



# Livingston City Commission Agenda

August 17, 2021

5:30 PM

City – County Complex, Community Room

414 E. CALLENDER ST.

LIVINGSTON, MT 59047

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. 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)*

6. Consent Items

**A. APPROVE MINUTES FROM AUGUST 3, 2021 REGULAR MEETING. PG. 4**

**B. RATIFY CLAIMS PAID 07/27/2021-08/06/2021. PG. 13**

7. Proclamations

8. Scheduled Public Comment

**A. SHANNON HOLMES PUBLIC WORKS DIRECTOR PRESENTS 2020-2021 ASH REMOVAL AND REPLACEMENT PROJECT. PG.26**

9. Public Hearings

**A. RESOLUTION NO. 4990: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR THE FISCAL YEAR 2021-2022 AND GIVING NOTICE OF A PUBLIC HEARING THEREON. PG. 30**

10. Ordinances

**A. ORDINANCE NO. 3013: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, ARTICLE IV, and ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO TINY HOMES, MODULAR HOMES AND MANUFACTURED HOMES. PG.34**

11. Resolutions

**A. RESOLUTION NO. 4991: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE SUMMIT STREET RIGHT-OF-WAY ADJACENT TO BLOCK 32 OF THE MINNESOTA ADDITION. PG.143**

**B. RESOLUTION NO 4992: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF**

**LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS. PG. 155**

**C. RESOLUTION NO. 4993: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 AND THE UNDESCRIBED PARCEL TO THE EAST. PG. 160**

**D. RESOLUTION NO. 4994: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 16 LOVES LANE. PG.165**

12. Action Items

13. City Manager Comment

14. City Commission Comments

15. Adjournment

Calendar of Events

Supplemental Material

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 AUGUST 3, 2021 REGULAR MEETING.**



# Livingston City Commission Minutes

August 03, 2021

5:30 PM

City – County Complex, Community Room  
414 E. Callender St.  
Livingston, MT 59047

1. Call to Order

2. Roll Call

In attendance: Chair Hoglund, Vice-Chair Schwarz, Commissioner Friedman, Commissioner Mabie in attendance, Commissioner Nootz absent. Staff in attendance: City Manager Michael Kardoes; Deputy Planning Director Mathieu Menard, Finance Director Paige Fetterhoff; and City Clerk Faith Kinnick.

3. Moment of Silence

4. Pledge of Allegiance

5. Public Comment (00:01:32)

- Cody Wood gave public comment

6. Consent Items (00:05:53)

- A. APPROVE MINUTES FROM JULY 20, 2021, REGULAR MEETING.**
- B. RATIFY CLAIMS PAID 07/09/2021-07/26/2021**
- C. ACCEPTING BOARD RECOMMENDATION TO FILL A VACANCY ON THE CITY ZONING COMMISSION FOR A MEMBER WITH AN UNEXPIRED TERM ENDING 12/31/2021.**
- D. APPROVE APPLICATION FOR ADDITIONAL HANDICAP PARKING TO SERVE RESIDENTS OF THE SHERWOOD APARTMENT BUILDING.**
- E. ACCEPT LIVINGSTON CITY COURT FINANCIAL REPORT FROM MAY 2021.**
- F. ACCEPT PLEDGED SECURITIES REPORT FROM JUNE 2021.**
  - Motion by Mabie, second by Schwarz.  
All in favor, passes 4-0.

7. Proclamations

8. Scheduled Public Comment (00:06:54)

- A. SCHEDULED PUBLIC COMMENT: MATT FETTIG OF NORTHWESTERN ENERGY PRESENTS INFORMATION REGARDING NORTHWESTERN ENERGY'S LED RETROFIT PROJECT.**
  - Hoglund asked questions
  - Mabie asked questions



9. Public Hearings (00:16:10)

**A. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES.**

- Kardoes gave opening statement
- Chuck Tanner gave public comment (00:18:17)
- Hogleund asked clarifying questions
- Kardoes answered
- Mabie asked questions
- Paige Fetterhoff answered
- Motion by Schwarz, second by Friedman  
All in favor, passes 4-0.

**B. PUBLIC HEARING: ORDINANCE NO. 3012: 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 ZONING PARCELS GENERALLY KNOWN AS 1014 AND 1016 W. PARK STREET AND LEGALLY DESCRIBED AS SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #502, 120 BRONSON COSMIC ENTERPRISES INC (IMPT ON #28000), AND SECTION 24, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #500664 MELIN & ASSOCIATES INSURANCE AGENCY (IMPT ON #27950), AS HIGHWAY COMMERCIAL (HC). (00:23:40)**

- Kardoes turned meeting over to Mathieu Menard
- No public comment
- Hogleund asked clarifying questions
- Menard answered
- Motion by Schwarz, second by Friedman  
All in favor, passes 4-0.

**C. ORDINANCE NO. 3014: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE V, ARTICLE VII, ARTICLE VIII, and ARTICLE IX, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING. (00:29:02)**

- Kardoes turned meeting over to Mathieu Menard
- No public comment
- Hogleund made comments
- Motion by Mabie, second by Friedman  
All in favor, passes 4-0.

**D. ORDINANCE NO. 3015: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II OF THE LIVINGSTON MUNICIPAL CODE ENTITLED CITY COMMISSION AND CHAIR BY AMENDING SECTION 2-12 AS IT PERTAINS**

**TO LOCATION OF CITY COMMISSION POSTING BOARD, AMENDING SECTION 2-16 AS IT PERTAINS TO THE PROCESS FOR SETTING AGENDA, AMENDING SECTION 2-19 BY PERTAINING TO THE PROCEDURE TO CONDUCT BUSINESS. (00:33:22)**

- Kardoos gave opening statement
- No public comment
- No Commissioner comments
- Motion by Schwarz, second by Friedman  
All in favor, passes 4-0.

**E. ORDINANCE NO. 3016: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND CHAPTER 27 OF THE LIVINGSTON MUNICIPAL CODE SECTION 27-3 ENTITLED MEMBERSHIP OF THE PLANNING BOARD, TERMS OF OFFICE AN QUALIFICATIONS, BY ADDING TWO (2) ADDITIONAL MEMBERS TO THE CITY PLANNING BOARD. (00:36:33)**

- Kardoos gave opening statement
- No public comment
- Schwarz made comments
- Hoglund made comments
- Motion by Friedman, second by Hoglund  
All in favor, passes 4-0.

10. Ordinances

11. Resolutions (00:40:05)

**A. RESOLUTION NO. 4983: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.**

- Kardoos gave opening statement
- No public comment
- Hoglund asked clarifying questions
- Motion by Friedman, second by Mabie  
All in favor, passes 4-0.

**B. RESOLUTION NO. 4984: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8TH STREET AND 72 NORTH 9TH STREET. (00:47:46)**

- Kardoos gave opening statement
- Carrie Baliz made public comment
- Schwarz asked clarifying questions about property being grandfathered in.
- Kardoos & Menard answered
- Motion by Schwarz, second by Friedman  
All in favor, passes 4-0.

- C. RESOLUTION NO. 4985: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST. (00:51:48)**
- Kardoes gave opening statement
  - No public comment
  - No Commissioner comments
  - Motion by Mabie, second by Schwarz  
All in favor, passes 4-0.
- D. RESOLUTION NO. 4986: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE PROPERTY BETWEEN ARBOR DRIVE AND BENNETT STREET BOUNDED BY MILES LANE/CHESTNUT LANE, THE CITY TRANSFER STATION AND THE YELLOWSTONE RIVER IN SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST. (00:53:30)**
- Kardoes gave opening statement
  - No public comment
  - Hogle asked clarifying questions
  - Motion by Schwarz, second by Friedman  
All in favor, passes 4-0.
- E. RESOLUTION NO. 4987: A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF ESTABLISHING A CHARTER FORM OF GOVERNMENT FOR THE PURPOSE OF CHANGING THE GENERAL POWERS FORM OF GOVERNMENT TO A SELF-GOVERNMENT FORM THROUGH A CHARTER. (00:58:10)**
- Kardoes gave opening statement
  - Rick VanAken gave public comment (01:05:33)
  - Hogle asked clarifying questions
  - Schwarz made comments
  - Mabie made comments
  - Friedman made comments
  - Motion by Friedman, second by Mabie  
All in favor, passes 4-0.
- F. RESOLUTION NO. 4988: A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF THE ISSUANCE OF A GENERAL OBLIGATION BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF ONE OR MORE SEPARATED GRADE RAIL CROSSING AND RELATED INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO. (01:13:26)**
- Kardoes gave opening statement
  - Beth O'Neil gave public comment (01:18:17)
  - Rick VanAken gave public comment (01:20:28)

- Hogle made comments
- Mabie made comments
- Friedman made comments
- Schwarz made comments
- Hogle asked clarifying questions
- Mathieu Menard answered
- Motion by Schwarz to amend to include the updated mill levy information received, second by Friedman  
All in favor, passes 4-0.

**G. RESOLUTION NO. 4989: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN ANNUAL LEASE AGREEMENT WITH THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, FOR A TERM BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022.**

- Kardoes gave opening statement
- Mabie made comments
- Schwarz made comments
- Motion by Schwarz, second by Mabie  
All in favor, passes 4-0.

\*\*Recording stopped & restarted\*\*

12. Action Items C moved to beginning to allow Thomas to leave meeting early.

**C. DISCUSS/APPROVE/DENY: REQUEST FROM THOMAS STORY OF MENDING THE LINE, LLC. FILM PRODUCTION, FOR TEMPORARY WAIVER OF 2-HOUR PARKING ORDINANCE ENFORCEMENT FOR FILM CREW BEGINNING AUGUST 31-SEPTEMBER 4TH.**

- Kardoes gave opening statement
- Thomas Story made additional comments
- Leslie Feigel made public comment
- Schwarz made comments
- Motion by Schwarz, second by Mabie  
All in favor, passes 4-0

**A. DISCUSS/APPROVE/DENY: ACCEPTING CITY MANAGER'S RECOMMENDATION TO APPOINT KARILEE VALERIANO TO FILL VACANCY ON THE CITY POLICE COMMISSION.**

- Kardoes gave opening statement
- Schwarz made comments
- Motion by Schwarz, second by Mabie  
All in favor, passes 4-0

**B. SCHEDULE A SPECIAL MEETING TO DISCUSS THE CITY'S GROWTH POLICY, STRATEGIC PLAN, FOCUSING ON PRIORITIES AND FUNDING.**

- Kardoes gave opening statements
- Commission discussed and scheduled meeting for October 14, 2021 at 5:30 p.m.

13. City Manager Comment

14. City Commission Comments

15. Adjournment 8:00 p.m.

LIVINGSTON CITY COMMISSION WORK SESSION

Public Comment Sign-in

DATE: 08/03/2021

If you would like to speak to the Commission, please note your name and address will be recorded here. This document is an official public record. Thank you!

**PRINTED NAME/ADDRESS**

**AGENDA ITEM**

1. Cody Wax 85 Basin Trail Road

2. MATT FETIG

3. Chuck Turner 51 Libra Dr. Ordinance

4. Rick VanOrken 200 W. Montana Res. 4984

5. Beth O'Neil 478 Highway 10 - Liv MT 59047

6. Rick VanOrken 200 W. Montana Res 4988

7. Thomas Story 415 S. 8th Street, Livingston, MT

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

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16. \_\_\_\_\_

17. \_\_\_\_\_

18. \_\_\_\_\_

19. \_\_\_\_\_

20. \_\_\_\_\_

**City of Livingston**  
**MILL LEVY IMPACT ANALYSIS**  
**Sample General Obligation Bonds**

<b>Mill Levy Computation:</b>		<b>\$20,000,000 Bond Issue</b>	
Par Amount of the Bonds:		<u>\$20,000,000</u>	
Total Estimated Interest Over Life of the Bond (1):		\$9,808,667	
Est. Annual Bond Payment over a 20-Year Term:		\$1,490,433	
DIVIDED BY: City's 2021/22 Mill Value:		<u>\$17.656.487</u>	
EQUALS: Est. Number of Annual Mills Required:		<b>84.41</b>	

**Estimated Tax Increase for Individual RESIDENTIAL TAXPAYER:**

<b>2021/22 Tax Year</b> <b>"ASSESSED VALUE" of</b> <b>Residential Property (2)</b>	<b>2021/22 Tax Year</b> <b>"TAXABLE VALUE" of</b> <b>Residential Property (2)</b>	<b>Estimated</b> <b>"ANNUAL"</b> <b>Tax (3)</b>	<b>Estimated</b> <b>"Monthly"</b> <b>Tax (3)</b>
\$100,000	\$1,350	\$113.96	\$9.50
\$200,000	\$2,700	\$227.91	\$18.99

\* All property owners (including farming and ranching operations, commercial businesses, home owners etc...) should use the following formula to calculate the estimated tax impact of the Bond issue. Look up the Property's "Taxable Value" from Personal Tax Statement or the following State website (<http://svc.mt.gov/dor/property/prc>) and use the following formula: **"Taxable Value" X Mills/1,000 = Estimated Annual Tax Impact of the Bonds.**

- (1) Based on an estimated true interest cost rate of 2.44% over a 20-year term (with additional premium available).
- (2) Based upon Class 4 residential property. The "Assessed Valuation" for tax purposes will be different than the valuation of most residential real property for resale purposes. To better calculate the estimated tax impact of the bond issue, property owners should look up their exact taxable value as shown on their personal tax statement and use the formula shown above in grey.
- (3) Tax Impacts are based on property tax legislation adopted at the 2015 Legislative Session and the 2021 Department of Revenue reappraisal effective for the 2021/22 and 2022/23 tax years. Tax impact information varies every year depending on such factors as City Mill Value, method of calculating taxable valuation and actual debt service.

**File Attachments for Item:**

**B. RATIFY CLAIMS PAID 07/27/2021-08/06/2021**



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>AAA CLEANING, LLC</b>							
3727	AAA CLEANING, LLC	2021.6.30.1	cleaning	06/30/2021	500.00	500.00	07/15/2021
Total AAA CLEANING, LLC:					500.00	500.00	
<b>ADVANCED TECHNOLOGY PRODUCTS, INC</b>							
3357	ADVANCED TECHNOLOGY PRO	29445	Level Switch	06/28/2021	270.00	270.00	07/15/2021
Total ADVANCED TECHNOLOGY PRODUCTS, INC:					270.00	270.00	
<b>AJ BOWERS</b>							
3570	AJ BOWERS	723340	Tree Limb Removal	06/28/2021	1,500.00	1,500.00	07/15/2021
Total AJ BOWERS:					1,500.00	1,500.00	
<b>ALADTEC, INC.</b>							
3488	ALADTEC, INC.	2021-1808	Subscription	07/01/2021	1,273.50	1,273.50	07/15/2021
3488	ALADTEC, INC.	2021-1808	Subscription	07/01/2021	1,273.50	1,273.50	07/15/2021
Total ALADTEC, INC.:					2,547.00	2,547.00	
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	62049	Oil Change	06/30/2021	77.00	77.00	07/15/2021
22	ALL SERVICE TIRE & ALIGNME	62088	Tire Repair	07/07/2021	35.00	35.00	07/15/2021
Total ALL SERVICE TIRE & ALIGNMENT:					112.00	112.00	
<b>AMERICAN AUTOMOTIVE</b>							
3378	AMERICAN AUTOMOTIVE	2333	AC RECHARGE	07/01/2021	52.50	52.50	07/15/2021
3378	AMERICAN AUTOMOTIVE	2333	AC RECHARGE	07/01/2021	185.19	185.19	07/15/2021
Total AMERICAN AUTOMOTIVE:					237.69	237.69	
<b>BALCO UNIFORM COMPANY, INC.</b>							
3371	BALCO UNIFORM COMPANY, IN	63039-1	Caitlin-boots	07/06/2021	57.00	57.00	07/15/2021
Total BALCO UNIFORM COMPANY, INC.:					57.00	57.00	
<b>BOUND TREE MEDICAL, LLC</b>							
2662	BOUND TREE MEDICAL, LLC	84120185	Patient Supplies	07/06/2021	321.50	321.50	07/15/2021
2662	BOUND TREE MEDICAL, LLC	84125131	Patient Supplies	07/09/2021	308.40	308.40	07/15/2021
Total BOUND TREE MEDICAL, LLC:					629.90	629.90	
<b>CAROLINA SOFTWARE, Inc.</b>							
3326	CAROLINA SOFTWARE, Inc.	79938	SOFTWARE SUPPORT	07/01/2021	500.00	500.00	07/15/2021
Total CAROLINA SOFTWARE, Inc.:					500.00	500.00	
<b>CARQUEST AUTO PARTS</b>							
23	CARQUEST AUTO PARTS	1912-509809	OIL SEAL ORINGS	06/02/2021	21.72	21.72	07/15/2021
23	CARQUEST AUTO PARTS	1912-509837	AIR FILTERS	06/02/2021	298.35	298.35	07/15/2021
23	CARQUEST AUTO PARTS	1912-510428	TRAILER ADAPTER	06/08/2021	12.34	12.34	07/15/2021
23	CARQUEST AUTO PARTS	1912-5104747	BATTERY LAWN/GARDEN	06/08/2021	37.51	37.51	07/15/2021
23	CARQUEST AUTO PARTS	1912-510485	POWERATED BLT	06/08/2021	26.31	26.31	07/15/2021
23	CARQUEST AUTO PARTS	1912-510559	POWERATED BLT	06/09/2021	8.77-	8.77-	07/15/2021
23	CARQUEST AUTO PARTS	1912-511921	DIESEL EXHAUST FLUID	06/21/2021	126.10	126.10	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
23	CARQUEST AUTO PARTS	1912-512653	OIL FILTER	06/28/2021	24.81	24.81	07/15/2021
23	CARQUEST AUTO PARTS	1912-512699	AIR FILLTER	06/25/2021	97.26	97.26	07/15/2021
Total CARQUEST AUTO PARTS:					635.63	635.63	
<b>CASELLE</b>							
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	2,476.28	2,476.28	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	89.77	89.77	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	89.77	89.77	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	150.81	150.81	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	150.80	150.80	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	240.57	240.57	07/15/2021
Total CASELLE:					3,198.00	3,198.00	
<b>CASHMAN NURSERY &amp; LANDSCAPING</b>							
10001	CASHMAN NURSERY & LANDS	64318	TREES	07/01/2021	7,483.00	7,483.00	07/15/2021
Total CASHMAN NURSERY & LANDSCAPING:					7,483.00	7,483.00	
<b>CENTRAL SERVICES DIVISION</b>							
2571	CENTRAL SERVICES DIVISION	2022-6-056	CJIN Access	06/21/2021	544.98	544.98	07/15/2021
Total CENTRAL SERVICES DIVISION:					544.98	544.98	
<b>CENTRON SERVICES</b>							
682	CENTRON SERVICES	2021.06.25	Parking Collections	06/25/2021	6.67	6.67	07/15/2021
Total CENTRON SERVICES:					6.67	6.67	
<b>CITY OF LIVINGSTON</b>							
131	CITY OF LIVINGSTON	CR2021-012	Bond Conversion - C. Lane	07/13/2021	100.00	100.00	07/13/2021
131	CITY OF LIVINGSTON	TK2020-0358	Bond Conversion - C. Lane	07/13/2021	100.00	100.00	07/13/2021
Total CITY OF LIVINGSTON:					200.00	200.00	
<b>COMDATA</b>							
2671	COMDATA	XW660 6/1/202	CG72T	07/01/2021	2,669.65	2,669.65	07/15/2021
2671	COMDATA	XW660 6/1/202	CG73p	07/01/2021	507.46	507.46	07/15/2021
2671	COMDATA	XW716	CG72P	07/01/2021	211.76	211.76	07/15/2021
2671	COMDATA	XW716	CG72R	07/01/2021	266.41	266.41	07/15/2021
2671	COMDATA	XW716	CG73C-PARKS	07/01/2021	711.17	711.17	07/15/2021
2671	COMDATA	XW716	CG73H	07/01/2021	70.97	70.97	07/15/2021
2671	COMDATA	XW716	CG73L SEWER	07/01/2021	415.80	415.80	07/15/2021
2671	COMDATA	XW716	CG73S-WATER	07/01/2021	1,253.46	1,253.46	07/15/2021
2671	COMDATA	XW716	CG74G-STREETS	07/01/2021	412.89	412.89	07/15/2021
2671	COMDATA	XW716	CG74G-STREETS	07/01/2021	3.62	3.62	07/15/2021
Total COMDATA:					6,523.19	6,523.19	
<b>DEPARTMENT OF REVENUE</b>							
122	DEPARTMENT OF REVENUE	2021_07_14	Western Municipal - Gross Receipt	06/14/2021	2,045.37	2,045.37	07/15/2021
Total DEPARTMENT OF REVENUE:					2,045.37	2,045.37	
<b>ENDRESS+HAUSER INC</b>							
10003	ENDRESS+HAUSER INC	6002251777	MEMOSENS	07/08/2021	674.25	674.25	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total ENDRESS+HAUSER INC:					674.25	674.25	
<b>ENERGY LABORATORIES, INC.</b>							
424	ENERGY LABORATORIES, INC.	404293	Analysis parameter	07/02/2021	240.00	240.00	07/15/2021
424	ENERGY LABORATORIES, INC.	404294	lead and copper	07/02/2021	240.00	240.00	07/15/2021
Total ENERGY LABORATORIES, INC.:					480.00	480.00	
<b>ERICKSON, STEPHEN</b>							
10003	ERICKSON, STEPHEN	000100	LIFEFUARD COURSE INSTRUC	06/14/2021	1,575.00	1,575.00	07/15/2021
Total ERICKSON, STEPHEN:					1,575.00	1,575.00	
<b>EXEC U CARE SERVICES, INC.</b>							
3298	EXEC U CARE SERVICES, INC.	2709	Janitorial Services	07/06/2021	2,625.38	2,625.38	07/15/2021
Total EXEC U CARE SERVICES, INC.:					2,625.38	2,625.38	
<b>FARSTAD OIL</b>							
3353	FARSTAD OIL	96472	Diesel 308G	07/07/2021	830.98	830.98	07/15/2021
Total FARSTAD OIL:					830.98	830.98	
<b>FISHER SAND AND GRAVEL</b>							
2904	FISHER SAND AND GRAVEL	44346	FlowFILL	06/19/2021	1,128.00	1,128.00	07/15/2021
Total FISHER SAND AND GRAVEL:					1,128.00	1,128.00	
<b>FLATHEAD CONCRETE PRODUCTS, INC.</b>							
2096	FLATHEAD CONCRETE PRODU	20969	LATRINE	06/28/2021	10,643.20	10,643.20	07/15/2021
2096	FLATHEAD CONCRETE PRODU	20969	LATRINE DOOR POWDER COAT	06/28/2021	2,984.00	2,984.00	07/15/2021
Total FLATHEAD CONCRETE PRODUCTS, INC.:					13,627.20	13,627.20	
<b>FRONTLINE AG SOLUTIONS, LLC</b>							
2516	FRONTLINE AG SOLUTIONS, LL	844642	spINDLE	06/16/2021	180.15	180.15	07/15/2021
Total FRONTLINE AG SOLUTIONS, LLC:					180.15	180.15	
<b>GATEWAY OFFICE SUPPLY</b>							
54	GATEWAY OFFICE SUPPLY	51747	Office Supplies	07/07/2021	115.00	115.00	07/15/2021
Total GATEWAY OFFICE SUPPLY:					115.00	115.00	
<b>GENERAL DISTRIBUTING COMPANY</b>							
1845	GENERAL DISTRIBUTING COM	0001013191	Oxygen	06/30/2021	28.20	28.20	07/15/2021
1845	GENERAL DISTRIBUTING COM	0001015031	Oxygen	07/08/2021	414.48	414.48	07/15/2021
Total GENERAL DISTRIBUTING COMPANY:					442.68	442.68	
<b>GOVERNMENTJOBS.COM</b>							
10001	GOVERNMENTJOBS.COM	19437	Recruiting	03/31/2021	945.00	945.00	07/15/2021
Total GOVERNMENTJOBS.COM:					945.00	945.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>HIGH COUNTRY WILDLIFE CONTROL</b>							
10002	HIGH COUNTRY WILDLIFE CON	3056	PEST CONTROL	07/07/2021	195.00	195.00	07/15/2021
Total HIGH COUNTRY WILDLIFE CONTROL:					195.00	195.00	
<b>IAFF LOCAL 630</b>							
10003	IAFF LOCAL 630	100	SUSPENDERS	06/01/2021	600.00	600.00	07/15/2021
Total IAFF LOCAL 630:					600.00	600.00	
<b>IMAGE TREND, INC</b>							
3704	IMAGE TREND, INC	129355	reporting software	07/01/2021	2,476.12	2,476.12	07/15/2021
3704	IMAGE TREND, INC	129355	reporting software	07/01/2021	2,476.12	2,476.12	07/15/2021
Total IMAGE TREND, INC:					4,952.24	4,952.24	
<b>INDUSTRIAL TOWEL</b>							
102	INDUSTRIAL TOWEL	69183	mats sewer plant	06/29/2021	45.50	45.50	07/15/2021
102	INDUSTRIAL TOWEL	69636	220 E PARK MATS	07/01/2021	87.97	87.97	07/15/2021
102	INDUSTRIAL TOWEL	69642	110 s B MATS	07/01/2021	36.90	36.90	07/15/2021
102	INDUSTRIAL TOWEL	S68781-00	Mats	06/17/2021	87.97	87.97	07/15/2021
Total INDUSTRIAL TOWEL:					258.34	258.34	
<b>INSTY-PRINTS</b>							
250	INSTY-PRINTS	10943	pROTOCOL BOOKS	07/12/2021	275.02	275.02	07/15/2021
250	INSTY-PRINTS	10967	UTILITY RATE MAILER	07/09/2021	338.89	338.89	07/15/2021
250	INSTY-PRINTS	10967	UTILITY RATE MAILER	07/09/2021	338.88	338.88	07/15/2021
Total INSTY-PRINTS:					952.79	952.79	
<b>KELLEY CONNECT</b>							
10001	KELLEY CONNECT	IN850213	Civic Center printr maint	06/03/2021	230.76	230.76	07/15/2021
10001	KELLEY CONNECT	IN865804	PRINTER	07/06/2021	82.98	82.98	07/15/2021
Total KELLEY CONNECT:					313.74	313.74	
<b>KENYON NOBLE</b>							
776	KENYON NOBLE	8447312	STEAKS	06/28/2021	50.75	50.75	07/15/2021
776	KENYON NOBLE	8449047	GUTTER SEALANT	06/29/2021	62.86	62.86	07/15/2021
776	KENYON NOBLE	8450409	PORTABLE AC	06/29/2021	429.99	429.99	07/15/2021
776	KENYON NOBLE	8472146	FLEX SEALANT	07/10/2021	159.05	159.05	07/15/2021
Total KENYON NOBLE:					702.65	702.65	
<b>KIMBALL MIDWEST</b>							
2863	KIMBALL MIDWEST	9002170	FIRST AID	06/29/2021	143.09	143.09	07/15/2021
Total KIMBALL MIDWEST:					143.09	143.09	
<b>LEHRKIND'S COCA-COLA</b>							
2830	LEHRKIND'S COCA-COLA	229600	Water	07/01/2021	50.70	50.70	07/15/2021
2830	LEHRKIND'S COCA-COLA	229601	Water	07/01/2021	19.50	19.50	07/15/2021
Total LEHRKIND'S COCA-COLA:					70.20	70.20	

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<b>LEXIPOL</b>							
10003	LEXIPOL	INVPR3389	SUBSCRIPTION	05/19/2021	1,350.00	1,350.00	07/15/2021
10003	LEXIPOL	INVPR3389	SUBSCRIPTION	05/19/2021	810.00	810.00	07/15/2021
Total LEXIPOL:					2,160.00	2,160.00	
<b>LIVINGSTON HEALTH CARE</b>							
55	LIVINGSTON HEALTH CARE	0017345	PATIENT SUPPLY	07/09/2021	184.65	184.65	07/15/2021
55	LIVINGSTON HEALTH CARE	4454110	PATIENT SUPPLY	07/02/2021	108.68	108.68	07/15/2021
55	LIVINGSTON HEALTH CARE	4457280	PATIENT SUPPLY	07/08/2021	84.64	84.64	07/15/2021
Total LIVINGSTON HEALTH CARE:					377.97	377.97	
<b>MASTERCARD</b>							
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	47.88	47.88	07/16/2021
3184	MASTERCARD	2021_06 FETT	CPFO Exam parking	07/01/2021	7.50	7.50	07/16/2021
3184	MASTERCARD	2021_06 FETT	Air quality monitors	07/01/2021	507.33	507.33	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	34.67	34.67	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	33.73	33.73	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	30.12	30.12	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	73.55	73.55	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer supplies - UPS	07/01/2021	1,120.14	1,120.14	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer supplies - UPS	07/01/2021	327.16	327.16	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer supplies	07/01/2021	8.99	8.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer monitor	07/01/2021	497.98	497.98	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	64.87	64.87	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	422.62	422.62	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	29.99	29.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Weed spray	07/01/2021	39.99	39.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Scale license renewal	07/01/2021	560.00	560.00	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer monitor	07/01/2021	449.99	449.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office lunch - moving day	07/01/2021	44.99	44.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer monitor	07/01/2021	249.99	249.99	07/16/2021
3184	MASTERCARD	2021_06 GLAS	APCO Interational Inc	07/01/2021	329.00	329.00	07/16/2021
3184	MASTERCARD	2021_06 GLAS	APCO Interational Inc	07/01/2021	309.00	309.00	07/16/2021
3184	MASTERCARD	2021_06 GRA	1 book	07/01/2021	33.95	33.95	07/16/2021
3184	MASTERCARD	2021_06 GRA	2 cans dust-off	07/01/2021	12.58	12.58	07/16/2021
3184	MASTERCARD	2021_06 GRA	9 name tags	07/01/2021	107.00	107.00	07/16/2021
3184	MASTERCARD	2021_06 GRA	tape dispenser; tape	07/01/2021	8.35	8.35	07/16/2021
3184	MASTERCARD	2021_06 GRA	AA batteries	07/01/2021	9.99	9.99	07/16/2021
3184	MASTERCARD	2021_06 GRA	purchase	07/01/2021	100.00	100.00	07/16/2021
3184	MASTERCARD	2021_06 GRA	service charges	07/01/2021	17.99	17.99	07/16/2021
3184	MASTERCARD	2021_06 GRA	masks	07/01/2021	31.98	31.98	07/16/2021
3184	MASTERCARD	2021_06 GRA	masks	07/01/2021	13.98	13.98	07/16/2021
3184	MASTERCARD	2021_06 GRA	4 printer toner cartridges	07/01/2021	414.56	414.56	07/16/2021
3184	MASTERCARD	2021_06 GRA	online seminar	07/01/2021	49.00	49.00	07/16/2021
3184	MASTERCARD	2021_06 HAEF	Curb Box Coupling	07/01/2021	62.94	62.94	07/16/2021
3184	MASTERCARD	2021_06 HAEF	Parts	07/01/2021	227.98	227.98	07/16/2021
3184	MASTERCARD	2021_06 HAEF	Curb Box repair kit	07/01/2021	236.20	236.20	07/16/2021
3184	MASTERCARD	2021_06 HAPP	Clerk Conf. Hotel	07/01/2021	430.44	430.44	07/16/2021
3184	MASTERCARD	2021_06 HAR	stove	07/01/2021	799.00	799.00	07/16/2021
3184	MASTERCARD	2021_06 HAR	training supply	07/01/2021	25.45	25.45	07/16/2021
3184	MASTERCARD	2021_06 HAR	gloves	07/01/2021	126.00	126.00	07/16/2021
3184	MASTERCARD	2021_06 HOFF	A. Roehl Laptop	07/01/2021	1,099.00	1,099.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Cases	07/01/2021	38.97	38.97	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Fans	07/01/2021	94.92	94.92	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Tablets	07/01/2021	148.00	148.00	07/16/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2021_06 JOHA	Tablets	07/01/2021	148.00	148.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Tablets	07/01/2021	148.00	148.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Respirators	07/01/2021	41.24	41.24	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Small raft	07/01/2021	39.97	39.97	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Electric Plug	07/01/2021	198.00	198.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Gloves	07/01/2021	350.90	350.90	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Jesse App. Fee	07/01/2021	70.00	70.00	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Johnson	07/01/2021	317.04	317.04	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Johnson	07/01/2021	99.20	99.20	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Emanual	07/01/2021	116.48	116.48	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Johnson	07/01/2021	50.50	50.50	07/16/2021
3184	MASTERCARD	2021_06 JOHN	training - Gunderson	07/01/2021	221.36	221.36	07/16/2021
3184	MASTERCARD	2021_06 KARD	City Commission Zoom account	07/01/2021	41.50	41.50	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	3.25	3.25	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Renewal Subscription	07/01/2021	450.00	450.00	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	299.87	299.87	07/16/2021
3184	MASTERCARD	2021_06 KINNI	New Commissioner Handbooks	07/01/2021	235.17	235.17	07/16/2021
3184	MASTERCARD	2021_06 KINNI	HDMI cable for dispatch	07/01/2021	17.26	17.26	07/16/2021
3184	MASTERCARD	2021_06 KINNI	City Board/Committee account	07/01/2021	57.05	57.05	07/16/2021
3184	MASTERCARD	2021_06 KINNI	2nd Board/Committee account	07/01/2021	57.05	57.05	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	68.61	68.61	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	30.83	30.83	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	154.93	154.93	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	119.96	119.96	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Public Relations	07/01/2021	75.00	75.00	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	87.94	87.94	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	38.97	38.97	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Hotel	07/01/2021	105.68	105.68	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Hotel	07/01/2021	325.84	325.84	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Fuel	07/01/2021	66.85	66.85	07/16/2021
3184	MASTERCARD	2021_06 LAWE	meals	07/01/2021	22.00	22.00	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Plant	07/01/2021	124.94	124.94	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Fuel	07/01/2021	56.21	56.21	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Rugs for New Building	07/01/2021	449.10	449.10	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Furniture Movers	07/01/2021	30.86	30.86	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Door Stops	07/01/2021	10.58	10.58	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Bathroom Supplies	07/01/2021	186.21	186.21	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Bathroom Faucets	07/01/2021	299.97	299.97	07/16/2021
3184	MASTERCARD	2021_06 LAWE	meals	07/01/2021	36.16	36.16	07/16/2021
3184	MASTERCARD	2021_06 LAWE	DVD+R	07/01/2021	29.50	29.50	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	500.48	500.48	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	299.00	299.00	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	502.34	502.34	07/16/2021
3184	MASTERCARD	2021_06 LOW	Supplies	07/01/2021	31.78	31.78	07/16/2021
3184	MASTERCARD	2021_06 LOW	Schedule System for Staff	07/01/2021	7.58	7.58	07/16/2021
3184	MASTERCARD	2021_06 LOW	Grant subscription	07/01/2021	34.95	34.95	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	384.00	384.00	07/16/2021
3184	MASTERCARD	2021_06 LOW	Subscription	07/01/2021	129.00	129.00	07/16/2021
3184	MASTERCARD	2021_06 MACI	wildland clothing	07/01/2021	225.86	225.86	07/16/2021
3184	MASTERCARD	2021_06 MACI	May	07/01/2021	5,268.95	5,268.95	07/16/2021
3184	MASTERCARD	2021_06 MACI	plaque	07/01/2021	116.00	116.00	07/16/2021
3184	MASTERCARD	2021_06 MACI	carbon hoods	07/01/2021	234.64	234.64	07/16/2021
3184	MASTERCARD	2021_06 MACI	wildland Clothing	07/01/2021	464.97	464.97	07/16/2021
3184	MASTERCARD	2021_06 MACI	M2 Repair	07/01/2021	90.96	90.96	07/16/2021
3184	MASTERCARD	2021_06 MACI	IAFC Member	07/01/2021	260.00	260.00	07/16/2021
3184	MASTERCARD	2021_06 MACI	license	07/01/2021	24.36	24.36	07/16/2021
3184	MASTERCARD	2021_06 MACI	streamlight	07/01/2021	26.44	26.44	07/16/2021

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3184	MASTERCARD	2021_06 PURK	Postage	07/01/2021	56.80	56.80	07/16/2021
3184	MASTERCARD	2021_06 PURK	Postage	07/01/2021	55.00	55.00	07/16/2021
3184	MASTERCARD	2021_06 PURK	Office Suppies	07/01/2021	9.48	9.48	07/16/2021
3184	MASTERCARD	2021_06 SCH	Boiler License	07/01/2021	70.00	70.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Acrobot Pro	07/01/2021	179.88	179.88	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Car wash	07/01/2021	12.00	12.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	API Services	07/01/2021	200.00	200.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Fee	07/01/2021	40.00	40.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Parts	07/01/2021	1,115.90	1,115.90	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Gas	07/01/2021	35.10	35.10	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Parts	07/01/2021	14.98	14.98	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	48.65	48.65	07/16/2021
3184	MASTERCARD	2021_06 TARR	Decorations for Rec/Pool Float	07/01/2021	41.94	41.94	07/16/2021
3184	MASTERCARD	2021_06 TARR	Outdoor Clock for Pool House	07/01/2021	38.99	38.99	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	105.77	105.77	07/16/2021
3184	MASTERCARD	2021_06 TARR	POS Item for Pool: Swim Goggles	07/01/2021	41.99	41.99	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	183.45	183.45	07/16/2021
3184	MASTERCARD	2021_06 TARR	POS Item for Pool: Swim Goggles	07/01/2021	167.96	167.96	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	109.95	109.95	07/16/2021
3184	MASTERCARD	2021_06 TARR	Water Pool House	07/01/2021	28.47	28.47	07/16/2021
3184	MASTERCARD	2021_06 TARR	Lifeguarding Uniforms/Supplies	07/01/2021	656.79	656.79	07/16/2021
3184	MASTERCARD	2021_06 TARR	Whistles - Pool	07/01/2021	33.50	33.50	07/16/2021
3184	MASTERCARD	2021_06 TARR	Water Pool House	07/01/2021	10.00	10.00	07/16/2021
3184	MASTERCARD	2021_06 WOO	MT Assoc. of Planners Membershi	07/01/2021	65.00	65.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	face masks	07/01/2021	30.89	30.89	07/16/2021
3184	MASTERCARD	2021_06 WUL	face masks	07/01/2021	23.90	23.90	07/16/2021
3184	MASTERCARD	2021_06 WUL	phone guard	07/01/2021	10.00	10.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	aed batteries	07/01/2021	755.00	755.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	jumpkit repair	07/01/2021	35.00	35.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	aed pads	07/01/2021	63.00	63.00	07/16/2021
Total MASTERCARD:					27,400.45	27,400.45	
<b>MEYER ELECTRIC AND GROUNDS REPAIR, LLC</b>							
3812	MEYER ELECTRIC AND GROUN	663	POOL POWER	06/09/2021	100.00	100.00	07/15/2021
3812	MEYER ELECTRIC AND GROUN	680	POOL CHLORINATOR	06/27/2021	225.00	225.00	07/15/2021
3812	MEYER ELECTRIC AND GROUN	684	POOL PUMP	06/29/2021	150.00	150.00	07/15/2021
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					475.00	475.00	
<b>MISC</b>							
99999	MISC	2021.7.1	ReSTITUTION TK2021-0080	07/01/2021	1,200.00	1,200.00	07/15/2021
99999	MISC	2021.7.1 0099	ReSTITUTION TK2021-0099	07/01/2021	66.00	66.00	07/15/2021
99999	MISC	2021.7.7-0311	ReSTITUTION TK2020-0311	07/07/2021	100.00	100.00	07/15/2021
99999	MISC	2021.7.9-0311	ReSTITUTION TK2020-0311	07/09/2021	100.00	100.00	07/15/2021
99999	MISC	29704465	ReFUND	07/06/2021	100.00	100.00	07/15/2021
99999	MISC	TK2020-0358 (	Bond Release - C. Lane	07/13/2021	890.00	890.00	07/13/2021
Total MISC:					2,456.00	2,456.00	
<b>MOBILE REPAIR &amp; WELDING, INC</b>							
10	MOBILE REPAIR & WELDING, IN	31950	ANGLE IRON REAR BUMPER	06/08/2021	72.80	72.80	07/15/2021
10	MOBILE REPAIR & WELDING, IN	32217	training gas meter	05/19/2021	25.00	25.00	07/15/2021
Total MOBILE REPAIR & WELDING, INC:					97.80	97.80	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>MONTANA CORRECTIONAL ENTERPRISES</b>							
1180	MONTANA CORRECTIONAL EN	81324	FURNITURE	06/29/2021	386.00	386.00	07/15/2021
1180	MONTANA CORRECTIONAL EN	81326	FURNITURE	06/29/2021	18,219.00	18,219.00	07/15/2021
Total MONTANA CORRECTIONAL ENTERPRISES:					18,605.00	18,605.00	
<b>MONTANA MUNICIPAL CLERKS, TREASURERS AND</b>							
10002	MONTANA MUNICIPAL CLERKS,	2021.7.1	MEMBERSHIP DUES-PURKETT	07/01/2021	50.00	50.00	07/15/2021
10002	MONTANA MUNICIPAL CLERKS,	2021.7.1.1	MEMBERSHIP DUES-KINNICK	07/01/2021	50.00	50.00	07/15/2021
Total MONTANA MUNICIPAL CLERKS, TREASURERS AND:					100.00	100.00	
<b>MONTANA RAIL LINK</b>							
112	MONTANA RAIL LINK	460173 459988	Agreement 600286 & 88742	07/01/2021	200.00	200.00	07/15/2021
Total MONTANA RAIL LINK:					200.00	200.00	
<b>MONTANA RESCUE</b>							
10003	MONTANA RESCUE	1059	SWIFT WATER RESCUE COURS	07/12/2021	1,161.00	1,161.00	07/15/2021
10003	MONTANA RESCUE	1059	SWIFT WATER RESCUE COURS	07/12/2021	774.00	774.00	07/15/2021
Total MONTANA RESCUE:					1,935.00	1,935.00	
<b>MT WATERWORKS</b>							
3016	MT WATERWORKS	35082	Meter PARTS	06/17/2021	4,574.35	4,574.35	07/15/2021
3016	MT WATERWORKS	35083	HOSE VALVE W CAP	06/17/2021	650.00	650.00	07/15/2021
3016	MT WATERWORKS	35164	brass saddle	06/24/2021	1,791.52	1,791.52	07/15/2021
3016	MT WATERWORKS	35165	Brass Saddle	06/24/2021	1,674.80	1,674.80	07/15/2021
3016	MT WATERWORKS	35220	valves	06/29/2021	1,113.00	1,113.00	07/15/2021
3016	MT WATERWORKS	35221	HOSE VALVE W CAP	06/29/2021	700.00	700.00	07/15/2021
Total MT WATERWORKS:					10,503.67	10,503.67	
<b>MURDOCH'S RANCH &amp; HOME SUPPLY</b>							
3688	MURDOCH'S RANCH & HOME S	K00555/37	HUSKY HEDGE TRIMMER	06/16/2021	344.98	344.98	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00579/37	BATTERY	06/25/2021	239.98	239.98	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00598/37	WATER CAN	06/29/2021	25.98	25.98	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00615/37	GOOSE SIDE W/DROP LEG	07/07/2021	139.99	139.99	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00622/37	INSECT TRAP	07/09/2021	119.98	119.98	07/15/2021
Total MURDOCH'S RANCH & HOME SUPPLY:					870.91	870.91	
<b>NATHAN JOHNSON</b>							
10003	NATHAN JOHNSON	723339	TREE REMOVAL AND PRUNING	06/28/2021	1,500.00	1,500.00	07/15/2021
Total NATHAN JOHNSON:					1,500.00	1,500.00	
<b>NELSON TREE SERVICE</b>							
1543	NELSON TREE SERVICE	2021-041	PRUNE OR REMOVE TREES ON	06/28/2021	3,700.00	3,700.00	07/15/2021
Total NELSON TREE SERVICE:					3,700.00	3,700.00	
<b>NORTHWESTERN ENERGY</b>							
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	229.27	229.27	07/15/2021
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	229.27	229.27	07/15/2021
151	NORTHWESTERN ENERGY	0709794-2	WRF 316 Bennett	01/09/2019	1,201.96	1,201.96	07/15/2021
151	NORTHWESTERN ENERGY	0709796-7	97 View Vista Drive	01/15/2019	6.00	6.00	07/15/2021



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	0709869-2	Carol Lane	01/15/2019	150.21	150.21	07/15/2021
151	NORTHWESTERN ENERGY	0709870-0	G Street Park - 422 S G	01/15/2019	107.94	107.94	07/15/2021
151	NORTHWESTERN ENERGY	0709871-8	Star Addition - Lights	01/15/2019	335.14	335.14	07/15/2021
151	NORTHWESTERN ENERGY	0709873-4	800 W Cambridge - Pump Station	01/15/2019	30.92	30.92	07/15/2021
151	NORTHWESTERN ENERGY	0709874-2	Werner Addition Pump	01/09/2018	77.42	77.42	07/15/2021
151	NORTHWESTERN ENERGY	0709875-9	900 River Drive Pump	01/09/2019	2,772.56	2,772.56	07/15/2021
151	NORTHWESTERN ENERGY	0709876-7	132 South B Street - B St Well	01/10/2019	1,354.42	1,354.42	07/15/2021
151	NORTHWESTERN ENERGY	0709878-3	227 River Drive - Concessions sta	01/10/2019	40.09	40.09	07/15/2021
151	NORTHWESTERN ENERGY	0709879-1	227 River Drive - Softball Field	01/10/2019	493.82	493.82	07/15/2021
151	NORTHWESTERN ENERGY	0709886-6	200 E Reservoir	01/15/2019	39.89	39.89	07/15/2021
151	NORTHWESTERN ENERGY	0709891-6	Cemetery Road Shop - 15 Fleshm	01/15/2019	70.93	70.93	07/15/2021
151	NORTHWESTERN ENERGY	0709892-4	40 Water Tower Avenue	01/15/2019	51.94	51.94	07/15/2021
151	NORTHWESTERN ENERGY	0709894-0	56 Water Tower	01/08/2019	414.82	414.82	07/15/2021
151	NORTHWESTERN ENERGY	0709914-6	1011 River Dr - Edge Water Sewe	01/09/2019	20.77	20.77	07/15/2021
151	NORTHWESTERN ENERGY	0719058-0	3 Rogers Lane Lift Station	01/09/2019	83.98	83.98	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.02	216.02	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.02	216.02	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.03	216.03	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.03	216.03	07/15/2021
151	NORTHWESTERN ENERGY	0720176-7	Weimer Park	01/15/2019	46.48	46.48	07/15/2021
151	NORTHWESTERN ENERGY	1134866-1	N 2nd & Montana & Chinook	01/15/2019	37.50	37.50	07/15/2021
151	NORTHWESTERN ENERGY	1134879-4	N 7th & Montana & Chinook	01/15/2019	20.73	20.73	07/15/2021
151	NORTHWESTERN ENERGY	1155965-5	229 River Drive	01/15/2019	8.73	8.73	07/15/2021
151	NORTHWESTERN ENERGY	1290352-2	School Flasher Park & 13th	01/15/2019	8.57	8.57	07/15/2021
151	NORTHWESTERN ENERGY	1441030-2	D & Geyser Well House	01/10/2019	1,315.35	1,315.35	07/15/2021
151	NORTHWESTERN ENERGY	1452951-5	Starlow on Monroe	01/09/2019	287.50	287.50	07/15/2021
151	NORTHWESTERN ENERGY	1493850-0	412 W Callender	01/15/2019	44.02	44.02	07/15/2021
151	NORTHWESTERN ENERGY	1498936-2	I90 & 89S-ing	01/15/2019	6.00	6.00	07/15/2021
151	NORTHWESTERN ENERGY	1594141-2	9th & 10th Lift Station	01/09/2019	31.07	31.07	07/15/2021
151	NORTHWESTERN ENERGY	1613803-4	M & N on Callender	01/15/2019	41.54	41.54	07/15/2021
151	NORTHWESTERN ENERGY	1728687-3	Transfer Station 408 Bennett Stre	01/08/2019	321.23	321.23	07/15/2021
151	NORTHWESTERN ENERGY	1747570-8	D & E on Callender	01/15/2019	32.60	32.60	07/15/2021
151	NORTHWESTERN ENERGY	1747572-4	F & G on Callender	01/15/2019	19.10	19.10	07/15/2021
151	NORTHWESTERN ENERGY	1893530-4	600 W Park	01/15/2019	53.92	53.92	07/15/2021
151	NORTHWESTERN ENERGY	1893536-1	E Street & Alley	01/15/2019	26.82	26.82	07/15/2021
151	NORTHWESTERN ENERGY	1893541-1	18 W Park	01/15/2019	70.70	70.70	07/15/2021
151	NORTHWESTERN ENERGY	1906055-7	815 North 13th - Soccer Fields	01/16/2019	2.32	2.32	07/15/2021
151	NORTHWESTERN ENERGY	2021.6.8 32862	3286284-9 101 STAR RD	06/08/2021	23.84	23.84	07/15/2021
151	NORTHWESTERN ENERGY	2023479-5	900 W Geyser Street School Light	01/15/2019	6.48	6.48	07/15/2021
151	NORTHWESTERN ENERGY	2023484-5	1100 W Geyser Street School Lig	01/15/2019	6.35	6.35	07/15/2021
151	NORTHWESTERN ENERGY	2114861-4	132 South B Street Lights	01/15/2019	113.40	113.40	07/15/2021
151	NORTHWESTERN ENERGY	2138754-3	G Street Park - Mike Webb Park	01/15/2019	106.21	106.21	07/15/2021
151	NORTHWESTERN ENERGY	2171060-3	Scale House 408 Bennett Street	01/15/2019	41.88	41.88	07/15/2021
151	NORTHWESTERN ENERGY	3015965-1	330 Bennett - Fire Training Center	01/15/2019	44.06	44.06	07/15/2021
151	NORTHWESTERN ENERGY	3093003-6	114 West Summit	01/15/2019	22.41	22.41	07/15/2021
151	NORTHWESTERN ENERGY	3093023-4	320 North Main	01/15/2019	3.10	3.10	07/15/2021
151	NORTHWESTERN ENERGY	3093027-5	105 West Park	01/15/2019	31.20	31.20	07/15/2021
151	NORTHWESTERN ENERGY	3141997-1	C & D on Lewis	01/15/2019	17.53	17.53	07/15/2021
151	NORTHWESTERN ENERGY	3184602-5	202 South 2nd	01/15/2019	13.20	13.20	07/15/2021
151	NORTHWESTERN ENERGY	3210240-2	616 River Drive	01/15/2019	6.35	6.35	07/15/2021
151	NORTHWESTERN ENERGY	3258086-2	2800 East Park Lift Station	01/15/2019	143.45	143.45	07/15/2021
151	NORTHWESTERN ENERGY	3258262-9	320 Alpenglow Lift Station	01/08/2019	152.86	152.86	07/15/2021
151	NORTHWESTERN ENERGY	3267010-1	330 Bennett - Compactor	01/08/2019	94.34	94.34	07/15/2021
151	NORTHWESTERN ENERGY	3287727-6	320 Alpenglow LN-	01/15/2019	42.95	42.95	07/15/2021
151	NORTHWESTERN ENERGY	3386783-9	Btwn G and H on Clark	01/15/2019	25.74	25.74	07/15/2021
151	NORTHWESTERN ENERGY	3386845-6	Btwn I and K on Callender	01/15/2019	24.97	24.97	07/15/2021
151	NORTHWESTERN ENERGY	3386846-4	Btwn 7th and 8th on Summit	01/15/2019	16.99	16.99	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	3506014-4	Brookstone/Elm	02/15/2019	4.05	4.05	07/15/2021
151	NORTHWESTERN ENERGY	3566038-0	114 East Callender	01/15/2019	15.19	15.19	07/15/2021
151	NORTHWESTERN ENERGY	3566039-8	115 East Lewis	01/15/2019	2.64	2.64	07/15/2021
151	NORTHWESTERN ENERGY	3585235-9	New WRF 316 Bennett	01/09/2019	12,839.03	12,839.03	07/15/2021
151	NORTHWESTERN ENERGY	3643752-3	115 East Clark	09/16/2019	29.96	29.96	07/15/2021
151	NORTHWESTERN ENERGY	3643753-1	112 East Clark	09/04/2019	26.13	26.13	07/15/2021
151	NORTHWESTERN ENERGY	3678204-3	502 River Dr. Pmp	10/16/2019	.00	.00	
151	NORTHWESTERN ENERGY	3725873-8	340 Bennett	12/12/2019	32.16	32.16	07/15/2021
151	NORTHWESTERN ENERGY	3753023-5	410 Bennett Transfer St Shop	08/07/2020	269.09	269.09	07/15/2021
151	NORTHWESTERN ENERGY	3828216-6	203 W Callender	12/14/2020	6.00	6.00	07/15/2021
151	NORTHWESTERN ENERGY	3867654-0	2222 Willow Dr. Lt A	04/14/2021	.00	.00	
Total NORTHWESTERN ENERGY:					25,111.19	25,111.19	
<b>PIERCE CARPET MILL OUTLET</b>							
10002	PIERCE CARPET MILL OUTLET	CM036299	FLOORING	02/08/2021	8,734.90	8,734.90	07/15/2021
Total PIERCE CARPET MILL OUTLET:					8,734.90	8,734.90	
<b>PLUMMER, JAMIE</b>							
10003	PLUMMER, JAMIE	2021.6.23	SERVICES	06/23/2021	262.50	262.50	07/15/2021
Total PLUMMER, JAMIE:					262.50	262.50	
<b>REDSTONE LEASING</b>							
3842	REDSTONE LEASING	2021.8	Lease 34 OF 60	07/10/2021	203.07	203.07	07/15/2021
Total REDSTONE LEASING:					203.07	203.07	
<b>REPUBLIC SERVICES #670</b>							
10000	REPUBLIC SERVICES #670	0670-0002834	June Disposal	06/30/2021	106,609.87	106,609.87	07/15/2021
Total REPUBLIC SERVICES #670:					106,609.87	106,609.87	
<b>RIVERSIDE HARDWARE LLC</b>							
3659	RIVERSIDE HARDWARE LLC	141364	SPRING SNAP	07/12/2021	7.96	7.96	07/15/2021
Total RIVERSIDE HARDWARE LLC:					7.96	7.96	
<b>ROCKY MOUNTAIN INFORMATION</b>							
2419	ROCKY MOUNTAIN INFORMATI	26756	RMIN Membership	07/01/2021	50.00	50.00	07/15/2021
Total ROCKY MOUNTAIN INFORMATION:					50.00	50.00	
<b>SECURE WARRANT</b>							
3797	SECURE WARRANT	143	Annual Subscription	04/28/2021	2,500.00	2,500.00	07/15/2021
Total SECURE WARRANT:					2,500.00	2,500.00	
<b>STAFFORD ANIMAL SHELTER</b>							
1439	STAFFORD ANIMAL SHELTER	2021.6	Boarding AND VACC	06/30/2021	1,531.25	1,531.25	07/15/2021
Total STAFFORD ANIMAL SHELTER:					1,531.25	1,531.25	
<b>THOMSON REUTERS - WEST</b>							
2823	THOMSON REUTERS - WEST	844628257	Information Char	07/01/2021	309.57	309.57	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total THOMSON REUTERS - WEST:					309.57	309.57	
<b>TOWN &amp; COUNTRY FOODS - LIVINGSTON</b>							
2595	TOWN & COUNTRY FOODS - LI	203	Cleaning supplies	07/08/2021	6.21	6.21	07/15/2021
Total TOWN & COUNTRY FOODS - LIVINGSTON:					6.21	6.21	
<b>TRANSUNION RISK &amp; ALTERNATIVE</b>							
3376	TRANSUNION RISK & ALTERNA	380349-20210	380349 Investigative Research	06/30/2021	75.00	75.00	07/15/2021
Total TRANSUNION RISK & ALTERNATIVE:					75.00	75.00	
<b>US BANK</b>							
845	US BANK	1784381	2021 0039414NS BONDS	05/26/2021	35,000.00	35,000.00	06/15/2021
845	US BANK	1784381	2021 0039414NS BONDS	05/26/2021	10,146.88	10,146.88	06/15/2021
845	US BANK	2021.7.1	STREET REPAIR 2425-01	07/01/2021	20,819.48	20,819.48	07/15/2021
845	US BANK	2021.7.1	STREET REPAIR 2425-01	07/01/2021	684.96	684.96	07/15/2021
845	US BANK	2021.7.1 2760-	2760-01	07/01/2021	3,680.18	3,680.18	07/15/2021
845	US BANK	2021.7.1 2760-	2760-01	07/01/2021	383.69	383.69	07/15/2021
845	US BANK	2021.7.1 2840-	2840-01	07/01/2021	21,762.86	21,762.86	07/15/2021
845	US BANK	2021.7.1 2840-	2840-01	07/01/2021	1,104.19	1,104.19	07/15/2021
845	US BANK	2021.7.1 2840-	2840-02	07/01/2021	2,185.69	2,185.69	07/15/2021
845	US BANK	2021.7.1 2840-	2840-02	07/01/2021	111.59	111.59	07/15/2021
Total US BANK:					95,879.52	95,879.52	
<b>US POST OFFICE</b>							
2596	US POST OFFICE	2021.7.13	Postage for Utility Bills	07/13/2021	2,500.00	2,500.00	07/13/2021
2596	US POST OFFICE	2021.7.13	Postage for Utility Bills	07/13/2021	2,500.00	2,500.00	07/13/2021
2596	US POST OFFICE	2021.7.13	Postage for Utility Bills	07/13/2021	2,500.00	2,500.00	07/13/2021
Total US POST OFFICE:					7,500.00	7,500.00	
<b>UTILITIES UNDERGROUND LOCATION</b>							
3472	UTILITIES UNDERGROUND LO	1065089	Excavation Notifica	06/30/2021	83.21	83.21	07/15/2021
3472	UTILITIES UNDERGROUND LO	1065089	Utility locate noti	06/30/2021	83.21	83.21	07/15/2021
3472	UTILITIES UNDERGROUND LO	1065089	Excavation Notifica	06/30/2021	83.21	83.21	07/15/2021
3472	UTILITIES UNDERGROUND LO	400078.1	LIV01	07/01/2021	110.80	110.80	07/15/2021
Total UTILITIES UNDERGROUND LOCATION:					360.43	360.43	
<b>WESTERN DRUG</b>							
1396	WESTERN DRUG	330296	Patient Supplies	07/02/2021	99.47	99.47	07/15/2021
1396	WESTERN DRUG	331751	Pt Supplies	07/12/2021	15.86	15.86	07/15/2021
Total WESTERN DRUG:					115.33	115.33	
<b>WESTERN MUNICIPAL CONSTRUCTION, INC.</b>							
10000	WESTERN MUNICIPAL CONSTR	PAY APP2	5TH STREET SEWER	06/14/2021	204,536.79	204,536.79	07/15/2021
10000	WESTERN MUNICIPAL CONSTR	PAY APP2	1% GROSS RECEIPTS TAX	06/14/2021	2,045.37-	2,045.37-	07/15/2021
Total WESTERN MUNICIPAL CONSTRUCTION, INC.:					202,491.42	202,491.42	
<b>WISPWEST.NET</b>							
2087	WISPWEST.NET	653708	Internet	07/01/2021	50.12	50.12	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total WISPWEST.NET:					50.12	50.12	
<b>WOODS ROSE MARKET</b>							
3747	WOODS ROSE MARKET	1001	Downtown Flowers	02/08/2021	6,580.00	6,580.00	07/15/2021
Total WOODS ROSE MARKET:					6,580.00	6,580.00	
Grand Totals:					586,562.26	586,562.26	

Dated: \_\_\_\_\_

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

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

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

**File Attachments for Item:**

**A. SHANNON HOLMES PUBLIC WORKS DIRECTOR PRESENTS 2020-2021 ASH REMOVAL AND REPLACEMENT PROJECT.**

# 2020-2021 DNRC Update Report:

## Ash Removal and Replacement Project

### City of Livingston

August 5, 2021

The project is almost complete. We have removed 72 trees, about two-thirds of the stumps have been ground, and all 72 new trees have been planted.

We still have bills to be submitted but thus far they include,

\$2,885.00 – For take down of 39 ash trees by Tom Karnatz Tree Service

\$1,850.00 – For take down, removal, and stump grinding of 4 ash trees by AJ Bowers

\$11,638.90 – For 39 trees from Blake Nursery

\$8,798.00 – For 33 trees from Cashman Nursery

\$199.83 – For tie wire from Ace Hardware

\$376.51 – For tree protectors and ties (A.M. Leonard)

\$293.40 – T posts (Murdocks)

Total = \$26,041.64

We will still be receiving bills for all the stump grinding and the removal of 24 trees. We expect to exceed the project total of \$30,000.00.

We are prioritizing this project and hope to have it completed by the end of August 2021.

Map showing the location of where the trees have been planted:



Shannon Holmes

Public Works Director



# 2020 - 2021 DNRC ASH TREE REMOVAL & REPLACEMENT PROJECT



*Here is where we put them!*

Part of the City's EAB Plan

Received maximum **\$15,000** grant from the DNRC

Current project costs (to-date) = **\$26,041**

~20 stumps remain for grinding & stump grinding invoice is outstanding

**72** dying ash trees have been removed & replaced with

Amur Chokecherry

Japanese Lilac

Ivory Silk Tree Lilac

Spring Snow Flowering Crab

Radiant Flowering Crab

Starlite Flowering Crab

Bur Oak

Swamp White Oak

Greenspire Linden

Redmond Linden

Accolade Elm

American Princeton Elm

Northern Hackberry

Helena Maple

Northwood Maple

Autumn Blaze Maple

Celebration Maple

Sienna Glen Maple

Skyline Honeylocust

Patten Pear

Crusader Hawthorn

Toba Hawthorn

Crimson Cloud Hawthorn

Colorado Spruce



**File Attachments for Item:**

**A. RESOLUTION NO. 4990: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR THE FISCAL YEAR 2021-2022 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.**

**RESOLUTION NO. 4990**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2021-2022 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.**

**WHEREAS**, pursuant to 7-6-4001 et seq. Montana Code Annotated (MCA), and by Resolution No.4977 the City Commission approved the Final Budget for the City of Livingston for Fiscal Year 2021-2022; and

**WHEREAS**, after determining the Final Budget, the City Commission is required to determine the property tax levy needed for each fund by:

- a) adding the total amount of the appropriations and authorized expenditures for the budget year;
- b) adding an additional amount as a reserve to meet expenditures made from the fund during the months of July to November of the next fiscal year;
- c) subtracting the working capital; and
- d) subtracting the total estimated revenue, other than the property tax levy, for the budget year; and

**WHEREAS**, pursuant to 7-6-4036, MCA, the City of Livingston is required to fix the tax levy by the later of the first Thursday after the first Tuesday in September or within 30 days after receipt of the certified taxable values, at levels that will balance the budget as provided for in 7-6-4034 MCA and in the manner provided by 15-10-201, MCA, i.e. shall make and fix every such levy in mills and tenths and hundredths of mills; and

**WHEREAS**, the adjusted value of the mill for Fiscal Year 2021-2022 is \$17,656.49, excluding Tax Increment Districts.

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

**Section One.** That the City Commission of the City of Livingston, Montana fix, levy and assess the general all-purpose mill levy and authorized additional mill levies against all taxable property, both real and personal in the City of Livingston, Montana, for the Fiscal Year beginning July 1, 2021, and ending on June 30, 2022, as follows:

<b>Fund</b>	<b>Title</b>	<b>Mill</b>
<b>Mill levies subject to limit (15-10-420, MCA):</b>		
1000	General	144.32
2220	Library	7.00
	<b>Total mills subject to limit:</b>	<b>151.32</b>
<b>Mill levies not subject to mill levy limit (2-18-703(3), MCA):</b>		
2372	Permissive Health Insurance	30.57
	<b>Total mills not subject to limit:</b>	<b>30.57</b>
<b>Voter approved mill levies:</b>		
3002	2016 Fire Truck GOB	4.00
5510	Ambulance	2.00
	<b>Total voter approved mills:</b>	<b>6.00</b>
	<b>Total mills:</b>	<b>187.89</b>

**Section Two.** That the effective date of this Resolution will be July 1, 2021.

**Section Three.** That the taxes fixed, levied and assessed will be collected by the County of Park, Montana, and the Finance Officer of the City of Livingston shall cause to be certified to the County Treasurer and the County Clerk and Recorder of Park County, Montana, a copy of this Resolution immediately after passage.

**Section Four.** That the Finance Officer will within a reasonable time forward a complete copy of the final budget together with tax levies to the Department of Commerce.

**Section Five.** That the City Commission hereby authorizes the City Manager pursuant to 7-6-4031 Montana Code Annotated to transfer appropriations between items within the same fund.

**Section Six.** That, pursuant to 7-6-4006 MCA, appropriations may be adjusted pursuant to procedures authorized by the City Commission for:

- a) debt service funds for obligations related to debt approved by the governing body;
- b) trust funds for obligations authorized by trust covenants;
- c) any fund for federal, state, local or private grants and shared revenue accepted and approved by the City Commission;
- d) any fund for special assessments approved by the City Commission;
- e) the proceeds from the sale of land;
- f) any fund for gifts or donations; and
- g) money borrowed during the fiscal year.

**Section Seven:** That, pursuant to 7-6-4012 MCA, the City Commission hereby authorizes adjustments to appropriations funded by fees throughout the budget period which are based upon the cost of providing a service and are fully funded by the related fees for services, fund reserves

**Resolution No. 4990**

**Resolution of Intent to Levy and Assess the Tax Levy for FY 2021-2022**

or non-fee revenue such as interest for:

- a) proprietary fund appropriations; or
- b) other appropriations specifically identified in the final budget resolution as fee-based appropriations.

**PASSED AND ADOPTED** by the City Commission of the City of Livingston, this 17<sup>th</sup> day of August, 2021.

\_\_\_\_\_  
**DOREL HOGLUND – Chairperson**

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

**File Attachments for Item:**

**A. ORDINANCE NO. 3013: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, ARTICLE IV, and ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO TINY HOMES, MODULAR HOMES AND MANUFACTURED HOMES.**

June 21, 2021

**STAFF REPORT**  
**TEXT AMENDMENT – TINY HOMES AND MANUFACTURED HOMES**

**Background**

Over the last weeks, the Planning Department has received several calls inquiring if property owners are able to place tiny homes constructed offsite on their property, specifically as accessory dwelling units (ADUs). Currently, dwelling units constructed on-site in the traditional manner are only limited in size by the building code. This does not apply to structures built offsite as mobile and manufactured homes have minimum size limits of 800 sq. ft. and 1000 sq. ft. respectively. The 1000 sq. ft. minimum was consistent with the U.S. Department of Housing and Urban Development (HUD) standards for manufactured housing at the time of the adoption of the minimum size standards. The currently HUD standards for manufactured homes have a minimum size of 320 square feet, and the zoning is being proposed to match that size. Furthermore, tiny homes manufactured offsite do not fit well within the definition of manufactured housing that is utilized by HUD or the Zoning Ordinance. These factors are preventing property owners from utilizing tiny homes manufactured offsite as dwelling units. These restrictions limit flexibility in housing type, the placement of potentially more affordable units, discouraging infill on smaller lots, and, as noted above, discourage the public from placing ADUs on their property. Infill, allowing flexibility in housing, affordability, and encouraging ADUs are all stated goals of the 2021 Growth Policy and this update should remove an existing impediment to those goals.

Appendix Q of the 2018 International Building Code (IBC) as adopted by the State of Montana and the City of Livingston deals specifically with standards and the definition of what it calls a “tiny house”, the proposed definition of tiny home is consistent with the definition included in the 2018 IBC. All tiny homes are subject to the adopted building codes, all tiny homes must be placed on a permanent foundation, and will require full utility connections. At this time RV style utilities or inhabitation of an RV is not allowed within the City of Livingston, and as such inhabitation of a trailer style tiny home would not be allowed. Tiny homes are proposed to be allowed in all districts dwelling units are, other than the Central Business District: R-I, R-II, R-II(MH), R-III, RMO, and HC.

The Zoning Commission has requested that staff clarify the difference between mobile homes, manufactured homes, and modular homes. Staff has added a definition of modular homes and updated the definition of mobile and manufactured homes to make this distinction clearer. The distinction is as follows:

- Manufactured homes are dwelling units built in a factory and designed to be transported on their own chassis, and receiving HUD certification. Manufactured homes are generally able to be moved after placement on a property.
- Mobile homes are dwelling units built in a factory and designed to be transported on their own chassis, and built prior to June 15, 1976. Mobile homes are not eligible for HUD certification.

- Modular home are dwelling units built in a factory in sections and designed to be assembled at the building site. Generally, modular homes are not built on a chassis, and once assembled and placed are functionally identical to a dwelling unit built on-site. Modular homes must meet adopted building codes (in Montana 2018 IBC), but are not required to meet HUD standards.

The clarification is for the benefit of the public to minimize confusion while interpreting the Zoning Ordinance and does not functionally change the Zoning Ordinance or its enforcement.

**Proposed Findings of Fact**

***Proposed Zoning Updates:*** Proposed changes to the Zoning Ordinance can be found in a strikethrough-underline version included as Attachment I. Relevant sections of the Zoning Ordinance are reproduced below.

"Manufactured housing" means a structure manufactured offsite, transportable in one or more sections on its own chassis, and in compliance with the 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 or modular home.

"Mobile home" means a trailer or semitrailer, constructed prior to June 15, 1976, 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. A mobile home does not include a manufactured home or modular home.

"Modular Home" means a dwelling unit constructed offsite, in sections, and assembled onsite. Modular homes are not required to be built to United States Department of Housing and Urban Development standards, but must comply with all locally adopted building codes. Modular Homes must be assembled onsite and cannot be transported to a new site once assembled. A modular home does not include a manufactured home or a mobile home.

"Tiny home" is a dwelling unit under 400 square feet of gross floor area and manufactured primarily offsite.

Sec. 30.56.2. - 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 320 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.
- C. All manufactured home must be certified by the U.S. Department of Housing and Urban Development (HUD) and have a certification label as required by HUD standards.

Sec. 30.56.3. – Modular homes.

- A. Modular homes 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. All modular 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.

Sec. 30.56.4. – Tiny homes.

- A. Tiny homes 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. All tiny 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.

***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:

- Goal 3.1 States “Prioritize infill over expansion by taking advantage of existing and planned infrastructure...”. Allowing tiny homes should encourage additional property owners to place ADUs on their property, encouraging infill through additional density on lots already served by City infrastructure and minimizing the need to expand the land area of the City to accommodate housing needs. It could also encourage the placement of homes on smaller lots, allowing for additional infill opportunities.
- Strategy 3.4.1.1 states “Amend the Zoning Ordinance...to include Smart Growth Strategies as requirements for all development prior to approval.” While the proposed zoning update does not require the placement of tiny homes prior to approval of developments, it does allow for development consistent with the following Smart Growth Strategies:
  - Take advantage of compact building design
  - Create a range of housing opportunities and choices
  - Strengthen and direct development towards existing communities.
- Strategy 5.1.1.3 states “Evaluate manufactured or similar type structures to create affordable housing inventory.” Updating the Zoning Ordinance



to allow for tiny homes manufactured offsite and by updating the definition of manufactured housing to be consistent with the current HUD definition of manufactured housing should increase the inventory of affordable housing within the City.

- Strategy 5.1.1.4 states “Review and amend zoning ordinance... to identify legislative changes required to provide housing that meets the needs of all residents.” Tiny homes have the potential to increase the stock of lower cost housing options within the City (important note: while tiny homes generally have a lower purchase price due to their small size, if measured in cost per square foot, tiny homes are generally significantly more expensive than traditional housing options). Currently, there is a noted lack of rental options within the City, especially affordable rentals. By allowing property owners to utilize tiny homes as ADUs the inventory of affordable rentals should increase, especially as ADUs must be utilized as rentals.
- Objective 5.1.2 states “Evaluate the impacts of vacation rentals on Livingston”. There are no restrictions in the Zoning Ordinance on utilizing tiny homes as vacation rentals.
- Strategy 5.1.4.3 states “Promote Accessory Dwelling Units (ADU)”. The proposed zoning promotes ADUs by diversifying the types of building that can be used as ADUs, and potentially allowing for a lower construction cost option for those that would like to place an ADU on their property.
- Chapter 11 states “Investigate updating zoning to promote affordable or employee or workforce housing”. The proposed updates should promote lower cost housing options.

*(b) designed to:*

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

Staff Comments:

- The proposed updates should have no impact on fire safety, all structures will continue to be required to meet building code and building setbacks.

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

Staff Comments:

- The proposed updates should have no impact on public safety.
- The provision of safe and secure housing as promoted by the zoning update are a benefit to both public health and general welfare.

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

Staff Comments:

- Densities for dwelling units are not proposed to be changed in this update, as such the provision of services should not be impacted. While the placement of tiny homes may encourage additional infill development, the maximum allowed density continues to be governed by the underlying zoning district.
- The allowance for ADUs did substantially increase densities, impacting the provision of public requirements, though the City continues to have adequate capacity in public systems. The proposed zoning update does not allow for any additional densities above the already adopted ADU allowance, though it should encourage the placement of additional ADUs.

*(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 should not have any impact on light and air, no changes to setbacks or building heights are proposed.

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

Staff Comments:

- Densities for dwelling units are not proposed to be changed in this update, as such transportation should not be impacted. While the placement of tiny homes may encourage additional infill development, the maximum allowed density continues to be governed by the underlying zoning district.
- The allowance for ADUs did substantially increase densities, increasing use of transportation systems. The proposed zoning update does not allow for any additional densities above the already adopted ADU allowance, though it should encourage the placement of additional ADUs.

*(c) promotion of compatible urban growth;*

Staff Comments:

- Under existing building code, site-built structures can be under 400 square feet, this update simply allows structures built off-site to be treated in the same manner as site-built.
- The update allows a different building type than is currently allowed but the allowance for tiny homes should not be incompatible with existing residential and mixed-used neighborhoods.
- The community has shown a marked preference for infill growth rather than outward growth and this update should encourage additional infill growth throughout the residential and mixed-use areas of the City.

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

Staff Comments:

- Tiny homes can be used as dwelling units and ADUs, this use does not differ from existing uses in residential and mixed-use districts, and the placement of tiny homes is not incompatible with these areas.

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

Staff Comments:

- The proposed Zoning Amendment should have a positive effect on property values as it allows more flexibility in building on existing lots.
- Tiny homes encourage the placement of additional infill and ADUs which is an appropriate use of land in both the residential and mixed-use districts. The Growth Policy notes both the appropriateness of infill development, ADUs, and diverse housing types.

**Public Hearing**

The Zoning Commission heard this item at their regularly scheduled meeting, June 8, 2021. At that time the Zoning Commission voted unanimously (4:0) to approve the zone map amendment. The zoning commission recommended three (3) changes to the language proposed by staff which have been included in the Draft Ordinance (Attachment II):

- Make the distinction between manufactured, mobile, and modular housing clearer in the zoning regulation.
  - Staff has added language to define modular homes, and updated the definitions of mobile and manufactured housing to clarify the distinctions between the different housing types. The addition of a definition of modular housing does not have any affect on the zoning ordinance as they were already treated as dwelling units.
  - Staff has added modular homes to the use table, to be permitted in all districts which allow single or multi-family dwelling units.
  - Staff has added language to require modular homes be placed on a permanent foundation.
- Allow tiny home as the primary dwelling unit not just as ADUs as proposed by staff:
  - Staff has removed the requirements that tiny homes only be allowed as ADUs.
  - Staff has updated the use table to allow tiny homes in the R-III district, which they were not due to ADUs not being allowed in the R-III district.
- Remove the now unnecessary exception to the size requirements for governments and non-profits.

- Staff has removed this language.

Staff is in full support of these recommended changes.

**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.....Strikethrough-underline version of amendment
- Attachment II.....Draft Ordinance
- Attachment III.....Zoning Commission Staff Report

Chapter 30 - ZONING

**Articles:**

Article I. - Introductory Provisions

Sec. 30.10. - Title.

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

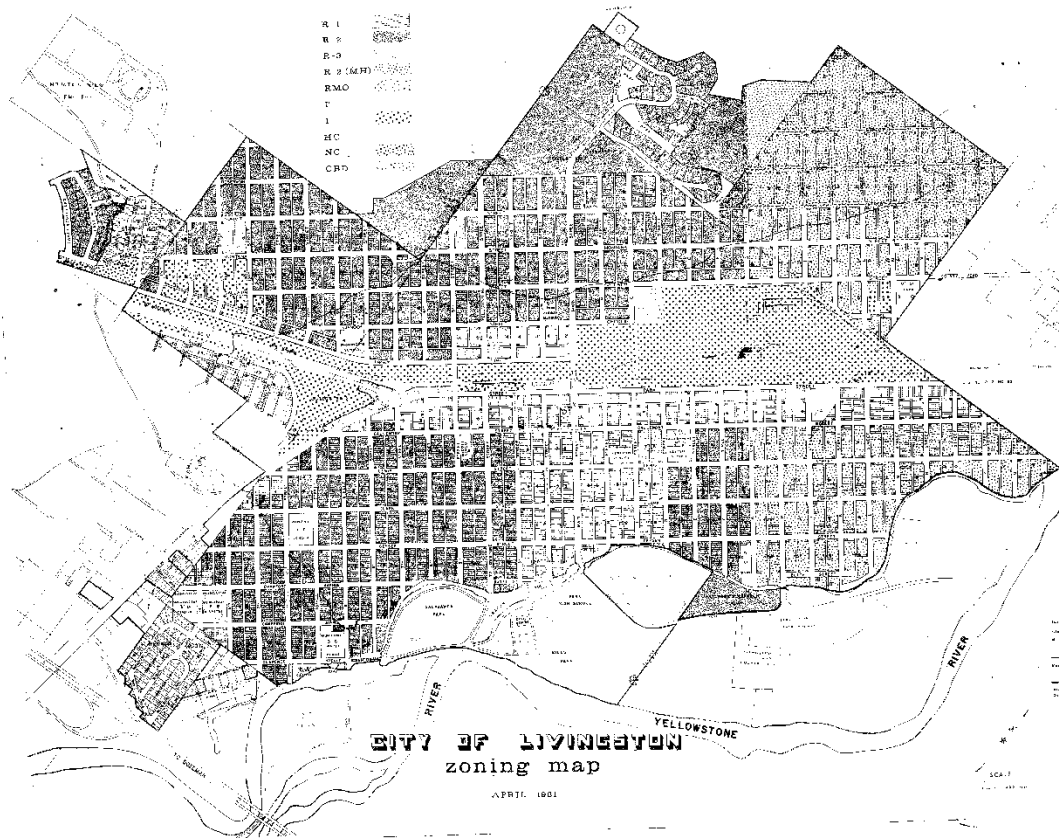
"Board" means the Board of Adjustment of the City of Livingston.

"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.

"Health and exercise establishment" means an establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities. Permitted accessory uses include child care, sun tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

"Health and exercise establishment" means an establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities. Permitted accessory uses include child care, sun tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and restaurant services.



"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 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.

"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, structure manufactured offsite, transportable in one or more sections on its own chassis,~~ and ~~is~~ in compliance with the 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 or modular 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).

"Marijuana production facility" means an establishment where marijuana or marijuana products are grown, cultivated, manufactured or processed.

~~Mobile Home.~~ "Mobile home" means a trailer or semitrailer, constructed prior to June 15, 1976, 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. A mobile home does not include a manufactured home or modular home.

"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.

"Modular Home" means a dwelling unit constructed offsite, in sections, and assembled onsite. Modular homes are not required to be built to United States Department of Housing and Urban Development standards, but must comply with all locally adopted building codes. Modular Homes must be assembled onsite and cannot be transported to a new site once assembled. A modular home does not include a manufactured home or a mobile home.

"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.

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

"Retail" means the rental or sale of tangible personal property. Includes alcohol and marijuana sales.

"Retail, large-scale" means the rental or sale of tangible personal property where the total area utilized by a single tenant occupies 20,000 square feet or more of gross floor area or outdoor space, exclusive of parking.

"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.

"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.

"Tiny home" means a dwelling unit under 400 square feet of gross floor area and manufactured primarily onsite.

"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.

"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 III. - Zoning Districts

Sec. 30.30. - Zoning districts.

To carry out the provisions of this Chapter, the City is divided into the following zoning districts in which the erection, construction, alteration, reconstruction, repair or use of buildings, structures and land shall be

regulated and restricted. The regulation in each district shall be uniform throughout each district but may differ from those in other districts.

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

R-I Low Density. A single-family residence district with a large plat area required and including customary residential accessory uses.

R-II Medium Density. Primarily a single-family residence district. Duplexes and two (2) family dwellings may also be accommodated on lots of adequate plat sizes.

R-II Medium Density: Mobile Home. A district primarily intended for single and two (2) family dwellings which also allows for the placement of mobile homes.

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

RMO Residential Mobile Home. A district permitting mobile home development.

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

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

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

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

N.C. Neighborhood Commercial. The Neighborhood Commercial classification is intended to primarily provide for community retail services, office facilities or convenience retail development.

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

PZD. The Preservation Zoning District is designed to supplement land uses and development standards by recognizing the unique characteristics of an existing structure(s) which may be important to the community to preserve from either a historical or architectural design perspective or by recognizing the unique characteristics of a specific piece of property due to natural features, including topographic features, watercourses, woodlands and wildlife habitats. It is the intent that the uses to be allowed are an inducement to the preservation of the historic or architectural design of the building(s) or the natural features, and shall not be construed as creating a benefit for the owner of the property to the detriment of other property owners surrounding the Preservation Zoning District, i.e., this is not to be construed as creating special legislation for the benefit of the Preservation Zoning District property owner(s), but rather a method for the preservation of historic or architectural designs or natural features important to the community.

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

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

Article IV. - District Regulations

Sec. 30.40. - List of uses.

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

**Table 30.40**  
**List of Uses**

A = Acceptable S = Special Exception Permit Required N = Not Accepted											
	R-I	R-II	RII-MH	R-III	RMO	NC <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	N	A	N	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	N	N	N
<u>Tiny Homes</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
<u>Manufactured Housing</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N
<u>Modular Homes</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>
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	N	N	N	N	N	A	A	A	A	S	N
Large-scale Retail	N	N	N	N	N	N	S	S	S	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
Health and Exercise Establishment	N	N	N	N	N	A	A	A	A	S	S
Marijuana Production 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						
Zoning Classification District						
	Low Density R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)
Min. Lot Area per Dwelling Unit in Square Feet <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. Setback Requirements						
Front Street	25'	25'	20'	20'	20'	25'
Side	15'	5' or B) or C)	5' or B) or C)	10' or C)	5' or C)	5' or C)
Rear	5'	5'	5'	5'	15'	15'

Side Street	15'	10'	10'	10'	10'	10'
Max. Height for all Bldgs.	27'	27'	45'	15'	27'	27'
Off-Street Parking Requirements	2 per one (1) family dwelling 1 per accessory dwelling	2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit 1 per accessory dwelling	Refer to Art. V Sec. 30.51	2 per dwelling unit in one (1) family and two (2) family dwellings 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.
- B) 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
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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 Setback Requirements					
Front Street	20'	20'	20'	0' with boulevard	N/A
				10' without boulevard	
Side	0' or A)	0' or A)	0' or A)	10' or A)	N/A
Side 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 large-scale retail uses and 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 Official Zoning Map. If meeting the above criteria, 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.
  5. For large-scale retail uses: Off-street parking is required to be on the same lot and to the rear of the primary structure on the lot.
- 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.
Health and exercise establishment	One per 200 square feet of gross floor area plus 3 per court
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 street, 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, 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.

- 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. 30.56.1 - 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. 30.56.21 - 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~~ 320 (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.
- C. ~~All manufactured homes must be certified by the U.S. Department of Housing and Urban Development (HUD) and have a certification label as required by HUD standards. A manufactured home of less than 4000 square feet may be placed if it meets all of the following conditions:~~
  - ~~a. The structure is on a permanent foundation.~~
  - ~~b. The tract or parcel of land for the proposed use must be owned by a unit of local government or a community housing development organization.~~
  - ~~c. The home must be used to provide affordable housing to households earning less than 80% of the area median income.~~
  - ~~d. A management plan from the local government or community housing development organization addressing the following factors is submitted to the City Administration and City Commission:~~
    - ~~i. Affordability plan (including proposed rents).~~
    - ~~ii. Management plan (including client eligibility and intake).~~
    - ~~iii. Proposed deed restrictions to be placed on the property requiring adherence to approved affordability plan.~~

Sec. 30.56.3. – Modular homes.

- A. Modular homes 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. All modular 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.

Sec. 30.56.4. – Tiny homes.

- A. Tiny homes 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. All tiny 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 close 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 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 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, setbacks, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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)

Article VII. - Zoning Commission and Board of Adjustment

Sec. 30.70. - Zoning commission.

There is created for the City of Livingston a Zoning Commission as provided by statute, consisting of five (5) citizen members, appointed by the Chairman and subject to the confirmation of the City Commission. Terms of each member shall run concurrent with the term of the Chairman.

- A. Powers and Duties. The duties and powers of the Zoning Commission shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein,

and to hold public meetings and to make recommendations to the City Commission on all requests to amend, supplement, change, modify or repeal the regulations, restrictions and boundaries in the zoning districts. The City Commission shall not hold its public hearings or take action until it has received a final report from the Zoning Commission.

- B. Proceedings of the Zoning Commission. The Zoning Commission shall hold its meetings in the City-County Complex and the presence of three (3) members shall constitute a quorum.

The Zoning Commission shall keep minutes of their proceedings, showing the vote of each member, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Zoning Coordinator. The official minutes of the Zoning Commission's proceedings shall be signed by the Chairman or acting chairman and attested to by the secretary.

(Ord. 1868, 2/2/98)

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

- A. General. This chapter, 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 30.71E and recommendation.
- B. Applications for Map Amendments and Amendments to Text. Unless initiated by the 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.

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. The names and addresses of the owners of the adjacent land;
    - d. 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.
- C. 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. Notify, 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 (10) days and no later than five (5) days prior to the date of the public hearing. Post the subject property not less than five (5) days prior to the public hearing. Posted notice shall include the nature of the change being requested as well as the time, date and location of the public hearing;
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.

D. 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 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
2. Grant the application for amendment to the Official Map; 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.

E. City Commission Public Hearing. Before taking action on an application for an amendment to the Official Map, 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.

(Ord. 1861, 6/16/97; Ord. 1868, 2/2/98; Ord. No. 2004, § 1, 8/4/08)

Sec. 30.72. - Reserved.

**Editor's note**— Ord. No. 2004, § 1, adopted Aug. 4, 2008, repealed § 30.72 which pertained classification of newly annexed area and derived from Ord. No. 1868, adopted Feb. 2, 1998.

Sec. 30.73 -

- B. Hearings, Appeals, Notices. The City commission shall hear and decide appeals where it is alleged that there is an error in any order requirement, decision, or determination made by an administrative official in enforcement of the City's zoning regulations.

The City Commission shall fix a reasonable time for the hearing of appeal not to exceed thirty (30) days, give public notice thereof as well as due notice to the parties in interest, and render a decision within a reasonable time not to exceed ten (10) days thereafter. At the hearing any party may appear in person or by attorney.

- C. Appeals: Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the City Commission after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

- D. Decisions, Appeals Re-Hearing. In exercising the above mentioned powers, City Commission may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

The concurring vote of four (4) members of the City Commission shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under such resolution.

Any person or persons, jointly or severally, aggrieved by any decision of the, City Commission made under this part, or any taxpayer, or any officer, department, or board of the City may present to a court of record a petition setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the decision in the office of the City Commission.

If an application for an administrative review is denied by the City Commission, another application shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Commission after a showing of a change of circumstances which would warrant a re-hearing.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.74. - Variances—application procedures.

- A. Applications. An application for variance shall be filed with the Zoning Coordinator under the following conditions:
  1. The application shall include, but not be limited to the following:
    - a. A legal and general description of the tract(s) upon which a variance is sought.
    - b. The name and address of the owner(s) of the land subject to the variance.
  2. The applicant shall present a map showing the location of the property for which the application is submitted, and its relationship to adjoining property.

3. The applicant shall present a dimensioned site plan of the property for which the application is submitted which shall include, but not be limited to, the following:
    - a. The location and dimension of all vehicular points of ingress and egress, drives, off-street parking spaces, channelizations and traffic circulation, and;
    - b. The location and size of all existing and proposed buildings, structures, and improvements, and;
    - c. The existing buildings, structures, and improvements shall be labeled as such and indicated by a solid line. The proposed buildings, structures, and improvements shall be labeled as such and indicated by a dashed or dotted line.
  4. The reason why the variance is being sought.
  5. Be accompanied by proof of payment of all applicable fees.
  6. An application for a variance may not be withdrawn or amended by the applicant after the legal advertising as required by this article shall have first appeared.
- B. Zoning Coordinator Action. The Zoning Coordinator, upon receiving an application for a variance, shall do the following:
1. Consult with other departments of the City to fully evaluate the impact upon public facilities and services.
  2. Study each application with reference to its appropriateness and effect on existing and proposed land uses.
  3. Place notice of the time, date and place of the public hearing in a newspaper of general circulation at least fifteen (15) days in advance of the date set for the public hearing.
  4. Notify the applicant and property owners, by mail, within three hundred (300) feet of the exterior boundaries of the property subject to the variance of the time, date and place of the public hearing and the proposed variance on the subject property at least ten (10) days prior to the date of the public hearing.
  5. Place a notice of the time, date, and place of the public hearing on the property at least ten (10) days prior to the hearing date.
  6. Report the findings to the City Commission.
- D. The City Commission may authorize upon appeal in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

Under no circumstances shall the City Commission grant a variance that would allow a use not permissible under the terms of the ordinance in the district involved. A variance shall not be a grant of special privilege inconsistent with the limitations placed upon property in the district.

The City Commission may prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.75. - Special exceptions.

- A. General. Special Exceptions for uses other than those specifically permitted in each district, are intended to provide, in appropriate cases, and subject to appropriate conditions and safeguards, to be Special Exceptions to the terms of the Zoning Ordinance of the City of Livingston, when granted in harmony with its general purposes and intent of the ordinance.



No Special Exceptions shall be granted by the City Commission unless the Board of Adjustment finds:

1. The use will not place a substantial adverse affect upon nearby properties or their occupants.
2. That the proposed use is in harmony with the general purposes and intent of the zoning ordinance.
3. If desired, the City Commission may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception.

B. Applications. An application for a Special Exception must be filed by the property owner.

Such application shall be filed with the Zoning Coordinator and shall be submitted under the following conditions:

1. The application shall include, but not be limited to the following information:
  - a. A legal and general description of the tract(s) upon which the Special Exception is sought.
  - b. The map showing the dimensions, acreage and location of the tract(s).
  - c. The name and address of the owner(s) of the tract(s).
  - d. A site plan showing major details of the proposed development including but not limited to: the location of proposed and existing buildings and structures; off-street parking and loading, when required, service and refuse areas; means of ingress and egress; landscaping, screening signs, and open space areas.
  - e. A time schedule for development.
  - f. Any other information the applicant believes will support his request.

The application must be submitted to the Zoning Coordinator. Proof of payment of all applicable fees from the City must accompany all applications. No application defect shall effect the validity of any such application.

C. Zoning Coordinator Action. The Zoning Coordinator, upon receiving an application for a Special Exception shall do the following:

1. Consult with other departments of the City and/or County to fully evaluate the impact of the use(s) contemplated under the application upon public facilities and services.
2. Study each application with reference to its appropriateness and effect on existing and proposed land uses.
3. Place a notice of the time, date, and place of the public hearing before the appropriate body in the legal newspaper of the City at least fifteen (15) days in advance of the date of the public hearing.
4. Notify the applicant and property owners by first class mail, within three hundred (300) feet of the exterior boundaries of the tract(s) of the proposed Special Exception area of the time, date, place of the public hearing and the proposed use(s) of the subject property at least ten (10) days prior to the date of the public hearing.

D. City Commission Action. The City Commission shall consider each application in accordance with provisions of this Article, and at a public hearing at which time the application has been legally advertised. Each application shall be presented by the Zoning Coordinator, together with conclusions and recommendations.

The City Commission shall:

1. Deny the application for a Special Exception, or
2. Grant the application for a Special Exception, or
3. Delay action on the application for a period not to exceed thirty (30) days, or
4. Grant the application with special conditions and safeguards.

(Ord. No. 2004, § 1, 8/4/08)

Article VIII. - Administration and Enforcement

Sec. 30.80. - Building official.

The provisions of this ordinance shall be enforced by the Building Official, subject to such variations or interpretations as may be made by the Board of Adjustment.

The Building Official shall:

1. Issue building permits for all construction, alteration, demolition, or movement of buildings or structures after first determining that all applicable provisions of this ordinance are complied with.
2. Conduct inspections as are necessary to ensure compliance with the provisions of this ordinance.
3. Institute appropriate action or proceedings to prevent or correct unlawful construction, alteration, or movement of buildings or structures or unlawful occupancy of buildings, structures or land.

Sec. 30.81. - Zoning coordinator.

The Zoning Coordinator shall administer and coordinate the Zoning Ordinance for the City of Livingston.

The Zoning Coordinator shall supervise and facilitate the processing of applications for amendments to the Official Zoning Map, Special Exceptions, and requests for variances. Further, it shall be the responsibility of the Zoning Coordinator to present any applications or requests to the appropriate board.

It shall further be the responsibility of the Zoning Coordinator to aid the various boards and departments in transmitting recommendations, records, and reports to the City Council and to otherwise promote procedural regularity in the administration of this ordinance.

The Zoning Coordinator shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate body.

Sec. 30.82. - Procedure in abatement of violation.

If on any inspection the condition of a building or premises, or its use or occupancy is found not to conform to the provisions of this ordinance, the Building Official shall issue written notice to the owner or tenant, specifying the manner in which the building or premises, or its use or occupancy fails to conform, and the owner or tenant shall take steps to make it conform as directed by the Building Official.

Appeal from the actions of the Building Official shall be made with the Board of Adjustment in conformance with the provisions of Article VII of this ordinance.

Sec. 30.83. - Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with written notice of correction shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than six (6) months, or both. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this ordinance.

Sec. 30.84. - Investigation fee.

Whenever work for which a variance is required has commenced without first obtaining a variance, an investigation fee, in addition to the variance filing fee, shall be charged. The investigation fee shall be Fifty Dollars (\$50.00). The fee must be paid prior to submission of a variance application. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ordinance, nor from any penalty prescribed by law.

Article IX. - Conflict With Other Laws, Separability Clause, Repeal of Conflicting Ordinances, Schedule of Fees, Effective Date

Sec. 30.90. - Conflict with other laws.

In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this chapter are in variance with requirements of any lawfully adopted rules, regulation, ordinance deeds, restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

Sec. 30.91. - Separability clause.

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

Sec. 30.92. - Repeal of conflicting ordinances.

All ordinances or parts of the ordinance in conflict herewith are hereby repealed to the extent necessary to give this chapter full force and effect.

Sec. 30.93. - Schedule of application fees.

The following fee must be paid to the City at the time an application is submitted:

- Change of Zone ..... \$575.00
- Variance, Single Family Unit ..... \$ 35.00
- Variance, All Others ..... \$100.00
- Special Exceptions ..... \$250.00

(Ord. 1479, 3/16/81; Ord. 1532, 11/5/84; Ord. 1544, 2/4/86; Ord. 1548, 4/21/86; Ord. 1573, 5/4/87; Ord. 1578, 10/5/87; Ord. 1667, 7/3/90; Ord. 1861, 6/16/97; Ord. 1871, 4/20/98)

May 27, 2021

**STAFF REPORT**  
**TEXT AMENDMENT – TINY HOMES AND MANUFACTURED HOMES**

**Background**

Over the last weeks, the Planning Department has received several calls inquiring if property owners are able to place tiny homes constructed offsite on their property, specifically as accessory dwelling units (ADUs). Currently, dwelling units constructed on-site in the traditional manner do are only limited in size by the building code. This does not apply to structures built offsite as mobile and manufactured homes have minimum size limits of 800 sq. ft. and 1000 sq. ft. respectively. The 1000 sq. ft. minimum was consistent with the U.S. Department of Housing and Urban Development (HUD) standards for manufactured housing at the time of the adoption of the minimum size standards. The currently HUD standards for manufactured homes have a minimum size of 320 square feet, and the zoning is being proposed to match that size. Furthermore, tiny homes manufactured offsite do not fit well within the definition of manufactured housing that is utilized by HUD or the Zoning Ordinance. These factors are preventing property owners from utilizing tiny homes manufactured offsite as accessory dwelling units. This potentially limits the number of units created through the ADU Ordinance, a crucial element of affordable rental housing within the City. Appendix Q of the 2018 International Building Code (IBC) as adopted by the State of Montana and the City of Livingston deals specifically with standards and the definition of what it calls a “tiny house”, the proposed definition of tiny home is consistent with the definition included in the 2018 IBC. All tiny homes are subject to the adopted building codes, all tiny homes must be placed on a permanent foundation, and will require full utility connections. At this time RV style utilities or inhabitation of an RV is not allowed within the City of Livingston, and as such inhabitation of a trailer style tiny home would not be allowed. The proposed zoning update also limits the use of tiny homes as ADUs only. A tiny home would only be allowed to be the primary dwelling on the property if the conditions are met in proposed Section 30.56.2.D, which is currently the criteria to allow manufactured homes under 1000 sq. ft., and is allowed for the construction of deed restricted affordable housing. Tiny homes are proposed to be allowed in all districts that ADUs are; R-I, R-II, R-II(MH), RMO, and HC.

**Proposed Findings of Fact**

***Proposed Zoning Updates:*** Proposed changes to the Zoning Ordinance can be found in a strikethrough-underline version included as Attachment I. Relevant sections of the Zoning Ordinance are reproduced below.

"Manufactured housing" means a structure manufactured offsite, transportable in one or more sections, and in compliance with the 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.

“Tiny home” is a dwelling unit under 400 square feet of gross floor area and manufactured primarily offsite.

- 4. Tiny homes shall not be allowed to be the primary dwelling unity on the property unless meeting all the criteria listed in Sec. 30.56.2.D of this Ordinance, and are subject to all of the accessory dwelling unit and tiny home standards.

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 320 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.
- C. All manufactured home must be certified by the U.S. Department of Housing and Urban Development (HUD) and have a certification label as required by HUD standards.

Sec. 30.56.2. – Tiny homes.

- A. Tiny homes 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. Tiny homes may only be utilized as accessory dwelling units unless meeting Sec. 30.56.2.D. Unless meeting the criteria of Sec. 30.56.2.D, all tiny homes are subject to Sec. 30.43 of the Zoning Ordinance.
- C. All tiny 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.
- D. A tiny home may be placed as the primary dwelling unit on a property if it meets all of the following conditions:
  - a. The structure is on a permanent foundation.
  - b. The tract or parcel of land for the proposed use must be owned by a unit of local government or a community housing development organization.
  - c. The home must be used to provide affordable housing to households earning less than 80% of the area median income.
  - d. A management plan from the local government or community housing development organization addressing the following factors is submitted to the Planning Department and City Commission:
    - i. Affordability plan (including proposed rents).

- ii. Management plan (including client eligibility and intake).
- iii. Proposed deed restrictions to be placed on the property requiring adherence to approved affordability plan.

**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: (Note: while not yet adopted, the City Commission has signed a resolution of intention to adopt the 2021 Growth Policy. As this will likely occur prior to the Commission hearing the proposed ordinance change, the zoning update has been analyzed against the 2021 Growth Policy.)

- Goal 3.1 States “Prioritize infill over expansion by taking advantage of existing and planned infrastructure...”. Allowing tiny homes as ADUs should encourage additional property owners to place ADUs on their property, encouraging infill through additional density on lots already served by City infrastructure and minimizing the need to expand the land area of the City to accommodate housing needs.
- Strategy 3.4.1.1 states “Amend the Zoning Ordinance...to include Smart Growth Strategies as requirements for all development prior to approval.” While the proposed zoning update does not require the placement of tiny homes prior to approval of developments, it does allow for development consistent with the following Smart Growth Strategies:
  - Take advantage of compact building design
  - Create a range of housing opportunities and choices
  - Strengthen and direct development towards existing communities.
- Strategy 5.1.1.3 states “Evaluate manufactured or similar type structures to create affordable housing inventory.” Updating the Zoning Ordinance to allow for tiny homes manufactured offsite and by updating the definition of manufactured housing to be consistent with the current HUD definition of manufactured housing should increase the inventory of affordable housing within the City.
- Strategy 5.1.1.4 states “Review and amend zoning ordinance... to identify legislative changes required to provide housing that meets the needs of all residents.” Currently, there is a noted lack of rental options within the City, especially affordable rentals. By allowing property owners to utilize tiny homes as ADUs the inventory of affordable rentals should increase, especially as ADUs must be utilized as rentals.
- Objective 5.1.2 states “Evaluate the impacts of vacation rentals on Livingston”. There are no restrictions in the Zoning Ordinance on utilizing ADUs or tiny homes as vacation rentals.

- Strategy 5.1.4.3 states “Promote Accessory Dwelling Units (ADU)”. The proposed zoning promotes ADUs by diversifying the types of building that can be used as ADUs, and potentially allowing for a lower construction cost option for those that would like to place an ADU on their property.
- Chapter 11 states “Investigate updating zoning to promote affordable or employee or workforce housing”. The proposed updates should promote lower cost housing options.

*(b) designed to:*

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

Staff Comments:

- The proposed updates should have no impact on fire safety, all structures will continue to be required to meet building code and building setbacks.

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

Staff Comments:

- The proposed updates should have no impact on public safety.
- The provision of safe and secure housing as promoted by the zoning update are a benefit to both public health and general welfare.

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

Staff Comments:

- The allowance for ADUs did substantially increase densities, impacting the provision of public requirements, though the City continues to have adequate capacity in public systems. The proposed zoning update does not allow for any additional densities above the already adopted ADU allowance, though it should encourage the placement of additional ADUs.

*(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 should not have any impact on light and air, no changes to setbacks or building heights are proposed.

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

Staff Comments:

- The allowance for ADUs did substantially increase densities, increasing use of transportation systems. The proposed zoning update does not allow for any additional densities above the already adopted ADU allowance, though it should encourage the placement of additional ADUs.

*(c) promotion of compatible urban growth;*

Staff Comments:

- The update allows a different building size than is currently allowed but the allowance for tiny homes should not be incompatible with existing ADUs or residential and mixed-used neighborhoods.
- The community has shown a marked preference for infill growth rather than outward growth and this update should encourage additional infill growth throughout the residential and mixed-use areas of the City.

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

Staff Comments:

- Accessory Dwelling Units are common in historic residential areas throughout the City and the allowance to utilize a tiny home as an ADU should not change the suitability of ADUs to fit within the character of the community.

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

Staff Comments:

- The proposed Zoning Amendment should have a positive effect on property values as ADUs generally increase the value of property
- Tiny homes encourage ADUs which is an appropriate use of land in both the residential and mixed-use districts. The Growth Policy notes both the appropriateness of infill development, ADUs, and diverse housing types.

**Public Hearing**

**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.....Strikethrough-underline version of amendment

Chapter 30 - ZONING

**Articles:**

Article I. - Introductory Provisions

Sec. 30.10. - Title.

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

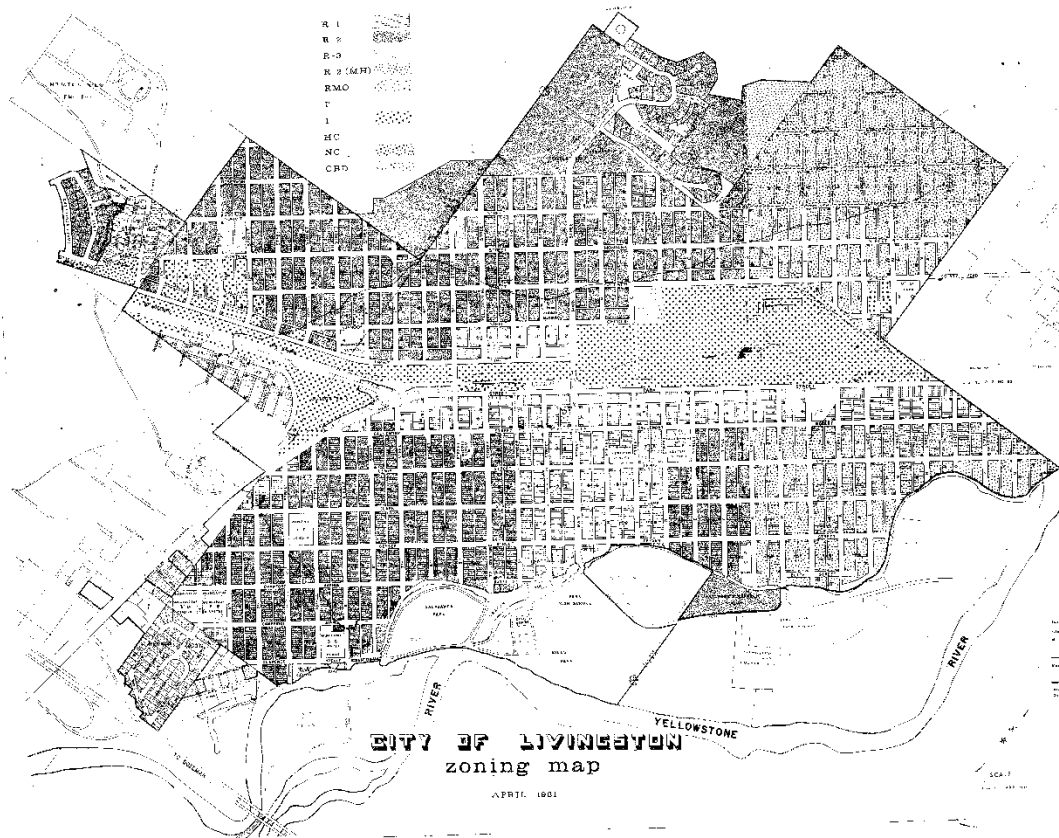
"Board" means the Board of Adjustment of the City of Livingston.

"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.

"Health and exercise establishment" means an establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities. Permitted accessory uses include child care, sun tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

"Health and exercise establishment" means an establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities. Permitted accessory uses include child care, sun tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

"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 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.

"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, structure manufactured offsite, transportable in one or more sections,~~ and is in compliance with the 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).

"Marijuana production facility" means an establishment where marijuana or marijuana products are grown, cultivated, manufactured or processed.

~~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.

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

"Retail" means the rental or sale of tangible personal property. Includes alcohol and marijuana sales.

"Retail, large-scale" means the rental or sale of tangible personal property where the total area utilized by a single tenant occupies 20,000 square feet or more of gross floor area or outdoor space, exclusive of parking.

"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.

"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.

"Tiny home" is a dwelling unit under 400 square feet of gross floor area and manufactured primarily onsite.

"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.

"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 III. - Zoning Districts

Sec. 30.30. - Zoning districts.

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

DISTRICT	DESIGNATION
Low Density Residential	R-I



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

R-I Low Density. A single-family residence district with a large plat area required and including customary residential accessory uses.

R-II Medium Density. Primarily a single-family residence district. Duplexes and two (2) family dwellings may also be accommodated on lots of adequate plat sizes.

R-II Medium Density: Mobile Home. A district primarily intended for single and two (2) family dwellings which also allows for the placement of mobile homes.

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

RMO Residential Mobile Home. A district permitting mobile home development.

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

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

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

H.C. Highway Commercial. A district intended to provide areas for residential structures, commercial and service enterprises which serve the needs of the tourist, traveler, recreationalist or the general traveling

public. Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access highways, or adjacent to primary and secondary highways.

N.C. Neighborhood Commercial. The Neighborhood Commercial classification is intended to primarily provide for community retail services, office facilities or convenience retail development.

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

PZD. The Preservation Zoning District is designed to supplement land uses and development standards by recognizing the unique characteristics of an existing structure(s) which may be important to the community to preserve from either a historical or architectural design perspective or by recognizing the unique characteristics of a specific piece of property due to natural features, including topographic features, watercourses, woodlands and wildlife habitats. It is the intent that the uses to be allowed are an inducement to the preservation of the historic or architectural design of the building(s) or the natural features, and shall not be construed as creating a benefit for the owner of the property to the detriment of other property owners surrounding the Preservation Zoning District, i.e., this is not to be construed as creating special legislation for the benefit of the Preservation Zoning District property owner(s), but rather a method for the preservation of historic or architectural designs or natural features important to the community.

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

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

Article IV. - District Regulations

Sec. 30.40. - List of uses.

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

**Table 30.40**  
**List of Uses**

A = Acceptable S = Special Exception Permit Required N = Not Accepted											
	R-I	R-II	RII-MH	R-III	RMO	NC <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	N	A	N	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	N	N	N
<u>Tiny Homes<sup>4</sup></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N
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



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
Health and Exercise Establishment	N	N	N	N	N	A	A	A	A	S	S
Marijuana Production 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.

4. Tiny homes shall not be allowed to be the primary dwelling unity on the property unless meeting all the criteria listed in Sec. 30.56.2.D of this Ordinance, and are subject to all of the accessory dwelling unit and tiny home standards.

~~4.~~

\* 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						
Zoning Classification District						
	Low Density R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)
Min. Lot Area per Dwelling Unit in Square Feet <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. Setback Requirements						
Front Street	25'	25'	20'	20'	20'	25'
Side	15'	5' or B) or C)	5' or B) or C)	10' or C)	5' or C)	5' or C)
Rear	5'	5'	5'	5'	15'	15'
Side Street	15'	10'	10'	10'	10'	10'
Max. Height for all Bldgs.	27'	27'	45'	15'	27'	27'

<p>Off-Street Parking Requirements</p>	<p>2 per one (1) family dwelling  1 per accessory dwelling</p>	<p>2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling</p>	<p>2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit 1 per accessory dwelling</p>	<p>2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit  1 per accessory dwelling</p>	<p>Refer to Art. V Sec. 30.51</p>	<p>2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling</p>
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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.

B) 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.

<p>Table 30.42</p>
<p>Commercial Density Requirements</p>
<p>Zoning Classification District</p>

	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 Setback Requirements					
Front Street	20'	20'	20'	0' with boulevard	N/A
				10' without boulevard	
Side	0' or A)	0' or A)	0' or A)	10' or A)	N/A
Side 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 large-scale retail uses and 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 Official Zoning Map. If meeting the above criteria, 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.
- 5. For large-scale retail uses: Off-street parking is required to be on the same lot and to the rear of the primary structure on the lot.
- 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
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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.
Health and exercise establishment	One per 200 square feet of gross floor area plus 3 per court
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 street, 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, 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.

- 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~~320 (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.
- C. ~~All manufactured homes must be certified by the U.S. Department of Housing and Urban Development (HUD) and have a certification label as required by HUD standards. A manufactured home of less than 4000 square feet may be placed if it meets all of the following conditions:~~
  - ~~a. The structure is on a permanent foundation.~~
  - ~~b. The tract or parcel of land for the proposed use must be owned by a unit of local government or a community housing development organization.~~
  - ~~c. The home must be used to provide affordable housing to households earning less than 80% of the area median income.~~
  - ~~d. A management plan from the local government or community housing development organization addressing the following factors is submitted to the City Administration and City Commission:~~
    - ~~i. Affordability plan (including proposed rents).~~
    - ~~ii. Management plan (including client eligibility and intake).~~
    - ~~iii. Proposed deed restrictions to be placed on the property requiring adherence to approved affordability plan.~~

Sec. 30.56.2. – Tiny homes.

- A. Tiny homes 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. Tiny homes may only be utilized as accessory dwelling units unless meeting Sec. 30.56.2.D. Unless meeting the criteria of Sec. 30.56.2.D, all tiny homes are subject to Sec. 30.43 of the Zoning Ordinance.
- C. All tiny 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.
- D. A tiny home may be placed as the primary dwelling unit on a property if it meets all of the following conditions:
  - a. The structure is on a permanent foundation.
  - b. The tract or parcel of land for the proposed use must be owned by a unit of local government or a community housing development organization.
  - c. The home must be used to provide affordable housing to households earning less than 80% of the area median income.
  - d. A management plan from the local government or community housing development organization addressing the following factors is submitted to the Planning Department and City Commission:
    - i. Affordability plan (including proposed rents).
    - ii. Management plan (including client eligibility and intake).
    - iii. Proposed deed restrictions to be placed on the property requiring adherence to approved affordability plan.

(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 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 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, setbacks, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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)

Article VII. - Zoning Commission and Board of Adjustment

Sec. 30.70. - Zoning commission.

There is created for the City of Livingston a Zoning Commission as provided by statute, consisting of five (5) citizen members, appointed by the Chairman and subject to the confirmation of the City Commission. Terms of each member shall run concurrent with the term of the Chairman.

- A. Powers and Duties. The duties and powers of the Zoning Commission shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and to hold public meetings and to make recommendations to the City Commission on all requests to amend, supplement, change, modify or repeal the regulations, restrictions and boundaries in the zoning districts. The City Commission shall not hold its public hearings or take action until it has received a final report from the Zoning Commission.
- B. Proceedings of the Zoning Commission. The Zoning Commission shall hold its meetings in the City-County Complex and the presence of three (3) members shall constitute a quorum.

The Zoning Commission shall keep minutes of their proceedings, showing the vote of each member, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Zoning Coordinator. The official minutes of the Zoning Commission's proceedings shall be signed by the Chairman or acting chairman and attested to by the secretary.

(Ord. 1868, 2/2/98)

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

- A. General. This chapter, 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 30.71E and recommendation.
- B. Applications for Map Amendments and Amendments to Text. Unless initiated by the 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.

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. The names and addresses of the owners of the adjacent land;
  - d. 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.
- C. 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. Notify, 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 (10) days and no later than five (5) days prior to the date of the public hearing. Post the subject property not less than five (5) days prior to the public hearing. Posted notice shall include the nature of the change being requested as well as the time, date and location of the public hearing;
  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.
- D. 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 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
2. Grant the application for amendment to the Official Map; 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.

- E. City Commission Public Hearing. Before taking action on an application for an amendment to the Official Map, 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.

(Ord. 1861, 6/16/97; Ord. 1868, 2/2/98; Ord. No. 2004, § 1, 8/4/08)

Sec. 30.72. - Reserved.

**Editor's note—** Ord. No. 2004, § 1, adopted Aug. 4, 2008, repealed § 30.72 which pertained classification of newly annexed area and derived from Ord. No. 1868, adopted Feb. 2, 1998.

Sec. 30.73 -

- B. Hearings, Appeals, Notices. The City commission shall hear and decide appeals where it is alleged that there is an error in any order requirement, decision, or determination made by an administrative official in enforcement of the City's zoning regulations.

The City Commission shall fix a reasonable time for the hearing of appeal not to exceed thirty (30) days, give public notice thereof as well as due notice to the parties in interest, and render a decision within a reasonable time not to exceed ten (10) days thereafter. At the hearing any party may appear in person or by attorney.

- C. Appeals: Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the City Commission after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.
- D. Decisions, Appeals Re-Hearing. In exercising the above mentioned powers, City Commission may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

The concurring vote of four (4) members of the City Commission shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under such resolution.

Any person or persons, jointly or severally, aggrieved by any decision of the, City Commission made under this part, or any taxpayer, or any officer, department, or board of the City may present to a court of record a petition setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the decision in the office of the City Commission.

If an application for an administrative review is denied by the City Commission, another application shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Commission after a showing of a change of circumstances which would warrant a re-hearing.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.74. - Variances—application procedures.

- A. Applications. An application for variance shall be filed with the Zoning Coordinator under the following conditions:
1. The application shall include, but not be limited to the following:
    - a. A legal and general description of the tract(s) upon which a variance is sought.
    - b. The name and address of the owner(s) of the land subject to the variance.
  2. The applicant shall present a map showing the location of the property for which the application is submitted, and its relationship to adjoining property.
  3. The applicant shall present a dimensioned site plan of the property for which the application is submitted which shall include, but not be limited to, the following:
    - a. The location and dimension of all vehicular points of ingress and egress, drives, off-street parking spaces, channelizations and traffic circulation, and;
    - b. The location and size of all existing and proposed buildings, structures, and improvements, and;
    - c. The existing buildings, structures, and improvements shall be labeled as such and indicated by a solid line. The proposed buildings, structures, and improvements shall be labeled as such and indicated by a dashed or dotted line.
  4. The reason why the variance is being sought.
  5. Be accompanied by proof of payment of all applicable fees.
  6. An application for a variance may not be withdrawn or amended by the applicant after the legal advertising as required by this article shall have first appeared.
- B. Zoning Coordinator Action. The Zoning Coordinator, upon receiving an application for a variance, shall do the following:
1. Consult with other departments of the City to fully evaluate the impact upon public facilities and services.
  2. Study each application with reference to its appropriateness and effect on existing and proposed land uses.
  3. Place notice of the time, date and place of the public hearing in a newspaper of general circulation at least fifteen (15) days in advance of the date set for the public hearing.
  4. Notify the applicant and property owners, by mail, within three hundred (300) feet of the exterior boundaries of the property subject to the variance of the time, date and place of the public hearing and the proposed variance on the subject property at least ten (10) days prior to the date of the public hearing.
  5. Place a notice of the time, date, and place of the public hearing on the property at least ten (10) days prior to the hearing date.
  6. Report the findings to the City Commission.
- D. The City Commission may authorize upon appeal in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

Under no circumstances shall the City Commission grant a variance that would allow a use not permissible under the terms of the ordinance in the district involved. A variance shall not be a grant of special privilege inconsistent with the limitations placed upon property in the district.

The City Commission may prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.75. - Special exceptions.

A. General. Special Exceptions for uses other than those specifically permitted in each district, are intended to provide, in appropriate cases, and subject to appropriate conditions and safeguards, to be Special Exceptions to the terms of the Zoning Ordinance of the City of Livingston, when granted in harmony with its general purposes and intent of the ordinance.

No Special Exceptions shall be granted by the City Commission unless the Board of Adjustment finds:

1. The use will not place a substantial adverse affect upon nearby properties or their occupants.
2. That the proposed use is in harmony with the general purposes and intent of the zoning ordinance.
3. If desired, the City Commission may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception.

B. Applications. An application for a Special Exception must be filed by the property owner.

Such application shall be filed with the Zoning Coordinator and shall be submitted under the following conditions:

1. The application shall include, but not be limited to the following information:
  - a. A legal and general description of the tract(s) upon which the Special Exception is sought.
  - b. The map showing the dimensions, acreage and location of the tract(s).
  - c. The name and address of the owner(s) of the tract(s).
  - d. A site plan showing major details of the proposed development including but not limited to: the location of proposed and existing buildings and structures; off-street parking and loading, when required, service and refuse areas; means of ingress and egress; landscaping, screening signs, and open space areas.
  - e. A time schedule for development.
  - f. Any other information the applicant believes will support his request.

The application must be submitted to the Zoning Coordinator. Proof of payment of all applicable fees from the City must accompany all applications. No application defect shall effect the validity of any such application.

C. Zoning Coordinator Action. The Zoning Coordinator, upon receiving an application for a Special Exception shall do the following:

1. Consult with other departments of the City and/or County to fully evaluate the impact of the use(s) contemplated under the application upon public facilities and services.
2. Study each application with reference to its appropriateness and effect on existing and proposed land uses.
3. Place a notice of the time, date, and place of the public hearing before the appropriate body in the legal newspaper of the City at least fifteen (15) days in advance of the date of the public hearing.
4. Notify the applicant and property owners by first class mail, within three hundred (300) feet of the exterior boundaries of the tract(s) of the proposed Special Exception area of the time, date, place

of the public hearing and the proposed use(s) of the subject property at least ten (10) days prior to the date of the public hearing.

- D. City Commission Action. The City Commission shall consider each application in accordance with provisions of this Article, and at a public hearing at which time the application has been legally advertised. Each application shall be presented by the Zoning Coordinator, together with conclusions and recommendations.

The City Commission shall:

1. Deny the application for a Special Exception, or
2. Grant the application for a Special Exception, or
3. Delay action on the application for a period not to exceed thirty (30) days, or
4. Grant the application with special conditions and safeguards.

(Ord. No. 2004, § 1, 8/4/08)

Article VIII. - Administration and Enforcement

Sec. 30.80. - Building official.

The provisions of this ordinance shall be enforced by the Building Official, subject to such variations or interpretations as may be made by the Board of Adjustment.

The Building Official shall:

1. Issue building permits for all construction, alteration, demolition, or movement of buildings or structures after first determining that all applicable provisions of this ordinance are complied with.
2. Conduct inspections as are necessary to ensure compliance with the provisions of this ordinance.
3. Institute appropriate action or proceedings to prevent or correct unlawful construction, alteration, or movement of buildings or structures or unlawful occupancy of buildings, structures or land.

Sec. 30.81. - Zoning coordinator.

The Zoning Coordinator shall administer and coordinate the Zoning Ordinance for the City of Livingston.

The Zoning Coordinator shall supervise and facilitate the processing of applications for amendments to the Official Zoning Map, Special Exceptions, and requests for variances. Further, it shall be the responsibility of the Zoning Coordinator to present any applications or requests to the appropriate board.

It shall further be the responsibility of the Zoning Coordinator to aid the various boards and departments in transmitting recommendations, records, and reports to the City Council and to otherwise promote procedural regularity in the administration of this ordinance.

The Zoning Coordinator shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate body.

Sec. 30.82. - Procedure in abatement of violation.

If on any inspection the condition of a building or premises, or its use or occupancy is found not to conform to the provisions of this ordinance, the Building Official shall issue written notice to the owner or tenant, specifying the manner in which the building or premises, or its use or occupancy fails to conform, and the owner or tenant shall take steps to make it conform as directed by the Building Official.

Appeal from the actions of the Building Official shall be made with the Board of Adjustment in conformance with the provisions of Article VII of this ordinance.

Sec. 30.83. - Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with written notice of correction shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than six (6) months, or both. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enforce any violation of this ordinance.

Sec. 30.84. - Investigation fee.

Whenever work for which a variance is required has commenced without first obtaining a variance, an investigation fee, in addition to the variance filing fee, shall be charged. The investigation fee shall be Fifty Dollars (\$50.00). The fee must be paid prior to submission of a variance application. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ordinance, nor from any penalty prescribed by law.

Article IX. - Conflict With Other Laws, Separability Clause, Repeal of Conflicting Ordinances, Schedule of Fees, Effective Date

Sec. 30.90. - Conflict with other laws.

In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this chapter are in variance with requirements of any lawfully adopted rules, regulation, ordinance deeds, restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

Sec. 30.91. - Separability clause.

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

Sec. 30.92. - Repeal of conflicting ordinances.

All ordinances or parts of the ordinance in conflict herewith are hereby repealed to the extent necessary to give this chapter full force and effect.

Sec. 30.93. - Schedule of application fees.

The following fee must be paid to the City at the time an application is submitted:

Change of Zone ..... \$575.00

Variance, Single Family Unit ..... \$ 35.00

Variance, All Others ..... \$100.00

Special Exceptions ..... \$250.00



(Ord. 1479, 3/16/81; Ord. 1532, 11/5/84; Ord. 1544, 2/4/86; Ord. 1548, 4/21/86; Ord. 1573, 5/4/87; Ord. 1578, 10/5/87; Ord. 1667, 7/3/90; Ord. 1861, 6/16/97; Ord. 1871, 4/20/98)

**File Attachments for Item:**

**A. RESOLUTION NO. 4991: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE SUMMIT STREET RIGHT-OF-WAY ADJACENT TO BLOCK 32 OF THE MINNESOTA ADDITION.**

**RESOLUTION NO. 4991**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE SUMMIT STREET RIGHT-OF-WAY ADJACENT TO BLOCK 32 OF THE MINNESOTA ADDITION.**

**WHEREAS** the City has received application from the owners of Lots 28-32 of Block 32, Minnesota Addition, requesting vacation of a 140-foot section of Summit Street from the east side of G Street to the west side of the alley in Block 32; and

**WHEREAS**, the East Summit Street right-of-way is undeveloped and unused from approximately E Street to its east extent at M Street; and

**WHEREAS**, the City will reserve a public, pedestrian easement within the vacated right-of-way for pedestrian connectivity and convenience.

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

That it is the intent of the City Commission to discontinue and vacate that portion of Summit Street adjacent to Lots 28-32 of Block 32, Minnesota Addition and that the City will reserve, to the public, a 10-foot pedestrian easement.

**PASSED AND ADOPTED** by the City Commission of the City of Livingston, Montana, this \_\_\_\_ day of August, 2021.

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

**ATTEST:**

**APPROVED AS TO FORM:**

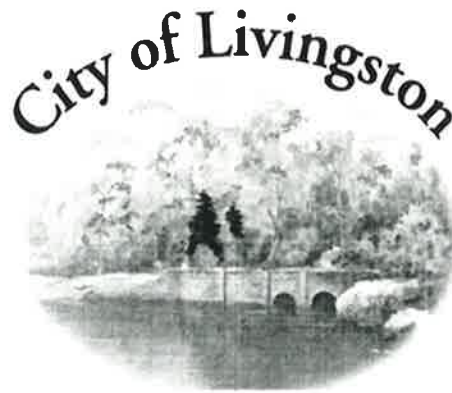
\_\_\_\_\_  
**FAITH KINNICK – Recording Secretary**

\_\_\_\_\_  
**COURTNEY LAWELLIN – City Attorney**

**City Manager**  
Michael Kardoes

414 East Callender Street  
(406) 823-6000 phone  
(406) 222-6823 fax

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Dorel Hoglund

**Vice Chair**  
Quentin Schwarz

**Commissioners**  
Mel Friedman  
Warren Mabie  
Melissa Nootz

144

July 26, 2021

## **STAFF REPORT**

### **STREET VACATION – COOK**

#### **Background**

Noel and Kathryn Cook, owners of property described as Lots, 28-32, Block 32, Minnesota Addition, are requesting that the City Commission vacate the Summit Street right-of-way between G Street and the alley of Block 32. The applicant intends to create four building sites on this property and in order to provide for access and utility easements they would like to be able to use the additional 33-feet that they would gain should this application be approved.

#### **Findings of Fact**

The Summit Street right-of-way in this area has never been improved or used as a street. It is completely undeveloped from the intersection of North E Street to the end of the right-of-way at North M Street. The subject property is accessed by G Street. The developed part of G Street ends approximately 100-feet south of the Summit Street right-of-way and the rest of the distance to the applicant's property is basically a drive-way. Due to the Livingston Ditch, there are no other connections to Summit Street from north/south streets as you look east of this location. Due to topography, East Summit Street is unbuildable in the location that it is platted.

This project will provide access and utility easements to the alley, which will allow for legal and physical access, to the neighbor to the east.

**Staff Recommendation**

Based on the Findings of Fact section of this staff report, City Staff feels that it is appropriate for the City Commission to **approve** this vacation request with the stipulation that a 10-foot pedestrian easement be reserved to the public.

---

Jim Woodhull  
Director of Building/Planning

**List of Attachments**

- Attachment I..... Cook application
- Attachment II..... Site Map

APPLICATION FOR STREET/ALLEY VACATION\*

- 1. Applicant's Name: Noel + Kathryn Cook
- 2. Applicant's Address: 2222 Willow dr. unit 35B  
Livingston, MT 59047
- 3. Applicant's Telephone Number: (406) 546-5907

4. Description of street/alley requested for vacation:  
140 ft section of Summit st between intersection of  
North G st (north terminus of G st) and the intersection with  
the alley to the east (north terminus of alley)

- 5. Attach map/diagram of proposed vacation with the following:
  - a. location in city
  - b. the street/alley proposed for vacation
  - c. applicant's property
  - d. abutting property owners
  - e. utilities; and
  - f. adjacent buildings/fixtures

6. Attach names and addresses of all landowners adjacent to the street/alley being sought to be vacated.

7. Is the Street/Alley improved? (circle appropriate response):

Yes

No

8. Attach statements from utility companies indicating whether they consent, consent with conditions and stating conditions or object to proposed vacation.

\* 9. Attach title report showing all ownership interests and easements in property abutting the proposed vacation.  
*could only substitute property record cards from Cadastral.com*

10. A nonrefundable Application Fee for street/alley vacation in the amount of \$ 225.00 must accompany the application.

\*NOTE: A. Submission of Application for street/alley vacation with appropriate fees in no way obligates the City to vacate said street or alley; the City Council will ultimately decide whether the street/alley vacation can be done without detriment to the public interest.

B. The City reserves the right to maintain a strip of land in the vacated street or alley for purposes of a public thoroughfare.

June 28, 2021

**Cover Letter for Application for Street Vacation**

**Applicants:**

Noel and Kathryn Cook  
2222 Willow Drive, Unit 35B  
Livingston, MT 59047  
(406) 546-5907

**Primary Contact:**

Randy Cook  
511 East Gallatin St.  
Livingston, MT 59047  
(406) 223-2764  
[randyccook@hotmail.com](mailto:randyccook@hotmail.com)

To Whom It May Concern,

The proposed vacation is the 140 ft section of Summit Street between the intersection with North G Street to the west and the intersection with the alley to the east.

The property directly south of the proposed vacation is owned by the applicants. The legal description is: Lots 28-32 of Block 32 of the Minnesota addition to the city of Livingston. Located in the SW1/4, SE1/4 of Section 12, Township 2 South, Range 9 East, P.M.M.

**Explanation of Purpose of Street Vacation:**

We are requesting the vacation of the 140 ft section of Summit Street abutting the north boundary of our property listed above. This section runs the length of the property between G street and the alley to the east.

Due to slope angle and accessibility, this section of plotted Summit Street is not a reasonable location for a functioning street. There is a vacated section of Summit Street directly to the west of the proposition. There are no utilities in the proposed section of Summit Street, nor is there likely to be any in the future as the property to the north is too steep and rocky to be developed. There are no structures adjacent to the proposed street section.

The property proposes a series of difficult hardships to development due to the combination of lot size, slope variances, and access. The lots 28-32 owned by the applicants were purchased as five lots and are currently being surveyed into four lots out of necessity for construction of future homes. We are building ADA accessible single level homes making appropriate layout and reasonable access a necessity.

Possibly the largest challenge is that G street terminates into an extreme slope angle before it reaches the northernmost lots, preventing street access to them. Creating driveways to access to the homes will require a substantial sacrifice in property to connect the properties to the G St termination.

The utility extensions must be expanded and buried through the alley between G and H Street. This alley does not continue south unbroken, but rather terminates at a private property and irrigation ditch less than a block from our properties. The building department has informed us of the need for

maintenance access to the new utility extensions. This access will require setting aside an easement in the form of a wide driveway, which further restricts building size and layout on an already challenging landscape.

To summarize, the vacation of this section of Summit Street and subsequent addition of acreage would facilitate an efficient solution to some of these larger barriers to the development of our property. Gaining the additional 140 ft by 33 ft (to the center of Summit Street) of land would provide access to the utilities for maintenance, create reasonable access between G St and the homes, and would provide necessary space to develop the most affected lots into ADA accessible single level homes. Additionally, we do not foresee this having a negative impact on any adjacent property owners.

We appreciate the City's consideration of this vacation application and the issues we face in developing these city lots. Please direct all communication to the primary contact, Randy Cook. Randy is the son of the applicants and is handling the development of the property and the construction contracting in the future.

Sincerely,

Randy Cook

Noel and Kathryn Cook



Application Map

1  
CHAPPELL MICHAEL E  
1010 E PARK ST  
LIVINGSTON MINNESOTA, S12, T02-S, R09 E,  
Lot 2, COS 634

Proposed Vacation  
Summit Street

Applicants' Property  
Alley for utility extensions



Map navigation controls including zoom in (+) and zoom out (-) buttons, a 'Street' layer selection button, a 'Topo' layer selection button, an 'Aerial' layer selection button, and a 'Print' button.

1 Mike Chappelle (only actual abutting property owners)  
2 Walter Nead

3 Leisa Jo Madling  
4 Kirk Edward Chapman



Application Map

CHAPPELL MICHAEL E  
1010 E PARK ST  
LIVINGSTON MINNESOTA, S12, T02 S, R09 E,  
Lot 2, COS 634

Proposed Vacation  
Summit Street

Applicant's Property  
Alley for utility extensions

19 0 N

*private drive*

*alley term.*

E Montrose St

*irrigation ditch blocking access*

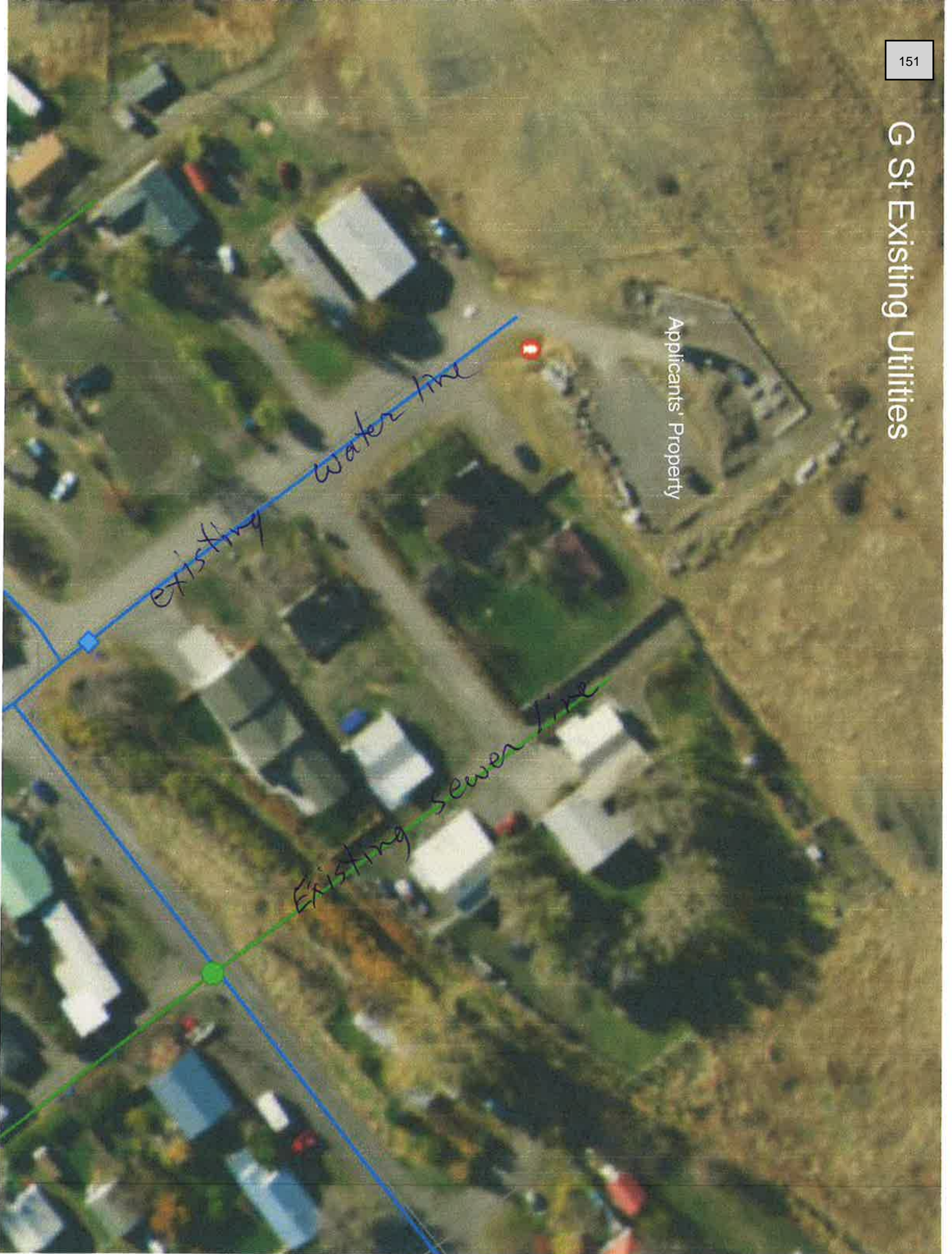
19 1 N

Map navigation controls including:

- Print icon
- Previous/Next arrows
- Topo button
- Aerial button (highlighted)
- Street button
- Zoom in (+) and zoom out (-) buttons



# G St Existing Utilities



6/23/2021

**Utilities Statement Of Consent Or Objection**

Regarding proposed street vacation application:

Section of Summit Street from the intersection with G Street extending 140 feet to the intersection with the alley to the east. This section is directly adjacent to the north of the following listed property:

Lots 28-32 of block 32 of the Minnesota Addition to the city of Livingston. Located in the SW 1/4, SE 1/4 of section 12, township 2 south , range 9 east, P.M.M.  
City of Livingston, County of Park, State of Montana

This statement affirms Northwestern Energy has no existing utility infrastructure within the proposed vacation and has no objection to the proposed vacation of the section of Summit Street listed in this document above.

*Dustin Workman*

Dustin Workman

Construction Manager NW Energy

Date 6/23/2021

Utilities statement of consent or objection

Regarding proposed street vacation application

Section of Summit street from its intersection with G street extending 140 feet to its intersection with the alley to the east. This section is directly adjacent to the north of the following listed property.

the legal description of the property directly adjacent to the south:

Lots 28-32 of block 32 of the Minnesota edition to the city of Livingston. Located in the SW1/4,SE1/4 of section 12 township 2 south , range 9 east, P.M.M.

City of Livingston, County of Park, State of Montana

This statement affirms Charter has no existing utility infrastructure within the proposed vacation, and has no objection to the proposed vacation of the section of Summit street listed in this document above.

Edward Luke  
Construction Coordinator



**File Attachments for Item:**

**B. RESOLUTION NO 4992: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS.**

**RESOLUTION NO. 4992**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS.**

**WHEREAS**, Section 7-2-4501, Montana Code Annotated, authorizes annexation of wholly surrounded property; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified in the City’s Annexation Policy, and that the boundaries of the City of Livingston be extended to include the wholly surrounded property north of the railroad tracks, between the railroad tracks and Bennett and Gallatin Street as shown by Exhibit A, which are wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4501 deems property wholly surrounded by the city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the §7-2-4502 proscribes that protest of this annexation is not available to the annexation of wholly surrounded properties to be included in the territorial boundaries of the City.

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

It is the intent of the City Commission to annex wholly surrounded land more particularly described as:

**AS S07, T02 S, R10 E, C.O.S. 1188, PARCEL B & S07, T02 S, R10 E, C.O.S. 2411RB, PARCEL C-1, LESS LEASE #501602 & S07, T02 S, R10 E, C.O.S. 1188, PARCEL B, S07, T02 S, R10 E, BENEFICIAL USE OF MRL R/WAY LEASE #500,164 IMPS ON ASSESSOR #39342 & S07, T02 S, R10 E, BENEFICIAL USE OF BN R/W LEASE #500,802 (IMPT ON 35961) LOCATED IN GOVT LOT 3 (REFERENCE PL 188) & MONTAGUE SUB,**

**Resolution No. 4992: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS.**

**S07, T02 S, R10 E, Lot 1-A, SD 336 & S07, T02 S, R10 E, LOT 1-B OF SD 336 IMPROVEMENTS ON BN R/W LEASE #BF79081 (BUILDING ON 39795) & MONTAGUE SUB, S07, T02 S, R10 E, LOTS 1-18 BLK 22; LOTS 1-12, POR LOT 13, LOTS 15-20 BLK 23; REMAINDER BLK 1 AS DESCRIBED AT R59-646. REF COS 1643 & MONTAGUE SUB, S07, T02 S, R10 E, BLOCK 23, Lot AJKBA, COS 91 (REF COS 1643) and as shown on the map attached as Exhibit A.**

**PASSED** at a first reading by the Livingston City Commission, on August 17, 2021.

**ATTEST:**

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

\*\*\*\*\*

**PASSED ADOPTED AND FINALLY APPROVED**, during a second reading by the Livingston City Commission this 21<sup>st</sup> day of September, 2021.

\_\_\_\_\_  
**DOREL HOGLUND- Chair**

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**Resolution No. 4992: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS.**



**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, September 21st, 2021, during a second reading of **RESOLUTION NO. 4992: entitled A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS**

For additional information contact Faith Kinnick at (406) 823-6002.

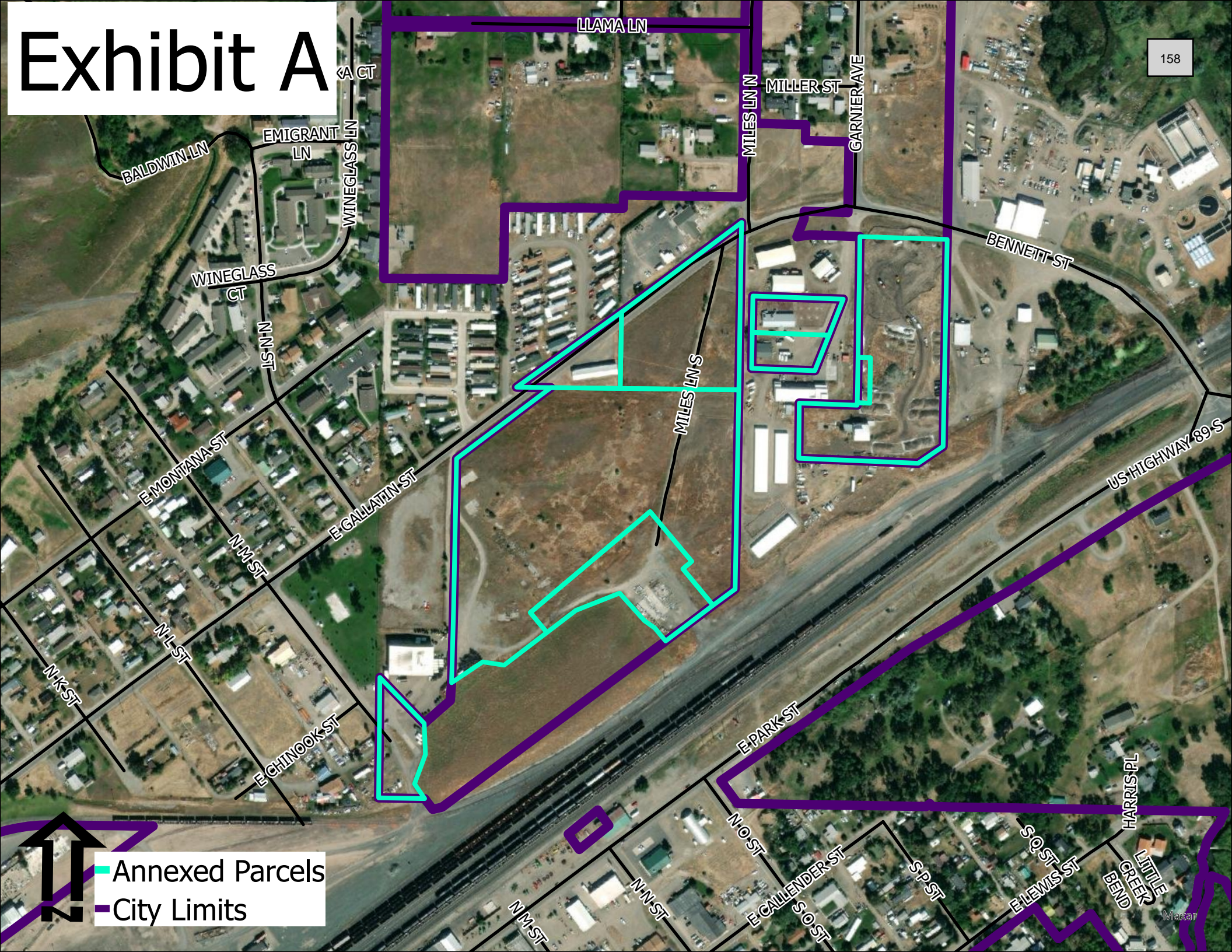
Please publish Friday, August 20th, 2021 and September 3rd, 2021.

Mathieu Menard  
City of Livingston  
August 18, 2021

**Resolution No. 4992: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS.**



# Exhibit A



↑  
↑  
Annexed Parcels  
City Limits



**File Attachments for Item:**

**C. RESOLUTION NO. 4993: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 AND THE UNDESCRIBED PARCEL TO THE EAST.**

**RESOLUTION NO. 4993**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 AND THE UNDESCRIBED PARCEL TO THE EAST.**

**WHEREAS**, Section 7-2-4501, Montana Code Annotated, authorizes annexation of wholly surrounded property; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified in the City’s Annexation Policy, and that the boundaries of the City of Livingston be extended to include the wholly surrounded property legally described as S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 and the undescrbed parcel to the east as shown by Exhibit A, which are wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4501 deems property wholly surrounded by the city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the §7-2-4502 proscribes that protest of this annexation is not available to the annexation of wholly surrounded properties to be included in the territorial boundaries of the City.

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

It is the intent of the City Commission to annex wholly surrounded land more particularly described as:

**S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 and the undescrbed parcel to the east as shown on the map attached as Exhibit A.**

**PASSED** at a first reading by the Livingston City Commission, on August 17, 2021.

**Resolution No. 4993: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 AND THE UNDESCRIBED PARCEL TO THE EAST.**

**ATTEST:**

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

\*\*\*\*\*

**PASSED ADOPTED AND FINALLY APPROVED, during a second reading by the  
Livingston City Commission this 21<sup>st</sup> day of September, 2021.**

\_\_\_\_\_  
**DOREL HOGLUND- Chair**

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**Resolution No. 4993: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT  
TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON  
AND IS DESCRIBED AS S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 AND THE UNDESCRIBED  
PARCEL TO THE EAST.**

**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, September 21st, 2021, during a second reading of **RESOLUTION NO. 4993: entitled A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS**

For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, August 20th, 2021 and September 3rd, 2021.

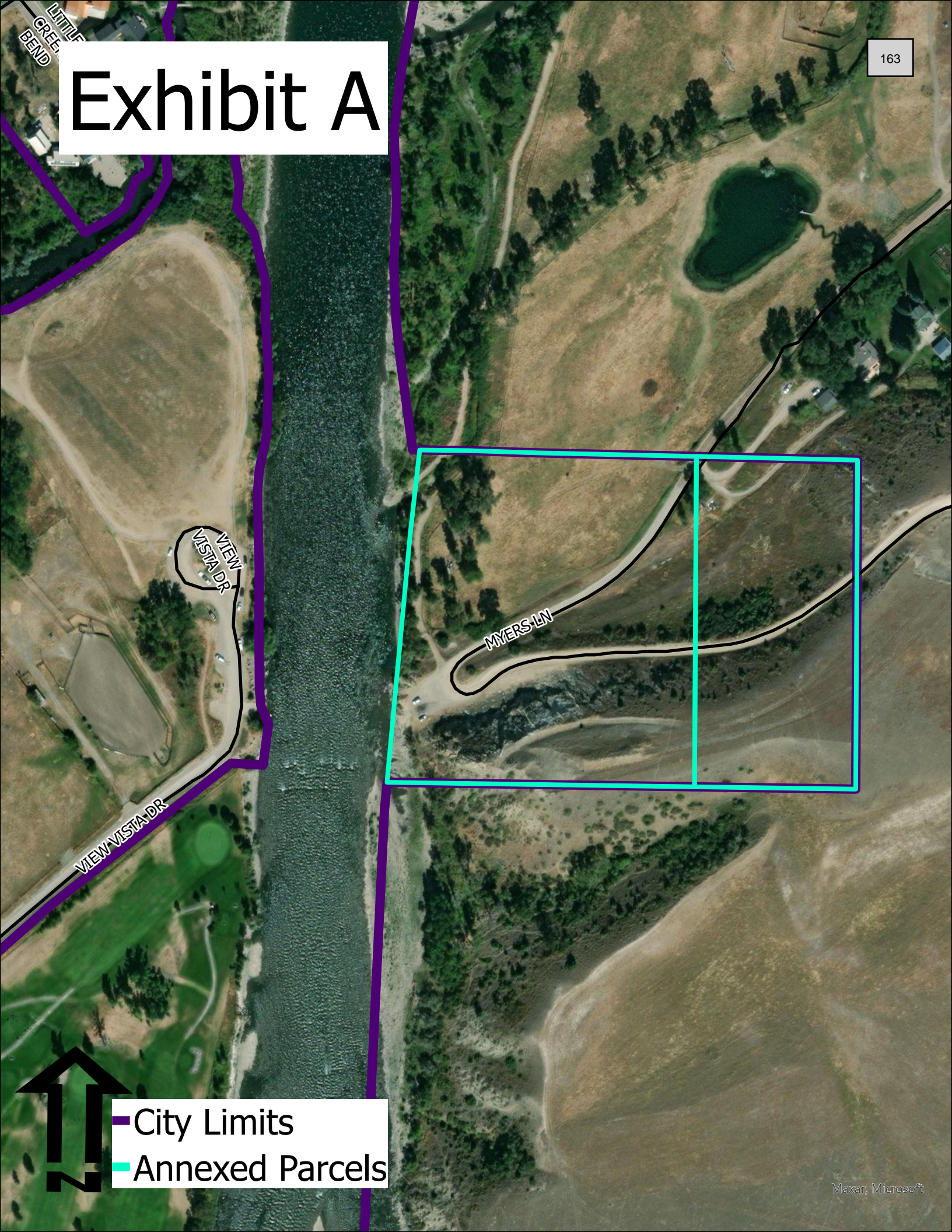
Mathieu Menard  
City of Livingston  
August 18, 2021



**Resolution No. 4993: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS S18, T02 S, R10 E, LOT 10, W2SE4NW4NE4 AND THE UNDESCRIBED PARCEL TO THE EAST.**



LITTLE CREEK BEND

# Exhibit A



 City Limits  
 Annexed Parcels





**File Attachments for Item:**

**D. RESOLUTION NO. 4994: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 16 LOVES LANE.**



**RESOLUTION NO. 4994**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 16 LOVES LANE.**

**WHEREAS**, Section 7-2-4501, Montana Code Annotated, authorizes annexation of wholly surrounded property; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified in the City’s Annexation Policy, and that the boundaries of the City of Livingston be extended to include the wholly surrounded property known as 16 Loves Lane as shown by Exhibit A, which are wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4501 deems property wholly surrounded by the city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the §7-2-4502 proscribes that protest of this annexation is not available to the annexation of wholly surrounded properties to be included in the territorial boundaries of the City.

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

It is the intent of the City Commission to annex wholly surrounded land more particularly described as:

**ACREVILLE SUBDIVISION, S23, T02 S, R09 E, PLAT 49 IN SE4 and as shown on the map attached as Exhibit A.**

**PASSED** at a first reading by the Livingston City Commission, on August 17, 2021.

**ATTEST:**

**Resolution No. 4994: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 16 LOVES LANE.**

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

\*\*\*\*\*

**PASSED ADOPTED AND FINALLY APPROVED, during a second reading by the Livingston City Commission this 21<sup>st</sup> day of September, 2021.**

\_\_\_\_\_  
**DOREL HOGLUND- Chair**

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**Resolution No. 4994: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 16 LOVES LANE.**

**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, September 21st, 2021, during a second reading of **RESOLUTION NO. XXXX: entitled A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE AREA NORTH OF THE RAILROAD TRACKS BETWEEN THE RAILROAD TRACKS AND BENNETT AND GALLATIN STREETS**

For additional information contact Faith Kinnick at (406) 823-6002.

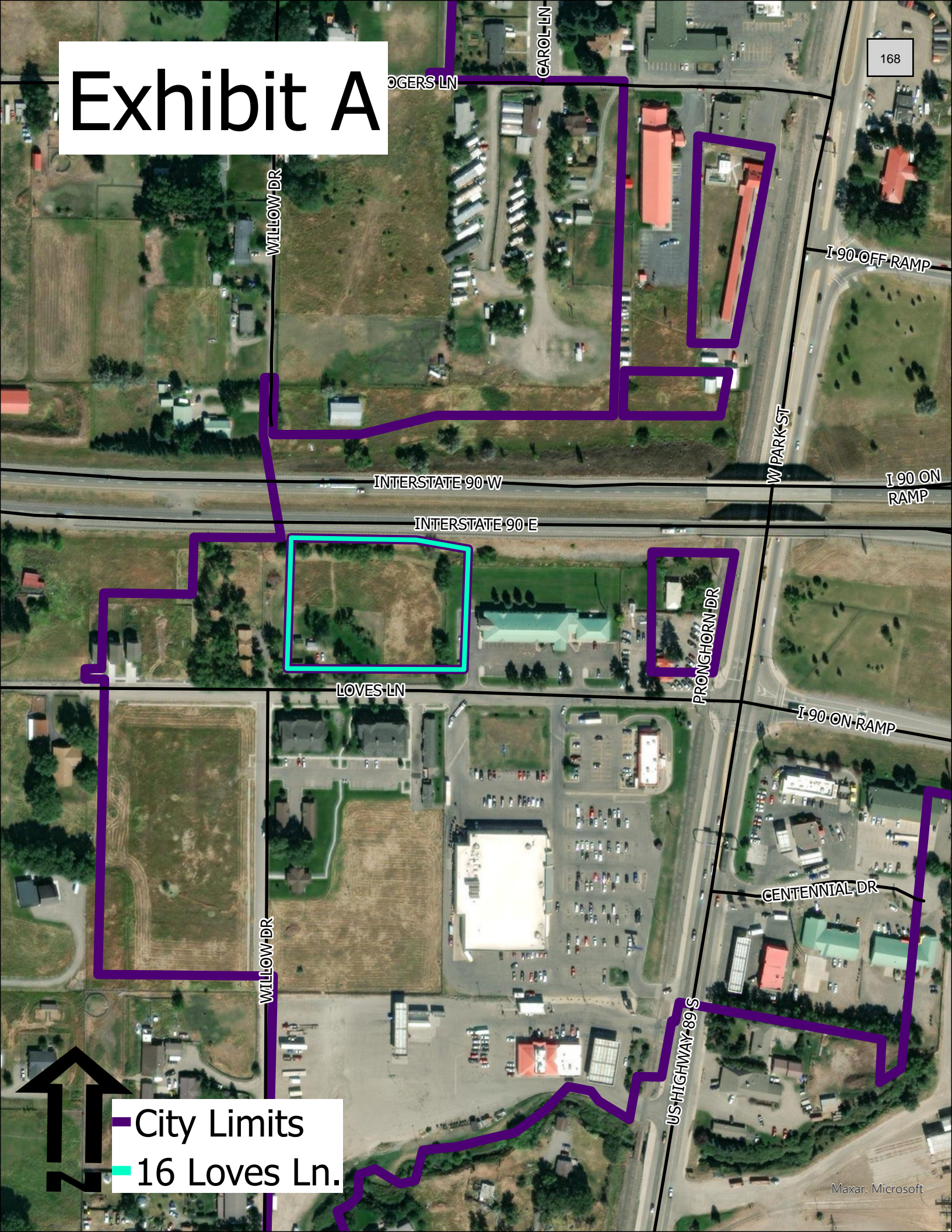
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Mathieu Menard  
City of Livingston  
August 18, 2021

**Resolution No. 4994: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 16 LOVES LANE.**



# Exhibit A



168

ROGERS LN

CAROL LN

WILLOW DR

I-90 OFF-RAMP

W PARK ST

I-90 ON RAMP

INTERSTATE 90-W

INTERSTATE 90-E

LOVES LN

PRONGHORN DR

I-90 ON-RAMP

WILLOW DR

CENTENNIAL DR

US HIGHWAY 89 S

City Limits  
16 Loves Ln.