



# Livingston City Commission Agenda

December 01, 2020

5:30 PM

via Zoom

<https://us02web.zoom.us/j/87977477999?pwd=NFU0MEtYdDBQN3duZTJQYnVuUHlPd09>

Meeting ID: 879 7747 7999 Passcode: 669024 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 11/17/2020, REGULAR MEETING. PG. 3**
- B. RATIFY CLAIMS PAID 11/15/2020-11/24/2020. PG. 8**
- C. ACCEPT TREE BOARD RECOMMENDATION FOR ANDY MITCHELL TO SERVE ANOTHER TERM ON THE CITY TREE BOARD. PG. 19**

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

- A. ORDINANCE NO. 2093: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ZONING ADMINISTRATIVE LANGUAGE TEXT AMENDMENTS. PG. 21**
- B. ORDINANCE NO. 2094: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING A 2,250 SQUARE FOOT PARCEL DESCRIBED AS LIVINGSTON MINNESOTA, TRIANGULAR PIECE SOUTH OF BLOCK 48 BOUNDED BY CHINOOK AND K STREET FROM MEDIUM DENSITY RESIDENTIAL RESIDENTIAL: MOBILE HOME (R-II (MH)) TO INDUSTRIAL (I). PG. 29**

8. Ordinances

- A. ORDINANCE NO. 2096: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AMENDING ARTICLE V. SECTION 2-73 ENTITLED EMPLOYEE HOLIDAYS TO CITY OF LIVINGSTON HOLIDAYS AND AMENDING SECTION 2-73 (A #7) AMENDING THE SECOND MONDAY IN OCTOBER FROM COLUMBUS DAY, TO INDIGENOUS PEOPLES DAY. PG. 33**

**B. ORDINANCE NO. 2097: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE I, ARTICLE II, ARTICLE IV, ARTICLE V, AND ARTICLE VI, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ZONING SETBACKS AND ALLOWED ENCROACHEMENTS. PG. 37**

9. Resolutions

**A. RESOLUTION NO. 4932: A RESOLUTION OF INTENT OF THE CITY OF COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESOLVING IT'S INTENT TO CHANGE THE BOUNDARIES OF THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT AT THE REQUEST OF THE LBID AND IT'S MEMBERS, AS REQUIRED BY LAW. PG. 88**

10. Action Items

**A. DISCUSS/APPROVE/DENY: DRAFT POLICY FOR NAMING PARKS, TRAILS, AND RECREATIONAL FACILITIES IN LIVINGSTON, WITH ATTORNEY'S RECOMMENDED EDITS. PG. 91**

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

**• DECEMBER CALENDAR PG. 96**

Supplemental Material

**• URA SPECIAL MEETING NOTICE PG. 98**

**• THANK YOU FROM HRDC FOR DONATION TO WARMING CENTER. PG. 100**

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:**

**A. APPROVE MINUTES FROM 11/17/2020, REGULAR MEETING.**

LIVINGSTON CITY COMMISSION REGULAR MEETING MINUTES

Tuesday, November 17, 2020, 5:30 pm

Zoom Online Meeting ID: 885 0450 1840

1 Call to Order

2 Roll Call

\* Hogleund, Schwarz, Mabie, and Nootz were present. Friedman joined later due to tech troubles.

3 Public Comment: (00:02:14)

4 Consent Items: (00:03:54)

A. Schwarz motioned to approve items A-C, Mabie seconded.  
All in favor, passed 4-0.

5 Proclamations:

6 Scheduled Public Comment:

A. Jim Domino and Danielle Maiden of Neighborworks Montana, Presents View Vista Community Partnership Opportunity. (00:04:53)

Jim and Danielle presented overview of project and discussed property condition assessment.

- \* Mabie (00:13:39)
- \* Hogleund (00:16:27)
- \* Nootz (00:16:53)
- \* Kardoes (00:19:06)
- \* Schwarz made comments (00:19:40)

B. Beverly Christensen of TCA Architects presents a preliminary basic yield study for workforce housing at the Voyich property. (00:20:04)

- \* Kardoes gave opening statement
- \* Beverly Christiansen gave presentation
- \* Nootz made comments (00:28:40)
- \* Mabie made comments (00:32:15)
- \* Hogleund made comments (00:33:56)
- \* Schwarz made comments (00:36:16)

7 Public Hearings

8 Ordinances:

A. Ordinance No. 2095 : An Ordinance of the City Commission of the City Commission of Livingston, Montana, amending chapter 23 of the Livingston Municipal Code Entitled "Trees" by clarifying that all boulevard trees are to be properly maintained, including pruning, watering, and removal when necessary, by the homeowner adjacent to the boulevard. (00:42:16)

- \* Kardoes made opening statement
  - \* Lawellin made comments (00:45:32)
  - \* Friedman made comment (00:47:39)
  - \* Nootz made comment (00:48:50)
  - \* Marshall Swearingen made comment (00:51:38)
  - \* Hogleund made comments (00:58:56)
  - \* Schwarz made comments (01:00:58)
- Nootz motioned to approve, with section 23-3 amended to read 3 year terms.  
Friedman seconded.  
All in favor, passes 5-0.

## 9 Resolutions:

**A. Resolution No. 4930: A resolution of the City Commission of the City of Livingston, Montana, adopting a new impact fee schedule. (01:04:53)**

- \* Kardoes made opening statement
- \* Johnathan Hettinger made comments (01:09:41)
- \* Barb Oldershaw made comments (01:10:29)
- \* Mabie made comments (01:11:45)
- \* Nootz made comments (01:12:22)
- \* Hogleund made comments (01:12:56)
- \* Friedman made motion to pass Resolution No. 4930 amending it to applicable to all pending and future applications for plans and permits. Mabie seconded.  
All in favor, motion passes 5-0.

**B. Resolution No. 4931: A resolution of the City Commission of the City of Livingston, Montana, authorizing the City Manager to sign all documents required for the adoption and implementation of a consecutive systems agreement with the View Vista Community, Inc. (01:14:55)**

- \* Kardoes made opening statement
- \* Shannon Holmes made comments (01:15:33)
- \* no public comments
- \* Nootz made comment (01:19:57)
- \* Hogleund made comment (01:25:01)
- \* Schwarz made comment (01:24:42)  
Friedman motioned to approve, Schwarz seconded  
All in favor, passes 5-0.

5 minute recess (7:00 pm)

## 10 Action Item:

**A. Discuss/Approve/Deny: Livingston Area Chamber of Commerce fee waiver request for reconsideration. (01:28:01)**

- \* Leslie Feigel gave opening statement.
- \* Hogleund asked questions: (01:32:00)
- \* Kardoes made comments: (01:32:59)
- \* Schwarz made comments: (01:36:24)
- \* Mabie made comments: (01:37:15)
- \* no public comments
- \* Nootz made comments: (01:39:09)
- \* Hogleund made comment (01:40:54)  
Friedman motioned to approve, second by Mabie  
All opposed, motion fails 0-5.

**B. Discuss/Approve/Deny: Cares Act Funding Options (01:44:10)**

- \* Kardoes gave opening statement
- \* Johnathan Hettinger made comment (01:46:32)
- \* Denise Fischer made comments (01:49:57)
- \* Becca Frucht made comment (01:53:11)
- \* Kate Koller made comment (01:56:45)
- \* Karrie Kahle made comment (01:57:57)
- \* Michelle Uberuaga made comment (01:59:37)
- \* Alexis Van Pernius made comments (02:00:56)
- \* Schwarz made comment (02:02:29)
- \* Nootz made comment (02:04:38)
- \* Mabie made comment (02:07:45)

- \* Kardoes shared CARES Act awarded grant info on Department of Commerce website (02:08:02)  
<https://commerce.mt.gov/Montana-Coronavirus-Relief/Awarded-Grants>
- \* Friedman made comments (02:21:21)
- \* Hogle made comments (02:13:58)
- \* City Attorney made comments as to process (02:25:01)
- \* Nootz motioned to allocate \$15k grant for the Emerald Ash Borer Plan, Mabie seconded. All in favor, motion passes 5-0. (02:25:20)
- \* Alexis Van Pernis gave information on CASPER Survey (02:27:58)
- \* Schwarz made motion to approve LPD Radio Replacements, & replacement bunker gear totaling \$130k, second by Friedman. Motion passes 4-1, Nootz opposed. (02:31:20)

**C. Discuss/Approve/Deny: Indigenous Peoples Day and Columbus Day (02:32:20)**

- \* Kardoes gave opening statement
- \* Francine Spang-Willis public comment (02:34:11)
- \* Ben Pease made public comment (02:37:20)
- \* Blake Britman made public comment (02:40:21)
- \* Katie Smith made public comment (02:43:01)
- \* Carson Taylor made public comment (02:44:34)
- \* Barb Oldershaw made public comment (02:46:36)
- \* Shane Morigeau made public comment (02:51:02)
- \* Crystal Alegria made public comment (02:53:35)
- \* Marsha Small made public comment (02:56:34)
- \* Jenny Jo Allen made public comment (03:00:30)
- \* Becca Frucht made public comment (03:01:47)

**\*\* Motion to extend the meeting made by Nootz, seconded by Mabie. Passed.**

- \* Raina Wallace made public comment (03:05:15)
  - \* Michelle Uberuaga made public comment (03:06:18)
  - \* Daniella Love made public comment (03:07:00)
  - \* Joan Kresich made public comment (03:08:51)
  - \* Friedman made comments (03:13:11)
  - \* Mabie made comments (03:13:20)
  - \* Schwarz made comments (03:15:47)
  - \* Nootz made comments (03:16:31)
- Hogle made comments motion to declare the 2nd Monday of October, as Indigenous Peoples Day, second by Schwarz.  
All in favor, passes 5-0.

**D. Discuss/Approve/Deny: Discuss Parks and Trails Committee policy for naming Livingston Parks, Trails and recreational facilities. (03:23:32)**

- \* Jeanne-Marie Souvigny, Chair of Parks and Trails gave opening statement
- \* City Attorney made comments (03:29:48)  
exception to naming procedure A line 4- concerns over putting the boards at odds. suggested to take section B out, City Manager capital campaigns.
- \* Nootz suggested adding suggested edits, or a staff report to an action item at the next meeting with opinion from City Attorney. (03:32:36)
- \* Schwarz made comments (03:38:07)
- \* Commission decided to return the document to City Attorney for final edits.

**11 City Manager Comments: (04:08:02)**

Kardoes clarified that in the Parks and Trails Committee By-laws, they are an advisory board to the City Commission. Kardoes commended commission on accomplishments over the last couple of months. Some issues that have plagued the city for years. Kardoes spoke about feedback from a citizen alluding the efforts of LPD and Fire staff going above and beyond normal course of duties.

**13 City Commission Comments**

- \* Nootz: (03:41:11)
- \* Mabie (03:42:59)
- \* Friedman (03:43:59)
- \* Schwarz (03:44:42)
- \* Hogle (03:45:11)

**15 Adjournment pm (03:48:54)**

**File Attachments for Item:**

**B. RATIFY CLAIMS PAID 11/15/2020-11/24/2020.**



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>2M COMPANY, INC.</b>							
781	2M COMPANY, INC.	20230615-00	Deep Thaw	11/13/2020	392.00	392.00	11/24/2020
Total 2M COMPANY, INC.:					392.00	392.00	
<b>A-1 MUFFLER, INC.</b>							
2	A-1 MUFFLER, INC.	69046	FIXED DOOR	11/04/2020	50.00	50.00	11/24/2020
Total A-1 MUFFLER, INC.:					50.00	50.00	
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	60473	MOUNT AND BALANCE	10/29/2020	30.00	30.00	11/24/2020
22	ALL SERVICE TIRE & ALIGNME	60641	Flat repair	11/20/2020	40.00	40.00	11/24/2020
Total ALL SERVICE TIRE & ALIGNMENT:					70.00	70.00	
<b>BANNACK GROUP LLC</b>							
10002	BANNACK GROUP LLC	0018158	CONSULTING	10/01/2020	7,500.00	7,500.00	11/19/2020
10002	BANNACK GROUP LLC	0018180	CONSULTING	11/01/2020	7,500.00	7,500.00	11/19/2020
Total BANNACK GROUP LLC:					15,000.00	15,000.00	
<b>BARKER RINKER SEACAT ARCHITECTURE</b>							
10002	BARKER RINKER SEACAT ARC	13329	REC CENTER STUDY	09/03/2020	1,000.00	1,000.00	11/19/2020
Total BARKER RINKER SEACAT ARCHITECTURE:					1,000.00	1,000.00	
<b>BIOBOT ANALYTICS, INC</b>							
10001	BIOBOT ANALYTICS, INC	328B41F3-000	EPIDEMIOLOGY SERVICE	11/22/2020	4,800.00	4,800.00	11/24/2020
Total BIOBOT ANALYTICS, INC:					4,800.00	4,800.00	
<b>BLACKSTONE PUBLISHING</b>							
2219	BLACKSTONE PUBLISHING	1187316	5 AUDIOBOOKS	09/03/2020	200.00	200.00	11/23/2020
2219	BLACKSTONE PUBLISHING	1187442	2 AUDIOBOOKS	10/01/2020	63.98	63.98	11/23/2020
2219	BLACKSTONE PUBLISHING	1189004	3 Audiobooks	09/03/2020	120.00	120.00	11/23/2020
Total BLACKSTONE PUBLISHING:					383.98	383.98	
<b>BOUND TREE MEDICAL, LLC</b>							
2662	BOUND TREE MEDICAL, LLC	83832741	Patient Supplies	11/02/2020	381.98	381.98	11/19/2020
2662	BOUND TREE MEDICAL, LLC	83834597	Patient Supplies	11/03/2020	455.76	455.76	11/19/2020
2662	BOUND TREE MEDICAL, LLC	83834598	Patient Supplies	11/03/2020	164.64	164.64	11/19/2020
2662	BOUND TREE MEDICAL, LLC	83837898	Patient Supplies	11/05/2020	305.80	305.80	11/19/2020
2662	BOUND TREE MEDICAL, LLC	83837899	Patient Supplies	11/05/2020	19.79	19.79	11/19/2020
Total BOUND TREE MEDICAL, LLC:					1,327.97	1,327.97	
<b>CANON FINANCIAL SERVICES, INC</b>							
1747	CANON FINANCIAL SERVICES, I	22146284	FIRE & RESCUE CONTRACT	11/12/2020	29.31	29.31	11/19/2020
1747	CANON FINANCIAL SERVICES, I	22146285	FIRE AND RESCUE CONTRACT	11/12/2020	29.75	29.75	11/19/2020
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
<b>CARQUEST AUTO PARTS</b>							
23	CARQUEST AUTO PARTS	1912-491887	ONYX	11/09/2020	33.48	33.48	11/24/2020
23	CARQUEST AUTO PARTS	1912-492297	Parts	11/13/2020	4.34	4.34	11/19/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
23	CARQUEST AUTO PARTS	1912-492455	Parts	11/16/2020	8.68	8.68	11/19/2020
23	CARQUEST AUTO PARTS	1912492493	Parts	11/16/2020	267.98	267.98	11/19/2020
23	CARQUEST AUTO PARTS	1912-492695	12PC HX SET	11/18/2020	43.23	43.23	11/24/2020
Total CARQUEST AUTO PARTS:					357.71	357.71	
<b>CASHMAN NURSERY &amp; LANDSCAPING</b>							
10001	CASHMAN NURSERY & LANDS	61490	PARKS	10/06/2020	98.00	98.00	11/24/2020
Total CASHMAN NURSERY & LANDSCAPING:					98.00	98.00	
<b>CENGAGE LEARNING INC</b>							
10001	CENGAGE LEARNING INC	72581961	3 BOOKS	11/02/2020	90.99	90.99	11/23/2020
10001	CENGAGE LEARNING INC	72597861	3 BOOKS	11/05/2020	90.17	90.17	11/23/2020
Total CENGAGE LEARNING INC:					181.16	181.16	
<b>CENTRON SERVICES</b>							
682	CENTRON SERVICES	2020.10.27	Collections	10/27/2020	104.96	104.96	11/19/2020
Total CENTRON SERVICES:					104.96	104.96	
<b>CERTIFIED LABORATORIES</b>							
634	CERTIFIED LABORATORIES	7150437	LOK-CEASE	10/28/2020	195.02	195.02	11/19/2020
Total CERTIFIED LABORATORIES:					195.02	195.02	
<b>CHAPPELL'S BODY SHOP, INC.</b>							
294	CHAPPELL'S BODY SHOP, INC.	485	Prepaid car wash	11/04/2020	20.00	20.00	11/19/2020
294	CHAPPELL'S BODY SHOP, INC.	486	Prepaid car wash	11/05/2020	20.00	20.00	11/19/2020
Total CHAPPELL'S BODY SHOP, INC.:					40.00	40.00	
<b>CHARTER COMMUNICATIONS</b>							
3440	CHARTER COMMUNICATIONS	019544510182	Phones	10/18/2020	119.97	119.97	11/23/2020
3440	CHARTER COMMUNICATIONS	019544510182	Internet	10/18/2020	124.98	124.98	11/23/2020
Total CHARTER COMMUNICATIONS:					244.95	244.95	
<b>CITY OF LIVINGSTON</b>							
131	CITY OF LIVINGSTON	TK2019-0407	Bond Conversion - B. Boyer	11/18/2020	340.00	340.00	11/24/2020
Total CITY OF LIVINGSTON:					340.00	340.00	
<b>COMDATA</b>							
2671	COMDATA	20338527	FUEL	11/01/2020	124.73	124.73	11/23/2020
2671	COMDATA	20338940	CG73p	11/01/2020	1,838.41	1,838.41	11/19/2020
Total COMDATA:					1,963.14	1,963.14	
<b>DEMCO</b>							
199	DEMCO	6867618	Book Prep Supplies	11/03/2020	471.53	471.53	11/23/2020
Total DEMCO:					471.53	471.53	
<b>DESERT MOUNTAIN, INC.</b>							
3453	DESERT MOUNTAIN, INC.	20-79101	Ice slicer	11/12/2020	4,764.16	4,764.16	11/19/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total DESERT MOUNTAIN, INC.:					4,764.16	4,764.16	
<b>DPHHS-FCSS</b>							
10002	DPHHS-FCSS	2020.11.6	LICENSE RENEWAL 10372 & 30	11/06/2020	275.00	275.00	11/24/2020
Total DPHHS-FCSS:					275.00	275.00	
<b>EMANUAL, ANDREW</b>							
3010	EMANUAL, ANDREW	2020.11.20	REIMBURSE FOR K9 SUPPLIES	11/20/2020	447.96	447.96	11/24/2020
Total EMANUAL, ANDREW:					447.96	447.96	
<b>ENCODE CORPORATION</b>							
1548	ENCODE CORPORATION	39819	QUARTERLY MAINTENACE	11/01/2020	1,988.00	1,988.00	11/23/2020
1548	ENCODE CORPORATION	39862	Replace MOTOR ON AIR HANDL	11/04/2020	913.02	913.02	11/23/2020
Total ENCODE CORPORATION:					2,901.02	2,901.02	
<b>EXEC U CARE SERVICES, INC.</b>							
3298	EXEC U CARE SERVICES, INC.	2396	Janitorial Services	10/05/2020	2,120.00	2,120.00	11/19/2020
Total EXEC U CARE SERVICES, INC.:					2,120.00	2,120.00	
<b>FETTERHOFF, PAIGE</b>							
3680	FETTERHOFF, PAIGE	2020.11.12	REIMBURSE	11/12/2020	16.99	16.99	11/19/2020
Total FETTERHOFF, PAIGE:					16.99	16.99	
<b>FOUR CORNERS RECYCLING, LLC</b>							
2919	FOUR CORNERS RECYCLING,	4659	Pull fees OCTOBER	10/28/2020	4,742.61	4,742.61	11/24/2020
2919	FOUR CORNERS RECYCLING,	4659CM	Credit Memo	10/28/2020	1,313.55-	1,313.55-	11/24/2020
2919	FOUR CORNERS RECYCLING,	4660CM	Credit FROM OVERPAYMENT	10/28/2020	2,799.60-	2,799.60-	11/24/2020
Total FOUR CORNERS RECYCLING, LLC:					629.46	629.46	
<b>FRONTLINE AG SOLUTIONS, LLC</b>							
2516	FRONTLINE AG SOLUTIONS, LL	794942	GREASE TUBE	10/28/2020	15.73	15.73	11/24/2020
Total FRONTLINE AG SOLUTIONS, LLC:					15.73	15.73	
<b>GATEWAY OFFICE SUPPLY</b>							
54	GATEWAY OFFICE SUPPLY	49620	Office SupplieS-FINANCE	10/30/2020	8.00	8.00	11/19/2020
54	GATEWAY OFFICE SUPPLY	49673	POSTAGE-POLICE	11/06/2020	12.19	12.19	11/19/2020
54	GATEWAY OFFICE SUPPLY	49783	POSTAGE-POLICE	11/18/2020	11.74	11.74	11/24/2020
Total GATEWAY OFFICE SUPPLY:					31.93	31.93	
<b>GENERAL DISTRIBUTING COMPANY</b>							
1845	GENERAL DISTRIBUTING COM	00935045	Oxygen	11/12/2020	246.16	246.16	11/19/2020
Total GENERAL DISTRIBUTING COMPANY:					246.16	246.16	
<b>GRAINGER</b>							
528	GRAINGER	835401183	CLEANING	11/16/2020	140.35	140.35	11/19/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total GRAINGER:					140.35	140.35	
<b>HACH COMPANY</b>							
100	HACH COMPANY	12182098	REACTOR	10/28/2020	1,552.77	1,552.77	11/19/2020
100	HACH COMPANY	12203361	pipet set	11/13/2020	702.95	702.95	11/24/2020
Total HACH COMPANY:					2,255.72	2,255.72	
<b>HORIZON AUTO PARTS</b>							
1920	HORIZON AUTO PARTS	894810	IMPACT DRIVER SET	11/17/2020	39.99	39.99	11/24/2020
Total HORIZON AUTO PARTS:					39.99	39.99	
<b>HOUSE OF CLEAN</b>							
63	HOUSE OF CLEAN	27018400	Vacuum BAGS	10/28/2020	25.87	25.87	11/23/2020
63	HOUSE OF CLEAN	270352-00	Paper Towels	11/09/2020	47.22	47.22	11/19/2020
Total HOUSE OF CLEAN:					73.09	73.09	
<b>INDUSTRIAL TOWEL</b>							
102	INDUSTRIAL TOWEL	42453-00	Towel Service	11/04/2020	15.23	15.23	11/23/2020
102	INDUSTRIAL TOWEL	4247300	FLOOR MATS	10/08/2020	123.11	123.11	11/19/2020
102	INDUSTRIAL TOWEL	46387	330 bennett	11/13/2020	44.39	44.39	11/19/2020
102	INDUSTRIAL TOWEL	46857	Towel Service	11/19/2020	36.00	36.00	11/24/2020
102	INDUSTRIAL TOWEL	47083	Towel Service	11/20/2020	41.07	41.07	11/24/2020
Total INDUSTRIAL TOWEL:					259.80	259.80	
<b>INGRAM LIBRARY SERVICE</b>							
1539	INGRAM LIBRARY SERVICE	48782835	3 BOOKS	10/08/2020	49.89	49.89	11/23/2020
1539	INGRAM LIBRARY SERVICE	48899688	1 Book	10/15/2020	34.05	34.05	11/23/2020
1539	INGRAM LIBRARY SERVICE	48920605	1 Book	10/16/2020	33.46	33.46	11/23/2020
1539	INGRAM LIBRARY SERVICE	48936618	8 BOOKS	10/19/2020	150.17	150.17	11/23/2020
1539	INGRAM LIBRARY SERVICE	48936619	1 Book	10/19/2020	25.65	25.65	11/23/2020
1539	INGRAM LIBRARY SERVICE	48968830	CREDIT MEMO	10/20/2020	85.12-	85.12-	11/23/2020
1539	INGRAM LIBRARY SERVICE	48970228	2 Books	10/20/2020	38.60	38.60	11/23/2020
1539	INGRAM LIBRARY SERVICE	48970229	1 Book	10/20/2020	17.96	17.96	11/23/2020
1539	INGRAM LIBRARY SERVICE	48991844	1 Book	10/21/2020	31.22	31.22	11/23/2020
1539	INGRAM LIBRARY SERVICE	48991845	1 Book	10/21/2020	12.65	12.65	11/23/2020
1539	INGRAM LIBRARY SERVICE	49062148	1 Book	10/26/2020	10.48	10.48	11/23/2020
1539	INGRAM LIBRARY SERVICE	49062149	1 Book	10/26/2020	13.97	13.97	11/23/2020
1539	INGRAM LIBRARY SERVICE	49062150	8 Books	10/26/2020	133.14	133.14	11/23/2020
1539	INGRAM LIBRARY SERVICE	49161527	1 Book	10/30/2020	24.53	24.53	11/23/2020
1539	INGRAM LIBRARY SERVICE	49182297	2 Books	11/02/2020	29.19	29.19	11/23/2020
1539	INGRAM LIBRARY SERVICE	49182298	1 Book	11/02/2020	19.18	19.18	11/23/2020
1539	INGRAM LIBRARY SERVICE	49182299	9 Books	11/02/2020	166.12	166.12	11/23/2020
1539	INGRAM LIBRARY SERVICE	49182300	1 Book	11/02/2020	19.98	19.98	11/23/2020
1539	INGRAM LIBRARY SERVICE	49215026	CREDIT MEMO	11/03/2020	53.67-	53.67-	11/23/2020
1539	INGRAM LIBRARY SERVICE	49217045	1 Book	11/03/2020	27.46	27.46	11/23/2020
1539	INGRAM LIBRARY SERVICE	49238319	1 Book	11/04/2020	27.45	27.45	11/23/2020
1539	INGRAM LIBRARY SERVICE	49332269	5 BOOKS	11/10/2020	101.58	101.58	11/23/2020
1539	INGRAM LIBRARY SERVICE	49332270	47 BOOKS	11/10/2020	617.95	617.95	11/23/2020
1539	INGRAM LIBRARY SERVICE	49332271	1 Book	11/10/2020	44.51	44.51	11/23/2020
1539	INGRAM LIBRARY SERVICE	49332272	2 Books	11/10/2020	52.93	52.93	11/23/2020
1539	INGRAM LIBRARY SERVICE	49345731	4 Books	11/11/2020	83.62	83.62	11/23/2020
1539	INGRAM LIBRARY SERVICE	49362731	1 Book	11/11/2020	26.18	26.18	11/23/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1539	INGRAM LIBRARY SERVICE	49362732	1 Book	11/11/2020	25.61	25.61	11/23/2020
Total INGRAM LIBRARY SERVICE:					1,678.74	1,678.74	
<b>INSTY-PRINTS</b>							
250	INSTY-PRINTS	36580	Business cards	09/11/2020	49.95	49.95	11/23/2020
250	INSTY-PRINTS	37171	Business cards	11/03/2020	99.90	99.90	11/23/2020
250	INSTY-PRINTS	37253	BOOK LABELS	11/10/2020	207.04	207.04	11/23/2020
Total INSTY-PRINTS:					356.89	356.89	
<b>KARNATZ TREE SERVICE</b>							
2001	KARNATZ TREE SERVICE	2020.11.1	Cut cottonwood	11/01/2020	575.00	575.00	11/24/2020
Total KARNATZ TREE SERVICE:					575.00	575.00	
<b>KELLEY CONNECT</b>							
10001	KELLEY CONNECT	IN748315	CANON	11/10/2020	90.95	90.95	11/19/2020
10001	KELLEY CONNECT	IN748339	PRINTER MAINT	11/10/2020	9.30	9.30	11/19/2020
10001	KELLEY CONNECT	IN748340	PRINTER MAIN	11/10/2020	28.12	28.12	11/19/2020
Total KELLEY CONNECT:					128.37	128.37	
<b>KEN'S EQUIPMENT REPAIR, INC</b>							
1390	KEN'S EQUIPMENT REPAIR, IN	56079	G1	09/30/2020	122.30	122.30	11/19/2020
1390	KEN'S EQUIPMENT REPAIR, IN	56091	410 L	10/06/2020	1,218.50	1,218.50	11/19/2020
1390	KEN'S EQUIPMENT REPAIR, IN	56097	G2	10/05/2020	122.25	122.25	11/19/2020
1390	KEN'S EQUIPMENT REPAIR, IN	56157	E84	10/15/2020	86.35	86.35	11/19/2020
1390	KEN'S EQUIPMENT REPAIR, IN	56178	532	10/20/2020	784.80	784.80	11/19/2020
1390	KEN'S EQUIPMENT REPAIR, IN	56182	932	10/21/2020	1,511.65	1,511.65	11/19/2020
1390	KEN'S EQUIPMENT REPAIR, IN	56197	GRADER	10/24/2020	839.05	839.05	11/19/2020
1390	KEN'S EQUIPMENT REPAIR, IN	56198	410G	10/26/2020	122.05	122.05	11/19/2020
Total KEN'S EQUIPMENT REPAIR, INC:					4,806.95	4,806.95	
<b>KIMBALL MIDWEST</b>							
2863	KIMBALL MIDWEST	8385406	PADLOCK	11/12/2020	123.15	123.15	11/19/2020
2863	KIMBALL MIDWEST	8397214	TOOLS	11/17/2020	240.29	240.29	11/24/2020
Total KIMBALL MIDWEST:					363.44	363.44	
<b>LIVINGSTON HEALTH CARE</b>							
55	LIVINGSTON HEALTH CARE	0017180	Patient Supplies	11/11/2020	42.05	42.05	11/19/2020
55	LIVINGSTON HEALTH CARE	4320093	Patient Supplies	11/02/2020	38.46	38.46	11/19/2020
Total LIVINGSTON HEALTH CARE:					80.51	80.51	
<b>LIVINGSTON PUBLIC WORKS</b>							
3442	LIVINGSTON PUBLIC WORKS	2020.11.18	SUPPLIES	11/18/2020	161.59	161.59	11/24/2020
Total LIVINGSTON PUBLIC WORKS:					161.59	161.59	
<b>LIVINGSTON UTILITY BILLING</b>							
147	LIVINGSTON UTILITY BILLING	2020.11.5	IRRIGATION	11/05/2020	34.00	34.00	11/23/2020
147	LIVINGSTON UTILITY BILLING	2020.11.5.1	Utilities	11/05/2020	99.16	99.16	11/23/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total LIVINGSTON UTILITY BILLING:					133.16	133.16	
<b>MIDWAY RENTAL, INC.</b>							
3040	MIDWAY RENTAL, INC.	5-1284836	FITTING	11/10/2020	8.18	8.18	11/19/2020
Total MIDWAY RENTAL, INC.:					8.18	8.18	
<b>MISC</b>							
99999	MISC	2020.11.19.1	Restitution payment	11/19/2020	140.00	140.00	11/24/2020
99999	MISC	2020.11.19.2	Restitution payment	11/19/2020	200.00	200.00	11/24/2020
99999	MISC	2020.11.19.4	OVERPAYMENT TK2020-0257	11/19/2020	28.72	28.72	11/24/2020
99999	MISC	TK2019-0407	Bond Release - B. Boyer	11/18/2020	100.00	100.00	11/24/2020
99999	MISC	TK2019-0407(2)	Bond Release - B. Boyer	11/18/2020	245.00	245.00	11/24/2020
Total MISC:					713.72	713.72	
<b>MMIA</b>							
278	MMIA	1020013	Deductible Recovery	11/06/2020	4,279.50	4,279.50	11/19/2020
Total MMIA:					4,279.50	4,279.50	
<b>MOBILE REPAIR &amp; WELDING, INC</b>							
10	MOBILE REPAIR & WELDING, IN	31637	GARB BASE PLATE	10/31/2020	1,646.00	1,646.00	11/19/2020
10	MOBILE REPAIR & WELDING, IN	31662	CASTER WHEELS	11/04/2020	208.96	208.96	11/19/2020
Total MOBILE REPAIR & WELDING, INC:					1,854.96	1,854.96	
<b>MONTANA AIR CARTAGE</b>							
3808	MONTANA AIR CARTAGE	LVQ103120	Courier Service	11/01/2020	229.50	229.50	11/23/2020
Total MONTANA AIR CARTAGE:					229.50	229.50	
<b>MONTANA CORRECTIONAL ENTERPRISES</b>							
1180	MONTANA CORRECTIONAL EN	77849	FURNITURE	05/15/2020	1,448.00	1,448.00	11/19/2020
Total MONTANA CORRECTIONAL ENTERPRISES:					1,448.00	1,448.00	
<b>MONTANA DEPT OF ENVIRONMENTAL</b>							
2346	MONTANA DEPT OF ENVIRONM	2020.11.10	RENEWAL PERMIT #MT0020435	11/10/2020	4,800.00	4,800.00	11/24/2020
Total MONTANA DEPT OF ENVIRONMENTAL:					4,800.00	4,800.00	
<b>MONTANA LAW ENFORCEMENT ACADEMY</b>							
642	MONTANA LAW ENFORCEMENT	20285	LODGING & MEALS - PHILLIPS	11/04/2020	250.00	250.00	11/19/2020
Total MONTANA LAW ENFORCEMENT ACADEMY:					250.00	250.00	
<b>MUNICIPAL CODE CORPORATION</b>							
3058	MUNICIPAL CODE CORPORATI	00351154	Subscription	11/09/2020	150.00	150.00	11/19/2020
3058	MUNICIPAL CODE CORPORATI	00351264	WEBSITE BASE FEATURES	11/11/2020	10,800.00	10,800.00	11/19/2020
Total MUNICIPAL CODE CORPORATION:					10,950.00	10,950.00	
<b>MURDOCH'S RANCH &amp; HOME SUPPLY</b>							
3688	MURDOCH'S RANCH & HOME S	11/37	TIN SNIP	11/17/2020	17.99	17.99	11/24/2020
3688	MURDOCH'S RANCH & HOME S	518823/37	tire chains	10/30/2020	219.98	219.98	11/24/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3688	MURDOCH'S RANCH & HOME S	9/37	CHAINSAW	11/16/2020	594.44	594.44	11/19/2020
3688	MURDOCH'S RANCH & HOME S	K00018/37	Tools	11/18/2020	164.98	164.98	11/24/2020
3688	MURDOCH'S RANCH & HOME S	K01192/37	Propane	11/13/2020	139.08	139.08	11/19/2020
Total MURDOCH'S RANCH & HOME SUPPLY:					1,136.47	1,136.47	
<b>NEVIN'S GLASS &amp; WINDOWS</b>							
490	NEVIN'S GLASS & WINDOWS	12089	CIARENCE WELL INSPECTION	09/16/2020	323.00	323.00	11/19/2020
Total NEVIN'S GLASS & WINDOWS:					323.00	323.00	
<b>NICOLE SANTUCCI</b>							
10002	NICOLE SANTUCCI	120218	REIMBURSEMENT	11/06/2020	20.93	20.93	11/23/2020
Total NICOLE SANTUCCI:					20.93	20.93	
<b>NORMONT EQUIPMENT</b>							
12	NORMONT EQUIPMENT	24023	BROOM/SHOVEL	11/10/2020	1,072.96	1,072.96	11/19/2020
Total NORMONT EQUIPMENT:					1,072.96	1,072.96	
<b>NORTHWESTERN ENERGY</b>							
151	NORTHWESTERN ENERGY	2020.11.10	ELECTRIC	11/10/2020	1,076.74	1,076.74	11/23/2020
151	NORTHWESTERN ENERGY	2020.11.5	101 STAR RD	11/05/2020	23.64	23.64	11/19/2020
Total NORTHWESTERN ENERGY:					1,100.38	1,100.38	
<b>OPPORTUNITY BANK OF MONTANA</b>							
3519	OPPORTUNITY BANK OF MONT	100	Office Rent	11/20/2020	1,775.00	1,775.00	11/24/2020
Total OPPORTUNITY BANK OF MONTANA:					1,775.00	1,775.00	
<b>O'REILLY AUTOMOTIVE, INC</b>							
2437	O'REILLY AUTOMOTIVE, INC	1558-223002	BRAKE FLUID	11/04/2020	5.99	5.99	11/24/2020
Total O'REILLY AUTOMOTIVE, INC:					5.99	5.99	
<b>PARK COUNTY</b>							
272	PARK COUNTY	74077	Bond - William McLaughlin	11/17/2020	500.00	500.00	11/20/2020
Total PARK COUNTY:					500.00	500.00	
<b>PURCHASE POWER</b>							
10001	PURCHASE POWER	2020.11.5	METER REFILL	11/05/2020	250.00	250.00	11/19/2020
Total PURCHASE POWER:					250.00	250.00	
<b>QUALITY CONTROL SERVICES, INC.</b>							
258	QUALITY CONTROL SERVICES,	61706	Onsite service	10/17/2020	935.00	935.00	11/19/2020
Total QUALITY CONTROL SERVICES, INC.:					935.00	935.00	
<b>REPUBLIC SERVICES #670</b>							
10000	REPUBLIC SERVICES #670	0670-0002433	RECYCLING	10/31/2020	79,293.71	79,293.71	11/19/2020
Total REPUBLIC SERVICES #670:					79,293.71	79,293.71	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>RIVERSIDE HARDWARE LLC</b>							
3659	RIVERSIDE HARDWARE LLC	119495	BaLL VALVE	10/30/2020	15.99	15.99	11/19/2020
3659	RIVERSIDE HARDWARE LLC	120183	YELLOW ZINC	11/06/2020	5.49	5.49	11/19/2020
Total RIVERSIDE HARDWARE LLC:					21.48	21.48	
<b>SAFETRAC</b>							
3143	SAFETRAC	30532	CDL Services	10/01/2020	492.25	492.25	11/19/2020
3143	SAFETRAC	30776	CDL Services	11/01/2020	443.95	443.95	11/19/2020
Total SAFETRAC:					936.20	936.20	
<b>SHI INTERNATIONAL CORP.</b>							
2907	SHI INTERNATIONAL CORP.	B12614471	OFFICE PRO PLUS	11/19/2020	392.48	392.48	11/24/2020
2907	SHI INTERNATIONAL CORP.	B12628668	OFFICE PRO-COMMISSION	11/23/2020	392.48	392.48	11/24/2020
Total SHI INTERNATIONAL CORP.:					784.96	784.96	
<b>STAFFORD ANIMAL SHELTER</b>							
1439	STAFFORD ANIMAL SHELTER	2020.10	Boarding AND VACC	11/06/2020	1,902.50	1,902.50	11/24/2020
Total STAFFORD ANIMAL SHELTER:					1,902.50	1,902.50	
<b>STORY DISTRIBUTING</b>							
3353	STORY DISTRIBUTING	080500	Diesel 505G	11/09/2020	159.95	159.95	11/24/2020
3353	STORY DISTRIBUTING	91747	Diesel 300G	10/12/2020	528.60	528.60	11/19/2020
3353	STORY DISTRIBUTING	91841	Diesel 556G	10/02/2020	939.03	939.03	11/19/2020
3353	STORY DISTRIBUTING	92382	Diesel 413G	11/13/2020	804.98	804.98	11/19/2020
Total STORY DISTRIBUTING:					2,432.56	2,432.56	
<b>SUKUT, LISA</b>							
2583	SUKUT, LISA	00932930	REIMBURSEMENT	10/12/2020	17.48	17.48	11/23/2020
2583	SUKUT, LISA	7833	2 BOOKS	10/15/2020	17.98	17.98	11/23/2020
Total SUKUT, LISA:					35.46	35.46	
<b>TD&amp;H ENGINEERING, INC</b>							
3390	TD&H ENGINEERING, INC	23235	PENDILL 10-PLEX	11/17/2020	3,469.80	3,469.80	11/19/2020
3390	TD&H ENGINEERING, INC	23236	NW LIVINGSTON ROAD ASSES	11/17/2020	3,000.00	3,000.00	11/19/2020
3390	TD&H ENGINEERING, INC	23237	2020 CIP CONSTRUCTION ADMI	11/17/2020	27,680.80	27,680.80	11/19/2020
Total TD&H ENGINEERING, INC:					34,150.60	34,150.60	
<b>THYSSENKRUPP ELEVATOR CORP</b>							
264	THYSSENKRUPP ELEVATOR C	3005580003	Elevator	11/01/2020	1,007.82	1,007.82	11/23/2020
Total THYSSENKRUPP ELEVATOR CORP:					1,007.82	1,007.82	
<b>TOTAL ELECTRIC OF MONTANA, LLC</b>							
3734	TOTAL ELECTRIC OF MONTANA	10460	REPLACE FRIDGE CORD	10/26/2020	225.00	225.00	11/19/2020
TOTAL ELECTRIC OF MONTANA, LLC:					225.00	225.00	
<b>TOWN &amp; COUNTRY FOODS - LIVINGSTON</b>							
2595	TOWN & COUNTRY FOODS - LI	2020.11.19.3	Restitution	11/19/2020	15.48	15.48	11/24/2020



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total TOWN & COUNTRY FOODS - LIVINGSTON:					15.48	15.48	
<b>US BANK EQUIPMENT FINANCE</b>							
10001	US BANK EQUIPMENT FINANCE	428155931	COPIER	11/05/2020	286.15	286.15	11/23/2020
Total US BANK EQUIPMENT FINANCE:					286.15	286.15	
<b>US BANK St. Paul</b>							
845	US BANK St. Paul	1676957	DOWNTOWN URBAN RENEWAL	11/05/2020	32,937.50	32,937.50	11/19/2020
845	US BANK St. Paul	5909089	OBLIGATION BONDS 2016	10/23/2020	350.00	350.00	11/19/2020
Total US BANK St. Paul:					33,287.50	33,287.50	
<b>US POST OFFICE</b>							
2596	US POST OFFICE	2020.11.10	Permit for 1st Class Presort	11/10/2020	240.00	240.00	11/19/2020
Total US POST OFFICE:					240.00	240.00	
<b>VERIZON WIRELESS</b>							
879	VERIZON WIRELESS	9866593243	NOV 2020 CELLPHONES	11/08/2020	564.67	564.67	11/19/2020
879	VERIZON WIRELESS	9866593244	NOV 2020 CELLPHONES	11/08/2020	628.78	628.78	11/19/2020
Total VERIZON WIRELESS:					1,193.45	1,193.45	
<b>WESTERN DRUG</b>							
1396	WESTERN DRUG	300632	Patient Supplies	11/06/2020	88.49	88.49	11/19/2020
Total WESTERN DRUG:					88.49	88.49	
<b>WHISTLER TOWING, LLC</b>							
3237	WHISTLER TOWING, LLC	4513	2012 CHEVY	11/11/2020	422.96	422.96	11/19/2020
3237	WHISTLER TOWING, LLC	4971	2016 FORD	11/05/2020	26.69	26.69	11/19/2020
Total WHISTLER TOWING, LLC:					449.65	449.65	
Grand Totals:					237,586.09	237,586.09	

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
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Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

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\_\_\_\_\_

City Recorder: \_\_\_\_\_

**File Attachments for Item:**

**C. ACCEPT TREE BOARD RECOMMENDATION FOR ANDY MITCHELL TO SERVE ANOTHER TERM ON THE CITY TREE BOARD.**

**From:** [Marshall Swearingen](#)  
**To:** [Faith Kinnick](#)  
**Cc:** [Lisa Harreld](#); [Mike Gomez](#)  
**Subject:** Re: Recommendation?  
**Date:** Tuesday, November 24, 2020 10:36:35 AM  
**Attachments:** [image002.png](#)

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Hi Faith,

At our regular meeting on Nov. 19, the Tree Board voted to recommend Andy Mitchell for another term. His experience as an arborist and perspective as a longtime Livingston resident continue to be good assets to the board.

Sincerely,  
Marshall

On Tue, Nov 24, 2020 at 10:27 AM Faith Kinnick <[fkinnick@livingstonmontana.org](mailto:fkinnick@livingstonmontana.org)> wrote:

Good morning,

Just checking on the status of Andy’s application. Did the board vote to accept?

If so, please send me an email, so I may include in the Commissioners Packet.

Thank you,

Faith



Faith Kinnick | Administrative Assistant  
City Manager’s Office  
110 S. B St.

Livingston, MT 59047

(406) 823-6002

[website](#) | [map](#) | [email](#) | [Facebook](#) | [Instagram](#)

**File Attachments for Item:**

**A. ORDINANCE NO. 2093: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ZONING ADMINISTRATIVE LANGUAGE TEXT AMENDMENTS.**

**ORDINANCE NO. 2093**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO TEXT AMENDMENTS.**

\* \* \* \* \*

**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 IIV- Zoning Commission and Board of Adjustment, Article IV- District Regulations and Article V- Supplementary General Requirements, be amended as follows with deletions struck-through and additions underlined as follows:

Article VII. - Zoning Commission and Board of Adjustment

Sec. 30.71. - Amendments to City zoning ordinance and zone change.

- A. General. This chapter, including the Official Zoning Map, may be amended by the City Commission by a regular ordinance amendment, but no amendment shall become effective unless it shall have been submitted to the City Zoning Commission for review according to the procedures in Section 30.71.~~GE~~ and recommendation.
- B. Applications for Map Amendments ~~and Amendments to Text~~. Unless initiated by the City Manager, City Commission or the Zoning Commission, all applications 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 (12) months.

C. Applications for Text Amendments. Unless initiated by the City Manager, City Commission or the Zoning Commission, all applications for text amendments to this chapter must be submitted by the owner of property within the City of Livingston.

Each application to amend the Official Map shall be filed with the Zoning Coordinator, and each application shall be submitted under the following conditions:

1. It shall include, but not be limited to, the following information:
  - a. A legal description of the tract(s) proposed to be re-zoned;
  - b. A map showing the dimensions, acreage and location of the tract(s) and adjacent land uses;
  - c. A completed City application form.
  - de. The names and addresses of the owners of the adjacent land;
  - ed. A receipt showing payment of all applicable fees to the City.
- ~~2. 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 changed.~~
3. An application for amendment to the Official Map ~~or text~~ shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
4. An application for a zone change may not be withdrawn or amended after the legal advertising, 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 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 (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

Each application to amend the text of this chapter shall be filed with the Zoning Coordinator, and each application shall be submitted under the following conditions:

1. It shall include, but not be limited to, the following information:
  - a. The proposed change of the text and that portion of the text proposed to be changed.
  - b. A completed City application form.
  - c. A receipt showing payment of all applicable fees to the City.
3. An application for amendment to the text of this chapter shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
4. An application for a text amendment may not be withdrawn or amended after the legal advertising, 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 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 (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

EG. Zoning Coordinator's Study and Responsibility. The Zoning Coordinator, upon receiving an application for re-zoning of an area or a particular piece of property or for an amendment to the text shall do the following:

1. Consult with other departments of the City or County to evaluate the impact of any zoning change upon public facilities and services including but not limited to schools, drainage, traffic and related facilities;

2. Study each application with reference to its appropriateness and effect on existing and proposed land use;
3. In the case of a protest petition filed in the matter of an application for re-zoning, determine the validity of such petition;
4. Advertise in the legal newspaper fifteen (15) days in advance of the time and place of the public hearing, ~~at the same time, publish a site map of the subject property in the legal newspaper.~~
5. In the case of an amendment to the Official Zoning Map, nNotify, by certified, return receipt requested mail, the applicant and all property owners within three hundred (300) feet of the exterior boundaries of the property subject to the re-zoning: 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-fifteen~~ (150) days and no later than five (5) days prior to the date of 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;
6. Report the findings and conclusions, in writing, to the City Zoning Commission. Such report shall be a matter of public record, and shall be forwarded to the City Commission with the Zoning Commission's recommendation.

**FD.** City Zoning Commission Action. The City Zoning 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 legally advertised. Each application shall be presented to the Zoning Commission by the Zoning Coordinator, together with ~~his~~their findings and conclusions on the matter. A written report of the Zoning Commission's decision and the Zoning Coordinator's findings and conclusions including the basis for the decision shall be submitted to the City Commission.

The City Zoning Commission shall make a recommendation to the City Commission to:

1. Deny the application for amendment to the Official Map or text; or
2. Grant the application for amendment to the Official Map or text; or
3. Delay action on the application for a period not to exceed thirty (30) days.

The City Zoning Commission shall use Roberts Rules of Order for the conduct of public hearings and meetings.

No member of the Zoning Commission may vote on any request which he or she or any partner has worked, or in which he or she or any partner has any financial interest or ownership.

The recommendation of the Zoning Commission and the time and place of the City Commission's hearing shall be published in the newspaper at least fifteen (15) 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.

**GE.** City Commission Public Hearing. Before taking action on an application for an amendment to the Official Map or text of this chapter, and after presentation of the Zoning Commission report, the City Commission shall hold a public hearing on the application.

In case, however, of a valid protest petition against such change signed by the owners of twenty (20) percent or more either of the area of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty (150) feet from the street frontage of such opposite lots. Such amendment shall not become effective except by the favorable vote of two-thirds (-2/3-) of all 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(s) shall be offered for adoption within one (1) year after such denial.



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

**SECTION 2**

**Effective date:**

This ordinance will become effective 30 days after the second reading 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**

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

\_\_\_\_\_  
**DOREL HOGLUND – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_

**FAITH KINNICK**  
Recording Secretary

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**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, December 1, 2020 virtually via Zoom (details below).

**Coleman Zone Map Amendment:** The Purpose of this hearing is to receive public comment regarding the 2<sup>nd</sup> reading of a request for a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Adventurers Rest, LLC, represented by Doyle Scott Coleman, has requested that the zoning on the lot described as the Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E), be amended from R-II (MH) to I on the official zoning map. The proposed Amendments were heard at the November 5, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

**Zoning Amendment Administrative Language Zoning Text Amendment:** The Purpose of this hearing is to receive public comment regarding the 2<sup>nd</sup> reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The goal of the amendment is to clarify the notice requirements for zoning text and map amendments. Specifically, the amendment proposes to create distinct noticing and application processes for zoning text and map amendments. The proposed Amendments were heard at the November 5, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

**Setbacks Zoning Text Amendment:** The Purpose of this hearing is to receive public comment regarding the 1<sup>st</sup> reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to define and clarify the required zoning setbacks for structures within the City of Livingston. The Zoning Commission voted unanimously (3:0) to recommend approval of the amendment to the City Commission.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/87977477999?pwd=NFU0MEtYdDBQN3duZTJQYnVuUHlPdZ09>

Meeting ID: 879 7747 7999

Passcode: 669024

Call in: (669) 900-6833

Mathieu Menard  
City Planner

**PLEASE PUBLISH ON MONDAY, NOVEMBER 16, 2020**

**File Attachments for Item:**

**B. ORDINANCE NO. 2094: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING A 2,250 SQUARE FOOT PARCEL DESCRIBED AS LIVINGSTON MINNESOTA, TRIANGULAR PIECE SOUTH OF BLOCK 48 BOUNDED BY CHINOOK AND K STREET FROM MEDIUM DENSITY RESIDENTIAL RESIDENTIAL: MOBILE HOME (R-II (MH)) TO INDUSTRIAL (I).**

**ORDINANCE NO. 2094**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING A 2,250 SQUARE FOOT PARCEL DESCRIBED AS LIVINGSTON MINNESOTA, TRIANGULAR PIECE SOUTH OF BLOCK 48 BOUNDED BY CHINOOK AND K STREET FROM MEDIUM DENISTY RESIDENTIAL RESIDENTIAL: MOBILE HOME (R-II (MH)) TO INDUSTRIAL (I).**

\* \* \* \* \*

**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 officially adopted Zoning Map;

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

**WHEREAS**, the amendment meets the Lowe Test for rezoning property; and

**WHEREAS**, the City of Livingston Zoning Commission, after a public hearing, voted unanimously (5:0) to recommend approval of the amendment of the parcel from R-II (MH) to I on the Zoning Map to the City Commission;

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission that Sec. 30.13 of the Livingston Municipal Code entitled Official Zoning Map, be and the same is hereby amended as follows:

**SECTION 1**

**Rezoning of a 2,250 square foot parcel described as Livingston Minnesota, Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E) from Medium Density Residential: Mobile Home (R-II (MH)) to Industrial (I):**

That a 2,250 square foot parcel described as Livingston Minnesota, Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E) is rezoned from Medium Density Residential: Mobile Home (R-II (MH)) to Industrial (I).

**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 by a court having competent jurisdiction, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions 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 mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

**SECTION 6**

**Effective date:**

This ordinance will become effective 30 days after the second reading 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 5th day of November, 2020.

\_\_\_\_\_

**DOREL HOGLUND – Chair**

**ATTEST:**

\_\_\_\_\_

**FAITH KINNICK**  
**Recording Secretary**

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

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**DOREL HOGLUND – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

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**FAITH KINNICK**  
**Recording Secretary**

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**COURTNEY JO LAWELLIN**  
**City Attorney**



**File Attachments for Item:**

**A. ORDINANCE NO. 2096: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AMENDING ARTICLE V. SECTION 2-73 ENTITLED EMPLOYEE HOLIDAYS TO CITY OF LIVINGSTON HOLIDAYS AND AMENDING SECTION 2-73 (A #7) AMENDING THE SECOND MONDAY IN OCTOBER FROM COLUMBUS DAY, TO INDIGENOUS PEOPLES DAY.**

**ORDINANCE NO. 2096**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AMENDING ARTICLE V. SECTION 2-73 ENTITLED EMPLOYEE HOLIDAYS TO CITY OF LIVINGSTON HOLIDAYS, AND AMENDING SECTION 2-73 (A. #7) AMENDING THE SECOND MONDAY IN OCTOBER FROM COLUMBUS DAY, TO INDIGENOUS PEOPLES DAY.**

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Article V. - Employees

Sec. 2-70. - Hiring of employees.

Employees shall be hired and discharged by the City Manager. This shall include department heads.

(Ord. 1981, 12/4/06)

Sec. 2-71. - Union contracts.

The provisions of union contracts that are in effect shall determine the filling of any position vacancies in union positions.

(Ord. 1981, 12/4/06)

Sec. 2-72. - Police Officer positions.

All applications for the position of Police Officer shall be reviewed and certified by the City of Livingston Police Commission in conformity with State law prior to any action being taken upon the application.

(Ord. 1981, 12/4/06)

Sec. 2-73. - ~~Employee holidays.~~ **City of Livingston Holidays.**

A. Paid holidays for employees who are not members of a union shall be as follows:

1. January 1—New Year's Day;
2. Third Monday in January—Martin Luther King, Jr. Day;
3. Third Monday in February—as observation of both Lincoln's and Washington's Birthdays;
4. Last Monday in May—Memorial Day;
5. July 4—Independence Day;
6. First Monday in September—Labor Day;

ORDINANCE NO. 2096- AMENDING ARTICLE V. SECTION 2-73; EMPLOYEE HOLIDAYS, AND (A. 7) COLUMBUS DAY TO INDIGENOUS PEOPLES DAY.

- 7. Second Monday in October—~~Columbus Day~~ Indigenous Peoples Day;
- 8. November 11—Veterans Day;
- 9. Fourth Thursday in November—Thanksgiving Day;
- 10. December 24—Christmas Eve (Note: not a State holiday);
- 11. December 25—Christmas Day;
- 12. Every day declared a legal holiday by the City of Livingston.
- 13. State General Election Day.

B. Employees required to work on a holiday will be paid at two (2) times the regular rate of pay in addition to the regular day's pay. An employee who is scheduled for a day-off on a day which is observed as a legal holiday shall receive a different day-off for the legal holiday. If any of the above-enumerated holidays fall upon a Sunday, the Monday following is a holiday or if the holiday falls upon a Saturday, the Friday before is a holiday.

(Ord. 1981, 12/4/06)

Sec. 2-76. - Suspension, termination and promotion authority.

The department heads and the working supervisors in any department shall have the authority to generally direct the work of employees working under their supervision.

(Ord. 1981, 12/4/06)

Sec. 2-77. - Code of Ethics.

All employees shall be subject to the Code of Ethics provisions of State law that prohibit conflict between public duty and private interests. All employees of the City shall recognize that they are public employees and have a particular responsibility for serving the public without conflict between public duty and their own private interest.

(Ord. 1981, 12/4/06)

Sec. 2-78. - Employment policies.

The City Commission may adopt employment policies to aid in the management of City affairs and all employees shall follow such policies.

(Ord. 1981, 12/4/06)

Secs. - 2-79—2-89. Reserved.

PUBLIC NOTICE

The public is invited to attend and comment at a public hearing to be held on January 5, 2021 at 5:30 p.m. during the second reading of **ORDINANCE NO. 2096** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE V. SECTION 2-73 ENTITLED EMPLOYEE HOLIDAYS TO CITY OF LIVINGSTON HOLIDAYS, AND AMENDING SECTION 2-73 (A. #7) AMENDING THE SECOND MONDAY IN OCTOBER FROM COLUMBUS DAY, TO INDIGENOUS PEOPLES DAY.** This meeting will be held via Zoom [join.zoom.us](https://join.zoom.us). Meeting ID: 821 0891 1861 Passcode: 391082 A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information, call the City Offices at (406) 823-6000.

Please publish December 15th and December 31, 2020.

Faith Kinnick  
City of Livingston  
November 19, 2020

**File Attachments for Item:**

**B. ORDINANCE NO. 2097: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE I, ARTICLE II, ARTICLE IV, ARTICLE V, AND ARTICLE VI, CHAPTER 30 OF THE LIVINGSTION MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ZONING SETBACKS AND ALLOWED ENCROACHEMENTS.**

November 18, 2020

**STAFF REPORT**  
**TEXT AMENDMENT – ZONING AMENDMENT SETBACK DEFINITIONS and ENCROACHMENTS**

**Background**

Planning staff has proposed an amendment to the City Zoning Ordinance to clarify zoning setbacks and allowed encroachments into those setbacks. Currently, setbacks are not defined in the zoning causing some uncertainty to if the setback should be measured to the closest point of the structure or the structure wall. The lack of definition has created a situation in which where the setback is measured from is at the discretion of the zoning coordinator, leading to uncertainty for the zoning coordinator and the public and opening the possibility of claims of unequal treatment between parties.

Staff has proposed that the setbacks be measured to the nearest point of any structure rather than the building wall, but has included allowed encroachments for architectural features such as eaves, awnings, and ground-level decks. Included in the proposed updated definitions, are definitions of “lot lines” to clear up the existing ambiguity of the appropriate setbacks on corner lots, and lots that only face the “side street” as defined in the zoning regulation.

**Proposed Findings of Fact**

***Proposed Zoning Updates:*** Significant changes to the Zoning Ordinance can be below, all changes proposed can be found in a strikethrough-underline version included as Attachment I.

*“Lot Line” means the legal boundaries of a lot of record.*

- a. *Lot Line, Front Street. "Front Street Lot Line" means a lot line extending between side lot lines, or a side street and side lot line in the case of a corner lot, adjacent to a front street as defined herein.*
- b. *Lot Line, Side Street. "Side Street Lot Line" means a lot line extending between the side lot lines or street front and side lot line, adjacent to a side street as defined herein. Lots that only front on a side street, may have only a side street lot line and no front street lot line.*
- c. *Lot Line, Side. "Side Lot Line" means a lot line which intersects a front street or side street lot line.*
- d. *Lot Line, Rear. "Rear Lot Line" means any lot line other than a front street, side street, or side lot line. In the case of through lots and corner lots, there may be no rear lot line, but only street front, side street, and side lot line.*

*“Setback” means the distance from the corresponding lot line, as defined herein, to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the lot line. A required setback refers to a space on a lot which is open, unoccupied, and unobstructed by any structure or portion of a structure; provided, however, that allowed encroachments as listed in Section 30.42, fences, walks, poles, small accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility in Section 30.52 of Article V.*

*30.42. – Allowable Encroachments into Setbacks.*

*A. Entranceway awnings and roof eaves may extend up to 18 inches into any setback. The maximum height for an entranceway awning that encroaches into the setback shall be 12 feet.*

*B. Entranceway steps and ramps may extend up to five (5) feet into the front street or side street setback. Entranceway steps and ramps that encroach into the setback may only access the ground floor of the attached building.*

*C. Ground floor covered or uncovered porches may extend up to five (5) feet into the front street or side street setback. The deck of any first floor porch that extends into the setback shall be no higher than the ground floor level of the attached building. The maximum height for the roof of any ground floor covered porch that encroaches into the setback shall be 12 feet.*

*D. Window-wells and below-grade stairwells may project 36 inches into any setback. Window-well projecting beyond 18 inches shall be covered in such a way that is consistent with adopted building codes and such that an individual is prevented from falling into the window-well.*

**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 generally address clarity of the Zoning Ordinance and should have no effect on its consistency with the Growth Policy.
- The Growth Policy does not specifically address setbacks.

*(b) designed to:*

*(i) secure safety from fire and other dangers;*

Staff Comments:

The proposed amendments generally address clarity of the Zoning Ordinance and do not affect setback distances, other than allowed encroachments. The proposed updates should have no effect on safety as all structures must continue to meet building and fire code.

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

Staff Comments:

- The proposed amendments generally address clarity of the Zoning Ordinance and will have no effect on health, public safety, and general welfare.

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

Staff Comments:

- The proposed amendments generally address clarity of the Zoning Ordinance and have no effect on the provision of City services and other public requirements.

*(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 do allow for encroachments within the existing setback area but are limited as to have no impact on the provision of light and air.

*(b) the effect on motorized and nonmotorized transportation systems;*

Staff Comments:

- The proposed amendments generally address clarity of the Zoning Ordinance and will have no effect on transportation systems.

*(c) promotion of compatible urban growth;*

Staff Comments:

- The proposed amendments generally address clarity of the Zoning Ordinance and will not change the pattern of growth within the City.

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

Staff Comments:

- The proposed amendments generally address clarity of the Zoning Ordinance and have no effect on uses within the district.

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



Staff Comments:

- The proposed amendments generally address clarity of the Zoning Ordinance and have no effect on the use of land.

**Public Hearing**

The Zoning Commission heard this item at their October 13<sup>th</sup> meeting, at which time they decided to continue the hearing until November to allow staff to make changes suggested by the Zoning Commission. Those suggested changes are listed in the Memorandum within Attachment III. Staff made the suggested changes and the amendment was re-heard at the November 10, Zoning Commission meeting. At that time the Zoning Commission voted unanimously (3:0) to approve the amendments at the November 10<sup>th</sup> meeting, the proposed changes are included as Attachment I and in the attached Draft Ordinance (Attachment V).

Please note there is one change to the version of the strikethrough-underline that was provided to the Zoning Commission. The language reading “Any side setback that is directly adjacent to, and generally in line with, an adjoining rear setback within the same Zoning Classification District shall have the same setback as the adjoining rear setback” was erroneously left out of the Commercial Density Requirements Table 30.42 by the Planning Department, despite the intent of the Zoning Commission to add it to both the Residential and Commercial Density Requirement Tables. The version provided to the City Commission has corrected this error.

There are portions of the strikethrough-underline in the draft Ordinance provided to the City Commission that will look substantially different from the version provided to the Zoning Commission. This is due to the fact that the Zoning was updated between the first and second hearings of the Zoning Commission so the Zoning Commission was provided the version of the Zoning at the time of the first hearing and the City Commission Ordinance contains the version of the Zoning with the latest updates included. No language has been changed from the Zoning Commission approval other than the error noted above.

**Staff Recommendation**

The Zoning Coordinator believes that the new language listed above meets both the requirements of State Statute and the needs of the City of Livingston. Staff recommends that the Commission adopt the proposed zone text amendment.

**Attachments**

- Attachment I.....Draft Ordinance
- Attachment II.....Proposed setbacks diagram

Attachment III.....Zoning Commission Materials  
Attachment IV.....Correspondence with Fire Chief

**ORDINANCE NO. 2097**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE I, ARTICLE II, ARTICLE IV, ARTICLE V, AND ARTICLE VI, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ZONING SETBACKS AND ALLOWED ENCROACHMENTS.**

\* \* \* \* \*

**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 (3:0) 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, - Title, Article II – Definitions, Article IV- District Regulations, Article V- Supplementary General Requirements, and Article VI – Non-conforming Lots, Use and Structures, be amended as follows with deletions struck-through and additions underlined as follows:

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, 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 size of buildings and structures, the percentage of lots that may be occupied,

the size of setbacks 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, Livingston, Montana", and all notations, 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 30.13 of the Zoning Ordinance of the City of Livingston, Montana", together with the date of adoption of this ordinance.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes 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 official action of the City Council, the following (change) changes were made in the Official Zoning Map (brief description of nature of change)," which 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 changes 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 changes 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 thereof. 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 of map 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 remaining, shall be preserved, together with all 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 platted 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
- E. 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 streams, rivers, canals, lakes and other bodies of water, and in the event of natural changes in location of streams,

rivers, canals, lakes and other bodies of water, shall be construed as moving with the actual body of water and following the shore lines.

- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E 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, organization, partnership, 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, including a private garage. If an accessory building is attached to the main building by a common wall or roof such accessory building shall be considered a part of the main building.

"Adult book store" means a commercial establishment having a substantial portion of its stock in trade consisting of books, magazines, photographs, films, DVD and videos which emphasize, depict or relate to nudity or sexually explicit material and whose clientele must be of at least eighteen (18) years of age.

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

Alley: See Street.

"Alteration" means a change or rearrangement of the structural parts of existing facilities, 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, 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 (5) 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.

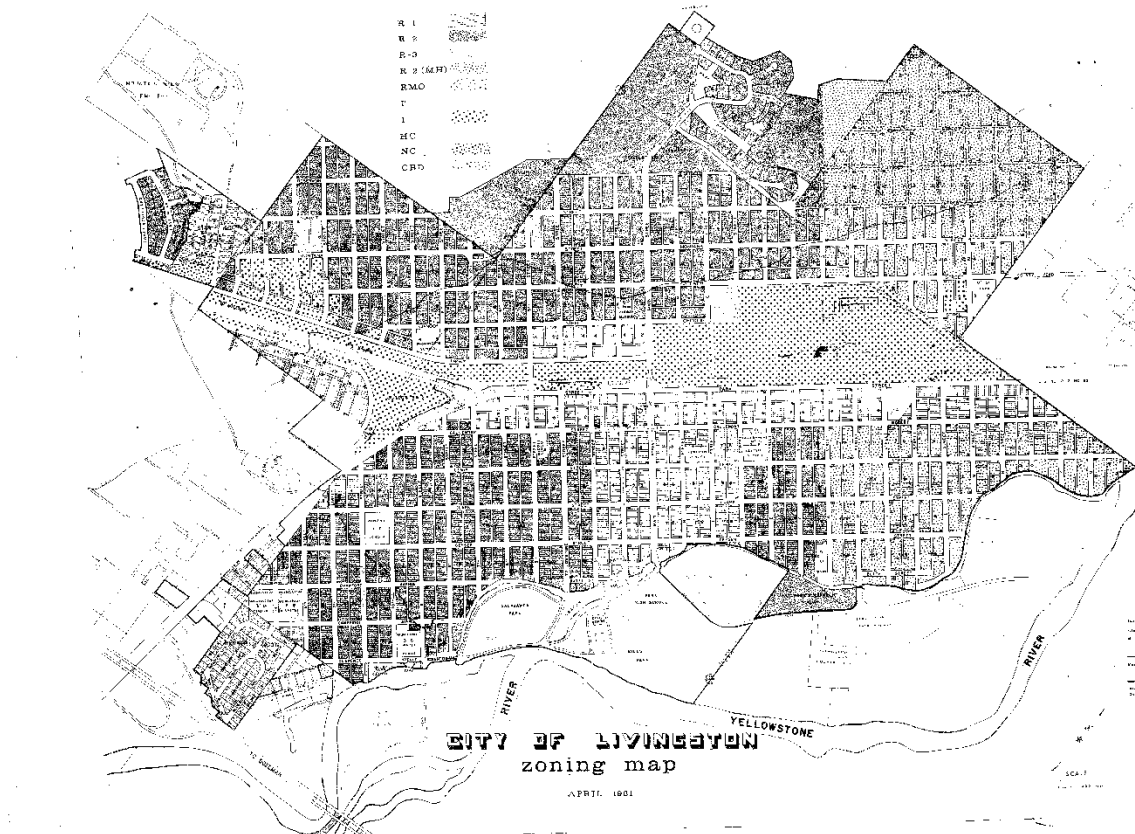
"Board" means the Board of Adjustment of the City of Livingston.

"Boarding house" means a building, other than a hotel or club, where meals are regularly served for compensation to more than six (6) persons who are not members of the family there residing.

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

"Building height" means height of building is the vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip 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 approach 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 of):

- a. "Dwelling, one (1) family" means a building designed for occupancy by one (1) family and containing one (1) dwelling unit.
- b. "Dwelling, two (2) family (duplex)" means a building designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units.

- c. "Dwelling, multiple" means a building designed primarily for occupancy by three (3) or more families living independent of each other, and containing three (3) or more dwelling units.
- 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.

"Dwelling unit" means one (1) or more rooms designed for or occupied by one (1) family for living or sleeping purposes or for use solely by one (1) family.

All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. An efficiency apartment constitutes a dwelling unit within the meaning of this ordinance codified in this Chapter.

"Exotic entertainment" means the commercial showing or display of a living person; however, total nudity is prohibited.

"Family" means one (1) or more persons related by blood, adoption, or marriage, or not more than three (3) unrelated persons living, sleeping and usually eating on the premises as a single housekeeping unit.

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

"Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

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

"Heavy manufacturing" means any manufacturing process which requires the storage of component materials within public 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 component material within public 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 all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. "Fowl" includes chickens, geese, ducks, turkeys, peacocks 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 ~~setbacks 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 of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel of land described by metes 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. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.~~

~~"Lot of 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 1) which follows on page 166 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 (2) 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 (135) degrees. See lots marked A(1) in the diagram.~~

~~B = interior lot, defined as a lot other than a corner lot with only one (1) frontage on a street.~~

~~C = through lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) 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 approximately right angles (interior angle less than one hundred thirty-five (135) 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 through lot (D-D).~~

"Manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least one thousand (1,000) square feet in size, has a pitched roof and siding and roofing materials that are customarily, 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, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, DVD, or videotape (except a motion picture, DVD or videotape rated G, PG, PG-13 or R by the motion picture association of America).

"Medical marijuana facility" means an establishment where a Montana licensed "care giver" grows, cultivates, processes or sells medical marijuana for use by State approved qualifying patient card holders.

Mobile Home. "Mobile home" means a trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode, or sleeping place and is equipped as a dwelling place, living abode, or sleeping place and is equipped for movement on streets or highways and exceeds twenty-five (25) feet in length exclusive of trailer hitch.

"Mobile home park" means any lot, tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by two (2) or more mobile homes. This definition shall not include trailer sales lots on which unoccupied mobile homes are parked 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, all for the temporary use by automobile tourist or transient, and such word shall include tourist courts, motor courts, automobile courts, and motor lodges.

"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.

"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 civic purposes. A fee may be charged, but the facility may not be owned and/or operated for profit. Uses which are covered by this definition shall include, but are not limited to, a Civic Center, swimming pool, fishing access, and park.



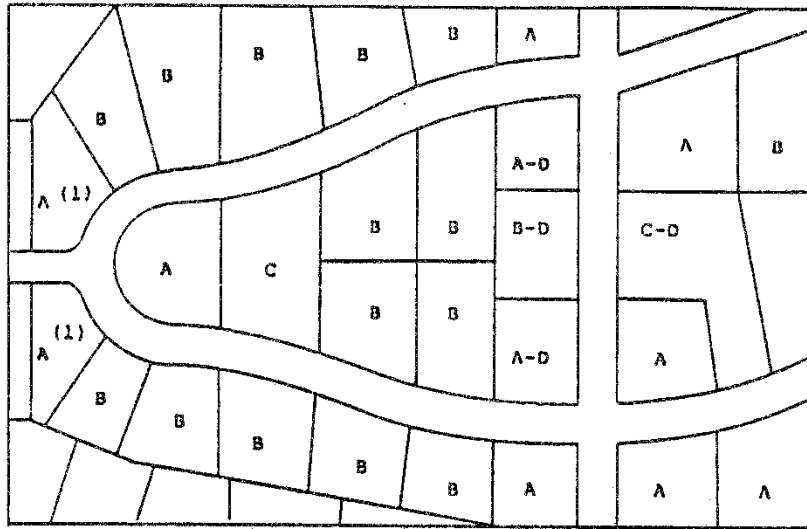


Figure 1  
Lot Types

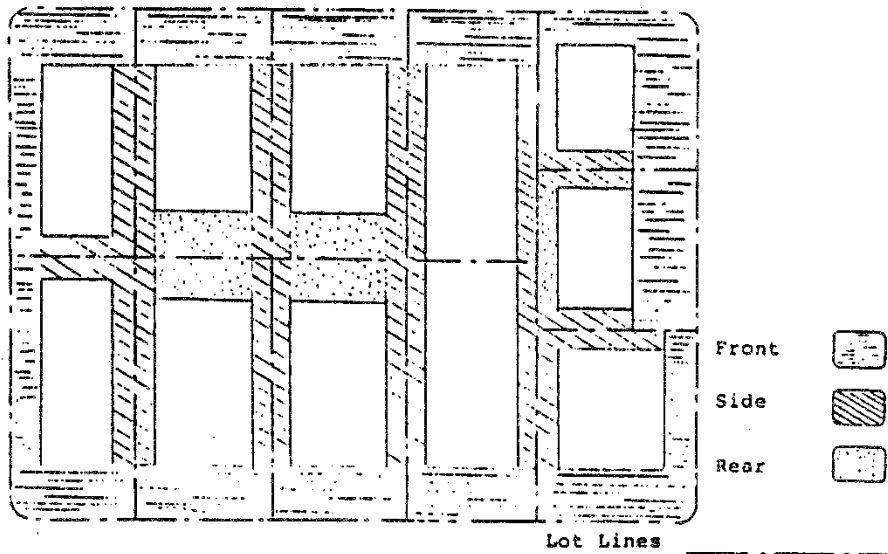


Figure 2  
Location of yards on lots

"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, elementary, junior or senior high" means an institution of learning, either public, parochial 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, commercial" means a building where instruction is given to pupils and operated as a commercial 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 crafts such as auto mechanics, welding and carpentry.

"Setback" means the distance from the corresponding lot line, as defined herein, to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the lot line. A required setback refers to a space on a lot which is open, unoccupied, and unobstructed by any structure or portion of a structure; provided, however, that allowed encroachments as listed in Section 30.42, fences, walks, poles, small accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility in Section 30.52 of Article V.

"Sexually oriented business" means a commercial establishment which operates as an adult book store, adult theater, or features, allows, employs, promotes or sponsors exotic entertainment.

"Special exceptions" means a special exception to the terms of this ordinance to permit 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, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

Street:

- a. "Street" is a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, 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 entrance 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. This is the street that homes within a block shall face and shall be the street that addresses are assigned to.

"Street, side" means a street paralleling or nearly paralleling 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 (6) feet or less in height, paved areas, or small 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 30.52(B) of this code, or the height limitations of the applicable zoning district.

"Townhouses" means two (2) or more self-contained dwelling units situated on their own lots and having one (1) or more common wall(s) where no side setback exists.

"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 specific regulations of this Chapter pursuant to Section 30.74.

"XXX-rated movies and sexually explicit materials" are those materials which depict or show human genitalia in a state of sexual stimulation or arousal, acts of sexual intercourse, masturbation, cunnilingus, fellatio, anal intercourse or bestiality.

~~"Yard" means a space on the same lot with a principal building, open, unoccupied, and unobstructed by any structure or portion of a structure; provided, however, that fences, walks, poles, small accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility in Section 30.52 of Article V. See Figure 2 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 (1) of the front yards that would normally be required is not in keeping with the prevailing yard pattern, the Zoning Coordinator may waive the requirement for the normal front yard and substitute therefor a special 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 through 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 through lots and corner lots, there will be no rear yards, but only front and side yards.~~

"Zoning Coordinator" means the planner 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 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 <sup>2</sup>	CBD <sub>1</sub>	HC	LI	I	P
One (1) Family Dwellings*	A	A	A	A	A	N	A	A	N	N	N
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
Accessory Dwellings	A	A	A	A	A	N	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	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 <sup>3</sup>	N	A	A	A	N	N	N	N	A	N	N
Personal Care Center	N	A	A	A	N	A	A	A	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. [2046](#), § 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							
<u>Zoning Classification District</u>	<table border="1"> <tr> <td>Low Density R-I</td> <td>Med. Density R-II</td> <td>High Density R-III</td> <td>Mobile Homes (A) RMO</td> <td>Public (P)</td> <td>Med. Density R-II(MH)</td> </tr> </table>	Low Density R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)
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 <sup>1</sup>						
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. <sup>2</sup>		N/A
Six Units	N/A	N/A	12,000 1,500 ft. <sup>2</sup> for each add. unit	for ea. add. unit		N/A
Min. <del>Yard-Setback</del> Requirements						
Front <del>Street</del>	25'	25'	20'	20'	20'	25'
Side	15' <del>or B) or C)</del>	5' <del>or B) or C)</del>	5' <del>or B) or C)</del>	10' <del>or C)</del>	5' <del>or C)</del>	5' <del>or B) or C)</del>
Rear	5'	5'	5'	5'	15'	15'
Side <del>adj. to s</del> 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	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each	Refer to Art. V Sec. 30.51	2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling

			additional unit 1 per accessory dwelling	additional unit 1 per accessory dwelling		
--	--	--	--	--	--	--

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 show 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.

A) Applicable to Mobile Home Subdivisions only.

BC) Side setback required for approved townhouse development.

C) Any side setback that is directly adjacent to, and generally in line with, an adjoining rear setback within the same Zoning Classification District shall have the same setback as the adjoining rear setback.

(Ord. 1728, 12/7/92; Ord. 1798, 12/19/94; Ord. 1861, 6/16/97)

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 <del>Yard</del> <u>Setback</u> Requirements					
Front <u>Street</u>	20'	20'	20'	0' with boulevard	N/A



				10' without boulevard	
Side	0' <u>or A)</u>	0' <u>or A)</u>	0' <u>or A)</u>	10' <u>or A)</u>	N/A
Side <del>Adj. to</del> 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

A) Any side setback that is directly adjacent to, and generally in line with, an adjoining rear setback within the same Zoning Classification District shall have the same setback as the adjoining rear setback.

(Ord. 1949, 10/18/04)

30.42. – Allowable Encroachments into Setbacks.

- A. Entranceway awnings and roof eaves may extend up to 18 inches into any setback. The maximum height for an entranceway awning that encroaches into the setback shall be 12 feet.
- B. Entranceway steps and ramps may extend up to five (5) feet into the front street or side street setback. Entranceway steps and ramps that encroach into the setback may only access the ground floor of the attached building.
- C. Ground floor covered or uncovered porches may extend up to five (5) feet into the front street or side street setback. The deck of any first floor porch that extends into the setback shall be no higher than the ground floor level of the attached building. The maximum height for the roof of any ground floor covered porch that encroaches into the setback shall be 12 feet.
- D. Window-wells and below-grade stairwells may project 36 inches into any setback. Window-well projecting beyond 18 inches shall be covered in such a way that is consistent with adopted building codes and such that an individual is prevented from falling into the window-well.

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. 30.44.. - 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 goal 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 (R-I), Medium Density Residential (R-II), High Density Residential (R-III), Neighborhood Commercial (N.C.), Highway Commercial (H.C.), and the Central Business District (C.B.D.).
- D. Reserved.
- E. The accommodations for a bed and breakfast shall have no more than five (5) 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. Off-street parking shall be provided by all bed and breakfast facilities. There shall be two (2) off-street parking spaces, plus one (1) for each guest room. Off-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 (200) feet in a straight line distance from any other lot containing a bed and breakfast. The owner shall live on the premises.
- H. Signage shall be limited to that allowed for home occupations (twelve (12) inches by twenty-four (24) inches non-illuminated, flush mounted).
- I. Rates shall be charged for single-night 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 (90) days to conform with the provisions of this section except existing establishments shall be grandfathered as to the requirements of subsection (G) of this section.
- K. Any property receiving a special exception for a bed and breakfast shall have ninety (90) days from the date of the final City Commission action to meet any specified conditions and obtain a City business license. If a City business license is not obtained in that time period, the special exception shall be automatically rescinded as of that date. If a license for a bed and breakfast is not renewed within ninety

(90) 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 all aspects of the physical layout for the property, including the off-street parking provisions.
- M. The table of uses (Table 30.40) is amended to comply with subsection (C) of this section.

(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 Zoning Commission shall make a recommendation to the City Commission for a Preservation Zoning District Plan which shall take into consideration the following:

- A. Delineation of the boundaries of each special use zoning district;
- B. Identification of the structure(s) 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 structure(s) and/or natural features which may vary from Preservation Zoning District to Preservation Zoning District, but shall take into consideration:
  - 1. Setbacks,
  - 2. Landscaping standards,
  - 3. Signage standards,
  - 4. Parking standards,
  - 5. A list of uses to be allowed,
  - 6. Any other standard that would serve the purpose of preserving historic or architectural structure(s) 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 promoting 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.

1. 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.
  2. Reflect the Design Traditions of Livingston. Buildings shall reflect 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, hip and shed varieties are historical precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snowfall. Flat 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.
  3. Promote Buildings that Fit with the Natural Setting. Structures shall be sited to fit with the land and incorporate colors seen in the natural setting.
  4. Promote Buildings that Reflect Pedestrian Scale. Human scale shall be an integral part of all buildings. Large, flat, windowless block buildings do not reflect human scale or the design traditions of Livingston. Thoughtful use of landscaping, color, building materials and architectural details bring human scale to buildings.
- C. Building and Topography.
1. Policy. A building shall respect the natural topography of the site.
  2. Standards. Step a building foundation to follow the slope of the site when feasible. In general, an exposed building foundation shall not exceed three (3) feet in height.
- D. Building Character.
1. Policy. Buildings shall reflect the regional urban character.
  2. Guideline.
    - a. Designs that draw upon regional design traditions are preferred. Standardized "franchise" style architecture will be strongly discouraged by following these standards.
    - b. The primary entrance to a building shall have a human scale. Provide a one (1) story element at the building entrance to help establish a sense of scale.
    - c. Where no windows or other obvious indication exists, express the position of each floor in the external skin design of a building to establish a human scale.
      - i. Use belt courses or other horizontal trim bands of contrasting color and materials to define floor lines.
      - ii. Articulate structural elements, or change materials as a method of defining floors.
    - d. Use building materials that help establish a human scale.
      - i. For example, use brick in a standard module to express a human scale.
      - ii. Avoid using large surfaces of panelized products or featureless materials.
      - iii. A large surface of stucco or similar material that lacks articulation or detailing shall be avoided.
    - e. New construction shall relate to adjacent residential and historic resources. Where a new project abuts a residential neighborhood or a historic structure, step the building down at the property edge to minimize abrupt changes in scale, or increase side yards to reduce the impact.
- E. Primary Building Entrance.

1. Policy. The primary entrance of a structure shall orient to a street, major sidewalk, pedestrian way, plaza, courtyard or other outdoor public space.
2. 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 (1) user shares a structure, each individual entrance shall be identified.
  - b. Orient the primary entrance of a building to face a street, plaza or pedestrian way.
    - i. Focusing 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; this may be enhanced with landscaping and streetscape furnishings.

F. Street Level Interest.

1. Policy. When a building is located close to a street or walkway, it shall be designed to provide interest to pedestrians. For example, commercial 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 help new structures fit with the Livingston context. At the same time, newer structures may be larger than those seen before; they shall simply be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.
2. Standards.
  - a. Develop the street level of a building to provide visual interest to pedestrians. All sides of a building shall include interesting details and materials to avoid presenting a "back side" to neighboring properties. For example, the 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 wall is inappropriate on any street-oriented facade.

G. Building Mass and Scale.

1. 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 Chapter, e.g., "small details/visible to pedestrians."
2. Standards. In order to reduce building scale, each major building project shall provide all of the following:
  - a. Divide a building into visual modules that express dimensions of structures seen traditionally.
    - i. Buildings shall employ all of the following design techniques:
      - (A) Change material or color with each building module to reduce the perceived mass;
      - (B) Change the height of a wall plane or building module;
      - (C) Change roof form to help express the different modules of the building mass; and
      - (D) Change the arrangement of windows and other facade articulation features, such as columns or strap work 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, columns and other architectural treatments used repetitively can create this effect;
- (C) Using 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 if slightly, and articulate them with headers, sills, columns and/or mullions.

H. Roof Form.

- 1. Policy. The primary roof form of a structure shall help reduce the perceived scale of the building. For that reason, sloping roofs shall be used in most contexts. These also will help the building fit into the mountain backdrop. Varied roof forms in the appropriate context are also encouraged.
- 2. Standards.
  - a. Using sloping roof forms to reduce the perceived scale of a building is encouraged.
    - i. Varying roof forms is encouraged.
    - ii. Providing variety in ridgeline height is encouraged.
  - b. All roof forms shall have no less than two (2) of the following features:
    - i. A flat roof with parapet;
    - ii. A cornice or molding to define the top of a parapet;
    - iii. Overhanging eaves;
    - iv. Sloping roofs with a minimum pitch of 6:12;
    - v. Multiple roof planes.

I. Signage.

- 1. Policy. 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 keep signage as minimal and unobtrusive as possible.
- 2. Standards.
  - a. Free standing and monument signs will be constructed of materials and contain details which match those of the building being advertised.
    - i. Use brick, wood or stone facades on signage structures to help them blend into and match the site;
    - ii. Simulate architectural details of the building, such as colors, textures, and geometric forms, in designing 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. Spotlighting or other lighting methods shall be explored.

J. Design Standards Administration. The building design standards and review procedures contained herein shall apply to all nonresidential property annexed into the City and falling within the Gateway Overlay Zoning District, which has been mapped 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, exterior remodels and additions to existing buildings will be subject to the following application and review process:

1. Application. A completed application form along 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. 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 noncompliance, 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.

2. 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 all 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, secure pedestrian and vehicular safety, preserve the historic aspects of the City of Livingston and promote the conservation of energy by regulating lighted signs.
- B. Definitions.
  1. "Animated sign" means a sign with action or motion, flashing or intermittent lights and/or color changes requiring electrical energy, electronic or manufactured sources of activation, but not including wind-activated elements such as flags and banners.
  2. "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.
  3. "Billboard signs" means any standard outdoor advertising sign larger than two hundred (200) square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located.
  4. "Free standing signs" means a sign which is supported by one (1) or more columns, uprights, or braces and is permanently fixed in the ground.
  5. "Monument sign" means a sign, single- or double-sided mounted, flush 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 (3) feet surrounding such sign in all directions.
  6. "Revolving sign" means a sign which revolves three hundred sixty (360) degrees.
  7. "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.
  8. "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.
  9. "Marquee sign" means a specific type of reader board but restricted to use by active movie theaters.

10. "Temporary sign" means a sign made of paper, or some other limited life-span material advertising a short-term event, like a sale. Temporary signs are not subject to inclusion in a business' sign square footage measurement. Temporary signs shall be removed within twenty-four (24) hours after the completion of the advertised event.
11. "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.
12. "Sandwich board sign" means a sign painted on both of the outside of two (2) boards fastened together at the top with a hinge-like device, designed to be placed on the sidewalk area in front of an establishment.
13. "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)(1) through (B)(12) 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 (2) display surfaces (back-to-back) or display device containing elements organized, related and composed to form a unit. For 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 (1) side of that sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element will be considered a separate sign.
14. Square Footage. The square footage of a sign shall be measured as the product of the total linear foot measurement multiplied by the total height measurement. The linear measurement shall be attained by measuring from the leftmost edge of the sign, continually measured to the rightmost edge of the sign. Any mounting material shall be part of the measurement.
15. "Actual business premises" means the owned or leased real property from which the primary business is actively transacted.
16. "Off-premises sign" means a sign located on property other than the actual business premises.
17. "Banner signs" means a strip of cloth, plastic or other material displaying advertising or other information.
18. "Portable sign" means any sign designed to be easily moved or transported whether by carrying, by mounted wheels, by trailer or otherwise.
19. "Voluntary modification" means any modification to an existing sign which reflects a conscious business or personal decision. This may include a change in corporate color scheme, change of logo, 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, identical faces as part of normal maintenance or due to damage by wind, fire or other hazard.

C. General.

1. Nothing in this Section shall be interpreted as prohibiting or excluding such signs as are required by law. This includes legal notices and advertisements prescribed by law or posted by any lawful officer or agent.
2. Any sign which is readily visible from the public right-of-way in an exterior window of a building, whether on the external or internal 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 (6) square feet in size, and the total of all such temporary signs shall not exceed fifty (50) percent of the transparency of the window in which they are visible.
3. All 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.
4. All signs shall be designed and constructed in accordance with the Uniform Sign Code.



5. 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 E of this Section.
  6. Signs not in use by reason of change of occupancy or use by vacation of the building shall be removed within thirty (30) 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 (30) day period after giving fifteen (15) days' written notice by certified mail to the owner, and upon such removal, the full charges of removal shall constitute a mechanic's lien against the real property enforceable pursuant to State law.
  7. All existing signs that have been constructed pursuant to City sign permits and variances through the official date of the ordinance codified in this Section (Ord. 1749 effective date, October 20, 1993) shall be grandfathered and do not have to conform as to the height, 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.
  8. The Building Official shall be responsible for the enforcement of this sign ordinance.
  9. All buildings with more than one (1) business occupant must submit to the Board of Adjustment a master signage 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.
  10. Pre-existing multi-occupant buildings will not be issued any new sign permits until a master plan is approved by the appropriate body.
  11. Any sign variance issued to multi-occupant property shall constitute an amendment to that property's signage master plan.
  12. All signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay Zoning.
- D. Prohibited Signs.
1. 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 lighted signs in the Downtown Historic Preservation District which flash, chase, move, revolve, rotate, blink, flicker or vary in intensity or color; however, such lights must be turned off when the business is closed.
  2. No revolving sign may be permitted in any district.
  3. No billboard sign shall be erected in any zoning district.
  4. In the Central Business District Zone, no backlit signs are allowed.
  5. Visibility at Corners, Alleys and Driveway Approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, and on all corner lots, a triangular clear vision zone shall be maintained. The zone shall measure ten (10) feet into the lot, as measured from the edge of the sidewalk nearest the property line, and twenty (20) 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 (3) feet in height shall be erected or maintained within the above defined clear vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the Building Official.
  6. Notwithstanding any other provisions contained in this Section, no free standing sign shall be erected or maintained upon any spire, chimney, cupola, water tank, water tower, radio aerial or television antenna.
  7. No sign shall be erected on any property without the express permission of the occupant, owner, lessee or any authorized agent thereof.

8. No sign shall be erected in such a manner that a portion of the sign or their supports are attached to or will interfere with the free use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator or window.
  9. No sign shall be attached to any tree.
  10. Menu boards are not permitted on any property other than that occupied by a restaurant-type business.
  11. No portable and/or trailer-mounted signs shall be allowed.
  12. No sign not in conformance with this Code shall be allowed.
- E. Signs Permitted in All Districts Without a Permit. The following signs are permitted in all zoning districts and will not require a permit:
1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, which do not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. Only two (2) such signs shall be allowed on any one (1) property;
  2. Signs bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial promotion;
  3. Flags and insignia of the government except when displayed in connection with commercial promotion;
  4. Legal notices: identification, information or directional signs erected or required by governmental bodies;
  5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
  6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
  7. Detached bulletin boards for churches, schools, or other public, religious or educational institutions provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections;
  8. Construction information signs, providing the signs are removed immediately following final completion of construction;
  9. Non-illuminated home occupation signs on any residence which is the site of a home occupation in accordance with Section 30.55. Such signs shall not exceed two (2) square feet;
  10. Signs advertising a candidate for political office. Such signs shall not exceed sixteen (16) square feet and shall be removed within seven (7) days after any election;
  11. Signs advertising yard/garage sales, and the like. Such signs shall not exceed two (2) square feet and must be removed by the owner within forty-eight (48) hours of the completion of the sale.
- F. Signs in a Residential District. Within a residential district only, the following signs shall be permitted:
1. Signs listed in subsection E of this Section which do not require a permit; and
  2. 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 (1) on-premises sign will be allowed for each business.
    - b. The maximum allowable size for each sign shall be twelve (12) square feet.
    - c. 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 (5) feet to the lot line adjacent to the street.

G. Signs in Commercial and Industrial Districts Requiring a Permit.

1. Setback. Free standing and monument signs shall be located a minimum of five (5) feet inside all private property lines.
2. Lighting. All lighting shall comply with the requirements of Ordinance No. 1967 commonly referred to as the Night Sky 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 Uniform Electric Code.
3. Number of Signs. In Commercial and Industrial Zoning Districts, each use is limited to two (2) wall signs. In addition, one (1) monument sign or one (1) free standing sign is permitted for each building, regardless of the number of businesses or industrial uses conducted in any one (1) building.
4. Height.
  - a. No monument sign shall exceed five (5) feet in height.
  - b. No free standing sign shall exceed thirty (30) feet in height.
5. Permitted Surface Area.
  - a. Wall Signs. The total surface area of all wall signs is limited to one hundred (100) square feet in the Central Business District and otherwise to two (2) square feet of sign for each lineal foot of frontage width of the business, provided that the maximum total surface area for all wall signs does not exceed three hundred (300) square feet.
  - b. Monument Signs. Monument signs shall not exceed one hundred (100) square feet in total surface area.
  - c. Free Standing Signs. Free standing signs shall not exceed one hundred fifty (150) square feet in total surface area.
6. Roof-Mounted Signs. Any sign located on the roof of a building shall not exceed twenty-four (24) inches in height and shall not exceed the top of the roof line. The square footage of roof-mounted signs shall be counted as a portion of the limitation on wall-mounted signs, i.e., the total surface area of wall-mounted signs added to any roof-mounted signs may not exceed three hundred (300) square feet maximum, or less if the linear front footage of the building is less than one hundred fifty (150) feet.
7. Off-Premises Signs. A business may have up to four (4) off-premises signs; however, the total square footage of these off-premises signs may not exceed one hundred fifty (150) square feet. No other off-premises signs shall be allowed. Excepted from this provision are:
  - a. Garage sale or hobby show signs no greater than two (2) square feet in area on the date only of the activity;
  - b. Auction and special event signs no greater than nine (9) square feet in area for no longer than three (3) days (seventy-two (72) hours);
  - c. Directional signs for public facilities and museums;
  - d. Banner signs for public performances not exceeding one hundred twenty (120) square feet to be posted for no more than twenty (20) days.
    - i. No signs in the public right-of-way 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). Properly permitted sandwich board signs not to exceed six (6) square feet per side are excepted from this provision provided that they shall be limited to one (1) per twenty-five (25) 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.

- 8. Banner Signs. Temporary banner-type signs shall be allowed for a period of no more than sixty (60) days, limited to no more than seventy-five (75) 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. Damaged Signs. Any existing sign not in conformity with this Section that is damaged in either surface area of the sign or in the structure by more than fifty (50) percent shall be removed and any new sign shall meet all 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 (15) 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 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. Each off-street parking space shall have a net area of not less than one hundred eighty (180) square feet exclusive of driveways or aisles and shall be of usable shape and condition.
- 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.
  - 2. For multiple dwellings and townhouses: Off-street parking is required within a walking distance of one hundred (100) feet.
  - 3. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged, asylums, retirement homes, rooming and boarding houses: Off-street parking is required within six hundred (600) feet.
  - 4. 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 gross 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. Nothing 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 undergo a change in use.
- D. Non-Conforming Use. Voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, even though non-conforming, is allowed and encouraged.

- E. **Mixed Occupancies.** 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 for joint use.
- F. **Use Not Specified.** In the case of a use not specifically mentioned in a zone, 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.
- G. **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 primarily "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 shops, clothing, food, furniture, manufacturing or wholesale and related uses.
  - 2. Up to one hundred percent of the parking facilities required for a church or for an auditorium incidental to a public or parochial school 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 for which application is being made to jointly utilize the off-street parking facilities provided by another building shall be located within 500 feet of such parking facilities.

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

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

- I. **Central Business District.** In the Central Business District Zone any commercial enterprise that is required to meet the minimum standards for off-street parking, shall be required to have only fifty (50) percent of the parking space requirements in the Table of Minimum Standards. Apartment units in the Central Business District shall meet the full parking space requirements.
- J. **Table of Minimum Standards — Off-Street Parking.** Parking spaces shall be required as set forth in the following table, and where alternatives or conflicting standards are indicated, the greater requirements shall apply: Where the total quota results in a fraction, the next highest full 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.	

- K. Traffic Control Devices. All traffic control devices such as parking stripes designating stalls, directional arrows, rails, curbs and other developments shall be installed and completed 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, architectural fences or dense coniferous hedges shall be required where the parking lot has a common boundary with any residentially zoned property. Such screening shall be located no closer than three feet from the property line and shall be properly maintained.
- M. Lighting Restrictions. Lighting of areas to be provided for off-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic, and where the lot joins any residentially zoned property, the illuminating devices shall be so shaded and directed to play away from residentially classified property.
- N. Maintenance. Maintenance of all areas provided for off-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, fences, walls, surfacing materials, curbs and railings.
- O. Off-Street Loading Warehouse and Wholesale. Off-street loading space for warehouse, wholesale shipping and similar facilities shall be determined by the Building Official or his authorized representative.
- P. Off-Street Loading, Retail and Commercial. In any building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each 20,000 square feet or major fraction thereof of twenty (20) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

Sec. 30.52. - Fences and hedges.

- A. Heights. Fences, walls and hedges may be erected or maintained in any residential zoning district provided that no fence, wall or hedge over four (4) feet in height shall be erected or maintained in any front street or side streetyard, or the side yard extending from the foremost edge of the house to the point where the side yard line intersects the front street or side street 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 (6) feet.

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

- B. Visibility at Alley and Private Drive Approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, a triangular clear vision zone shall be maintained. Said zone shall measure ten (10) feet into the lot as measured from the edge of the sidewalk nearest the property line, and twenty (20) feet parallel to the street 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 (3) feet in height shall be erected or maintained within the above defined clear-vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the Building Official.

Regardless of other provisions of this section, no fences, wall, or hedge which materially impedes vision of vehicles entering an abutting street 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 fence, wall or hedge 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 fowl 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 4-2 through the office of the Sanitarian.

Sec. 30.54. - Motor vehicles or parts.

All inoperable 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 judged 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. No other home occupations except those meeting this criteria will be allowed. Nonconforming 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 characteristic 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 commercial activity that is conducted or petitioned to be conducted from a property which is zoned for residential use and which meets the conditions set forth in Section 30.55.C and Section 30.55.E.1. 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 30.55.E without hearing.



3. 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 all of the following criteria:
1. No person shall be employed other than the residents of said dwelling.
  2. The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property.
  3. The gross floor area devoted to the occupation shall not exceed fifteen (15) percent of the total gross floor area of the dwelling unit plus accessory buildings on the property.
  4. The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, fumes, odors, hours of 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.
  5. Direct sales of products off display shelves or racks is not allowed, but a person may pick up an order which was placed earlier by telephone or at a sales party.
  6. There shall be no signs erected other than those allowed by this ordinance in residential districts.
  7. A minimum of one off-street parking space for each business related vehicle shall be provided on the property. Each parking space shall meet minimum standards for off-street parking established elsewhere in this code.
  8. Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area.
  9. 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, except for the permitted sign.
  10. Outdoor storage of materials for the home occupation is prohibited.
  11. 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.
  12. No home occupation shall be permitted without the prior issuance of a home occupation permit or home occupation conditional use permit.
- D. Enforcement.
1. 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 holder is violating the terms of the permit.
  2. 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.
  3. The Building Official shall be responsible for enforcing this section of this ordinance, and shall report any violations to the Livingston City Attorney.
- E. 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.
1. Businesses shall be divided into two categories based on the expected impact 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 accommodate both the residential and business related parking needs on the property. Additional characteristics include:
      - (1) The business may have a sign; or

- (2) 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:
  - (1) The business shall not have a sign.
  - (2) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
  - (3) No hazardous, flammable, explosive or toxic industrial substances may be used in a minor home occupation.
- 2. All Home Occupations in existence at the time of the adoption of this Ordinance and all 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.
  - c. 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.
- 3. 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 Zoning Administrator.
  - b. The Zoning Administrator shall review the application for completeness and prepare it for review by the City Board of Adjustment.
  - c. The Zoning Administrator shall schedule a public hearing, advertise it two (2) times beginning at least fifteen (15) and not more than thirty (30) days prior to the public hearing date.
  - d. The Zoning Administrator shall notify the adjoining landowners within three hundred (300) feet of the proposed Home Occupation 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.
  - f. The City Board of Adjustment shall have the power to require any mitigating measures it deems necessary to protect the public health, safety and welfare.
  - g. The Special 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) parks and R-II (MH) districts only. No mobile homes shall be placed in other zoning 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 zoning districts must contain a minimum of eight hundred (800) 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.
- E) All mobile homes must be placed on a permanent foundation. For 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 on-premises office in connection with a mobile home sales business or as a temporary job shack located on a construction site. Such job shack 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 all residential zoning districts. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand (1,000) square feet.
- B. All manufactured homes must be placed on a permanent foundation. For the purpose of this part a permanent foundation means a standard footing-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 off-street parking requirements. The minimum off-street parking requirement will be established by the Building Official in accordance with Section 50.51.

Sec. 30.58. - Townhouses.

- A. Townhouses are permitted in RII, RII(MH) and RIII districts only.
- B. All townhouse development must comply with the density and setback requirements set forth in Table 30.41, the off-street parking requirements found in Section 30.51, and all other 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 upon public rights-of-way and incompatible uses in said zones and adjacent or abutting

R-I or R-II Zones as well as establishing 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 lighting.

- B. Definitions. For the purposes of this section, the following definitions shall apply:
  - 1. "Ornamental tree" means any variety of tree which is not expected, at maturity, to reach a height of fifteen (15) or more feet nor be a substantial provider of shade.
  - 2. "Shade tree" means any variety of tree which is expected, at maturity, to be in excess of twenty-five (25) feet in height and sufficiently full in form to provide substantial shading effects.
  - 3. "DBH" means diameter at breast height.
- C. Prohibition. No 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:
  - 1. Parking or Storage Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family parking and/or storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 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.
  - 2. Requirements for the Interior of Parking Areas.
    - a. Option #1. Parking areas will be designed so that parking rows will consist of not more than ten (10) automobiles. Any parking area which has a capacity of twenty (20) or more automobiles will be required to provide landscaped islands between parking rows. The island(s) will be at least five (5) feet wide and shall consist of vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof. The island(s) will be separated from the parking surface by a curb of at least six (6) inches in height.
    - b. Option #2. In the alternative, where parking rows are to consist of more than ten (10) 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 (5) percent of the gross parking space area. (i.e., 1 parking space = 180 square feet. Landscape requirement = 5% x 180 x number of spaces.) When using this option at least two (2) islands will be required and each island must be a minimum size of fifty (50) square feet. Each island will contain vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof.
  - 3. Buffering Required Between Different Land Uses. Where commercial, industrial, multi-family or mobile home park land uses abut or are adjacent to lower density residential land 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, multi-family or mobile home park 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 (5) feet in width with an additional five (5) feet required for each story of the commercial, industrial or multi-family use above one (1) story, not to exceed twenty-five (25) feet in width.
    - b. Screening. Screening shall be installed within the buffer zone which shall consist of vegetation or vegetation and a combination of berm, fencing or masonry walls to a minimum height of six (6) feet in a manner which does not create a safety hazard for vehicular or pedestrian movement or interfere with the requirements of Section 30-52(B) of the Livingston Municipal Code.

- c. Shade Trees. In addition, a minimum of one (1) shade tree within each two hundred fifty (250) square feet of buffer zone shall be required. Shade trees required hereunder shall be a minimum of two and one-half (2 ½) inches, DBH, in size at the time of planting.
- E. Purpose of Lighting Restrictions. The goal in regulating exterior illumination is to direct, to the maximum extent possible, all artificial light onto the property from which it originates. This section does not apply to street lighting provided by a governmental agency.
  - 1. Parking or Storage Area. In any area required to buffer itself from adjacent land uses, all exterior lighting shall be limited in height to no more than sixteen (16) feet and will be required to be of a design which directs light downward through the use of a directional shade.
  - 2. 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 (16) feet in height. Internally illuminated canopies or structural panels are prohibited. Alternately, spot-lit signs, canopies or panels may be approved at standard heights if they will not adversely effect neighboring property which determination rests with the discretion of the city planning office, subject to appeal to the Board of Adjustment.
- F. Penalty. A violation of this section is a misdemeanor punishable by fine not to exceed five hundred dollars (\$500.00). Each day that a violation is allowed to continue shall be deemed a separate and punishable offense.

(Ord. 1852, 4/21/97)

Section 30.60.- Sexually oriented businesses.

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 (250) feet. No sexually oriented business shall be operated or maintained within six hundred (600) feet of either a City or County residential zone, a church, an elementary or high school, a State-licensed day care facilities, public 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 residentially zoned districts, churches, elementary or high schools, State-licensed day care facilities, public libraries, parks or playgrounds, or another sexually oriented business.

Sec. 30.61. - Wind powered generators.

- A. Definitions.
  - 1. "Wind Powered Generator(s)" or "WPG" means any device, such as a wind charger, 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 applicable industry standards by a nationally recognized certifying organization such as Underwriters Laboratories or similar certifying organization.
  - 2. "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 length of any extensions of the WPG, such as the blade.
  - 3. "Tower", as used herein, includes the support structure and all components of the WPG.
- B. Special Exception. Wind-powered generators (WPG), as defined herein, are permitted upon the issuance of a Special Exception permit within any zone, provided the following standards, and any

related conditions imposed by the Board of Adjustment, are satisfied. No WPG, or modification thereto, shall be constructed within the City of Livingston, unless a permit has been issued by the City.

1. The permit application shall be accompanied with a non-refundable fee in the amount of one hundred dollars (\$100.00).
  2. The permit application shall contain a narrative describing the proposed project, the project location, the approximate generating capacity of the facility, a site plan, a photograph of the same type of wind powered generator being proposed and whether the system will be standalone or interconnected to a public utility under the provisions of 69-8-601 et seq. Montana Code Annotated.
- C. **Maximum Height.** The maximum height of a freestanding WPG, on any parcel, or combination of parcels thereof, having a total square footage of one (1) acre or less is limited to sixty (60) feet in height. The maximum height of a freestanding WPG, on any parcel, or combination of parcels thereof, having a total square footage of one (1) acre or more is limited to one hundred (100) feet in height.
1. 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 (50) 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 complies with the height restrictions impractical.
  2. Notwithstanding the height limitations of the zoning district, building mounted WPG shall be permitted in all zoning districts, subject to approval by the Board of Adjustment, and shall comply with the following standards:
    - a. Building mounted WPG shall not exceed fifteen (15) feet in height.
    - b. Building mounted WPG shall be prohibited on residential structures less than four (4) stories and forty-two (42) feet in height.
    - c. On nonresidential buildings less than four (4) stories and forty-two (42) feet in height, building mounted WPG shall be setback at least ten (10) feet from the front, side, and rear exterior walls of the structure on which it will be mounted.
    - d. Building mounted WPG shall be installed on the top story.
    - e. The structure upon which the proposed WPG is to be mounted shall have the structural integrity to carry the weight and wind loads of the WPG and have minimal vibration impacts on the structure, as determined by a structural engineer.
  3. **Minimum ground clearance.** The blade tip of any WPG shall, at its lowest point, have ground clearance of no less than fifteen (15) feet.
- D. **Minimum Setback.** Minimum setback from any property line shall be one hundred (100) percent of the total tower height, as defined herein and no guy wire may extend closer than thirty (30) feet from any property line. No part of the wind generator shall extend over, or across, any part of a public right-of-way.
- E. **Noise Standard, Shadow Flicker and Signal Interference:**
1. Any noise produced by a WPG, permitted under this Section, shall be less than sixty (60) 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 Adjustment.
  2. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building not on the property upon which the WPG is located.
  3. 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.
- F. **Fencing Requirement and Warnings.** All WPG installations, other than single-pole towers, shall be enclosed by a fence with locking gate, or incorporate other effective measures to discourage

unauthorized climbing of the tower. Towers shall not be climbable up to fifteen (15) 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 (10) feet from the ground.

- G. Control and Brakes. All wind powered generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip 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 Phase. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate. Certificates of insurance shall be filed with the City of Livingston who will also be named as an additional insured.
- I. Aesthetics. WPG colors shall be of neutral subdued tones such as each tones or green or brown. Gray, including darkening galvanized gray, is also acceptable. If constructed on top of structure and visible from the ground, the WPG colors shall be a shade of sky blue. WPG shall not be finished in bright or vivid colors intended to draw attention to the structure or property. WPG shall not be illuminated by artificial means, except where required by the Federal Aviation Administration, or other federal, state, or local law.
  - 1. All permitted WPG 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.
  - 2. Wind towers shall not display any advertising, except for reasonable identification of the manufacturer and facility owner/operator, not to exceed one (1) square foot in size.
- J. Building, Electrical, Other Permits. All WPG 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 from the Historic Preservation Commission, or other local entity.
- K. Technological Obsolescence. If an applicant can demonstrate, to the satisfaction of the Board of Adjustment, that improvements in WPG technology have made some parts of this Section, and requirements, obsolete or unnecessary, the Board of Adjustment may waive those requirements while still satisfying the original intent and application of this Section. Once every two (2) years, the City shall review existing WPG technology for comparison to this Section, to be sure technological improvements are addressed.
- L. Requirements for Removal. Any WPG that is abandoned, damaged, inoperable, or unused for power generation shall be removed within twelve (12) months of the cessation of operations, unless an extension is approved by the Board of Adjustment. If such an extension is not approved, such WPG shall be deemed a nuisance and require its removal at the property owner's expense. After the WPG removal, the owner of the site shall restore the site to its original, or an improved, condition.
- M. Application of Nuisance Law. If, after a Special Exception permit is issued, by the Board of Adjustment for a WPG, and the same WPG fails to comply with any part of this Section, it may deemed a nuisance and all 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 § 30.61 at the discretion of the editor.

Article VI. - Non-conforming Lots, Uses and Structures

Sec. 30.62. - Intent.

Within the districts established by this chapter or amendments that may later be adopted there exists:

- A. Lots,
- B. Structures, and
- C. Uses of land 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 amendment. It is the intent of this chapter to permit these non-conformities to continue until they are removed, but not to encourage their survival. Further, the intent of this chapter is that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual 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 signs into compliance with the terms of this ordinance within five (5) years after the adoption of this ordinance, and to bring non-conforming home occupations into compliance with the terms of this ordinance within one (1) year after the adoption of this ordinance, and therefore the terms of this section shall not apply in those instances.

Sec. 30.63. - 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-lot dimensions for the district can be met. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard-lot requirements shall be obtained only through action of the Board of Adjustment.

If 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 diminishes 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. 30.64. - Non-conforming uses of land and structure.

Where, at the time of passage of this ordinance a lawful use of land 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:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such non-conforming use shall be moved in whole 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.
3. If any such non-conforming use ceases for any reason for a period of more than one (1) 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. If a building used for commercial purposes is not open to the public for a period of one (1) 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 Farmer's Home Administration through the process of foreclosure or default.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land or structure.



5. One (1) non-conforming use may not be converted to another non-conforming use.

(Ord. 1763, 4/4/94)

Sec. 30.65. - 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, lot coverage, height, yardsetbacks, 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:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than seventy (70) percent of its replacement cost at 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 official charged with protecting the public safety, upon order of such official.

Sec. 30.66. - Exemption for non-conforming residential structures.

The reconstruction of existing non-conforming residential dwelling units is allowed, in compliance with applicable fire and building codes, including expansion of up to twenty (20) percent of the existing dwelling unit, as long as the number of dwelling units on the parcel 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 size requirements for that zone type. The lot dimension and setback requirements for the district in which the piece of land is located may be reduced by the smallest amount that will permit reconstruction or the allowed twenty (20) percent expansion. Such reduction shall be determined by the Board of Adjustment.

(Ord. 1782, 9/6/94; Ord. 1814, 9/18/95)

**SECTION 2**

**Effective date:**

This ordinance will become effective 30 days after the second reading 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 December, 2020.

\_\_\_\_\_  
**DOREL HOGLUND – Chair**

**ATTEST:**

\_\_\_\_\_  
**FAITH KINNICK**  
**Recording Secretary**

\*\*\*\*\*

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

\_\_\_\_\_  
**DOREL HOGLUND – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

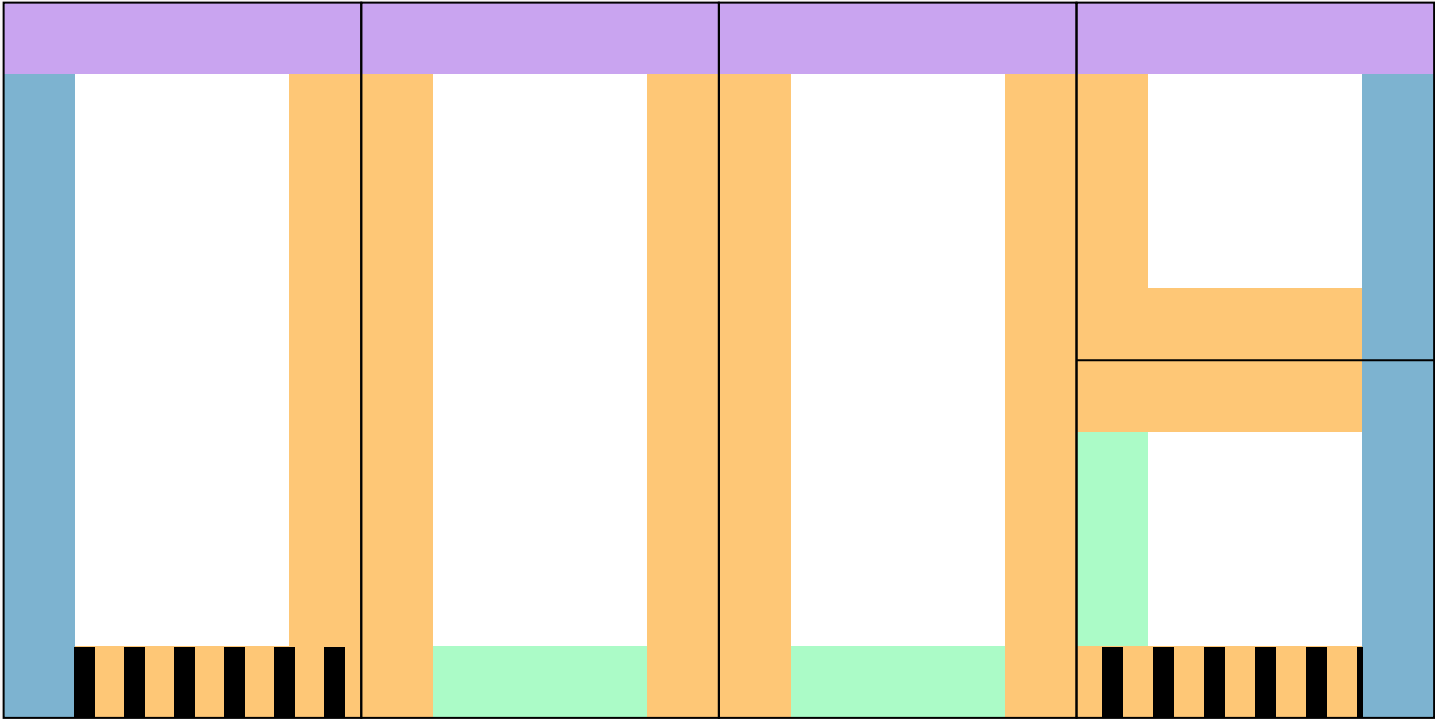
\_\_\_\_\_  
**FAITH KINNICK**  
**Recording Secretary**

\_\_\_\_\_  
**COURTNEY JO LAWELLIN**  
**City Attorney**

# Front Street

Side Street

Side Street



Alley

- Front Street Setback
- Side Street Setback
- Side Setback
- Rear Setback
- Side Setback treated as Rear Setback

From: Ken MacInnes  
Sent: Monday, October 19, 2020 2:19 PM  
To: Mathieu Menard  
Subject: RE: Setback Encroachments

If it's the dark or if the area is smoky, it would be easy to miss the opening, so I think some form of cover would be good.

Ken MacInnes, MS  
Fire Chief  
Livingston Fire Rescue  
firechief@livingstonmontana.org  
406-224-2053

From: Mathieu Menard  
Sent: Monday, October 19, 2020 2:18 PM  
To: Ken MacInnes <firechief@livingstonmontana.org>  
Subject: RE: Setback Encroachments

We could require some sort of cover if you think it is a safety issue not to have one.

From: Ken MacInnes  
Sent: Monday, October 19, 2020 2:16 PM  
To: Mathieu Menard <mmenard@livingstonmontana.org>  
Subject: RE: Setback Encroachments

I think 24 inches should be good. Are the window wells going to be completely open or will there be some form of protective cover? Mine at home has a cover on it that can easily be pushed off from the inside if necessary.

Ken MacInnes, MS  
Fire Chief  
Livingston Fire Rescue  
firechief@livingstonmontana.org  
406-224-2053

From: Mathieu Menard  
Sent: Monday, October 19, 2020 10:58 AM  
To: Ken MacInnes <firechief@livingstonmontana.org>  
Cc: Jim Woodhull <jwoodhull@livingstonmontana.org>  
Subject: Setback Encroachments

Hi Ken,

We are working on new setback language for the Zoning and the Zoning Commission asked me to follow up with you on what would be safe for firefighters to allow within the 5 foot setback:

\* They were discussing allowing 36" egress windows within the side setback which potentially leaves 24" between the window well and fence. Does this pose a danger for firefighters? What would be a safe unobstructed distance between a fence-line and something like a window well or stoop for firefighters?

Thanks,  
Mathieu

**LEGAL**  
**NOTICE OF PUBLIC HEARING**

A public hearing before the Livingston City Commission will be held at 5:30 p.m. on Tuesday, December 1, 2020 virtually via Zoom (details below).

**Coleman Zone Map Amendment:** The Purpose of this hearing is to receive public comment regarding the 2<sup>nd</sup> reading of a request for a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Adventurers Rest, LLC, represented by Doyle Scott Coleman, has requested that the zoning on the lot described as the Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E), be amended from R-II (MH) to I on the official zoning map. The proposed Amendments were heard at the November 5, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

**Zoning Amendment Administrative Language Zoning Text Amendment:** The Purpose of this hearing is to receive public comment regarding the 2<sup>nd</sup> reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The goal of the amendment is to clarify the notice requirements for zoning text and map amendments. Specifically, the amendment proposes to create distinct noticing and application processes for zoning text and map amendments. The proposed Amendments were heard at the November 5, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

**Setbacks Zoning Text Amendment:** The Purpose of this hearing is to receive public comment regarding the 1<sup>st</sup> reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to define and clarify the required zoning setbacks for structures within the City of Livingston. The Zoning Commission voted unanimously (3:0) to recommend approval of the amendment to the City Commission.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/87977477999?pwd=NFU0MEtYdDBQN3duZTJQYnVuUHlPdZ09>

Meeting ID: 879 7747 7999

Passcode: 669024

Call in: (669) 900-6833

Mathieu Menard  
City Planner

**PLEASE PUBLISH ON MONDAY, NOVEMBER 16, 2020**

**File Attachments for Item:**

**A. RESOLUTION NO. 4932: A RESOLUTION OF INTENT OF THE CITY OF COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESOLVING IT'S INTENT TO CHANGE THE BOUNDARIES OF THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT AT THE REQUEST OF THE LBID AND IT'S MEMBERS, AS REQUIRED BY LAW.**



**RESOLUTION NO. 4932**

**A RESOLUTION OF INTENT OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESOLVING ITS INTENT TO CHANGE THE BOUNDARIES OF THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT AT THE REQUEST OF THE LBID AND IT MEMBERS, AS REQUIRED BY LAW.**

\*\*\*\*\*

**WHEREAS**, the Livingston City Commission created the Livingston Business Improvement District on March 1, 2011, with Resolution 4186 under §7-12-1111 MCA, for the purpose of promoting area businesses, the health, safety, prosperity, security, and general welfare of the inhabitants of the district and of the people of this state, and to be of special benefit to the property within the boundaries of any district created pursuant to the provisions of this part; and to aid in tourism, promotion, and marketing within the district for a ten-year term; and

**WHEREAS**, prior to requesting the LBID be extended in time, the LBID has made efforts to amend the boundaries of the district to include businesses not already included, and to exclude property that was used for business purposes and is now residential property. The Original and Amended LBID boundaries are attached as Exhibit A; and

**WHEREAS**, prior to amending the boundaries the governing body shall pass a resolution of intent to do so and thereafter publish Notice as provided in §7-1-2121 MCA, of passage of the resolution with a copy of the notice mailed to every owner of real property within the proposed district or within the proposed area of expansion on the same day the notice is first published or posted.

**WHEREAS**, LBID intends to carry out its purpose for the benefit of the citizens and the businesses in its District into the future and is willing and able to do so; and

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

A Resolution of Intent of the City of Livingston to amend the boundaries of the district for Livingston Business Improvement District is hereby approved and adopted. The City and LBID are authorized and directed to publish Notice as provided in §7-1-2121 MCA, of passage of the resolution with a copy of the notice mailed to every owner of real property within the proposed district or within the proposed area of expansion, at their taxpayer address, on the same day the notice is first published or posted. Any protest must be in writing and must be delivered to the governing body or its clerk, not later than 5 p.m. of the last day within 15 days after the date of the first publication of the notice of the resolution of intention. The date and hour of receipt of the protest shall be endorsed thereon.

**PASSED AND ADOPTED**, 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:**

**A. DISCUSS/APPROVE/DENY: DRAFT POLICY FOR NAMING PARKS, TRAILS, AND RECREATIONAL FACILITIES IN LIVINGSTON, WITH ATTORNEY’S RECOMMENDED EDITS.**

# Policy for Naming Livingston Parks, Trails, and Recreation Facilities

Livingston Parks & Trails Committee

October 2020

## Purpose

The purpose of this policy is to establish a uniform procedure for the official naming and renaming of parks, open space, trails, and recreational facilities to ensure that these public amenities are easily identified and located and given names that are consistent with the values and character of the area, neighborhood, or community served.

## Policy

It is the policy of the City of Livingston to ~~name~~ ~~rename~~ or to ~~rename~~ ~~name~~ newly acquired, or developed, or unnamed public parks, open space, trails, and recreational facilities, based upon the procedures set forth in this policy.

## Naming Procedure

### Nominations

Names may be nominated by:

- a. the Livingston Public Works Director;
- b. the Livingston City Commission;
- c. the Livingston Parks & Trails Committee;
- d. Neighborhood Associations in the same locality as the park or facility; or
- d. Individuals or organizations.

### Naming Process

The proposed name ~~or name change~~ shall be submitted to the ~~City board called the~~ Parks & Trails Committee ("Committee") in writing, ~~at 220 East Park Street Livingston, MT 59047,~~ addressing the criteria in this policy, and describing any public outreach that has occurred regarding the proposed name. The Committee will review the application based upon the criteria in this policy and, after considering public comment under an action item on the Committee's public meeting agenda, will forward a written recommendation to the City Commission. The City Commission shall make the final decision at a public meeting by adoption of a resolution.

### Exceptions to Naming Procedure:

Exceptions to the naming procedure include:

- a. Public parks or trails dedicated with new subdivisions and developments, which can be named by the developer using the criteria in this policy as a guideline, subject to Planning Board approval as indicated on the final plat or plan, which approval shall be forwarded ~~to the Committee for recommendation~~ to the City Commission;
- b. Capital campaigns for the purpose of naming rights through donations, in which case the City Manager shall ~~establish guidelines and rules as well as amounts for the capital campaign, as needed and on a case-by-case basis; the City Manager shall~~ provide the City Commission with a written recommendation for the capital

campaign ~~guidelines and rules~~ namings, with consideration given to the guidelines in this policy, and the City Commission shall make the final decision at a public meeting by adoption of a resolution;

- c. Parks, trails, or recreational facilities, for which a competition is held to determine the naming or renaming, in which case the Committee shall establish guidelines and rules for the contest, subject to approval by the City Commission;
- d. Parks, trails, or recreational facilities, as well as memorial and honorary benches in city parkland, with existing capital campaigns, donor or user agreements, Memorandums of Understanding or naming recognition policies.

#### Selection of Name – Criteria:

1. It is the policy of the City to choose names for public parks, trails and recreation facilities based upon the following criteria:
  - a. Neighborhood, geographic or common usage identification;
  - b. Natural or geological features;
  - c. An outstanding feature of the facility;
  - d. An adjoining subdivision, street or school, except that no park shall be given the same name as an existing school site or public facility except where the sites abut one another;
  - e. An historical figure, place, event or other instance of historical or cultural significance; or
  - f. An individual, family or organization that has made significant positive contributions to parks, trails, recreation, open space or the culture of the community and:
    - 1) was an outstanding community leader who made significant civic contributions to the City or gave highly productive support to the Parks Department; or
    - 2) was an outstanding regional or statewide leader who contributed significantly to the promotion of parks, trails, recreation or land conservation; or
    - 3) has made a significant financial donation or contribution of land for the particular park, trail, or recreational facility, and the name has been stipulated as a condition of the donation; or
    - 4) has established a maintenance endowment covering a significant share of the projected maintenance cost for 20 years and the name has been stipulated as a condition of the donation; and
    - 5) has no significant conflicts with the sentiments of the community or goals and priorities in the Parks & Trails Master Plan, the City of Livingston Strategic Plan, or other City Proclamations.
2. A suggested individual or family name must be accompanied by a biographical sketch which shall provide evidence of contributions to the park, trail, recreational facility, or parks, trails and open space system overall.

3. Parks, trails and recreational facilities shall not ordinarily be named after living individuals. This may be allowed at the discretion of the City Commission when a combination of other criteria or circumstances exist for the individual to be honored.
4. Suggested names should not be those which have been overly recognized previously. Names that duplicate or that are similar to existing parks, trails, or other facilities in the City system should be avoided to prevent confusion.
5. It is the preference of the City that parks may be named after individuals (or dogs) and that trails should not be named after individuals unless the trail is associated with a park.

### **Naming smaller park features**

A facility within a park (e.g. playground, picnic shelter, ball field, etc.) can be named separately from the park subject to these same criteria. Requests for the official naming of smaller park features may be honored at the discretion of the Livingston Public Works Director and forwarded for review and recommendation by the Committee and adoption by the City Commission. However, it is preferred that these types of donations or features are honored with recognition plaques, markers or memorials designed and adopted along with or as modifications to an individual park or trail plan.

### **Renaming Procedure**

A name selected for a park, trail or recreation facility should be bestowed with the intention that it will be permanent, and changes should be strongly resisted. Name changes shall be subject to the procedures set forth in this policy. A request to rename a park, trail or recreational facility must be accompanied by a petition or documentation with justification for the name change. Efforts to change a name will be critically examined to ensure that renaming the park, trail or recreation facility will not diminish the original justification for the name or the prior contributors. Renaming will follow the same procedures as naming the park as well as the following considerations:

- a. Parks, trails, or recreation facilities that have been named by deed restriction shall not be considered for renaming.
- b. Parks, trails, or recreation facilities named after individuals shall not be changed unless it is found that the continued use of their names would not be in the best interest of the community due to conflicts with the sense of the community, goals and priorities in the Parks & Trails Master Plan, City of Livingston Strategic Plan or other City resolutions and actions.

### **Signage**

The City will strive to identify all City parks, trails, and recreational facilities with appropriate signage specifying the name and any characteristics specific to that location. The signage will be designed according to the existing City sign standards to ensure consistency. Until such time as a standard sign policy is adopted which addresses sign placement, orientation, size, materials, design, logos and uniform language, the signs will, to the greatest extent possible, be complimentary to existing sign practices, reflect pride in our community, shall not permit corporate logos, and shall be of high quality, vandalism resistant materials that are able to withstand harsh environments.

**File Attachments for Item:**

**DECEMBER CALENDAR**

# December 2020



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	Regular City Commission Meeting 5:30 pm via Zoom 1	Planning Board's Growth Policy Public Meeting #3 via Zoom 2	3	4	5
6	7	Historic Preservation Commission Mtg. 3:30 pm 8	City Conservation Board Mtg 5:00 pm URA Special Meeting 5:30 pm 9	10	11	12
13	14	Regular City Commission Meeting 5:30 pm via Zoom 15	Planning Board's Growth Policy Public Meeting #4 via Zoom 16	City Tree Board Meeting Noon via Zoom 17	18	19
20	21	22	23	24	25	26
City Offices and Facilities closed						
27	28	29	30	31	1	2
City Offices and Facilities closed						
3	4	<p>Notes</p> <p>All meetings held via Zoom, unless stated otherwise. To find out more information how you can participate in these meetings visit <a href="http://www.livingstonmontana.org/calendar.php">http://www.livingstonmontana.org/calendar.php</a></p>				



**File Attachments for Item:**

**URA SPECIAL MEETING NOTICE**

## PUBLIC NOTICE OF SPECIAL MEETING FOR THE URA

**NOTICE IS HEREBY GIVEN,** The Livingston Urban Renewal Agency (URA) will convene via Zoom for a special meeting Wednesday, December 9, 2020, from 5:30 – 7:30 p.m. Join this meeting <https://zoom.us/> Meeting ID: 847 8199 6715 and Passcode: 916240. Call In: (669) 900-6833. All are welcome.

Contact Faith Kinnick with any questions about this meeting at (406) 823-6002.

Please publish Friday, December 4, 2020.

Faith Kinnick  
City of Livingston  
November 24, 2020

**File Attachments for Item:**

**THANK YOU FROM HRDC FOR DONATION TO WARMING CENTER.**



November 18, 2020

City Of Livingston  
414 E . Callender  
Livingston, MT, 59047

Dear City Of Livingston,

Thank you for your recent donation to our **Warming Center**. It is because of people like you we are able to fulfill our mission of instilling hope, developing resources, designing solutions and changing lives. Your investment allows us to positively impact over 11,000 of our neighbors who are on their path from crisis to stability to thriving.

Thank you for supporting our **Warming Center**. Each season we are able to ensure everyone has access to a warm, safe place to sleep because of people like you. This has again busy a busy season, and most nights we have been at our capacity or greater. Thank you for making our work possible.

Just like you, we believe every life has value. With our broad scope of services we can meet the immediate and long term needs of our customers and our community. To learn more about HRDC, please give me a call. I am happy to answer questions or schedule a time to meet in person. On behalf of our Board of Directors, staff and customers, please accept our gratitude for believing that together we can build a better community.

Best Wishes,

Kristin Hamburg  
Development Director  
406-585-4877/Khamburg@thehrdc.org

Thank you for this  
INCREDIBLE  
INVESTMENT IN OUR  
WORK TO provide  
Safe shelter &  
resources to your



community

Members  
in need.

**Donation Receipt – thank you!**

Date of Donation: **11/12/2020**  
Check Number - **92689**

Amount: **\$22,000.00**  
Fund: **Livingston Warming CENTER**

Please retain this receipt for your records. Federal income tax law requires us to inform you that no goods or services were provided to you in exchange for your gift. Therefore, within the limits prescribed by law, the full amount of your gift is deductible for Federal income tax purposes. **HRDC District IX, Inc's Tax ID is 81-0350886.**