4923** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2019-2020, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$2,407,206 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$1,073,697 AND CALLING FOR A PUBLIC HEARING** by making amendments as follows:

Revenue Estimate Adjustments

Fund	Description/Purpose	Account	Amount
General	COVID-19/Stimulus	1000-331991	461,197
Comprehensive Liability	Real property taxes	2190-311010	11,000
Sidewalks	Sidewalk assessments	2600-363030	144,500
Ambulance Services	Ambulance County Contribution	5510-343010	457,000
TOTAL			\$1,073,697

Appropriation Adjustments

Fund	Description/Purpose	Account	Amount	Fund Reserves	Unanticipated Revenues	Unbudgeted Revenues
Comprehensive Liability	Insurance premiums	2190-460-510330-510	11,237			X
TIF - Downtown	Professional Services	2310-400-470300-350	4,625		X	
	Phase III & IV of Downtown	2310-400-470300-640	869,800	X		
Impact Fees	Fire Extracation Tool	2399-441-420400-940	17,150	X		
	MRL Underpass Engineering	2399-451-430240-350	3,919	X		
	O Street Trail Connector	2399-451-430240-960	5,059	X		
Sidewalks	Downtown sidewalk replacement	2600-400-430240-914	184,800	X		
Sewer	State Share of Pension Expense	5310-803-430610-145	41,289			X
	Treatment Plant Costs	5310-803-430640-225	5,600	X		
	Treatment Plant Costs	5310-803-430640-231	7,400	X		
	Treatment Plant Costs	5310-803-430640-341	25,600	X		
	Treatment Plant Costs	5310-803-430640-355	6,300	X		
	Treatment Plant Costs	5310-803-430640-361	11,800	X		
	Depreciation	5310-803-851331-830	1,011,280	X		
Solid Waste	State Share of Pension Expense	5410-804-430810-145	15,500			X
	Depreciation	5410-804-510331-830	129,151	X		
Ambulance	Depreciation	5510-442-510331-830	55,876	X		
Perpetual Cemetery	Interest transfer	8010-400-521000-822	820		X	
TOTAL			2,407,206			

All interested persons are invited to attend and give their comments. For additional information contact Paige Fetterhoff, Finance Officer, 110 South B Street, Livingston, MT 59047, or by phone at 823-6003. (Publish twice at least 6 days apart and the notice needs also to be posted and copies made available to the public.)

Resolution No. 4923

Amending the budget for Fiscal Year 2019-2020 by making appropriation adjustments in the amount of \$2,407,206 and revenue adjustments in the amount of \$1,073,697.

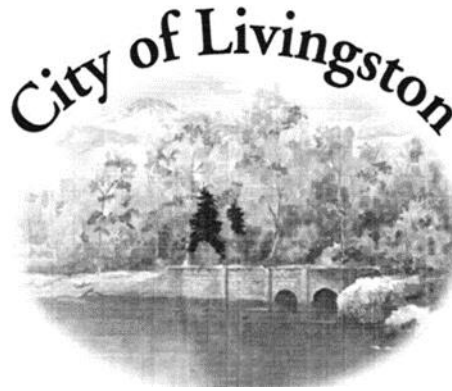
File Attachments for Item:

DISCUSS/APPROVE/DENY: NORTH TOWN SUBDIVISION PHASES 2&3 FINAL PLAT APPROVAL.

City Manager
Michael Kardoes

414 East Callender Street
(406) 823-6000 phone
(406) 222-6823 fax

citymanager@livingtonmontana.org
www.livingtonmontana.org



Incorporated 1889

Chairperson
Dorel Høglund

Vice Chair
Quentin Schwarz

Commissioners
Mel Friedman
Warren Mabie
Melissa Nootz

September 29, 2020

MEMORANDUM

TO: City Manager

FROM: Director of Building/Planning

SUBJECT: North Town Subdivision Phases 2 & 3

Mr. Kardoes,

The Developer is requesting final plat approval for Phases 2 & 3 of this subdivision.

Staff has concluded that the conditions placed upon the preliminary approval have been met and that the attached Letter of Credit is sufficient to secure all deferred public improvements.

I recommend that the City approve this request for Final Plat Approval for North Town Subdivision Phase 2 & 3.

Final Plat Approval Application Form

Date 09/10/2020

1. Name of Subdivision Northtown Subdivision Phases 2 and 3
2. Location: ~~North 1/2~~ Section 14 Township 2 South Range 5 E. For Amended Plats: Lot(s) 37 Block(s) 3 Subdivision
3. Name, address and telephone number of subdivider:
Northtown Properties, Inc.
1425 West Main Street, Unit 101, Bozeman, Montana 59715-3283
4. Name, address and telephone number of persons of firms providing services and information (e.g.: surveyor, engineer, designer, planning consultant, attorney):
C&H Engineering and Surveying, Inc.
1091 Stoneridge Drive, Bozeman, Montana 59718
(406) 587-1115
5. Descriptive Data:
 - a. Gross area in acres 126.4680
 - b. Number of lots or rental spaces 37 lots
 - c. Existing zoning or other regulations Zoned RII
6. Date Preliminary Plat Approved: 8/16/17
7. Any Conditions? Y (If Yes, attach list of conditions.)
8. Any Deed Restrictions or covenants? Y (If Yes, attach a copy.)
9. All improvements installed? N (If No, attach a subdivision improvements agreement or guarantees.)
10. List of materials submitted with this application:

a. <u>Final Plat</u>	d. <u>Subivision Covenants</u>
b. <u>Narrative Response to COA</u>	e. <u>HOA By Laws</u>
c. <u>Final Plat Application</u>	f. _____

I do hereby certify that all the statements and information and the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the (governing body) of (city or county) for approval of the final plat of (Name of Subdivision).

M. J. [Signature] 9.24.20
Subdivider

FOR OFFICIAL USE ONLY

- 1. Application Number _____
- 2. Date Application Submitted _____
- 3. Date by which Final Plat must be approved or rejected _____

SURVEY REQUESTED BY OWNER TO CREATE 37 LOTS, 2 OPEN SPACE PARCELS, AND 2 PARK PARCELS FROM AN EXISTING TRACT OF LAND.
 DATE OF PREPARATION: 9/22/2020
 OWNER: NORTHTOWN LIVINGSTON, LLC
 DEED REF. DOC. NO. D393587

FINAL PLAT OF NORTHTOWN SUBDIVISION, PHASES 2 AND 3 PART OF LOT 3, SUBDIVISION NO. 253, LOCATED IN THE N 1/2, SECTION 14, T. 2 S., R. 5 E., P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA SUBDIVISION PLAT NO. _____

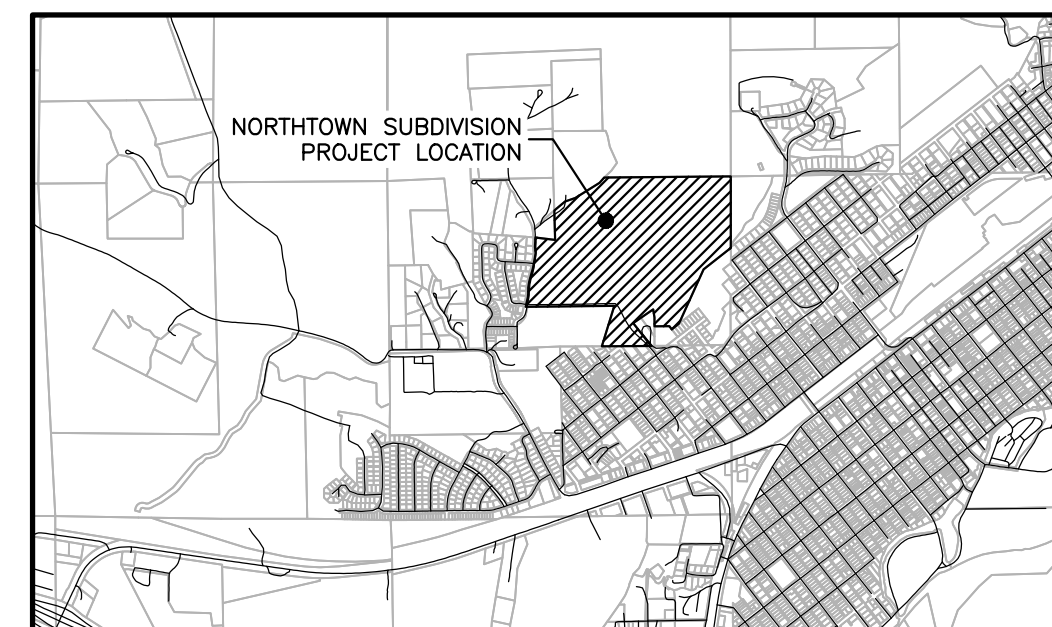
LEGEND

- SECTION CORNER
- FOUND 5/8 INCH REBAR (AS NOTED)
- FOUND 2 INCH ALUMINUM CAP MARKED "ARROWHEAD" OR AS NOTED
- SET 5/8 INCH REBAR WITH AN ALUMINUM CAP MARKED "C&H ENGR 9518ES"
- EXISTING SPOT ELEVATION
- EXISTING SANITARY SEWER MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING POWER POLE
- BENCHMARK
- PROPERTY BOUNDARY LINE
- SURROUNDING PROPERTY LINE
- EASEMENT LINE
- EXISTING FENCE
- EXISTING OVERHEAD ELECTRIC LINE

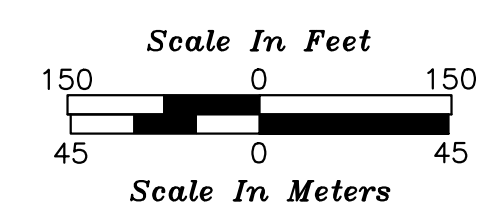
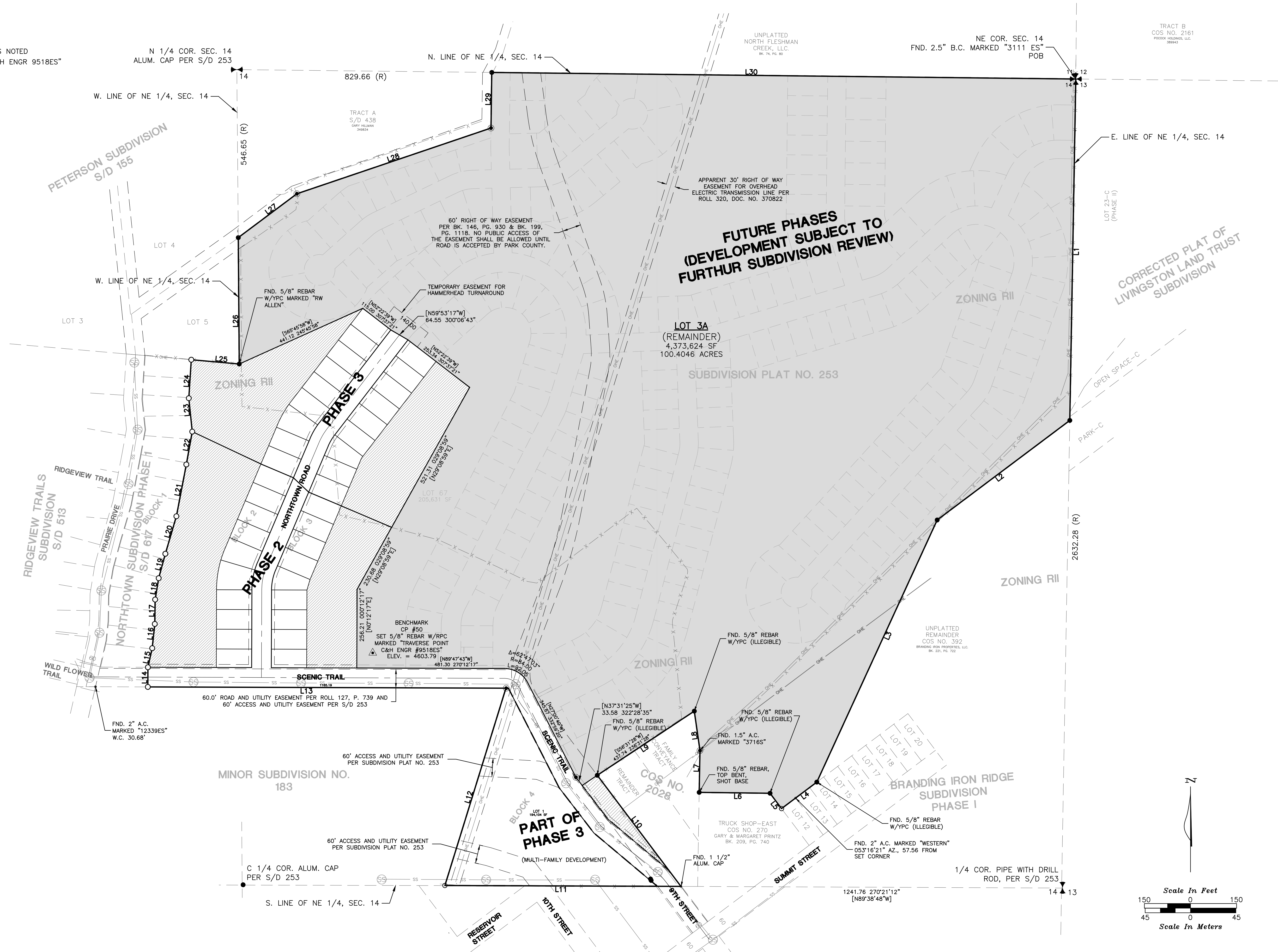
[N45°00'00"E] BEARING COMPUTED FROM AZIMUTH SHOWN

BASIS FOR AZIMUTHS FROM NORTH: WGS 84 DATUM BASED ON GPS OBSERVATIONS COLLECTED ON JULY 13, 2016

Parcel Line Table						
Line #	Length	Azimuth	Bearing	Line #	Length	Azimuth
L1	1110.98	181°00'19"	S1°00'19"W	L21	171.74	010°50'29"
L2	539.61	233°06'15"	S53°06'15"W	L22	108.57	010°13'46"
L3	938.57	204°40'07"	S24°40'07"W	L23	109.26	354°07'04"
L4	143.52	233°04'26"	S53°04'26"W	L24	125.49	003°41'11"
L5	62.37	323°10'25"	N36°49'35"W	L25	156.64	095°05'44"
L6	230.61	270°43'32"	N89°16'28"W	L26	411.24	359°34'24"
L7	136.02	001°04'13"	N1°04'13"E	L27	238.15	053°11'53"
L8	129.65	351°49'44"	N8°10'16"W	L28	666.84	071°17'55"
L9	378.51	236°31'28"	S56°31'28"W	L29	180.93	000°47'45"
L10	452.46	143°00'55"	S36°59'05"E	L30	1900.49	090°38'41"
L11	768.08	270°12'21"	N89°47'39"W			
L12	672.07	017°11'14"	N17°11'14"E			
L13	1165.19	270°12'17"	N89°47'43"W			
L14	64.00	000°12'21"	N0°12'21"E			
L15	63.61	012°42'23"	N12°42'23"E			
L16	79.27	006°05'08"	N6°05'08"E			
L17	79.41	000°50'15"	N0°50'15"E			
L18	70.42	009°25'09"	N9°25'09"E			
L19	82.46	015°15'11"	N15°15'11"E			
L20	127.07	016°25'11"	N16°25'11"E			



VICINITY MAP (NTS)



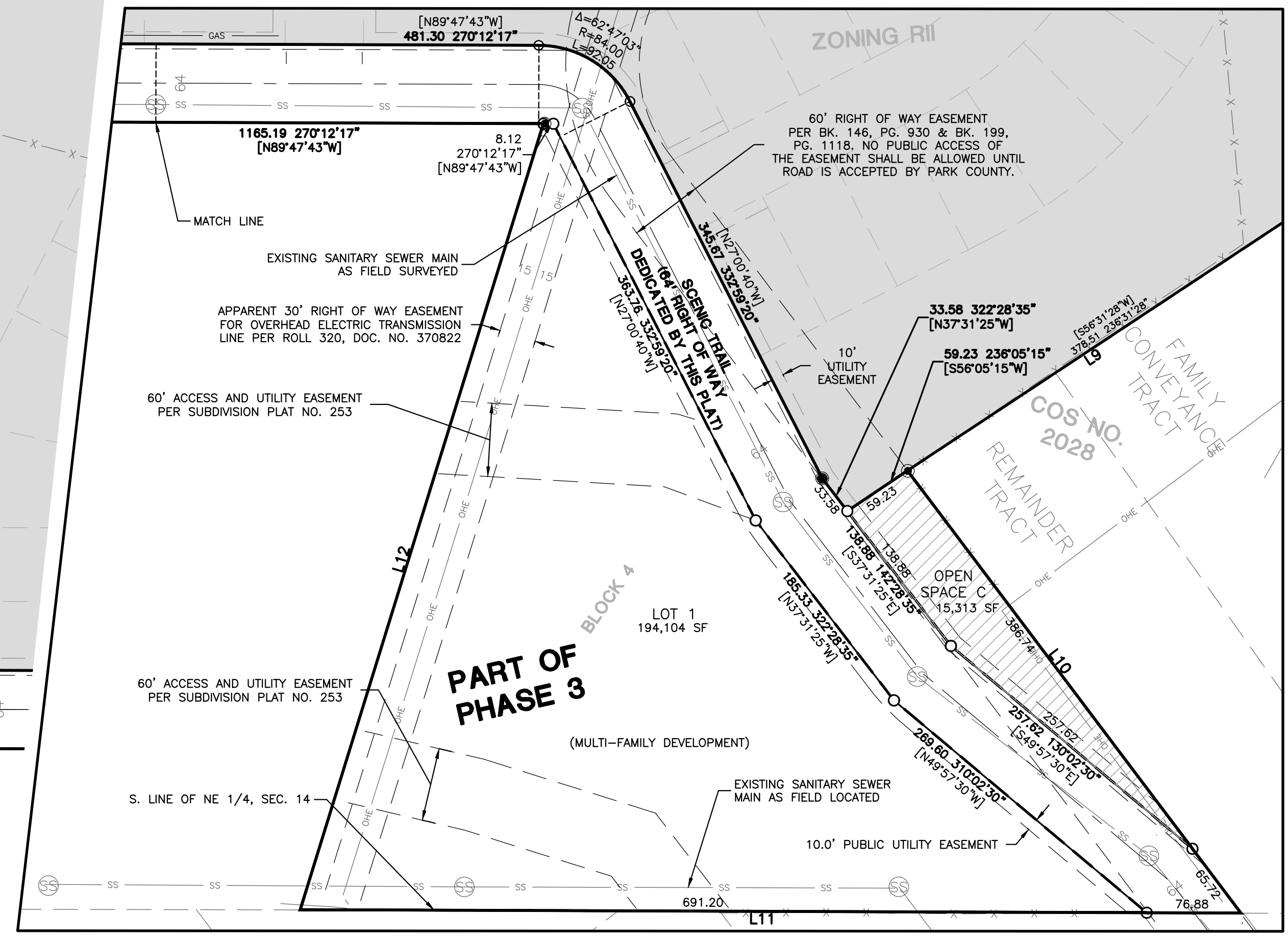
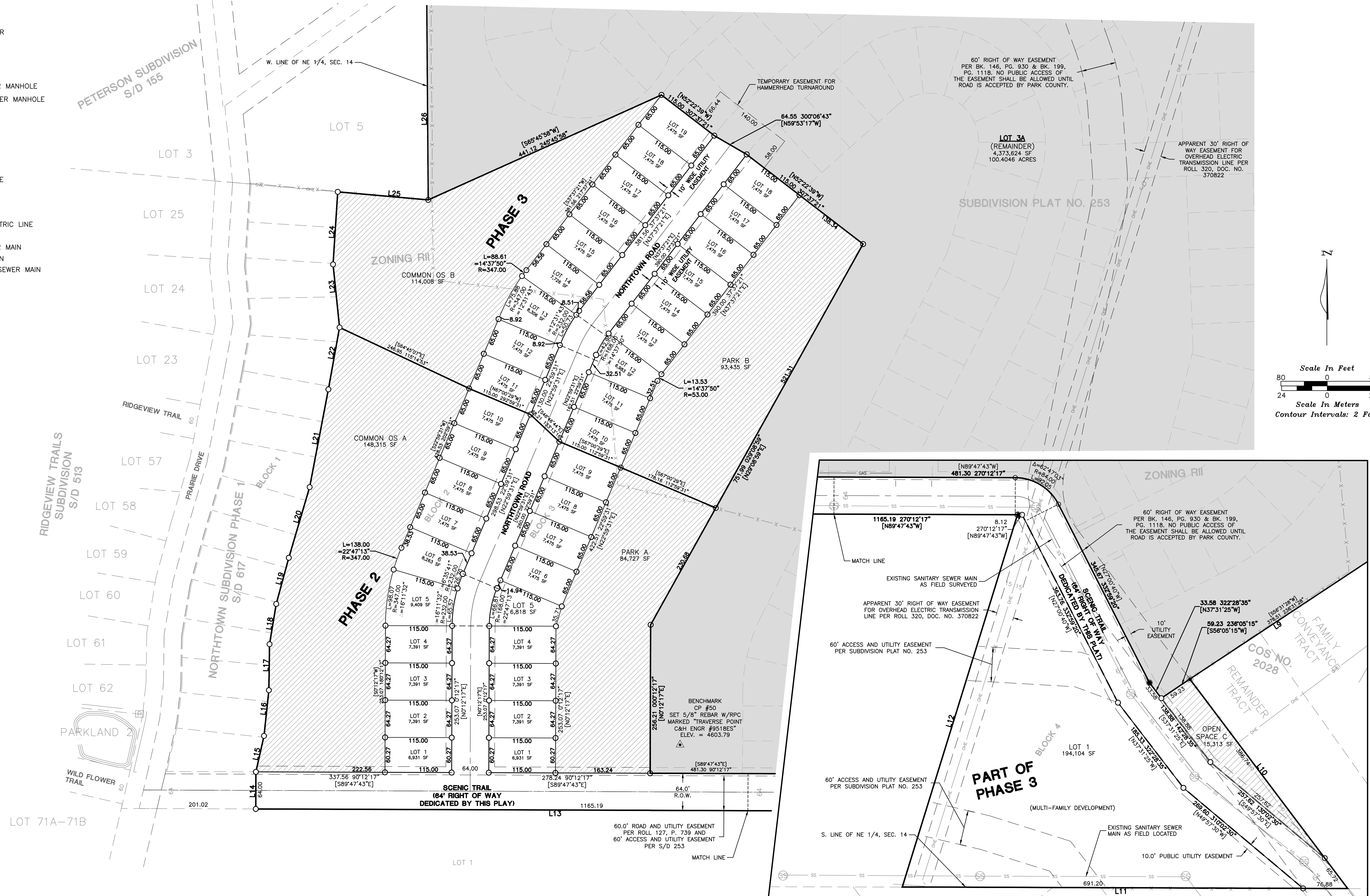
SURVEY REQUESTED BY OWNER TO CREATE 37 LOTS, 2 OPEN SPACE PARCELS, AND 2 PARK PARCELS FROM AN EXISTING TRACT OF LAND. DATE OF PREPARATION: 9/22/2020 OWNER: NORTHTOWN LIVINGSTON, LLC DEED REF. DOC. NO. D393587

FINAL PLAT OF NORTHTOWN SUBDIVISION, PHASES 2 AND 3 PART OF LOT 3, SUBDIVISION NO. 253, LOCATED IN THE N 1/2, SECTION 14, T. 2 S., R. 5 E., P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA SUBDIVISION PLAT NO. _____

- LEGEND**
- (R) RECORD DISTANCE OR AZIMUTH
 - (M) DISTANCE OR AZIMUTH
 - SECTION CORNER
 - SECTION QUARTER CORNER
 - EXISTING UG POWER BOX
 - EXISTING TELEPHONE BOX
 - EXISTING TREE
 - EXISTING SANITARY SEWER MANHOLE
 - PROPOSED SANITARY SEWER MANHOLE
 - EXISTING FIRE HYDRANT
 - EXISTING WATER VALVE
 - EXISTING CURB STOP
 - EXISTING POWER POLE
 - EXISTING LIGHT POLE
 - EXISTING WATER WELL
 - PROPERTY BOUNDARY LINE
 - SETBACK LINE
 - EASEMENT LINE
 - EXISTING FENCE
 - EXISTING OVERHEAD ELECTRIC LINE
 - EXISTING WATER MAIN
 - EXISTING SANITARY SEWER MAIN
 - PROPOSED 8" WATER MAIN
 - PROPOSED 8" SANITARY SEWER MAIN

AREA TABULATION

Category	Total Area
LOTS	
Block 2	145,033 SF = 3.3295 AC
Block 3	132,605 SF = 3.0442 AC
Block 4	194,094 SF = 4.4558 AC
TOTAL	471,732 SF = 10.8295 AC
OPEN SPACE	TOTAL = 277,611 SF = 6.3731 AC
PARK	TOTAL = 178,162 SF = 4.0900 AC
R.O.W.	TOTAL = 207,815 SF = 4.7708 AC
GRAND TOTAL	= 1,135,320 SF = 26.0634 AC



SURVEY REQUESTED BY OWNER TO CREATE 37 LOTS, 2 OPEN SPACE PARCELS, AND 2 PARK PARCELS FROM AN EXISTING TRACT OF LAND. DATE OF PREPARATION: 9/18/2020 OWNER: NORTHTOWN LIVINGSTON, LLC DEED REF. DOC. NO. D393587

CERTIFICATES AND CONDITIONS OF APPROVAL FOR FINAL PLAT OF NORTHTOWN SUBDIVISION, PHASES 2 AND 3 PART OF LOT 3, SUBDIVISION NO. 253, LOCATED IN THE N 1/2, SECTION 14, T. 2 S., R. 9 E. OF P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA SUBDIVISION PLAT NO. _____

CERTIFICATE OF DEDICATION AND WAIVER

I, the undersigned property owner, do hereby certify that I have caused to be surveyed, subdivided and platted into lots, blocks, open space parcels, streets and alleys, and other divisions and dedications as shown by the plat hereunto included, the following described tract of land, to wit:

LEGAL DESCRIPTION

Lot 3 of Subdivision Plat No. 253, Park County, Montana, according to the Official Plat thereof on file and of record in the Office of the County Clerk and Recorder of Park County, Montana, less and excepting Tract A of Subdivision Plat No. 438, and also excepting Northtown Subdivision Phase 1, Subdivision Plat No. 617, according to the plat thereof, located in the North Half of Section 14, Township 2 South, Range 9 East of P.M.M., Park County, Montana, described as follows:

Beginning at the northeast corner of said Section 14; thence southerly 181°00'19", assumed azimuth from the north, 1110.98 feet along the east line of the Northeast Quarter of said Section 14; thence on the following courses along the boundary of said Lot 3, Subdivision Plat No. 253: southwesterly 23°06'15" azimuth, 539.61 feet; southwesterly 20°40'07" azimuth, 938.57 feet; southwesterly 23°04'26" azimuth, 143.52 feet; northwesterly 32°10'25" azimuth, 62.37 feet; westerly 27°43'32" azimuth, 230.61 feet; northerly 001°04'13" azimuth, 136.02 feet; northerly 351°49'44" azimuth, 129.65 feet; southwesterly 236°31'28" azimuth, 378.51 feet; southeasterly 143°00'55" azimuth, 452.46 feet; westerly 27°12'21" azimuth, 768.08 feet, which is also on the south line of the Northeast Quarter of said Section 14; northeasterly 017°11'14" azimuth, 672.07 feet; westerly 27°12'17" azimuth, 1165.19 feet; thence on the following courses along the easterly boundary of Northtown Subdivision, Phase 1, Subdivision Plat No. 617: northerly 000°12'21" azimuth, 64.00 feet; northerly 012°42'23" azimuth, 63.61 feet; northerly 006°05'08" azimuth, 79.27 feet; northerly 000°50'15" azimuth, 79.41 feet; northerly 009°25'09" azimuth, 70.42 feet; northerly 015°15'11" azimuth, 82.46 feet; northerly 016°25'11" azimuth, 127.07 feet; northerly 010°50'29" azimuth, 171.74 feet; northerly 010°13'46" azimuth, 108.57 feet; northerly 354°07'04" azimuth, 109.26 feet; northerly 003°41'11" azimuth, 125.49 feet; thence on the following courses along the boundary of said Lot 3, Subdivision Plat No. 253: easterly 095°05'44" azimuth, 156.64 feet; northerly 359°34'24" azimuth, 411.24 feet, which is also the west line of the Northwest Quarter of said Section 14; northeasterly 053°11'53" azimuth, 238.15 feet; northeasterly 071°17'55" azimuth, 666.84 feet; northerly 000°47'45" azimuth, 180.93 feet; easterly 090°38'41" azimuth, 1900.49 feet, which is also the north line of the Northeast Quarter of said Section 14 to the point of beginning.

Area = 5,508,931 square feet, 126.4677 acres or 511,792.2 square meters. Subject to existing easements.

The above described tract of land is to be known and designated as NORTHTOWN SUBDIVISION, PHASES 2 AND 3, City of Livingston, Park County, Montana; and the lands included in all streets, avenues, alleys and parks or public lands shown on said plat are hereby granted and donated to the City of Livingston for the public use and enjoyment. Unless specifically listed herein, the lands included in all streets, avenues, alleys, and parks or public lands dedicated to the public are accepted for public use, but the city accepts no responsibility for maintaining the same. The owner agrees that the City has no obligation to maintain the lands included in all streets, avenues, alleys, and parks or public lands hereby dedicated to public use. The lands included in all streets, avenues, alleys, and parks or public lands dedicated to the public for which the City accepts responsibility for maintenance include: Northtown Road and Scenic Trail

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, internet, cable television or other similar utility or service, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever.

I, the undersigned property owner, of this subdivision, do hereby waive the right to protest creation of Special Improvement Districts, for all lots within this subdivision, for future special improvement districts for public improvements to the Livingston west-end underpass and Front Street extension projects. In doing so, I do not waive any right to comment on, protest and/or appeal any assessment formula which may be proposed if I believe it to be inequitable. This waiver shall be binding upon the heirs, assigns, and purchasers of all lots within this subdivision.

CONDITIONS OF APPROVAL FOR NORTHTOWN SUBDIVISION, PHASES 2 AND 3, LOCATED IN THE N 1/2 OF SEC. 14, T. 2 S., R. 9 E. OF P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA

Pursuant to ARM 24.183.1107 (4):

- (a) Any text and/or graphic representations of requirements by the governing body for final plat approval including, but not limited to, setbacks from streams or riparian areas, floodplain boundaries, no-build areas, building envelopes, or the use of particular parcels, are shown on the Conditions of Approval sheet;
(b) The Landowner hereby certifies that the text and/or graphics shown on the Conditions of Approval sheet represents requirements by the governing body for final plat approval and that all conditions of subdivision application have been satisfied; and
(c) The information shown is current as of the date of the certification required in (4)(b), and that changes to any land-use restrictions or encumbrances may be made by amendments to covenants, zoning regulations, easements, or other documents as allowed by law or by local regulations.

Pursuant to A.R.M. 24.183.1107 UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS: Section (2)(e)(xxiii)(A): "Federal, state and local plans, policies, regulations, and/or conditions of subdivision approval that may limit the use of the property, including the location, size, and use are shown on the Conditions of Approval sheet or as stated. (B): Buyers of the property should ensure that they have obtained and reviewed all sheets of the plat and all documents recorded and filed in conjunction with the plat and that buyers of the property are strongly encouraged to contact local planning department and become informed of any limitations on the use of the property prior to closing."

OWNER: Northtown Development Corp.

Dated this _____ day of _____, 2020.

STATE OF MONTANA COUNTY OF GALLATIN

By: William Muhlenfeld, President

This instrument was signed or acknowledged before me on this _____ day of _____, 2020, by William Muhlenfeld as President of Northtown Development Corp., a Montana Corporation.

Notary Public for the State of Montana Printed Name: _____ Residing at: _____ My commission expires: _____

CERTIFICATE OF COMPLETION OF IMPROVEMENTS

I, William Muhlenfeld, President of Northtown Development Corp., and I, Mark A. Chandler, a professional engineer licensed to practice in the State of Montana, hereby certify that the following improvements, required as a condition of approval of NORTHTOWN SUBDIVISION, PHASES 2 AND 3, have been installed in conformance with the approved plans and specifications, or financially guaranteed and covered by the improvements agreement accompanying this plat. Installed Improvements: Water and Sewer Services, Road Subgrade/Flowable Fill. Financially Guaranteed Improvements: Asphalt Street and Curb Patches on Prairie Drive, Water Main Loop on Scenic Trail.

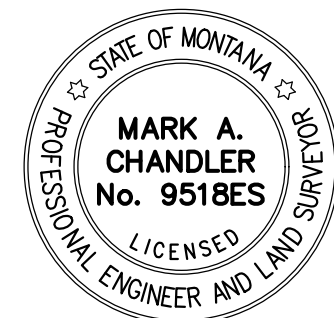
Date: _____ Northtown Development Corp. By: William Muhlenfeld, President

Mark A. Chandler PE, PLS Montana License No. 9518ES

Director of Public Works, City of Livingston, Montana

Date: _____

Date: _____



CERTIFICATE OF EXCLUSION FROM MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW

Northtown Subdivision, Phases 2 and 3, located in Park County, Montana, is within the City of Livingston, Montana, a first-class municipality, and within the planning area of the Livingston growth policy which was adopted pursuant to Section 76-1-601 et seq., M.C.A., and pursuant to Section 76-4-127 M.C.A. can be provided with adequate storm water drainage and adequate municipal facilities. Therefore, under the provisions of Section 76-4-125(1)(d) M.C.A., this subdivision is excluded from the requirement for Montana Department of Environmental Quality review.

Dated this _____ day of _____, 2020.

Director of Public Works, City of Livingston, Montana

CERTIFICATE OF FINAL PLAT APPROVAL

The City Commission of the City of Livingston, Park County, Montana does hereby certify that the accompanying plat of Northtown Subdivision, Phases 2 and 3 have been duly examined and having found the same to conform to the requirements of the Subdivision and Platting Act, Sec. 76-3-101 et seq. M.C.A., and the City of Livingston Subdivision Regulations, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use.

Dated this _____ day of _____, 2020.

Chairman of the City Commission, City of Livingston, Montana

CONSENT OF MORTGAGEE(S)

We, the undersigned mortgagees or encumbrancers, do hereby join in and consent to the described plat, releasing our respective liens, claims or encumbrances as to any portion of said lands now being platted into streets, avenues, parks or other public uses which are dedicated to the City of Livingston for the public use and enjoyment.

Dated this _____ day of _____, 2020.

Northtown Livingston, LLC

By: William Muhlenfeld, Managing Member

STATE OF MONTANA COUNTY OF GALLATIN

This instrument was signed or acknowledged before me on this _____ day of _____, 2020, by William Muhlenfeld as Managing Member of Northtown Livingston, LLC., a Montana Limited Liability Company.

Notary Public for the State of Montana Printed Name: _____ Residing at: _____ My commission expires: _____

Dated this _____ day of _____, 2020.

Carter Boehm

STATE OF MONTANA COUNTY OF PARK

This instrument was signed or acknowledged before me on this _____ day of _____, 2020, by Carter Boehm.

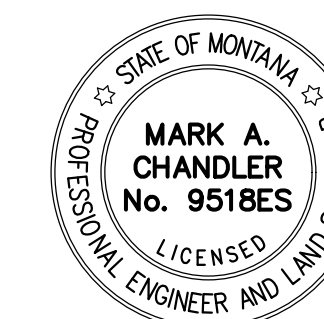
Notary Public for the State of Montana Printed Name: _____ Residing at: _____ My commission expires: _____

CERTIFICATE OF SURVEYOR

I, Mark A. Chandler, Professional Engineer and Land Surveyor No. 9518ES, do hereby certify that between November 21, 2018 and October _____, 2020, Northtown Subdivision, Phases 2 and 3, was surveyed under my direct supervision, and I have platted the same as shown on the accompanying plat, and as described, in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-625, M.C.A., and the City of Livingston Subdivision Regulations.

Dated this _____ day of _____, 2020.

Mark A. Chandler PE, PLS Montana License No. 9518ES



CERTIFICATE OF COUNTY TREASURER

I, Kevin J. Larkin, Treasurer of Park County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

Dated this _____ day of _____, 2020.

Deputy Treasurer of Park County

CERTIFICATE OF CLERK AND RECORDER

I, Aritza Reddington, Clerk and Recorder of Park County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock _____ M. this _____ day of _____, A.D., 2020, and recorded as Subdivision No. _____, records of the Clerk and Recorder, Park County, Montana.

Deputy Clerk and Recorder



Engineering and Surveying Inc.

1091 Stoneridge Drive • Bozeman, Montana • Phone (406) 587-1115 • Fax (406) 587-9768
www.chengineers.com • E-Mail: info@chengineers.com

September 23, 2020

City of Livingston
Attn: Jim Woodhull
330 Bennet Street
Livingston, MT 59047

RE: Narrative Response to Conditions of Approval for Northtown Subdivision Phases 2 & 3 (C&H #16622)

Dear Jim,

This letter is to provide a narrative response to the Conditions of Approval from the Preliminary Plat Application for Northtown Subdivision, Phase 1-3.

1. A waiver of SID protest must be signed by the Subdivider that guarantees the participation of all lots in the subdivision in a future improvement district for public improvements. This will specifically apply to the west-end underpass and front street extension project.

The waiver of SID was completed with Phase 1 of the subdivision.

2. All sewer and water main extensions will be a minimum of eight (8) inch..

All installed water and sewer mains are 8" main.

3. 3. Storm water design will meet all applicable DEQ standards.

The Stormwater design was found to meet the Circular DEQ 8 2017 Edition.

4. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.

The project was inspected with on-site observation by Mark Chandler, P.E, or a representative under his supervision during utility construction.

5. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.

This provision has been waived as part of the site plan application process. The approved civil site plans are attached.

6. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.

The signs have been installed per City of Livingston standards. The curbs paint in front of hydrant and no parking areas has been installed.

7. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.

This item is noted. The improvements agreements for deferred infrastructure will be approved by the City prior to construction.

8. The subdivider will, in consultation with the County Extension Office, prepare a noxious weed plan to mitigate the spread of weeds to adjacent properties. Proof of compliance with this plan will be required in order to gain final approval.

A letter of intent to mitigate noxious weeds on the property has been prepared in consultation with the County Extension Office.

9. All outdoor lighting in this development will be required to be night-sky friendly. City standard street lights will be required throughout the development.

This item is noted. Street lights will be installed throughout the development.

10. Final approval of Phase 1 will require compliance with all of these conditions as well as completion of the water main loop and repair/re-construction of Prairie Drive necessitated by construction of sewer and water services for the first phase.

This item it noted. Phase 1 Final Plat has been approved. The necessary utilities have been constructed.

11. Final approval of Phase 2 will require compliance with all of these conditions as well as the reconstruction and improvement of Scenic Trail.

The necessary improvements have been completed.

12. Final approval of Phase 3 will require compliance with all of these conditions as well as completion of all infrastructure improvement on the interior of that phase.

The interior improvements have been completed.

If you have any questions or need any more information please give me a call at (406) 587-1115.

Thank You,



Drew Kirsch, E.I.

YELLOWSTONE BANK

2000 OVERLAND AVENUE
BILLINGS, MONTANA 59102

September 29, 2020

City of Livingston

Subject: Irrevocable Letter of Credit No. 1369
Customer: NorthTown Development Corp.
1425 West Main Street
Bozeman, MT. 59715
Amount: \$83,600.00
Expiration: September 30, 2021

To Whom It May Concern:

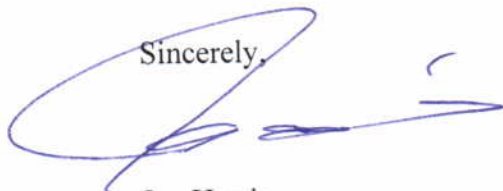
We hereby established in your favor our Irrevocable Letter of Credit #1369 for the account of NorthTown Development Corp. available by your drafts at sight up to an aggregate amount of \$83,600.00. Should NorthTown Development Corp fail to complete and pay for the completion of the 19 street lights for Scenic Trail, Prairie Drive and Northtown Road Yellowstone Bank shall pay on demand your sight draft or drafts for such funds, to the limit of credit set forth herein.

All drafts must be presented prior to September 30, 2021 and this Letter of Credit must accompany the final draft for payment. Drafts drawn hereunder must be by sight draft marked:

“Drawn under Yellowstone Bank, Letter of Credit #1369 date September 30, 2020” and the amount drawn endorsed on the reverse hereof by the lending institution.

Unless otherwise stated, this Letter of Credit is subject to the Uniform Customs and Practices for Commercial Documentary Credits (1983 Revision) International Chamber of Commerce. We hereby agree with the drawers, endorsers, and bona fide holders of the drafts drawn under and in compliance with the terms of this credit that these drafts shall be duly honored upon presentation to the drawee.

Sincerely,



Jay Harris
President

KJB:dm

File Attachments for Item:

URA RECRUITMENT NOTICE

NOTICE OF VACANCY FOR THE URBAN RENEWAL AGENCY COMMITTEE

The City of Livingston is seeking to fill a vacancy on the Urban Renewal Agency Committee (URA). The appointment for the URA Committee is for a four (4) year term. To qualify for the URA Committee the applicant must possess the following qualifications: a U.S. citizen who is at least 18 years of age, a qualified elector, a resident of the County and State for at least 30 days and a city of Livingston resident who is a non-felon and of sound mind. Preferred applicant will possess a strong financial background. The deadline for applications is 5:00 pm October 12, 2020, appointment to the board is anticipated to occur November 17, 2020, at 5:30 p.m. during the second regular meeting of the City Commission. Applications for interested persons may be obtained by contacting Faith Kinnick at, 406-823-6002 in person at 414 East Callender Street, Livingston, MT 59047 or on our website at <http://www.livingstonmontana.org/living/boardsandcommittees.html>

Please publish Sept. 11; Sept 18; Sept. 25; Oct. 2; Oct. 9

Faith Kinnick
City of Livingston
Dated: September 9, 2020

File Attachments for Item:

RECRUITMENT NOTICE FOR CITY CONSERVATION BOARD

PUBLIC NOTICE CITY CONSERVATION BOARD

VACANCY ANNOUNCEMENT

The City of Livingston seeks to fill three (3) seats for members with expiring terms on the City Conservation Board. The purpose of this board for identifying opportunities for the City of Livingston to reduce costs and promote sustainable growth by implementing energy-efficient equipment, procedures, or systems, and incorporate renewable energy when feasible. The Board shall advise the City Commission on topics such as building efficiency strategies, renewable energy, recycling, tracking of energy use, and energy-saving initiatives.

Applicants are encouraged to apply if they meet the following qualifications: A U.S. citizen, a resident of the City, and Park County Montana for at least 30 days, 18 years of age and of sound mind. Members will serve a two 2- year term. Current members are encouraged to re-apply if interested.

Meetings will occur on the second Wednesday of each month at 5:00 pm in the Community Room of the City/County Complex or virtually through Zoom.

The deadline for applications is October 30, 2020. Appointment to the City Conservation Board is anticipated to occur during the December 15, 2020, City Commission meeting. Applications may be obtained on our Boards and Committees web page at www.livingstonmontana.org, by contacting Faith Kinnick, (406) 823-6002 or in person at 414 E. Callender St. Livingston. Mail or email your completed application to fkinnick@livingstonmontana.org .

Please publish Wednesday, September 30, 2020, October 9,16,23, 2020.

Faith Kinnick
City of Livingston
Dated: September 29, 2020

File Attachments for Item:

RECRUITMENT ANNOUNCEMENT FOR LIVINGSTON TREE BOARD

NOTICE OF VACANCIES ON LIVINGSTON TREE BOARD

The City of Livingston is seeking to fill two (2) vacancies on the Livingston Tree Board. The vacancy is for city residents or residents who reside within two (2) miles thereof. The appointment for the Livingston Tree Board is for a four (4) year term. To qualify for the Livingston Tree Board the applicant must possess the following qualifications: a U.S. citizen who is at least 18 years of age, a qualified elector, a resident of the County and State for at least 30 days and a city of Livingston resident who is a non-felon and of sound mind.

Applications will be received September 30, 2020 until 5 pm October 30, 2020, appointment anticipated to occur during the December 15, 2020, regular City Commission Meeting.

Applications are available:

- Online at:
http://www.livingstonmontana.org/City%20Commission/Fillable%20Application_for_Appointed_Office.pdf
- In-person: At the City Offices located at 414 East Callender Street, Livingston, MT 59047
- By mail: Call Faith Kinnick at (406) 823-6002 to request one by mail, applications received by mail must be received no later than October 30, 2020.

Interested in sharing your time and talents? Applicants are encouraged to include a resume or bio, and a short cover letter outlining why you would like to serve on the Livingston Tree Board, what special skills, talents, or resources you offer and what you hope to accomplish as a member.

If you have questions about this or any other City Board/Committee vacancies, contact Faith Kinnick at (406) 823-6002.

Please publish Tuesday, September 30, 2020, October 9,16,23, 2020.

Faith Kinnick
City of Livingston
Dated: September 28, 2020