



Livingston City Commission Agenda

November 05, 2020

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/84959288918?pwd=eFNhVUN2dGRJeitOVG9waHlpNEloZz09>

Meeting ID: 849 5928 8918 | Passcode: 096949 | Call in: (669) 900-6833

1. Call to Order

2. Roll Call

4. 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)

5. Consent Items

- A. APPROVE MINUTES FROM OCTOBER 6, 2020, REGULAR MEETING. PG. 4**
- B. QUARTERLY FINANCIAL SUMMARY AS OF SEPTEMBER 2020. PG. 7**
- C. RATIFY CLAIMS PAID 10/15/2020-10/27/2020. PG. 37**

6. Proclamations

7. Scheduled Public Comment

8. Public Hearings

- A. ORDINANCE NO. 2094: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING A 2,250 SQUARE FOOT PARCEL DESCRIBED AS LIVINGSTON MINNESOTA, TRIANGULAR PIECE SOUTH OF BLOCK 48 BOUNDED BY CHINOOK AND K STREET FROM MEDIUM DENSITY RESIDENTIAL RESIDENTIAL: MOBILE HOME (R-II (MH)) TO INDUSTRIAL (I). PG. 45**
- B. ORDINANCE NO. 2090: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ASSESSORY DWELLING UNITS. PG. 61**
- C. ORDINANCE NO: 2091 AMENDING ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ADMINISTRATIVE CHANGES AND ASSISTED LIVING FACILITIES. PG. 99**

9. Ordinances

- A. ORDINANCE NO. 2092: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON**

MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ZONING COMMISSION TEXT AMENDMENTS. PG. 111

B. ORDINANCE NO. 2093: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO TEXT AMENDMENTS. PG. 122

10. Resolutions

A. RESOLUTION NO: 4928: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CHANGE THE NAME OF NORTH TOWN ROAD WITHIN THE NORTH TOWN SUBDIVISION TO SWEETGRASS LANE. PG. 184

B. RESOLUTION NO. 4929: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, AUTHORIZING THE CITY MANAGER TO SIGN A BUY-SELL AGREEMENT WITH DAVID AMSK FOR THE PURCHASE OF HIS BUILDING LOCATED AT 220 E. PARK STREET IN LIVINGSTON. PG. 189

11. Action Items

A. DISCUSS/APPROVE/DENY: LIVINGSTON CHAMBER OF COMMERCE FEE WAIVER REQUEST, FOR 2020 DOWNTOWN CHRISTMAS STROLL. PG. 204

B. DISCUSS/APPROVE/DENY: CARES ACT REVENUE FUNDING OPTIONS. PG. 214

12. City Manager Comment

13. City Commission Comments

14. Adjournment

Calendar of Events *All meetings held via Zoom, unless noted otherwise*

- *November 3, 2020, Election Day, City Offices and Facilities closed*
- November 4, 2020, Planning Boards, 1st Growth Policy Meeting 5:30 pm.
- November 5, 2020, City Commission Meeting 5:30 pm.
- November 10, 2020, Historic Preservation Board Meeting 3:30 pm
- November 11, 2020, City Conservation Board meeting 5:00 pm
- *November 11, 2020, Veteran’s Day, City Offices and Facilities closed*
- November 18, 2020, Planning Boards, 2nd Growth Policy Meeting 5:30 pm.
- November 25, 2020, Parks and Trails Committee meeting 6:00 pm
- *November 26, 2020, Thanksgiving Day, City Offices and Facilities closed*

See full Callender here <http://www.livingstonmontana.org/calendar.php>

Supplemental Material

<u>RECRUITMENT</u> NOTICE: CITY COUNTY HEALTH BOARD	PG. 275
<u>CITY</u> TREE BOARD SPECIAL MEETING NOTICE	PG. 277
<u>CITY</u> PLANNING BOARD RECRUITMENT NOTICE	PG. 279
<u>PLANNING</u> BOARD GROWTH POLICY ANNOUNCEMENT	PG. 281

Notice

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

File Attachments for Item:

APPROVE MINUTES FROM OCTOBER 6, 2020, REGULAR MEETING.

LIVINGSTON CITY COMMISSION REGULAR MEETING MINUTES

Tuesday, October 20, 2020, 5:30 pm

Zoom Online Meeting ID: 833 4922 3618

1 Call to Order**2 Roll Call**

- * Hoglund, Schwarz, Friedman, Mabie, and Nootz were present.

3 Public Comment:

- * Michelle Uberuaga made comments (00:6:52)

4 Consent Items: (00:08:01)

- A. Approve minutes from October 6, 2020, regular Commission Meeting.

- B. Ratify claims paid 09/01/2020-10/15/2020.

- C. Pledged securities report as of September 2020

Nootz pulled A & C to discuss. Motioned to pass B. Mabie seconded. Passed 5-0

Motioned to correct minutes to include motion made to add Columbus Day/Indegenious people day to a future agenda and was seconded by Hoglund.

Nootz motioned to pass item C, Schwarz seconded.

All in favor, passed 5-0.

5 Proclamations:**6 Scheduled Public Comment: (00:11:59)**

- A. Shannon Holmes, Public Works director, presents Storm Water, the Forgotton Utility.

- * Nootz made comments (00:45:33)

- * Hoglund made comments (00:55:56)

7 Public Hearings: (01:

- A. Ordinance No. 2089: An Ordinance of the City Commission of the City of Livingston, Montana, amending Ordinance No. 1968, 1972 and 2041 as codified by Chapter 24 of the Livingston Municipal Code entitled Development Impact Fees.

- * Kardoos gave opening statement

- * Nootz made comments (01:10:10)

- * Hoglund made comments (01:14:29)

- * Mabie made comments (01:23:49)

- * Schwarz made comments (01:29:35)

- * Friedman made motion to pass Ordinance 2089, Nootz seconded with amendments

- * Friedman made comments (01:44:35)

- * Mabie seconded motion as is, because of appeals process.

- * Hoglund made motion with the addition of ammendments in those three spots, Nootz seconded, Hoglund's motion.

- * Lawellin gave procedural guidance (01:46:44)

- * Vote taken on amendments, Hoglund, Schwarz, Friedman, Nootz in favor, Mabie against.

- * Vote taken on Ord. 2089, with amendments. Hoglund, Schwarz, Friedman, Nootz in favor, Mabie against. Motion passes 4-0.

* 5 minute recess taken.

8 Ordiances

9 Resolutions: (01:57:16)

A. Resolution No. 4926, A Resolution of the City Commission of the City of Livingston, Montana, authorizing the City Manager to sign a 2 year services agreement with AE2S for on-call and instrumentation control services dated July 28, 2020, as it pertains to the Livingston Water reclamation facility and data system.

- * Kardoos gave opening statement
 - * Shannon Holmes made comments
 - * No public comments
 - * Friedman motioned, second by Schwarz
- All in favor, passes 5-0.

B. Resolution No. 4927: , A Resolution of the City Commission of the City of Livingston, Montana, authorizing the City Manager to sign a professional services agreement with Great West Engineering for solid waste disposal services study and recommendation. (02:02:33)

- * Kardoos gave opening statement
 - * Shannon Holmes made comments (02:03:28)
 - * No public comments
 - * Nootz made comments (02:07:55)
 - * Hoglelund made comments (02:10:14)
 - * Schwarz made comments (02:20:44)
 - * Mabie made comments (02:22:06)
 - * Friedman made comments (02:36:33)
- Nootz motioned with the addition of Conservation Board to the subtask that Shannon named, second by Mabie
- All in favor, passes 5-0.

10 Action Items:**11 City Manager Comments: (03:36:48)**

- * Kardoos gave update regarding Municode website migration staff is looking at for greater transparency and ADA complinace. Provided draft Growth Policy Update, Air quality monitor system and working with subsets in the Community. Shared Halloween flyer, City is not closing Yellowstone Street this year to encourage social distancing and neighborhood trick or treating. City ordered LED lights to distribute to the schools.

12 City Commission Comments

- * Nootz: (02:45:27)
- * Mabie (02:47:52)
- * Friedman (02:48:25)
- * Schwarz (02:48:45)
- * Hoglelund (02:49:26)

13 Adjournment 8:18pm (02:52:13)

File Attachments for Item:

B. QUARTERLY FINANCIAL SUMMARY AS OF SEPTEMBER 2020

Summary of Fund Revenues by Type

Fund	Taxes & Assessments	Licenses & Permits	Intergovernmental	Charge for Services	Fines & Forfeitures	Miscellaneous	Investment Earnings	Other Financing Sources	Transfers	Total
1000 - General	\$ 36,377	\$ 108,184	\$ 355,733	\$ 38,638	\$ 19,327	\$ 12,960	\$ 1,683	\$ -	\$ 206,383	\$ 779,286
2190 - Comprehensive Liability	876	-	-	-	-	-	24	-	-	900
2220 - Library	614	-	17,213	254	-	126	355	-	-	18,562
2300 - Communications/Dispatch Services	-	-	-	60,794	-	-	23	-	114,421	175,237
2310 - Tax Increment District - Downtown	5,146	-	-	-	-	-	610	-	-	5,756
2372 - Permissive Health Levy	2,748	-	-	-	-	-	60	-	-	2,808
2397 - CDBG Economic Dev Revolving	-	-	-	-	-	-	1	-	-	1
2399 - Impact Fees	-	-	-	31,494	-	-	463	-	-	31,957
2400 - Light Maintenance	-	-	-	-	-	1,243	127	-	-	1,369
2500 - Street Maintenance	-	577	-	-	-	7,977	192	-	-	8,746
2600 - Sidewalks	-	-	-	-	-	3,547	(159)	-	-	3,389
2650 - Business Improvement District	-	-	-	-	-	937	7	-	-	944
2700 - Park Improvement	-	-	-	-	-	-	87	-	-	87
2750 - Law Enforcement Joint Equipment	-	-	-	-	-	-	8	-	-	8
2820 - Gas Tax	-	-	37,630	100	-	-	138	-	-	37,867
3002 - 2016 Fire Truck GOB	219	-	-	-	-	-	24	-	-	242
3003 - 2000 Fire Truck GOB	149	-	-	-	-	-	6	-	-	156
3200 - West End Tax Increment District	-	-	-	-	-	-	466	-	-	466
3400 - SID Revolving	-	-	-	-	-	-	30	-	-	30
3550 - SID 179 - West End	-	-	-	-	-	-	29	-	-	29
3955 - SID 180 - Carol Lane	-	-	-	-	-	-	(6)	-	-	(6)
4010 - Capital Improvement	-	-	-	-	-	-	9	-	-	9
4020 - Library Capital Improvement	-	-	-	-	-	-	31	-	-	31
4099 - Railroad Crossing Levy	-	-	-	-	-	-	13	-	-	13
5210 - Water Department	-	-	-	634,563	-	-	1,790	-	-	636,354
5310 - Sewer Department	-	-	-	683,241	-	-	3,048	-	-	686,289
5410 - Solid Waste Department	-	-	-	701,895	-	12	161	-	-	702,068
5510 - Ambulance Services	176	-	2,565	267,239	-	-	622	-	-	270,602
8010 - Perpetual Cemetery	-	-	-	638	-	-	283	-	-	920
TOTAL	\$ 46,306	\$ 108,761	\$ 413,141	\$2,418,853	\$ 19,327	\$ 26,802	\$ 10,127	\$ -	\$ 320,804	\$ 3,364,121
% of Total	1.38%	3.23%	12.28%	71.90%	0.57%	0.80%	0.30%	0.00%	9.54%	100.00%
Budget	\$ 3,942,188	\$ 306,000	\$ 3,287,920	\$9,060,046	\$ 116,500	\$ 1,392,603	\$ 32,920	\$ 998,416	\$ 825,532	\$ 19,962,125
% of Budget Received	1.17%	35.54%	12.57%	26.70%	16.59%	1.92%	30.76%	0.00%	38.86%	16.85%

Summary of Fund Expenditures by Type

Fund	Personnel &		Capital	Debt Service	Other	Total
	Benefits	Operations			Financing	
1000 - General	\$ 959,284	\$ 417,224	\$ 276	\$ 8,407	\$ 169,527	\$ 1,554,718
2190 - Comprehensive Liability	-	-	-	-	-	-
2220 - Library	110,857	55,020	89	-	-	165,966
2300 - Communications/Dispatch Services	178,534	53,546	-	-	-	232,080
2310 - Tax Increment District - Downtown	-	-	-	-	-	-
2372 - Permissive Health Levy	-	-	-	-	-	-
2397 - CDBG Economic Dev Revolving	-	-	-	-	-	-
2399 - Impact Fees	-	-	6,900	-	-	6,900
2400 - Light Maintenance	-	16,868	-	-	-	16,868
2500 - Street Maintenance	106,662	74,535	21,911	45,360	-	248,467
2600 - Sidewalks	-	-	-	-	-	-
2650 - Business Improvement District	-	15,087	-	-	-	15,087
2700 - Park Improvement	-	-	-	-	-	-
2750 - Law Enforcement Joint Equipment	-	-	-	-	-	-
2820 - Gas Tax	-	40,887	378	-	-	41,265
3002 - 2016 Fire Truck GOB	-	-	-	-	-	-
3003 - 2000 Fire Truck GOB	-	-	-	-	-	-
3200 - West End Tax Increment District	-	-	-	-	-	-
3400 - SID Revolving	-	-	-	-	-	-
3550 - SID 179 - West End	-	-	-	-	-	-
3955 - SID 180 - Carol Lane	-	-	-	-	-	-
4010 - Capital Improvement	-	-	-	-	-	-
4020 - Library Capital Improvement	-	-	-	-	-	-
4099 - Railroad Crossing Levy	-	-	-	15,482	-	15,482
5210 - Water Department	115,416	142,891	5,451	1,405	-	265,163
5310 - Sewer Department	156,603	206,690	81,688	42,055	-	487,036
5410 - Solid Waste Department	150,870	318,616	27,370	1,405	-	498,261
5510 - Ambulance Services	303,602	130,519	-	-	-	434,121
8010 - Perpetual Cemetery	-	-	-	-	-	-
TOTAL	\$ 2,081,828	\$ 1,471,882	\$ 144,062	\$ 114,116	\$ 169,527	\$ 3,981,415
% of Total	52.29%	36.97%	3.62%	2.87%	4.26%	100.00%
Budget	\$ 9,401,316	\$ 6,113,835	\$ 2,874,998	\$ 1,296,029	\$ 1,051,016	\$ 20,737,194
% of Budget Expended	22.14%	24.07%	5.01%	8.81%	16.13%	19.20%

Summary of Fund Expenditures by Function

Fund	General Government	Public Safety	Public Works	Public Health	Culture & Recreation	Housing & Community Development	Debt Service	Miscellaneous	Other Financing Uses	Total
1000 - General	\$ 409,412	\$ 731,280	\$ 114,673	\$ 32,556	\$ 147,481	\$ -	\$ 3,858	\$ 1,037	\$ 114,421	\$ 1,554,718
2190 - Comprehensive Liability	-	-	-	-	-	-	-	-	-	-
2220 - Library	-	-	-	-	156,586	-	-	-	9,380	165,966
2300 - Communications/Dispatch Services	-	218,011	-	-	-	-	-	-	14,070	232,080
2310 - Tax Increment District - Downtown	-	-	-	-	-	-	-	-	-	-
2372 - Permissive Health Levy	-	-	-	-	-	-	-	-	-	-
2397 - CDBG Economic Dev Revolving	-	-	-	-	-	-	-	-	-	-
2399 - Impact Fees	-	6,900	-	-	-	-	-	-	-	6,900
2400 - Light Maintenance	-	16,868	-	-	-	-	-	-	-	16,868
2500 - Street Maintenance	-	-	172,282	-	-	-	45,360	1,500	29,326	248,467
2600 - Sidewalks	-	-	-	-	-	-	-	-	-	-
2650 - Business Improvement District	-	-	-	-	-	15,087	-	-	-	15,087
2700 - Park Improvement	-	-	-	-	-	-	-	-	-	-
2750 - Law Enforcement Joint Equipment	-	-	-	-	-	-	-	-	-	-
2820 - Gas Tax	-	-	41,265	-	-	-	-	-	-	41,265
3002 - 2016 Fire Truck GOB	-	-	-	-	-	-	-	-	-	-
3003 - 2000 Fire Truck GOB	-	-	-	-	-	-	-	-	-	-
3200 - West End Tax Increment District	-	-	-	-	-	-	-	-	-	-
3400 - SID Revolving	-	-	-	-	-	-	-	-	-	-
3550 - SID 179 - West End	-	-	-	-	-	-	-	-	-	-
3955 - SID 180 - Carol Lane	-	-	-	-	-	-	-	-	-	-
4010 - Capital Improvement	-	-	-	-	-	-	-	-	-	-
4020 - Library Capital Improvement	-	-	-	-	-	-	-	-	-	-
4099 - Railroad Crossing Levy	-	-	-	-	-	-	15,482	-	-	15,482
5210 - Water Department	-	-	229,989	-	-	-	-	-	35,174	265,163
5310 - Sewer Department	-	-	399,487	-	-	-	40,650	-	46,899	487,036
5410 - Solid Waste Department	-	-	454,866	-	-	-	-	-	43,396	498,261
5510 - Ambulance Services	-	405,982	-	-	-	-	-	-	28,139	434,121
8010 - Perpetual Cemetery	-	-	-	-	-	-	-	-	-	-
TOTAL	\$ 409,412	\$ 1,379,041	\$ 1,412,561	\$ 32,556	\$ 304,067	\$ 15,087	\$ 105,350	\$ 2,537	\$ 320,804	\$ 3,981,415
% of Total	10.28%	34.64%	35.48%	0.82%	7.64%	0.38%	2.65%	0.06%	8.06%	100.00%
Budget	\$ 1,509,416	\$ 6,328,654	\$ 7,346,380	\$ 153,406	\$ 1,278,416	\$ 997,790	\$ 1,290,029	\$ 9,155	\$ 1,823,948	\$ 20,737,194
% of Budget Expended	27.12%	21.79%	19.23%	21.22%	23.78%	1.51%	8.17%	27.71%	17.59%	19.20%

1000 - General Fund Summary

FUND	FY 2021 Budget	Quarter Ended September 2020		Year Ended June 2021	
		Received/ Expended	% of Budget	Received/ Expended	% of Budget
1000 - General Fund					
Revenues					
Taxes & Assessments	\$ 2,702,532	\$ 36,377	1.35%	\$ 36,377	1.35%
Licenses & Permits	293,000	108,184	36.92%	108,184	36.92%
Intergovernmental Revenue	1,898,146	355,733	18.74%	355,733	18.74%
Charge for Services	127,500	38,638	30.30%	38,638	30.30%
Fines & Forfeitures	116,500	19,327	16.59%	19,327	16.59%
Miscellaneous Revenue	68,420	12,960	18.94%	12,960	18.94%
Investment Earnings	4,000	1,683	42.09%	1,683	42.09%
Other Financing Sources	348,619	-	0.00%	-	0.00%
Transfers	825,532	206,383	25.00%	206,383	25.00%
Total Revenue	6,384,249	779,286	12.21%	779,286	12.21%
Expenditures					
Personnel & Benefits	4,349,925	959,284	22.05%	959,284	22.05%
Operations	1,180,943	417,224	35.33%	417,224	35.33%
Capital	342,180	276	0.08%	276	0.08%
Debt Service	9,163	8,407	91.75%	8,407	91.75%
Other Financing Uses	515,158	169,527	32.91%	169,527	32.91%
Total Expenditures	6,397,369	1,554,718	24.30%	1,554,718	24.30%

Expenditures by Function					
General Government	1,500,901	409,412	27.28%	409,412	27.28%
Public Safety	3,231,063	731,280	22.63%	731,280	22.63%
Public Works	414,219	114,673	27.68%	114,673	27.68%
Public Health	153,406	32,556	21.22%	32,556	21.22%
Culture & Recreation	621,904	147,481	23.71%	147,481	23.71%
Debt Service	9,163	3,858	42.10%	3,858	42.10%
Miscellaneous	4,155	1,037	24.95%	1,037	24.95%
Other Financing Uses	462,558	114,421	24.74%	114,421	24.74%
Total Expenditures	6,397,369	1,554,718	24.30%	1,554,718	24.30%

Fund Balance					
Beginning Fund Balance	1,823,781	2,239,046		2,239,046	
Revenue	6,384,249	779,286	12.21%	779,286	12.21%
Expenditures	6,397,369	1,554,718	24.30%	1,554,718	24.30%
Ending Fund Balance	1,810,661	1,463,614		1,463,614	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2190 - Comprehensive Liability					
Revenues					
Taxes & Assessments	-	876	0.00%	876	0.00%
Investment Earnings	-	24	0.00%	24	0.00%
Other Financing Sources	-	-	0.00%	-	0.00%
Transfers	-	-	0.00%	-	0.00%
Total Revenue	-	900	0.00%	900	0.00%
Expenditures					
Operations	-	-	0.00%	-	0.00%
Total Expenditures	-	-	0.00%	-	0.00%
Expenditures by Function					
Miscellaneous	-	-	0.00%	-	0.00%
Total Expenditures	-	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	18,380	19,179		19,179	
Revenue	-	900	0.00%	900	0.00%
Expenditures	-	-	0.00%	-	0.00%
Ending Fund Balance	18,380	20,079		20,079	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2220 - Library					
Revenues					
Taxes & Assessments	105,276	614	0.58%	614	0.58%
Intergovernmental Revenue	530,325	17,213	3.25%	17,213	3.25%
Charge for Services	6,000	254	4.23%	254	4.23%
Fines & Forfeitures	-	-	0.00%	-	0.00%
Miscellaneous Revenue	2,000	126	6.30%	126	6.30%
Investment Earnings	200	355	177.47%	355	177.47%
Transfers	71,016	-	0.00%	-	0.00%
Total Revenue	714,817	18,562	2.60%	18,562	2.60%
Expenditures					
Personnel & Benefits	485,476	110,857	22.83%	110,857	22.83%
Operations	166,555	55,020	33.03%	55,020	33.03%
Capital	15,000	89	0.59%	89	0.59%
Total Expenditures	667,031	165,966	24.88%	165,966	24.88%
Expenditures by Function					
Culture & Recreation	629,512	156,586	24.87%	156,586	24.87%
Other Financing Uses	37,519	9,380	25.00%	9,380	25.00%
Total Expenditures	667,031	165,966	24.88%	165,966	24.88%
Fund Balance					
Beginning Fund Balance	287,931	411,052		411,052	
Revenue	714,817	18,562	2.60%	18,562	2.60%
Expenditures	667,031	165,966	24.88%	165,966	24.88%
Ending Fund Balance	335,717	263,649		263,649	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2300 - Dispatch					
Revenues					
Intergovernmental Revenue	481	-	0.00%	-	0.00%
Charge for Services	459,682	60,794	13.23%	60,794	13.23%
Investment Earnings	(300)	23	-7.66%	23	-7.66%
Other Financing Sources	529,286	-	0.00%	-	0.00%
Total Revenue	989,149	175,237	17.72%	175,237	17.72%
Expenditures					
Personnel & Benefits	691,490	178,534	25.82%	178,534	25.82%
Operations	136,478	53,546	39.23%	53,546	39.23%
Capital	159,000	-	0.00%	-	0.00%
Total Expenditures	986,968	232,080	23.51%	232,080	23.51%
Expenditures by Function					
Public Safety	930,689	218,011	23.42%	218,011	23.42%
Other Financing Uses	56,279	14,070	25.00%	14,070	25.00%
Total Expenditures	986,968	232,080	23.51%	232,080	23.51%
Fund Balance					
Beginning Fund Balance	97,463	175,387		175,387	
Revenue	989,149	175,237	17.72%	175,237	17.72%
Expenditures	986,968	232,080	23.51%	232,080	23.51%
Ending Fund Balance	99,644	118,544		118,544	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2310 - Urban Renwal District					
Revenues					
Taxes & Assessments	388,475	5,146	1.32%	5,146	1.32%
Intergovernmental Revenue	40,967	-	0.00%	-	0.00%
Miscellaneous Revenue	2,370	-	0.00%	-	0.00%
Investment Earnings	1,000	610	60.99%	610	60.99%
Total Revenue	432,812	5,756	1.33%	5,756	1.33%
Expenditures					
Operations	7,500	-	0.00%	-	0.00%
Capital	300,000	-	0.00%	-	0.00%
Debt Service	161,225	-	0.00%	-	0.00%
Total Expenditures	468,725	-	0.00%	-	0.00%
Expenditures by Function					
Housing & Community Devel.	307,500	-	0.00%	-	0.00%
Debt Service	16,225	-	0.00%	-	0.00%
Total Expenditures	323,725	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	343,917	490,453		490,453	
Revenue	432,812	5,756	1.33%	5,756	1.33%
Expenditures	468,725	-	0.00%	-	0.00%
Ending Fund Balance	308,004	496,209		496,209	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2372 - Permissive Health Insurance					
Revenues					
Taxes & Assessments	534,858	2,748	0.51%	2,748	0.51%
Investment Earnings	300	60	19.99%	60	19.99%
Total Revenue	535,158	2,808	0.52%	2,808	0.52%
Expenditures					
Other Financing Uses	534,858	-	0.00%	-	0.00%
Total Expenditures	534,858	-	0.00%	-	0.00%
Expenditures by Function					
Other Financing Uses	534,358	-	0.00%	-	0.00%
Total Expenditures	534,358	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	1	47,535		47,535	
Revenue	535,158	2,808	0.52%	2,808	0.52%
Expenditures	534,858	-	0.00%	-	0.00%
Ending Fund Balance	301	50,343		50,343	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2397 - CDBG Revolving Loan					
Revenues					
Intergovernmental Revenue	25,000	-	0.00%	-	0.00%
Investment Earnings	6,010	1	0.02%	1	0.02%
Total Revenue	31,010	1	0.00%	1	0.00%
Expenditures					
Operations	647,590	-	0.00%	-	0.00%
Total Expenditures	647,590	-	0.00%	-	0.00%
Expenditures by Function					
Housing & Community Devel.	647,590	-	0.00%	-	0.00%
Total Expenditures	647,590	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	616,580	569,323		569,323	
Revenue	31,010	1	0.00%	1	0.00%
Expenditures	647,590	-	0.00%	-	0.00%
Ending Fund Balance	-	569,324		569,324	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2399 - Impact Fees					
Revenues					
Charge for Services	99,643	31,494	31.61%	31,494	31.61%
Investment Earnings	1,000	463	46.29%	463	46.29%
Total Revenue	100,643	31,957	31.75%	31,957	31.75%
Expenditures					
Capital	330,453	6,900	2.09%	6,900	2.09%
Total Expenditures	330,453	6,900	2.09%	6,900	2.09%
Expenditures by Function					
Public Safety	44,000	6,900	15.68%	6,900	15.68%
Public Works	259,453	-	0.00%	-	0.00%
Culture & Recreation	27,000	-	0.00%	-	0.00%
Total Expenditures	330,453	6,900	2.09%	6,900	2.09%
Fund Balance					
Beginning Fund Balance	319,226	349,337		349,337	
Revenue	100,643	31,957	31.75%	31,957	31.75%
Expenditures	330,453	6,900	2.09%	6,900	2.09%
Ending Fund Balance	89,416	374,394		374,394	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2400 - Light Maintenance					
Revenues					
Miscellaneous Revenue	149,900	1,243	0.83%	1,243	0.83%
Investment Earnings	250	127	50.77%	127	50.77%
Total Revenue	150,150	1,369	0.91%	1,369	0.91%
Expenditures					
Operations	76,500	16,868	22.05%	16,868	22.05%
Capital	122,300	-	0.00%	-	0.00%
Total Expenditures	198,800	16,868	8.49%	16,868	8.49%
Expenditures by Function					
Public Safety	198,800	16,868	8.49%	16,868	8.49%
Total Expenditures	198,800	16,868	8.49%	16,868	8.49%
Fund Balance					
Beginning Fund Balance	84,602	115,577		115,577	
Revenue	150,150	1,369	0.91%	1,369	0.91%
Expenditures	198,800	16,868	8.49%	16,868	8.49%
Ending Fund Balance	35,952	100,078		100,078	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2500 - Street Maintenance					
Revenues					
Licenses & Permits	13,000	577	4.43%	577	4.43%
Miscellaneous Revenue	1,033,107	7,977	0.77%	7,977	0.77%
Investment Earnings	500	192	38.45%	192	38.45%
Other Financing Sources	44,619	-	0.00%	-	0.00%
Total Revenue	1,091,226	8,746	0.80%	8,746	0.80%
Expenditures					
Personnel & Benefits	508,072	106,662	20.99%	106,662	20.99%
Operations	287,121	74,535	25.96%	74,535	25.96%
Capital	167,000	21,911	13.12%	21,911	13.12%
Debt Service	93,073	45,360	48.74%	45,360	48.74%
Total Expenditures	1,055,266	248,467	23.55%	248,467	23.55%
Expenditures by Function					
Public Works	843,889	172,282	20.42%	172,282	20.42%
Debt Service	93,073	45,360	48.74%	45,360	48.74%
Miscellaneous	1,000	1,500	150.00%	1,500	150.00%
Other Financing Uses	117,304	29,326	25.00%	29,326	25.00%
Total Expenditures	1,055,266	248,467	23.55%	248,467	23.55%
Fund Balance					
Beginning Fund Balance	333,081	340,333		340,333	
Revenue	1,091,226	8,746	0.80%	8,746	0.80%
Expenditures	1,055,266	248,467	23.55%	248,467	23.55%
Ending Fund Balance	369,041	100,611		100,611	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2600 - Sidewalks					
Revenues					
Miscellaneous Revenue	54,280	3,547	6.54%	3,547	6.54%
Investment Earnings	(300)	(159)	52.90%	(159)	52.90%
Total Revenue	53,980	3,389	6.28%	3,389	6.28%
Expenditures					
Capital	73,300	-	0.00%	-	0.00%
Total Expenditures	73,300	-	0.00%	-	0.00%
Expenditures by Function					
Public Works	73,300	-	0.00%	-	0.00%
Total Expenditures	73,300	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	(127,845)	(130,874)		(130,874)	
Revenue	53,980	3,389	6.28%	3,389	6.28%
Expenditures	73,300	-	0.00%	-	0.00%
Ending Fund Balance	(147,165)	(127,485)		(127,485)	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2650 - Business Improvement District					
Revenues					
Miscellaneous Revenue	42,650	937	2.20%	937	2.20%
Investment Earnings	50	7	13.66%	7	13.66%
Total Revenue	42,700	944	2.21%	944	2.21%
Expenditures					
Operations	42,700	15,087	35.33%	15,087	35.33%
Total Expenditures	42,700	15,087	35.33%	15,087	35.33%
Expenditures by Function					
Housing & Community Devel.	42,700	15,087	35.33%	15,087	35.33%
Total Expenditures	42,700	15,087	35.33%	15,087	35.33%
Fund Balance					
Beginning Fund Balance	1	19,777		19,777	
Revenue	42,700	944	2.21%	944	2.21%
Expenditures	42,700	15,087	35.33%	15,087	35.33%
Ending Fund Balance	1	5,634		5,634	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2700 - Park Improvement					
Revenues					
Miscellaneous Revenue	-	-	0.00%	-	0.00%
Investment Earnings	-	87	0.00%	87	0.00%
Total Revenue	-	87	0.00%	87	0.00%

Fund Balance					
Beginning Fund Balance	70,532	70,544		70,544	
Revenue	-	87	0.00%	87	0.00%
Expenditures	-	-	0.00%	-	0.00%
Ending Fund Balance	70,532	70,631		70,631	

2750 - Law Enforcement Joint Equipment					
Revenues					
Investment Earnings	30	8	27.00%	8	27.00%
Total Revenue	30	8	27.00%	8	27.00%
Expenditures					
Operations	6,546	-	0.00%	-	0.00%
Total Expenditures	6,546	-	0.00%	-	0.00%

Expenditures by Function					
Public Safety	6,546	-	0.00%	-	0.00%
Total Expenditures	6,546	-	0.00%	-	0.00%

Fund Balance					
Beginning Fund Balance	6,516	6,534		6,534	
Revenue	30	8	27.00%	8	27.00%
Expenditures	6,546	-	0.00%	-	0.00%
Ending Fund Balance	-	6,542		6,542	

<i>Special Revenue Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
2820 - Gas Tax					
Revenues					
Intergovernmental Revenue	496,147	37,630	7.58%	37,630	7.58%
Charge for Services	150	100	66.67%	100	66.67%
Investment Earnings	500	138	27.53%	138	27.53%
Total Revenue	496,797	37,867	7.62%	37,867	7.62%
Expenditures					
Operations	169,000	40,887	24.19%	40,887	24.19%
Capital	328,300	378	0.12%	378	0.12%
Total Expenditures	497,300	41,265	8.30%	41,265	8.30%
Expenditures by Function					
Public Works	497,300	41,265	8.30%	41,265	8.30%
Total Expenditures	497,300	41,265	8.30%	41,265	8.30%
Fund Balance					
Beginning Fund Balance	107,091	114,380		114,380	
Revenue	496,797	37,867	7.62%	37,867	7.62%
Expenditures	497,300	41,265	8.30%	41,265	8.30%
Ending Fund Balance	106,588	110,983		110,983	

<i>Debt Service Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
3002 - 2016 Fire Truck General Obligation Bond					
Revenues					
Taxes & Assessments	55,776	219	0.39%	219	0.39%
Investment Earnings	100	24	23.80%	24	23.80%
Total Revenue	55,876	242	0.43%	242	0.43%
Expenditures					
Debt Service	55,664	-	0.00%	-	0.00%
Total Expenditures	55,664	-	0.00%	-	0.00%
Expenditures by Function					
Debt Service	55,644	-	0.00%	-	0.00%
Total Expenditures	55,644	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	18,787	19,141		19,141	
Revenue	55,876	242	0.43%	242	0.43%
Expenditures	55,664	-	0.00%	-	0.00%
Ending Fund Balance	18,999	19,383		19,383	

<i>Debt Service Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
3003 - 2000 Fire Truck General Obligation Bond					
Revenues					
Taxes & Assessments	-	149	0.00%	149	0.00%
Investment Earnings	-	6	0.00%	6	0.00%
Total Revenue	-	156	0.00%	156	0.00%
Expenditures					
Debt Service	-	-	0.00%	-	0.00%
Total Expenditures	-	-	0.00%	-	0.00%
Expenditures by Function					
Debt Service	-	-	0.00%	-	0.00%
Total Expenditures	-	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	4,796	4,937		4,937	
Revenue	-	156	0.00%	156	0.00%
Expenditures	-	-	0.00%	-	0.00%
Ending Fund Balance	4,796	5,093		5,093	

<i>Debt Service Funds</i>		Quarter Ended		Year Ended	
		September 2020		June 2021	
FUND	FY 2021 Budget	Received/Expended	% of Budget	Received/Expended	% of Budget
3200 - West End Tax Increment District					
Revenues					
Taxes & Assessments	125,000	-	0.00%	-	0.00%
Intergovernmental Revenue	13,189	-	0.00%	-	0.00%
Investment Earnings	1,500	466	31.08%	466	31.08%
Total Revenue	139,689	466	0.33%	466	0.33%
Expenditures					
Operations	225,000	-	0.00%	-	0.00%
Debt Service	74,169	-	0.00%	-	0.00%
Total Expenditures	299,169	-	0.00%	-	0.00%
Expenditures by Function					
Public Works	225,000	-	0.00%	-	0.00%
Debt Service	74,169	-	0.00%	-	0.00%
Total Expenditures	299,169	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	330,346	377,360		377,360	
Revenue	139,689	466	0.33%	466	0.33%
Expenditures	299,169	-	0.00%	-	0.00%
Ending Fund Balance	170,866	377,826		377,826	

<i>Debt Service Funds</i>		Quarter Ended		Year Ended	
		September 2020		June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
3400 - SID Revolving					
Revenues					
Investment Earnings	120	30	25.11%	30	25.11%
Total Revenue	120	30	25.11%	30	25.11%

Fund Balance					
Beginning Fund Balance	24,247	24,304		24,304	
Revenue	120	30	25.11%	30	25.11%
Expenditures	-	-	0.00%	-	0.00%
Ending Fund Balance	24,367	24,334		24,334	

3550 - SID 179 - West End					
Revenues					
Miscellaneous Revenue	34,513	-	0.00%	-	0.00%
Investment Earnings	120	29	24.32%	29	24.32%
Total Revenue	34,633	29	0.08%	29	0.08%
Expenditures					
Debt Service	32,381	-	0.00%	-	0.00%
Total Expenditures	32,381	-	0.00%	-	0.00%

Expenditures by Function					
Debt Service	32,381	-	0.00%	-	0.00%
Total Expenditures	32,381	-	0.00%	-	0.00%

Fund Balance					
Beginning Fund Balance	23,467	23,536		23,536	
Revenue	34,633	29	0.08%	29	0.08%
Expenditures	32,381	-	0.00%	-	0.00%
Ending Fund Balance	25,719	23,565		23,565	

<i>Debt Service Funds</i>		Quarter Ended		Year Ended	
		September 2020		June 2021	
FUND	FY 2021 Budget	Received/Expended	% of Budget	Received/Expended	% of Budget
3955 - SID 180 - Carol Lane					
Revenues					
Miscellaneous Revenue	3,563	-	0.00%	-	0.00%
Investment Earnings	(50)	(6)	12.96%	(6)	12.96%
Total Revenue	3,513	(6)	-0.18%	(6)	-0.18%
Fund Balance					
Beginning Fund Balance	(5,230)	(5,229)		(5,229)	
Revenue	3,513	(6)	-0.18%	(6)	-0.18%
Expenditures	-	-	0.00%	-	0.00%
Ending Fund Balance	(1,717)	(5,235)		(5,235)	

<i>Capital Project Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
4010 - Capital Improvement					
Revenues					
Investment Earnings	40	9	23.33%	9	23.33%
Total Revenue	40	9	23.33%	9	23.33%
Expenditures					
Capital	8,515	-	0.00%	-	0.00%
Total Expenditures	8,515	-	0.00%	-	0.00%

Expenditures by Function					
General Government	8,515	-	0.00%	-	0.00%
Total Expenditures	8,515	-	0.00%	-	0.00%

Fund Balance					
Beginning Fund Balance	8,475	8,490		8,490	
Revenue	40	14	34.58%	9	23.33%
Expenditures	8,515	-	0.00%	-	0.00%
Ending Fund Balance	-	8,449		8,499	

4020 - Library Capital Improvement					
Revenues					
Investment Earnings	-	31	0.00%	31	0.00%
Total Revenue	-	31	0.00%	31	0.00%

Fund Balance					
Beginning Fund Balance	25,097	25,281		25,281	
Revenue	-	47	0.00%	31	0.00%
Expenditures	-	-	0.00%	-	0.00%
Ending Fund Balance	25,097	25,143		25,312	

<i>Capital Project Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
4099 - Railroad Crossing Levy					
Revenues					
Taxes & Assessments	-	-	0.00%	-	0.00%
Investment Earnings	250	13	5.11%	13	5.11%
Other Financing Sources	4,876	-	0.00%	-	0.00%
Total Revenue	5,126	13	0.25%	13	0.25%
Expenditures					
Debt Service	30,961	15,482	50.01%	15,482	50.01%
Total Expenditures	30,961	15,482	50.01%	15,482	50.01%
Expenditures by Function					
Debt Service	30,961	15,482	50.01%	15,482	50.01%
Total Expenditures	30,961	15,482	50.01%	15,482	50.01%
Fund Balance					
Beginning Fund Balance	26,085	26,035		26,035	
Revenue	5,126	63	1.22%	13	0.25%
Expenditures	30,961	16,162	52.20%	15,482	50.01%
Ending Fund Balance	250	33,908		10,565	

<i>Enterprise Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
5210 - Water					
Revenues					
Charge for Services	1,600,054	634,563	39.66%	634,563	39.66%
Miscellaneous Revenue	300	-	0.00%	-	0.00%
Investment Earnings	6,500	1,790	27.55%	1,790	27.55%
Total Revenue	1,606,854	636,354	39.60%	636,354	39.60%
Expenditures					
Personnel & Benefits	568,212	115,416	20.31%	115,416	20.31%
Operations	566,029	142,891	25.24%	142,891	25.24%
Capital	299,490	5,451	1.82%	5,451	1.82%
Debt Service	3,000	1,405	46.85%	1,405	46.85%
Total Expenditures	1,436,731	265,163	18.46%	265,163	18.46%

Expenditures by Function					
Public Works	1,294,535	229,989	17.77%	229,989	17.77%
Debt Service	-	-	0.00%	-	0.00%
Miscellaneous	1,500	-	0.00%	-	0.00%
Other Financing Uses	140,696	35,174	25.00%	35,174	25.00%
Total Expenditures	1,436,731	265,163	18.46%	265,163	18.46%

Working Capital					
Beginning Working Capital	938,960	1,358,701		1,358,701	
Revenue	1,606,854	636,354	39.60%	636,354	39.60%
Expenditures	1,436,731	265,163	18.46%	265,163	18.46%
Ending Working Capital	1,109,083	1,729,891		1,729,891	

<i>Enterprise Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
5310 - Sewer					
Revenues					
Charge for Services	2,574,491	683,241	26.54%	683,241	26.54%
Miscellaneous Revenue	-	-	0.00%	-	0.00%
Investment Earnings	10,000	3,048	30.48%	3,048	30.48%
Other Financing Sources	-	-	0.00%	-	0.00%
Total Revenue	2,584,491	686,289	26.55%	686,289	26.55%
Expenditures					
Personnel & Benefits	683,061	156,603	22.93%	156,603	22.93%
Operations	760,877	206,690	27.16%	206,690	27.16%
Capital	458,460	81,688	17.82%	81,688	17.82%
Debt Service	783,705	42,055	5.37%	42,055	5.37%
Total Expenditures	2,686,103	487,036	18.13%	487,036	18.13%
Expenditures by Function					
Public Works	1,715,303	399,487	23.29%	399,487	23.29%
Debt Service	780,705	40,650	5.21%	40,650	5.21%
Miscellaneous	2,500	-	0.00%	-	0.00%
Other Financing Uses	187,595	46,899	25.00%	46,899	25.00%
Total Expenditures	2,686,103	487,036	18.13%	487,036	18.13%
Working Capital					
Beginning Working Capital	1,196,180	1,783,309		1,783,309	
Revenue	2,584,491	686,289	26.55%	686,289	26.55%
Expenditures	2,686,103	487,036	18.13%	487,036	18.13%
Ending Working Capital	1,094,568	1,982,562		1,982,562	

<i>Enterprise Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
5410 - Solid Waste					
Revenues					
Charge for Services	2,338,134	701,895	30.02%	701,895	30.02%
Miscellaneous Revenue	1,500	12	0.80%	12	0.80%
Investment Earnings	(750)	161	-21.50%	161	-21.50%
Total Revenue	2,338,884	702,068	30.02%	702,068	30.02%
Expenditures					
Personnel & Benefits	632,096	150,870	23.87%	150,870	23.87%
Operations	1,483,867	318,616	21.47%	318,616	21.47%
Capital	81,000	27,370	33.79%	27,370	33.79%
Debt Service	52,708	1,405	2.67%	1,405	2.67%
Total Expenditures	2,249,671	498,261	22.15%	498,261	22.15%
Expenditures by Function					
Public Works	2,023,381	454,866	22.48%	454,866	22.48%
Debt Service	52,708	-	0.00%	-	0.00%
Other Financing Uses	173,582	43,396	25.00%	43,396	25.00%
Total Expenditures	2,249,671	498,261	22.15%	498,261	22.15%
Working Capital					
Beginning Working Capital	71,663	120,512		120,512	
Revenue	2,338,884	702,068	30.02%	702,068	30.02%
Expenditures	2,249,671	498,261	22.15%	498,261	22.15%
Ending Working Capital	160,876	324,319		324,319	

<i>Enterprise Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
5510 - Ambulance Services					
Revenues					
Taxes & Assessments	30,271	176	0.58%	176	0.58%
Intergovernmental Revenue	283,665	2,565	0.90%	2,565	0.90%
Charge for Services	1,851,892	267,239	14.43%	267,239	14.43%
Miscellaneous Revenue	-	-	0.00%	-	0.00%
Investment Earnings	600	622	103.62%	622	103.62%
Other Financing Sources	-	-	0.00%	-	0.00%
Total Revenue	2,166,428	270,602	12.49%	270,602	12.49%
Expenditures					
Personnel & Benefits	1,482,984	303,602	20.47%	303,602	20.47%
Operations	357,129	130,519	36.55%	130,519	36.55%
Capital	190,000	-	0.00%	-	0.00%
Total Expenditures	2,030,113	434,121	21.38%	434,121	21.38%
Expenditures by Function					
Public Safety	1,917,556	405,982	21.17%	405,982	21.17%
Miscellaneous	-	-	0.00%	-	0.00%
Other Financing Uses	112,557	28,139	25.00%	28,139	25.00%
Total Expenditures	2,030,113	434,121	21.38%	434,121	21.38%
Working Capital					
Beginning Working Capital	731,654	821,435		821,435	
Revenue	2,166,428	270,602	12.49%	270,602	12.49%
Expenditures	2,030,113	434,121	21.38%	434,121	21.38%
Ending Working Capital	867,969	657,916		657,916	

<i>Permanent Funds</i>		Quarter Ended September 2020		Year Ended June 2021	
FUND	FY 2021 Budget	Received/ Expended	% of Budget	Received/ Expended	% of Budget
8010 - Perptual Cemetery					
Revenues					
Charge for Services	2,500	638	25.50%	638	25.50%
Investment Earnings	1,500	283	18.86%	283	18.86%
Total Revenue	4,000	920	23.01%	920	23.01%
Expenditures					
Other Financing Uses	1,500	-	0.00%	-	0.00%
Total Expenditures	1,500	-	0.00%	-	0.00%
Expenditures by Function					
Other Financing Uses	1,500	-	0.00%	-	0.00%
Total Expenditures	1,500	-	0.00%	-	0.00%
Fund Balance					
Beginning Fund Balance	245,403	244,878		244,878	
Revenue	4,000	920	23.01%	920	23.01%
Expenditures	1,500	-	0.00%	-	0.00%
Ending Fund Balance	247,903	245,798		245,798	

File Attachments for Item:

C. RATIFY CLAIMS PAID 10/15/2020-10/27/2020.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	60180	New Tires	09/21/2020	718.00	718.00	10/21/2020
22	ALL SERVICE TIRE & ALIGNME	60289	FLAT repair	10/05/2020	40.00	40.00	10/16/2020
22	ALL SERVICE TIRE & ALIGNME	60309	Tire Repair	10/07/2020	30.00	30.00	10/16/2020
22	ALL SERVICE TIRE & ALIGNME	60316	Tire Repair	10/07/2020	15.00	15.00	10/16/2020
Total ALL SERVICE TIRE & ALIGNMENT:					803.00	803.00	
AMERICAN AUTOMOTIVE							
3378	AMERICAN AUTOMOTIVE	1135	2018 DODGE	10/05/2020	311.61	311.61	10/16/2020
Total AMERICAN AUTOMOTIVE:					311.61	311.61	
AUZMOR,INC							
10002	AUZMOR,INC	COL092920	LEARN PLUS-ANNUAL FEE 2 YE	09/29/2020	18,000.00	18,000.00	10/16/2020
Total AUZMOR,INC:					18,000.00	18,000.00	
AXON ENTERPRISE, INC.							
3834	AXON ENTERPRISE, INC.	SI1686790	Tasers	09/26/2020	6,870.00	6,870.00	10/16/2020
Total AXON ENTERPRISE, INC.:					6,870.00	6,870.00	
BALCO UNIFORM COMPANY, INC.							
3371	BALCO UNIFORM COMPANY, IN	58166	RESERVE UNIFORM	05/19/2020	92.24	92.24	10/16/2020
Total BALCO UNIFORM COMPANY, INC.:					92.24	92.24	
BERNARD, NICK							
10001	BERNARD, NICK	2020.8.24	FIRE OFFICER 1 CERT	08/24/2020	95.00	95.00	10/16/2020
10001	BERNARD, NICK	7009762	FIRE OFFICER 1 COURSE	08/19/2020	325.00	325.00	10/16/2020
Total BERNARD, NICK:					420.00	420.00	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	83794283	Patient Supplies	10/01/2020	455.76	455.76	10/16/2020
2662	BOUND TREE MEDICAL, LLC	83801180	Patient Supplies	10/07/2020	251.43	251.43	10/21/2020
2662	BOUND TREE MEDICAL, LLC	83804577	Patient Supplies	10/09/2020	165.45	165.45	10/21/2020
2662	BOUND TREE MEDICAL, LLC	83806306	Patient Supplies	10/12/2020	24.00	24.00	10/21/2020
Total BOUND TREE MEDICAL, LLC:					896.64	896.64	
CANON FINANCIAL SERVICES, INC							
1747	CANON FINANCIAL SERVICES, I	22031774	FIRE & RESCUE CONTRACT	10/13/2020	29.31	29.31	10/21/2020
1747	CANON FINANCIAL SERVICES, I	22031775	FIRE AND RESCUE CONTRACT	10/13/2020	29.75	29.75	10/21/2020
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
CAROLINA SOFTWARE, Inc.							
3326	CAROLINA SOFTWARE, Inc.	77069	SOFTWARE SUPPORT	10/01/2020	500.00	500.00	10/16/2020
Total CAROLINA SOFTWARE, Inc.:					500.00	500.00	
CARQUEST AUTO PARTS							
23	CARQUEST AUTO PARTS	1912-488495	AIR FILTER	10/06/2020	9.09	9.09	10/16/2020
23	CARQUEST AUTO PARTS	1912-489148	Parts	10/13/2020	37.79	37.79	10/21/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CARQUEST AUTO PARTS:					46.88	46.88	
CENTRON SERVICES							
682	CENTRON SERVICES	2020.9.25	Utility Collections	09/25/2020	334.18	334.18	10/21/2020
682	CENTRON SERVICES	2020.9.25.1	Parking Collections	09/25/2020	153.41	153.41	10/21/2020
Total CENTRON SERVICES:					487.59	487.59	
CHURCHILL EQUIPMENT CO., INC.							
2112	CHURCHILL EQUIPMENT CO., I	WO50293	Parts	08/28/2020	1,377.90	1,377.90	10/16/2020
Total CHURCHILL EQUIPMENT CO., INC.:					1,377.90	1,377.90	
COMDATA							
2671	COMDATA	20337798	CG72T	10/01/2020	2,231.69	2,231.69	10/16/2020
2671	COMDATA	20337799	CG72S	10/01/2020	1,512.61	1,512.61	10/16/2020
Total COMDATA:					3,744.30	3,744.30	
DARYL HANSEN AGENCY							
3203	DARYL HANSEN AGENCY	2020.10	LIBRARY PREMIUM	10/01/2020	1,341.00	1,341.00	10/21/2020
3203	DARYL HANSEN AGENCY	2020.10.15	LIBRARY PREMIUM	10/15/2020	1,857.72	1,857.72	10/21/2020
Total DARYL HANSEN AGENCY:					3,198.72	3,198.72	
DD Enterprises							
3528	DD Enterprises	2484	Dust control	10/11/2020	1,200.00	1,200.00	10/21/2020
Total DD Enterprises:					1,200.00	1,200.00	
DELTA SIGNS & GRAPHICS							
509	DELTA SIGNS & GRAPHICS	2342	Signs	10/09/2020	580.00	580.00	10/16/2020
Total DELTA SIGNS & GRAPHICS:					580.00	580.00	
EDMISTON, KATHRYN							
2751	EDMISTON, KATHRYN	2020.9.9	CJIN Tac conference	09/09/2020	167.62	167.62	10/16/2020
Total EDMISTON, KATHRYN:					167.62	167.62	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	347523	Effluent	10/05/2020	409.00	409.00	10/16/2020
424	ENERGY LABORATORIES, INC.	349310	Effluent	10/12/2020	272.00	272.00	10/21/2020
Total ENERGY LABORATORIES, INC.:					681.00	681.00	
FASTENAL COMPANY							
1276	FASTENAL COMPANY	MTBOZ188954	RUSTO SAFT RED	09/24/2020	91.56	91.56	10/21/2020
Total FASTENAL COMPANY:					91.56	91.56	
FERGUSON ENTERPRISES, INC.							
2386	FERGUSON ENTERPRISES, IN	0759840	Meter	09/29/2020	1,024.50	1,024.50	10/21/2020
2386	FERGUSON ENTERPRISES, IN	0759842	Meter	09/29/2020	1,350.84	1,350.84	10/21/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total FERGUSON ENTERPRISES, INC.:					2,375.34	2,375.34	
FOUR CORNERS RECYCLING, LLC							
2919	FOUR CORNERS RECYCLING,	4608	Recycling Fees	09/28/2020	5,725.90	5,725.90	10/16/2020
2919	FOUR CORNERS RECYCLING,	4608CM	Credit Memo	09/28/2020	1,636.20-	1,636.20-	10/16/2020
2919	FOUR CORNERS RECYCLING,	4609	Recycling Fees	08/28/2020	7,455.15	7,455.15	10/16/2020
2919	FOUR CORNERS RECYCLING,	4609CM	Credit Memo	08/28/2020	1,399.80	1,399.80	10/16/2020
Total FOUR CORNERS RECYCLING, LLC:					12,944.65	12,944.65	
GATEWAY OFFICE SUPPLY							
54	GATEWAY OFFICE SUPPLY	49392	SHIPPING POLICE	10/05/2020	33.82	33.82	10/16/2020
54	GATEWAY OFFICE SUPPLY	49437	Office SupplieS-FINANCE	10/08/2020	32.10	32.10	10/16/2020
54	GATEWAY OFFICE SUPPLY	49479	Office SupplieS-JUDGE	10/13/2020	16.58	16.58	10/21/2020
Total GATEWAY OFFICE SUPPLY:					82.50	82.50	
GLASS, PEGGY							
306	GLASS, PEGGY	2020.10.2	CONFERENCE REIMB	10/02/2020	29.30	29.30	10/16/2020
306	GLASS, PEGGY	2020.9.24	REIMBERS	09/24/2020	50.00	50.00	10/16/2020
Total GLASS, PEGGY:					79.30	79.30	
HACH COMPANY							
100	HACH COMPANY	12154459	AMMONIA	10/08/2020	211.42	211.42	10/16/2020
Total HACH COMPANY:					211.42	211.42	
INDUSTRIAL TOWEL							
102	INDUSTRIAL TOWEL	42491	110 s B	10/08/2020	36.00	36.00	10/16/2020
Total INDUSTRIAL TOWEL:					36.00	36.00	
INSTY-PRINTS							
250	INSTY-PRINTS	36699	Business cards	09/18/2020	69.95	69.95	10/16/2020
Total INSTY-PRINTS:					69.95	69.95	
J & H, INC.							
3387	J & H, INC.	593767	CopiER MAINT	10/07/2020	5.97	5.97	10/21/2020
3387	J & H, INC.	593874	330 BENNETT	10/09/2020	62.48	62.48	10/21/2020
3387	J & H, INC.	593892	Civic Center copier	10/09/2020	125.49	125.49	10/16/2020
Total J & H, INC.:					193.94	193.94	
KAREN HARRISON							
10002	KAREN HARRISON	2020.10.14	BAILIFF 10/14/2020	10/14/2020	15.00	15.00	10/21/2020
Total KAREN HARRISON:					15.00	15.00	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	55870	VAC TRAILER	08/28/2020	687.30	687.30	10/21/2020
Total KEN'S EQUIPMENT REPAIR, INC:					687.30	687.30	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
KENYON NOBLE							
776	KENYON NOBLE	7969747	Premix Concrete	09/30/2020	182.76	182.76	10/16/2020
Total KENYON NOBLE:					182.76	182.76	
KNIFE RIVER							
8	KNIFE RIVER	712974	Plant Mix	09/24/2020	528.60	528.60	10/16/2020
8	KNIFE RIVER	714387	Cold Mix	09/29/2020	1,263.95	1,263.95	10/16/2020
Total KNIFE RIVER:					1,792.55	1,792.55	
LIQUID ENGINEERING CORPORTATION							
10001	LIQUID ENGINEERING CORPOR	17263	LEAK DETECTION	09/05/2020	3,857.00	3,857.00	10/21/2020
Total LIQUID ENGINEERING CORPORTATION:					3,857.00	3,857.00	
LIVINGSTON HEALTH CARE							
55	LIVINGSTON HEALTH CARE	100120	PATIENT SUPPLIES	10/01/2020	19.35	19.35	10/16/2020
55	LIVINGSTON HEALTH CARE	200069311	770120700 LAB TEST	06/10/2020	138.80	138.80	10/16/2020
55	LIVINGSTON HEALTH CARE	200073808	770147633 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073809	770148042 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073810	770147634 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073811	770147630 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073812	770147669 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073813	770147693 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073814	770147689 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073815	770147671 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073816	770147694 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073817	770148695 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200073818	770147668 LAB TEST	07/24/2020	30.00	30.00	10/16/2020
55	LIVINGSTON HEALTH CARE	200082758	770153859 LAB TEST	09/17/2020	140.80	140.80	10/16/2020
55	LIVINGSTON HEALTH CARE	4302778	Patient Supplies	10/02/2020	9.24	9.24	10/16/2020
55	LIVINGSTON HEALTH CARE	81340720	LAB TEST	08/11/2020	30.00	30.00	10/16/2020
Total LIVINGSTON HEALTH CARE:					668.19	668.19	
MASTERCARD							
3184	MASTERCARD	FETTERHOFF	Office supplies	10/01/2020	3,114.80	3,114.80	10/23/2020
3184	MASTERCARD	GLASS 2020_0	Refund	10/01/2020	183.69	183.69	10/23/2020
3184	MASTERCARD	GRADY 2020_	purchase	10/01/2020	246.24	246.24	10/23/2020
3184	MASTERCARD	HAEFS 2020_0	Part for Clarence well	10/01/2020	2,058.30	2,058.30	10/23/2020
3184	MASTERCARD	HARRINGTON	masks	10/01/2020	296.85	296.85	10/23/2020
3184	MASTERCARD	HOFFMAN 202	Laptop	10/01/2020	7,240.96	7,240.96	10/23/2020
3184	MASTERCARD	JOHANSSON	Ball for chair	10/01/2020	2,102.64	2,102.64	10/23/2020
3184	MASTERCARD	JOHNSON 202	Supplies	10/01/2020	924.80	924.80	10/23/2020
3184	MASTERCARD	KARDOES 202	Online video conferencing	10/01/2020	41.50	41.50	10/23/2020
3184	MASTERCARD	KINNICK 2020	Office Supplies	10/01/2020	236.78	236.78	10/23/2020
3184	MASTERCARD	LAWELLIN 202	Supplies	10/01/2020	114.87	114.87	10/23/2020
3184	MASTERCARD	LOWY 2020_0	waiting for receipts	10/01/2020	1,531.57	1,531.57	10/23/2020
3184	MASTERCARD	MACINNIS 202	dept coins	10/01/2020	6,402.84	6,402.84	10/23/2020
3184	MASTERCARD	O'ROURKE 20	PDF Xchange	10/01/2020	90.29	90.29	10/23/2020
3184	MASTERCARD	PURKETT 202	Desk Organizer	10/01/2020	8.99	8.99	10/23/2020
3184	MASTERCARD	SCHNEIDER 2	Tire Swing Swivel	10/01/2020	149.99	149.99	10/23/2020
3184	MASTERCARD	SMITH 2020_0	Blinds	10/01/2020	355.98	355.98	10/23/2020
3184	MASTERCARD	TARR 2020_09	CoVID - Hand Sanitizer	10/01/2020	885.19	885.19	10/23/2020
3184	MASTERCARD	WULF 2020_0	wildland	10/01/2020	429.35	429.35	10/23/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MASTERCARD:					26,415.63	26,415.63	
MEYER ELECTRIC AND GROUNDS REPAIR, LLC							
3812	MEYER ELECTRIC AND GROUN	496	CLEARANCE ST WELL	10/01/2020	561.63	561.63	10/21/2020
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					561.63	561.63	
MISC							
99999	MISC	2020.10.14.	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.1	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.10	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.11	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.13	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.14	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.15	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.16	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.17	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.19	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.2	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.20	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.3	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.4	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.6	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.7	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.8	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	2020.10.14.9	JURY DUTY	10/14/2020	12.00	12.00	10/21/2020
99999	MISC	TK2020-0072	Bond Release - C. Voller	10/15/2020	1,270.00	1,270.00	10/27/2020
99999	MISC	TK2020-0292	Bond Release - S. Harrigan	10/15/2020	1,090.00	1,090.00	10/27/2020
Total MISC:					2,576.00	2,576.00	
MMIA							
278	MMIA	920013	Deductible Recovery	10/05/2020	340.00	340.00	10/16/2020
Total MMIA:					340.00	340.00	
MONTANA DEPARTMENT OF REVENUE							
10001	MONTANA DEPARTMENT OF RE	2020.10.9	1% CONTRACTORS GROSS RE	10/09/2020	6,174.16	6,174.16	10/16/2020
Total MONTANA DEPARTMENT OF REVENUE:					6,174.16	6,174.16	
MONTANA RAIL LINK							
112	MONTANA RAIL LINK	457065	Agreement 600077	10/05/2020	468.00	468.00	10/21/2020
Total MONTANA RAIL LINK:					468.00	468.00	
MUNICIPAL CODE CORPORATION							
3058	MUNICIPAL CODE CORPORATI	00349753	Subscription	10/19/2020	150.00	150.00	10/21/2020
Total MUNICIPAL CODE CORPORATION:					150.00	150.00	
MUNICIPAL EMERGENCY SERVICES							
2604	MUNICIPAL EMERGENCY SERV	IN1505364	COMPANY BOOT	10/06/2020	85.00	85.00	10/21/2020
Total MUNICIPAL EMERGENCY SERVICES:					85.00	85.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	K01072/37	Tools	10/06/2020	103.90	103.90	10/16/2020
3688	MURDOCH'S RANCH & HOME S	K01117/37	Tools	10/13/2020	109.95	109.95	10/16/2020
Total MURDOCH'S RANCH & HOME SUPPLY:					213.85	213.85	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	2020.10.23	101 STAR RD	10/23/2020	24.68	24.68	10/21/2020
Total NORTHWESTERN ENERGY:					24.68	24.68	
OMDAHL EXCAVATION & UTILITES INC							
10002	OMDAHL EXCAVATION & UTILIT	1	1% GROSS RECEIPTS TAX	10/08/2020	611,242.24	611,242.24	10/16/2020
Total OMDAHL EXCAVATION & UTILITES INC:					611,242.24	611,242.24	
OPPORTUNITY BANK OF MONTANA							
3519	OPPORTUNITY BANK OF MONT	2020.11	Office Rent	10/15/2020	1,775.00	1,775.00	10/21/2020
Total OPPORTUNITY BANK OF MONTANA:					1,775.00	1,775.00	
PARK COUNTY							
272	PARK COUNTY	2020.10.1	MRDTF	10/01/2020	57,783.51	57,783.51	10/16/2020
Total PARK COUNTY:					57,783.51	57,783.51	
PARK COUNTY RURAL FIRE DISTRICT							
1292	PARK COUNTY RURAL FIRE DIS	2020.10.15	WATER IMPACT FEES	10/15/2020	13,500.00	13,500.00	10/21/2020
Total PARK COUNTY RURAL FIRE DISTRICT:					13,500.00	13,500.00	
REPUBLIC SERVICES #670							
10000	REPUBLIC SERVICES #670	0670-0002350	RECYCLING/DISPOSAL	09/30/2020	100,093.27	100,093.27	10/16/2020
Total REPUBLIC SERVICES #670:					100,093.27	100,093.27	
SHERWIN WILLIAMS							
443	SHERWIN WILLIAMS	5547-3	Pro park WB YELLOW	09/18/2020	531.80	531.80	10/21/2020
Total SHERWIN WILLIAMS:					531.80	531.80	
SHI INTERNATIONAL CORP.							
2907	SHI INTERNATIONAL CORP.	2020.10.5	2019 WINDOWS PLATFORM	10/05/2020	392.48	392.48	10/16/2020
Total SHI INTERNATIONAL CORP.:					392.48	392.48	
SIGNIFY NORTH AMERICA CORPORATION							
10000	SIGNIFY NORTH AMERICA COR	8914416933	STREET LIGHTS DOWNTOWN	09/19/2020	22,032.00	22,032.00	10/16/2020
Total SIGNIFY NORTH AMERICA CORPORATION:					22,032.00	22,032.00	
STORY DISTRIBUTING							
3353	STORY DISTRIBUTING	075861	Diesel 325G	09/10/2020	583.70	583.70	10/16/2020
3353	STORY DISTRIBUTING	076593	Diesel 605G	09/28/2020	1,036.37	1,036.37	10/16/2020
Total STORY DISTRIBUTING:					1,620.07	1,620.07	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
SWS Equipment							
10000	SWS Equipment	0127221-IN	ROCKER SWITCH	10/15/2020	686.50	686.50	10/16/2020
Total SWS Equipment:					686.50	686.50	
TOWN & COUNTRY FOODS - LIVINGSTON							
2595	TOWN & COUNTRY FOODS - LI	9	CLASS SUPPLIES	10/06/2020	26.77	26.77	10/16/2020
Total TOWN & COUNTRY FOODS - LIVINGSTON:					26.77	26.77	
VERIZON WIRELESS							
879	VERIZON WIRELESS	9864492903	OCT 2020 CELLPHONES	10/08/2020	564.67	564.67	10/21/2020
879	VERIZON WIRELESS	9864492904	OCT 2020 CELLPHONES	10/08/2020	628.66	628.66	10/21/2020
Total VERIZON WIRELESS:					1,193.33	1,193.33	
VORTEX USA INC.							
3630	VORTEX USA INC.	45915	Splash Park	09/22/2020	1,127.18	1,127.18	10/16/2020
Total VORTEX USA INC.:					1,127.18	1,127.18	
WATCH GUARD VIDEO							
3461	WATCH GUARD VIDEO	SRINV0020625	Repair Unit	09/08/2020	339.00	339.00	10/16/2020
Total WATCH GUARD VIDEO:					339.00	339.00	
Grand Totals:					912,076.12	912,076.12	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

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

ORDINANCE NO. 2094

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

* * * * *

Preamble.

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

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

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

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

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

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

SECTION 1

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

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

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings provision:

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

SECTION 6

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

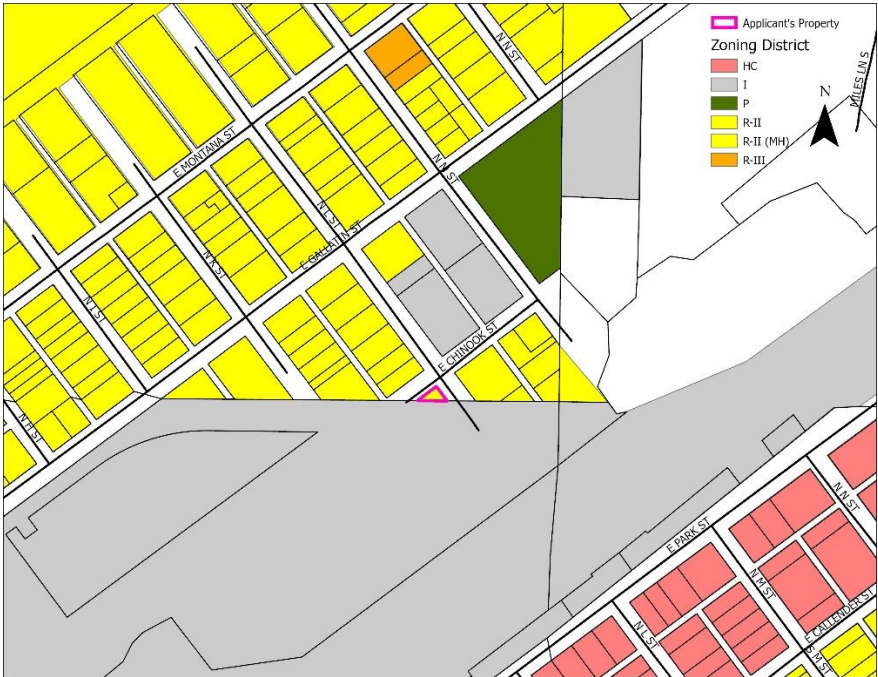
COURTNEY LAWELLIN
City Attorney

October 1, 2020

STAFF REPORT
ZONING MAP AMENDMENT – COLEMAN

Background

Doyle Scott Coleman has applied to amend the City of Livingston Official Zoning Map to change the zoning on the parcel generally located at 321 North L Street from R-II (MH) to I. The lot is legally described as Livingston Minnesota, Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E) (please note that the legal description of the property provided on the application is the Applicant’s address and not the lot in question, and is therefore incorrect). The lot is a 2,250 square foot triangular lot that is adjacent to the rail yard. A map has been provided (below) showing the zoning on the adjacent properties which are generally zoned R-II (MH) and I.



Proposed Findings of Fact

The Livingston Zone Map Amendment application requires that the applicant answer the following questions by letter to the Zoning Commission:

- 1) *What reasons prevent you from using this property for any of the uses allowed under the existing zoning?*

“Demand to gain small income from the property as drift boat storage undercover for winter. I wish only to operate a small business in an already industrial area for income.”

- 2) *Why is there a need for the intended use of the property at this location?*

“Business income opportunity in an area of town that already appears to be industrial - my neighbors run a lumber hauling service, fire wood sale business, and auto repair shop.”

- 3) *How will the public interest be served if this application is granted?*

“My interest will be served; public interest will be unaffected. As mentioned, the area is already industrial.”

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

(a) made in accordance with a growth policy:

Staff Comments:

- The adopted Growth Policy does not address the future land use of the lot in question.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- Any future development on the lot will be required to meet all adopted fire and building codes.
- The Applicant has stated that the plan for the property is to utilize an existing pole barn for storage of outdoor recreation activities which should have no impact on the fire danger. There would be no restriction on the Applicant utilizing the property for any use allowed in the I zoning district in the future, as such the Commission should evaluate the application based on the uses allowed in the I zoning district.

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

Staff Comments:

- The proposed map amendment should have little impact on public health, safety, and general welfare as the adjoining rail yard and properties to the north are zoned I.
- The I zoning district does allow for industrial uses which have the potential to have a greater impact on public health and safety than uses allowed in the R-II (MH) zoning district.

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

Staff Comments:

- The proposed map amendment should have no impact on the provision public requirements as the lot is currently connected to City services.
- The small size of the lot greatly reduces the potential for the lot to have a high impact on infrastructure and other services.

(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 map amendment should have no impact on the provision of adequate light and air.

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

Staff Comments:

- The proposed map amendment should have limited, if any, effect on transportation systems, the small size of the lot limits the potential for the property to generate large amounts of traffic.

(c) promotion of compatible urban growth;

Staff Comments:

- The parcel to the south (rail yard) and parcels to the north are zoned I, currently parcels to the east and west are zoned R-II (MH). The neighborhood is currently mixed with industrial and residential lots and the proposed map amendment does not change this pattern.

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

Staff Comments:

- The parcel to the south (rail yard) and parcels to the north are zoned I, currently parcels to the east and west are zoned R-II (MH). The neighborhood is currently mixed with industrial and residential lots and the proposed map amendment does not change this pattern.

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

Staff Comments:

- The proposed map amendments should have no effect on property values.

Spot zoning Criteria:

(1) the proposed use is significantly different from the prevailing use in the area.

Staff Comments:

- The existing uses in the area are residential and industrial, including the existing rail yard. The proposed map amendment is not significantly different from the prevailing use in the area.

(2) the area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change.

Staff Comments:

- The proposed map amendment is a single 2,250 square foot lot and is owned by a single landowner.

(3) the change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

Staff Comments:

- The proposed change should have no negative effect on the neighboring properties as many of the adjacent properties are zoned I.

Public Hearing

Staff Recommendation

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

Attachments

- Attachment I.....Application materials
- Attachment II.....Email from Applicant

ZONE CHANGE MAP AMENDMENT

CITY OF LIVINGSTON

CITY PLANNING OFFICE
Building & Utility Office
330 Bennett Street
(406) 222-4903

NOTICE TO PETITIONER

This is an application to the Livingston City Commission to grant a map amendment to the official zoning map of the City of Livingston Zoning Ordinance. Such an amendment will reclassify a parcel of property from one zoning district to another. The application will first be heard by the City Zoning Commission, which will transmit its recommendation to the City Commission. The Commission will then conduct a second public hearing and make a final decision on the request. The City Planner will process the application, make a recommendation based on the criteria listed in Section 2) below, and aid the applicant in completing the application.

INSTRUCTIONS

Applications shall be submitted in person to the City Planner at the above address. The filing fee must accompany the application.

- 1) The application must be accompanied by a letter answering the following questions:
 - A. What reasons prevent you from using this property for any of the uses allowed under the existing zoning?
 - B. Why is there a need for the intended use of the property at this location?
 - C. How will the public interest be served if this application is granted?

- 2) A zone change will be based on a staff report which must consider the following criteria:
 - 1. Is the proposed rezoning designed in accordance with the comprehensive plan?
 - 2. Will the proposed rezoning secure safety from fire, panic, and other dangers?
 - 3. Will the proposed rezoning promote health and general welfare?
 - 4. Will the proposed rezoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?

APPLICATION FOR ZONE CHANGE

From RII(MH) Zone

To I Zone

1. Legal description of the property:

Livingston Original Townsite
Addition S13, T02, R09E Block 82 Lot A, AMND SUB 491

Street North L Present zoning RII(MH)

2. Property Owner(s):

Name Doyle Scott Coleman

Address 113 South 5th Street

Phone Number 406.223-6559

3. Present use of land: Storage

4. Proposed use of land: Industrial Storage

I understand that the filing fee accompanying this application is not refundable. I certify that the foregoing information is true and accurate to the best of my knowledge.

Doyle Scott Coleman
Applicant

8/31/2020
Date

Adventures Rest, LLC

Doyle Scott Coleman

08/31/2020

To: City of Livingston Planning Office

Please consider my application and request to rezone my small triangle of property located at 329 North L Street from current RII(MH) to Industrial zoning.

This property is surrounded by industrial property and has only a pole barn structure with no residence. It will never be large enough or desirable for a residence. There exists a natural public interest to move this parcel to industrial zoning to match the surrounding property and serve potential future land owners.

I will use this small pole barn for industrial storage of equipment for Adventures Rest, LLC, a small company with small inventory of outdoor recreation equipment.

Sincerely,


D. Scott Coleman

From: Doyle Coleman <doylecoleman@gmail.com>
Sent: Friday, September 25, 2020 4:48 PM
To: Mathieu Menard
Subject: Re: Zone Change Questions

My reply - thank you
Must I be present at the October 13th meeting? Will I be notified of the decision and any further action that I must take?
Thank you Mathieu
Appreciate all
Scott Coleman

A. What reasons prevent you from using this property for any of the uses allowed under the existing zoning? Demand to gain small income from the property as drift boat storage undercover for winter. I wish only to operate a small business in an already industrial area for income.

B. Why is there a need for the intended use of the property at this location? Business income opportunity in an area of town that already appears to be industrial - my neighbors run a lumber hauling service, fire wood sale business, and auto repair shop.

C. How will the public interest be served if this application is granted? My interest will be served, public interest will be unaffected. As mentioned, the area is already industrial.

On Tue, Sep 22, 2020 at 9:50 AM Mathieu Menard <mmenard@livingstonmontana.org> wrote:
Hello Doyle,

I want to ensure that I am looking at the right property, is the lot highlighted in pink in the attached image the property in question?

Could you specifically respond to the following questions:

A. What reasons prevent you from using this property for any of the uses allowed under the existing zoning?

B. Why is there a need for the intended use of the property at this location?

C. How will the public interest be served if this application is granted?

The application is moving ahead as scheduled at this point and is planned to be heard by the Zoning Commission on October 13th. I will send you more details on the meeting as it approaches.

Let me know if you have any questions.

Thank you,
Mathieu Menard

Deputy Director of Planning
City of Livingston Department of Building and Planning
(406)222-4903

--
Doyle Scott Coleman, MD, FAAFP
Lt Col, MC, MT Air National Guard
Chief Medical Officer, Livingston HealthCare
320 Alpenglow Lane
Livingston, MT 59047
scott.coleman@livingstonhealthcare.org
406 823-6223 (work)
406 223-6559 (cell)

LEGAL
NOTICE OF PUBLIC HEARING

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

Coleman Zone Map Amendment: The Purpose of this hearing is to receive public comment regarding a request for a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Adventurers Rest, LLC, represented by Doyle Scott Coleman, has requested that the zoning on the lot described as the Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E), be amended from R-II (MH) to I on the official zoning map. The Zoning Commission heard this item at their October 13, 2020 public meeting and unanimously (5:0) voted to recommend approval of the amendment to the City Commission.

Zoning Amendment Administrative Language Zoning Text Amendment: The Purpose of this hearing is to receive public comment regarding the 1st reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The goal of the amendment is to clarify the notice requirements for zoning text and map amendments. Specifically, the amendment proposes to create distinct noticing and application processes for zoning text and map amendments. The Zoning Commission heard this item at their October 13, 2020 public meeting and unanimously (5:0) voted to recommend approval of the amendment to the City Commission.

Accessory Dwelling Unit Zoning Text Amendment: The Purpose of this hearing is to receive public comment regarding the 2nd reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to allow for, and regulate, accessory dwelling units within the City of Livingston. Specifically, the amendment allows for accessory dwellings on all lots in the R-I and R-II zoning districts within the city without requiring additional lot square footage. The amendment also addresses accessory dwelling density, size, and parking. The proposed Amendments were heard at the October 6, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

Personal Care Centers and Zoning Cleanup Zoning Text Amendment: The purpose of this hearing is to receive public comment regarding the 2nd reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to define “personal care centers”, update the use table to allow personal care centers in specific zoning districts, correct typographic errors in the current zoning, and ensure consistency throughout the zoning. Specifically, the amendment proposes that the undefined term nursing home be consolidated into the defined term “personal care centers” and that personal care centers be allowed to be placed in all districts that allow nursing homes as well as the Highway Commercial and Public districts. The amendment also addresses language and use consistency, typographic errors, and section labeling errors. The proposed Amendments were heard at the October 6, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

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

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

<https://us02web.zoom.us/j/84959288918?pwd=eFNhVUN2dGRJeitOVG9waHlpNEloZz09>

Meeting ID: 849 5928 8918

Passcode: 096949

Call In: (669) 900 6833

Mathieu Menard
City Planner

PLEASE PUBLISH ON WEDNESDAY, OCTOBER 21, 2020

File Attachments for Item:

B. ORDINANCE NO. 2090: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING.

ORDINANCE NO. 2090

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

* * * * *

Preamble.

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

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

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

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

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

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

SECTION 1

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

Chapter 30 - ZONING

Articles

Article II. - Definitions

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

The word "person" includes a firm, association, 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 structure or the use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof such accessory building shall be considered a part of the main building.

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

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

Alley: See Street.

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

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

"Bed and breakfast" means a commercial business operated in a house which is used partially or primarily for providing overnight accommodations to the public even though the owner may live on the premises. The accommodations for a bed and breakfast shall have no more than five (5) guest rooms. Breakfast is the only meal served on the premises, is included in the charge for the room, and there is no other food or beverage served upon the premises.

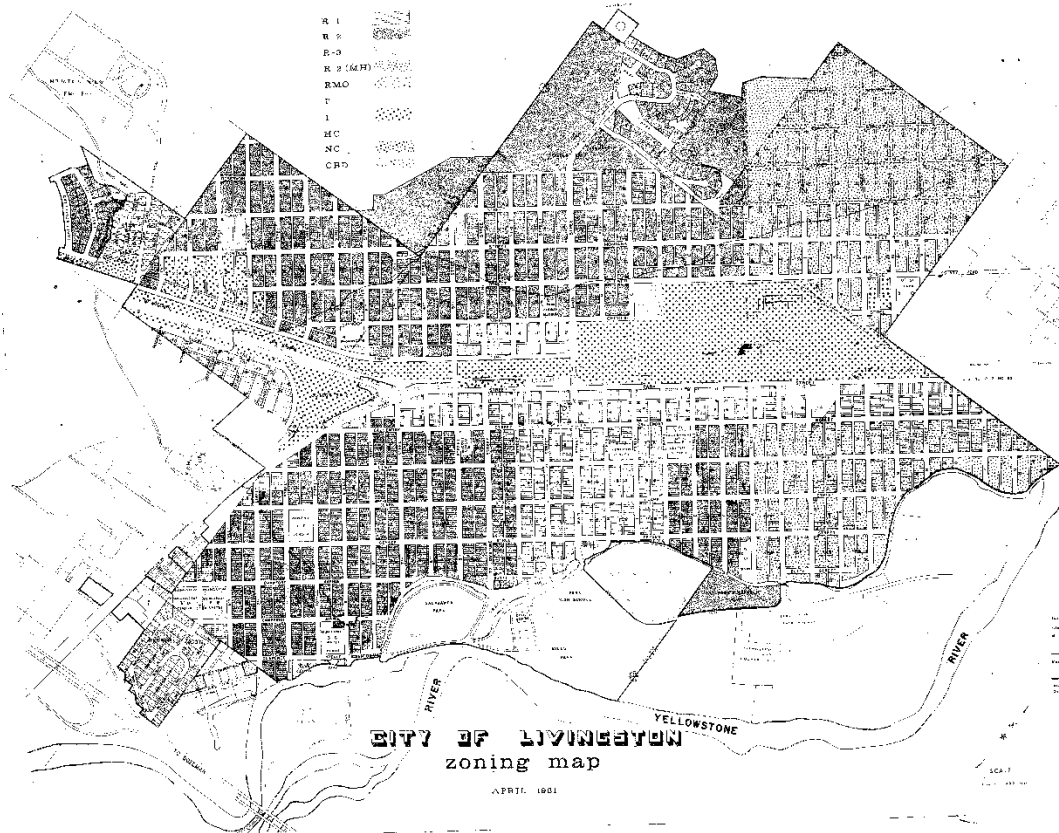
"Board" means the Board of Adjustment of the City of Livingston.

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

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

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

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



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

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

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

Dwelling (types of):

- a. "Dwelling, one (1) family" means a building designed for occupancy by one (1) family and containing one (1) dwelling unit.
- b. "Dwelling, two (2) family (duplex)" means a building designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units.
- c. "Dwelling, multiple" means a building designed primarily for occupancy by three (3) or more families living independent of each other, and containing three (3) or more dwelling units.
- d. "Dwelling, accessory" means one (1) independent dwelling unit which is smaller in area and subordinate in use to the principal one (1) family or two (2) family dwelling, or townhouse, on the same lot, whether attached or detached.

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

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

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

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

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

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

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

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

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

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

Livestock and Fowl. "Livestock" shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. "Fowl" includes chickens, geese, ducks, turkeys, peacocks and other poultry.

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

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

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

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

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

Lot types. The diagram (Figure 1) which follows on page 166 illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.

In the diagram, A = corner lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots line to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A(1) in the diagram.

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

C = through lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at a right angle or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (D-D).

"Manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least one thousand (1,000) square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home.

"Material" means a book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, DVD, or videotape (except a motion picture, DVD or videotape rated G, PG, PG-13 or R by the motion picture association of America).

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

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

"Mobile home park" means any lot, tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by two (2) or more mobile homes. This definition shall not include trailer sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sales.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use by automobile tourist or transient, and such word shall include tourist courts, motor courts, automobile courts, and motor lodges.

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

"Planning board" means the Livingston City Planning Board.

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

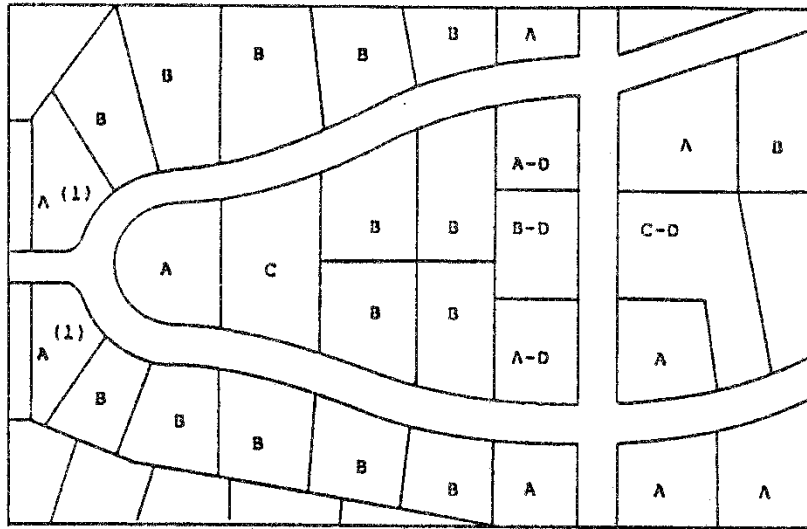


Figure 1
Lot Types

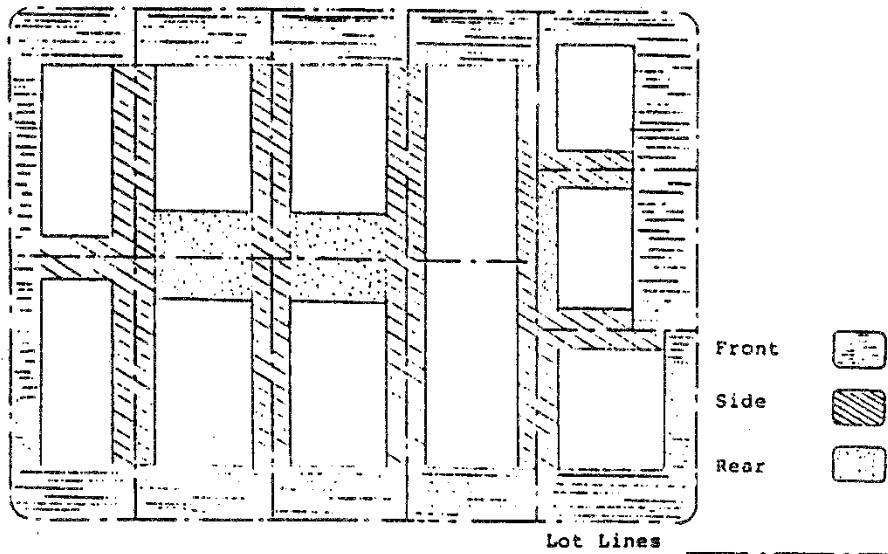


Figure 2
Location of yards on lots

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

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

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

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

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

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

"Special exceptions" means a special exception to the terms of this ordinance to permit uses other than those specifically permitted in each district in appropriate cases and subject to appropriate conditions.

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

Street:

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

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

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

"Structure" means a building or anything constructed in the ground or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences six (6) feet or less in height, paved areas, or small accessory use structures such as storage sheds, which would not require a building permit to be erected under any building code adopted by the City of Livingston, however, in no case will such accessory building be allowed to violate the line of sight restrictions for street and alley or private drive approaches as specified in Section 30.52(B) of this code, or the height limitations of the applicable zoning district.

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

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

"Variance" means an adjustment in the application of the specific regulations of this Chapter pursuant to Section 30.74.

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

"Yard" means a space on the same lot with a principal building, open, unoccupied, and unobstructed by any structure or portion of a structure; provided, however, that fences, walks, poles, small accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility in Section 30.52 of Article V. See Figure 2 for illustration of yard types defined below.

Yard, Front. "Front yard" means a yard extending between side lot lines across the front of a lot adjoining a public street. The front yard shall extend from the front property line to the front of the building located on the lot. In the case of corner lots where one (1) of the front yards that would normally be required is not in keeping with the prevailing yard pattern, the Zoning Coordinator may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall exceed the average of the yards provided on abutting lots.

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

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

"Zoning Coordinator" means the planner for the Livingston City-County Planning Board, or such other official as the City Commission, by motion, may designate.

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

Article IV. - District Regulations

Sec. 30.40. - List of uses.

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

Table 30.40
List of Uses

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

Multifamily Dwellings	N	N	N	A	N	N	A	A	N	N	N
<u>Accessory Dwellings</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</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 ³	N	A	A	A	N	N	N	N	A	N	N
Nursing Homes	N	A	A	A	N	A	N	N	N	N	N
Personal Care Center	N	A	A	A	N	N	A	N	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	A	N	A	N
Self-Service Laundry	N	N	N	N	A	A	A	A	N	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	N	N	N
Motels/Hotels	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	S
Retail Stores	N	N	N	N	N	A	A	A	A	S	N

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

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

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

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

3. Adult Foster Care Center.

a. No more than four (4) residents;

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

* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. 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 Densitye R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)
Min. Lot Area per Dwelling Unit in Square Feet ¹						

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

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

A) Applicable to Mobile Home Subdivisions only.

~~B) Rear setback in all residential zoning districts on this table shall be five (5) feet.~~

C) Side setback required for approved townhouse development.

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

Sec. 30.42. - Commercial density requirements.

Commercial density requirements are set out in Table 30.42.

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

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

-
(Ord. 1949, 10/18/04)

Sec. 30.43 – Accessory dwellings.

- A. Accessory dwellings are subject to all applicable regulations listed in this ordinance, including but not limited to: setbacks, maximum building heights, parking, and building design standards.
- B. Detached accessory dwellings shall be located to the rear of the primary dwelling on the property.
- C. On lots with an area of less than 7,000 square feet, accessory dwellings shall not exceed 600 square feet of gross floor area. On lots with an area of 7,000 square feet or greater, accessory dwellings shall not exceed 800 square feet of gross floor area. Accessory dwellings must be smaller in gross floor area than the primary dwelling on the property. If an accessory dwelling is attached to another building only the gross floor area of the accessory dwelling shall be calculated towards the maximum gross floor area. Accessory dwellings attached to existing, primary dwelling units are not subject to the gross floor area limitations, but must be wholly contained within the existing building. Any attached accessory dwelling that increases or modifies the footprint or profile of the primary dwelling unit in any way, whether above or below ground, shall not exceed the above listed maximum gross floor area for an accessory dwelling.
- D. All detached accessory dwellings shall maintain a 6-foot separation, measured from the external walls of the dwelling unit, to all other buildings on site.
- E. Accessory dwellings shall be on the same lot as the primary dwelling.
- F. Accessory dwellings shall not be subdivided or sold separately from the primary dwelling on the lot. If an accessory dwelling is subdivided from the primary dwelling unit, the accessory dwelling is no longer an accessory dwelling and must meet all density requirements listed in Table 30.41. Prior to use of the accessory dwelling, the property owner must record a deed restriction provided by the City Attorney’s Office stating that the accessory dwelling shall not be sold separately from the primary dwelling, and provide a copy of the recorded deed restriction to the Department of Building and Planning prior to the issuance of a Certificate of Occupancy.
- G. Accessory Dwellings are encouraged to be combined with other buildings to preserve open space on the lot.

Sec. 30.4~~3.1~~ - Bed and breakfasts.

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

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

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

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

(Ord. 1954, 5/16/05)

Sec. 30.45.1. - Preservation Zoning District Plan.

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

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

(Ord. 1954, 5/16/05)

Sec. 30.46. - Building design standards.

- A. This Section provides policies and standards for the design of buildings in the Design Review Overlay Zone. In general, they focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such, they address only broad-scale topics and do not dictate specific architectural styles or building details.
- B. Objectives for Building Design.
 - 1. Achieve High Quality Design. Buildings in the overlay zone shall convey a high quality of design, in terms of their materials and details, as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.
 - 2. Reflect the Design Traditions of Livingston. Buildings shall reflect the design traditions of the region, in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Sloping roofs, in gable, hip and shed varieties are historical precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snowfall. Flat roofs with varied parapet lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale, to reduce the impact of building scale on the adjacent property, as well as on the neighborhood.
 - 3. Promote Buildings that Fit with the Natural Setting. Structures shall be sited to fit with the land and incorporate colors seen in the natural setting.

4. Promote Buildings that Reflect Pedestrian Scale. Human scale shall be an integral part of all buildings. Large, flat, windowless block buildings do not reflect human scale or the design traditions of Livingston. Thoughtful use of landscaping, color, building materials and architectural details bring human scale to buildings.
- C. Building and Topography.
1. Policy. A building shall respect the natural topography of the site.
 2. Standards. Step a building foundation to follow the slope of the site when feasible. In general, an exposed building foundation shall not exceed three (3) feet in height.
- D. Building Character.
1. Policy. Buildings shall reflect the regional urban character.
 2. Guideline.
 - a. Designs that draw upon regional design traditions are preferred. Standardized "franchise" style architecture will be strongly discouraged by following these standards.
 - b. The primary entrance to a building shall have a human scale. Provide a one (1) story element at the building entrance to help establish a sense of scale.
 - c. Where no windows or other obvious indication exists, express the position of each floor in the external skin design of a building to establish a human scale.
 - i. Use belt courses or other horizontal trim bands of contrasting color and materials to define floor lines.
 - ii. Articulate structural elements, or change materials as a method of defining floors.
 - d. Use building materials that help establish a human scale.
 - i. For example, use brick in a standard module to express a human scale.
 - ii. Avoid using large surfaces of panelized products or featureless materials.
 - iii. A large surface of stucco or similar material that lacks articulation or detailing shall be avoided.
 - e. New construction shall relate to adjacent residential and historic resources. Where a new project abuts a residential neighborhood or a historic structure, step the building down at the property edge to minimize abrupt changes in scale, or increase side yards to reduce the impact.
- E. Primary Building Entrance.
1. Policy. The primary entrance of a structure shall orient to a street, major sidewalk, pedestrian way, plaza, courtyard or other outdoor public space.
 2. Standards.
 - a. Design the main entrance to be clearly identifiable.
 - i. Provide a sheltering element such as a canopy, awning, arcade or portico to signify the primary entrance to a building.
 - ii. Where more than one (1) user shares a structure, each individual entrance shall be identified.
 - b. Orient the primary entrance of a building to face a street, plaza or pedestrian way.
 - i. Focusing an entrance toward a parking lot without also addressing the street is inappropriate.
 - ii. Consider using a "double-fronted" design where the entrance to parking and to the street is required. That is, provide a door to the street and another to the parking lot.

- iii. Consider locating a pedestrian plaza at the entrance; this may be enhanced with landscaping and streetscape furnishings.

F. Street Level Interest.

- 1. Policy. When a building is located close to a street or walkway, it shall be designed to provide interest to pedestrians. For example, commercial buildings with storefronts are of interest to passersby. Such features encourage pedestrian activity and shall be used whenever feasible. The overall mass of a building shall appear to be in scale with buildings seen traditionally. This will help new structures fit with the Livingston context. At the same time, newer structures may be larger than those seen before; they shall simply be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.
- 2. Standards.
 - a. Develop the street level of a building to provide visual interest to pedestrians. All sides of a building shall include interesting details and materials to avoid presenting a "back side" to neighboring properties. For example, the sides of restaurants and specialty stores shall incorporate windows and display cases over at least a third of the facade area. A large expanse of blank wall is inappropriate on any street-oriented facade.

G. Building Mass and Scale.

- 1. Policy. A building shall appear to have a "human scale." In general, this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions, as noted throughout this Chapter, e.g., "small details/visible to pedestrians."
- 2. Standards. In order to reduce building scale, each major building project shall provide all of the following:
 - a. Divide a building into visual modules that express dimensions of structures seen traditionally.
 - i. Buildings shall employ all of the following design techniques:
 - (A) Change material or color with each building module to reduce the perceived mass;
 - (B) Change the height of a wall plane or building module;
 - (C) Change roof form to help express the different modules of the building mass; and
 - (D) Change the arrangement of windows and other facade articulation features, such as columns or strap work that divide large wall planes into smaller components.
 - ii. Express facade components in ways that will help to establish a human scale (details oriented towards pedestrians).
 - (A) Establish a pattern and rhythm on exterior walls to establish a human scale;
 - (B) Windows, columns and other architectural treatments used repetitively can create this effect;
 - (C) Using windows and doors that are similar in scale to those seen traditionally also can help establish a human scale;
 - (D) Also, recess these elements, even if slightly, and articulate them with headers, sills, columns and/or mullions.

H. Roof Form.

- 1. Policy. The primary roof form of a structure shall help reduce the perceived scale of the building. For that reason, sloping roofs shall be used in most contexts. These also will help the building fit into the mountain backdrop. Varied roof forms in the appropriate context are also encouraged.
- 2. Standards.
 - a. Using sloping roof forms to reduce the perceived scale of a building is encouraged.

- i. Varying roof forms is encouraged.
- ii. Providing variety in ridgeline height is encouraged.
- b. All roof forms shall have no less than two (2) of the following features:
 - i. A flat roof with parapet;
 - ii. A cornice or molding to define the top of a parapet;
 - iii. Overhanging eaves;
 - iv. Sloping roofs with a minimum pitch of 6:12;
 - v. Multiple roof planes.

I. Signage.

- 1. Policy. Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development, it will be important within this overlay zone to keep signage as minimal and unobtrusive as possible.
- 2. Standards.
 - a. Free standing and monument signs will be constructed of materials and contain details which match those of the building being advertised.
 - i. Use brick, wood or stone facades on signage structures to help them blend into and match the site;
 - ii. Simulate architectural details of the building, such as colors, textures, and geometric forms, in designing sign structures.
 - b. Signs that detract from the site design of a development shall be avoided. The use of internally backlit signs will not be allowed. Spotlighting or other lighting methods shall be explored.

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

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

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

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

(Ord. 1974, 9/5/07)

Article V. - Supplementary General Requirements

Sec. 30.50. - Signs.

- A. Intent. The intent of this Section is to provide standards for erection, design and placement of all signs and sign structures. Design standards are established to achieve the proper relationship of signs to their environment, enhance the outward appearance of the community as a whole, secure pedestrian and vehicular safety, preserve the historic aspects of the City of Livingston and promote the conservation of energy by regulating lighted signs.
- B. Definitions.
 - 1. "Animated sign" means a sign with action or motion, flashing or intermittent lights and/or color changes requiring electrical energy, electronic or manufactured sources of activation, but not including wind-activated elements such as flags and banners.
 - 2. "Awning signs" means a sign which is an integral part of a window awning assembly, to include the printing or painting of words onto awning material.
 - 3. "Billboard signs" means any standard outdoor advertising sign larger than two hundred (200) square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located.
 - 4. "Free standing signs" means a sign which is supported by one (1) or more columns, uprights, or braces and is permanently fixed in the ground.
 - 5. "Monument sign" means a sign, single- or double-sided mounted, flush with the surface of the grade upon which sets the business, industry, or other commercial enterprise which the sign advertises. A monument sign must be landscaped with grass, shrubs or other plants or other landscape material in an area not less than three (3) feet surrounding such sign in all directions.
 - 6. "Revolving sign" means a sign which revolves three hundred sixty (360) degrees.
 - 7. "Menu board" means a sign specifically designed to advise customers of the menu of food available in the establishment by which the menu board is owned.
 - 8. "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.
 - 9. "Marquee sign" means a specific type of reader board but restricted to use by active movie theaters.
 - 10. "Temporary sign" means a sign made of paper, or some other limited life-span material advertising a short-term event, like a sale. Temporary signs are not subject to inclusion in a business' sign square footage measurement. Temporary signs shall be removed within twenty-four (24) hours after the completion of the advertised event.
 - 11. "Projecting sign" means a sign installed on the facade of a building which is attached to such building in a perpendicular manner or at an angle to the building wall.
 - 12. "Sandwich board sign" means a sign painted on both of the outside of two (2) boards fastened together at the top with a hinge-like device, designed to be placed on the sidewalk area in front of an establishment.
 - 13. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, including, but not limited to, signs described in subsections (B)(1) through (B)(12) of this Section. For the purpose of determining number of signs, a sign will be considered to be a single display device with not more than two (2) display surfaces (back-to-back) or display device containing elements organized, related and composed to form a unit. For measurement purposes, the square footage of a sign which employs back-to-back display surfaces will only be considered as the square footage of one (1) side of that sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is

reasonable doubt about the relationship of elements, each element will be considered a separate sign.

- 14. Square Footage. The square footage of a sign shall be measured as the product of the total linear foot measurement multiplied by the total height measurement. The linear measurement shall be attained by measuring from the leftmost edge of the sign, continually measured to the rightmost edge of the sign. Any mounting material shall be part of the measurement.
- 15. "Actual business premises" means the owned or leased real property from which the primary business is actively transacted.
- 16. "Off-premises sign" means a sign located on property other than the actual business premises.
- 17. "Banner signs" means a strip of cloth, plastic or other material displaying advertising or other information.
- 18. "Portable sign" means any sign designed to be easily moved or transported whether by carrying, by mounted wheels, by trailer or otherwise.
- 19. "Voluntary modification" means any modification to an existing sign which reflects a conscious business or personal decision. This may include a change in corporate color scheme, change of logo, or any other change which would require the replacement of existing sign faces. It does not include the replacement or repair of sign faces with new, identical faces as part of normal maintenance or due to damage by wind, fire or other hazard.

C. General.

- 1. Nothing in this Section shall be interpreted as prohibiting or excluding such signs as are required by law. This includes legal notices and advertisements prescribed by law or posted by any lawful officer or agent.
- 2. Any sign which is readily visible from the public right-of-way in an exterior window of a building, whether on the external or internal side of the window, shall be regulated by the provisions of this Section. Temporary sale signs are excluded, however, no single temporary sign shall exceed six (6) square feet in size, and the total of all such temporary signs shall not exceed fifty (50) percent of the transparency of the window in which they are visible.
- 3. All signs as permitted by this Section shall be maintained by the owner and kept in good repair and shall be painted and repaired at reasonable intervals. The surface of the ground under and about any sign shall be kept clear of weeds, rubbish and flammable waste material.
- 4. All signs shall be designed and constructed in accordance with the Uniform Sign Code.
- 5. A permit must be obtained from the Building Official by the person who is erecting the sign prior to the construction of any sign, except for those signs listed in subsection E of this Section.
- 6. Signs not in use by reason of change of occupancy or use by vacation of the building shall be removed within thirty (30) days of such change by the owner of the sign, or the owner of the property. The City has the option of removing such sign at the end of the thirty (30) day period after giving fifteen (15) days' written notice by certified mail to the owner, and upon such removal, the full charges of removal shall constitute a mechanic's lien against the real property enforceable pursuant to State law.
- 7. All existing signs that have been constructed pursuant to City sign permits and variances through the official date of the ordinance codified in this Section (Ord. 1749 effective date, October 20, 1993) shall be grandfathered and do not have to conform as to the height, size or prohibited signs subsections of this Section. Other provisions of this Section shall apply to existing signs. Grandfathered signs which are voluntarily modified must meet all requirements of this Section. Signs which have previously been granted variances may continue to exist within the parameters of those variances.
- 8. The Building Official shall be responsible for the enforcement of this sign ordinance.

9. All buildings with more than one (1) business occupant must submit to the Board of Adjustment a master signage plan which identifies the number and location of all potential signs on the property before any sign permits may be issued. For properties located in the Downtown Historic District, this master plan will be submitted to the Historic Preservation Commission. Any deviation from an approved master plan must be approved by the appropriate body prior to permit issuance.
10. Pre-existing multi-occupant buildings will not be issued any new sign permits until a master plan is approved by the appropriate body.
11. Any sign variance issued to multi-occupant property shall constitute an amendment to that property's signage master plan.
12. All signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay Zoning.

D. Prohibited Signs.

1. No animated signs shall be erected in any zoning district, except time and temperature signs which may be erected in the Central Business District only and existing lighted signs in the Downtown Historic Preservation District which flash, chase, move, revolve, rotate, blink, flicker or vary in intensity or color; however, such lights must be turned off when the business is closed.
2. No revolving sign may be permitted in any district.
3. No billboard sign shall be erected in any zoning district.
4. In the Central Business District Zone, no backlit signs are allowed.
5. Visibility at Corners, Alleys and Driveway Approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, and on all corner lots, a triangular clear vision zone shall be maintained. The zone shall measure ten (10) feet into the lot, as measured from the edge of the sidewalk nearest the property line, and twenty (20) feet parallel to the street measured from the edge of any alley, driveway or street corner along the edge of the sidewalk nearest the property line. No structure of any kind over three (3) feet in height shall be erected or maintained within the above defined clear vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the Building Official.
6. Notwithstanding any other provisions contained in this Section, no free standing sign shall be erected or maintained upon any spire, chimney, cupola, water tank, water tower, radio aerial or television antenna.
7. No sign shall be erected on any property without the express permission of the occupant, owner, lessee or any authorized agent thereof.
8. No sign shall be erected in such a manner that a portion of the sign or their supports are attached to or will interfere with the free use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator or window.
9. No sign shall be attached to any tree.
10. Menu boards are not permitted on any property other than that occupied by a restaurant-type business.
11. No portable and/or trailer-mounted signs shall be allowed.
12. No sign not in conformance with this Code shall be allowed.

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

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, which do not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. Only two (2) such signs shall be allowed on any one (1) property;

2. Signs bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial promotion;
 3. Flags and insignia of the government except when displayed in connection with commercial promotion;
 4. Legal notices: identification, information or directional signs erected or required by governmental bodies;
 5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
 6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
 7. Detached bulletin boards for churches, schools, or other public, religious or educational institutions provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections;
 8. Construction information signs, providing the signs are removed immediately following final completion of construction;
 9. Non-illuminated home occupation signs on any residence which is the site of a home occupation in accordance with Section 30.55. Such signs shall not exceed two (2) square feet;
 10. Signs advertising a candidate for political office. Such signs shall not exceed sixteen (16) square feet and shall be removed within seven (7) days after any election;
 11. Signs advertising yard/garage sales, and the like. Such signs shall not exceed two (2) square feet and must be removed by the owner within forty-eight (48) hours of the completion of the sale.
- F. Signs in a Residential District. Within a residential district only, the following signs shall be permitted:
1. Signs listed in subsection E of this Section which do not require a permit; and
 2. Signs advertising a permitted or existing commercial use within a residential district. Such signs require a permit from the Building Official, and shall be permitted only under the following conditions:
 - a. Only one (1) on-premises sign will be allowed for each business.
 - b. The maximum allowable size for each sign shall be twelve (12) square feet.
 - c. Illuminated signs shall be illuminated only as long as the advertised business is open.
 - d. No sign shall be erected or placed closer than five (5) feet to the lot line adjacent to the street.
- G. Signs in Commercial and Industrial Districts Requiring a Permit.
1. Setback. Free standing and monument signs shall be located a minimum of five (5) feet inside all private property lines.
 2. Lighting. All lighting shall comply with the requirements of Ordinance No. 1967 commonly referred to as the Night Sky Protection Ordinance. In no event may an illuminated sign or lighting device be placed or directed so the beams constitute a traffic hazard or nuisance. All wiring, fitting and material used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Uniform Electric Code.
 3. Number of Signs. In Commercial and Industrial Zoning Districts, each use is limited to two (2) wall signs. In addition, one (1) monument sign or one (1) free standing sign is permitted for each building, regardless of the number of businesses or industrial uses conducted in any one (1) building.
 4. Height.

- a. No monument sign shall exceed five (5) feet in height.
- b. No free standing sign shall exceed thirty (30) feet in height.
- 5. Permitted Surface Area.
 - a. Wall Signs. The total surface area of all wall signs is limited to one hundred (100) square feet in the Central Business District and otherwise to two (2) square feet of sign for each lineal foot of frontage width of the business, provided that the maximum total surface area for all wall signs does not exceed three hundred (300) square feet.
 - b. Monument Signs. Monument signs shall not exceed one hundred (100) square feet in total surface area.
 - c. Free Standing Signs. Free standing signs shall not exceed one hundred fifty (150) square feet in total surface area.
- 6. Roof-Mounted Signs. Any sign located on the roof of a building shall not exceed twenty-four (24) inches in height and shall not exceed the top of the roof line. The square footage of roof-mounted signs shall be counted as a portion of the limitation on wall-mounted signs, i.e., the total surface area of wall-mounted signs added to any roof-mounted signs may not exceed three hundred (300) square feet maximum, or less if the linear front footage of the building is less than one hundred fifty (150) feet.
- 7. Off-Premises Signs. A business may have up to four (4) off-premises signs; however, the total square footage of these off-premises signs may not exceed one hundred fifty (150) square feet. No other off-premises signs shall be allowed. Excepted from this provision are:
 - a. Garage sale or hobby show signs no greater than two (2) square feet in area on the date only of the activity;
 - b. Auction and special event signs no greater than nine (9) square feet in area for no longer than three (3) days (seventy-two (72) hours);
 - c. Directional signs for public facilities and museums;
 - d. Banner signs for public performances not exceeding one hundred twenty (120) square feet to be posted for no more than twenty (20) days.
 - i. No signs in the public right-of-way or in any required right-of-way shall be allowed except for governmental traffic control signs (unless a business premises is on the railroad right-of-way). Properly permitted sandwich board signs not to exceed six (6) square feet per side are excepted from this provision provided that they shall be limited to one (1) per twenty-five (25) feet of building frontage and may only be located in front of the business being advertised. The City Commission, upon request from a property owner in front of whose property a sign is to be located, may, where deemed in the public interest, allow a sandwich board sign to be placed other than in front of the business being advertised.
- 8. Banner Signs. Temporary banner-type signs shall be allowed for a period of no more than sixty (60) days, limited to no more than seventy-five (75) square feet, and used by any business or entity no more than once per year.
- H. Variance Parameters for Signs. Variances may be granted only if there is undue hardship from the application of these sign regulations due to the particular location and site characteristics of the applicant that are different from those cited generally.
- I. Damaged Signs. Any existing sign not in conformity with this Section that is damaged in either surface area of the sign or in the structure by more than fifty (50) percent shall be removed and any new sign shall meet all requirements of this Section.
- J. Complaint and Notice of Violation Procedure. The City Code Enforcement Officer shall issue a notice of violation in person to the offending property owner, business owner or agent, as the case may be, specifying the violation and steps necessary for correction. If the violation is not brought into

compliance within fifteen (15) working days from the personal delivery of the notice of violation, the City shall file a civil complaint against the offending person. Failure to provide the written notice identified herein shall not preclude the filing of a complaint in City Court.

- K. Violation and Civil Penalty. It shall be a civil infraction for any person to violate any provision of this Section. Any violation of any provision of this Section is a civil infraction punishable by a civil fine not to exceed Three Hundred Dollars (\$300.00).

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

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

- A. General. Each off-street parking space shall have a net area of not less than one hundred eighty (180) square feet exclusive of driveways or aisles and shall be of usable shape and condition.
- B. Location. Off-street parking facilities shall be located as hereafter specified: any distance specified shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve:
 - 1. For one ~~(1) family, and~~ two (2)-family, and accessory dwellings: Off-street parking is required on the same lot or an adjoining lot with the building they are required to serve.
 - 2. For multiple dwellings and townhouses: Off-street parking is required within a walking distance of one hundred (100) feet.
 - 3. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged, asylums, retirement homes, rooming and boarding houses: Off-street parking is required within six hundred (600) feet.
 - 4. For uses other than those specified above: Off-street parking within five hundred (500) feet is required.
- C. Expansion or Enlargement. Whenever any building is enlarged in floor area by more than ten (10) percent, off-street parking shall be provided for the expansion or enlargement portion only in accordance with the requirements of this article. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building previously existing before enlargements or for existing buildings that undergo a change in use.
- D. Non-Conforming Use. Voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, even though non-conforming, is allowed and encouraged.
- E. Mixed Occupancies. In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking facilities for one use shall not be considered as a substitute or for joint use.
- F. Use Not Specified. In the case of a use not specifically mentioned in a zone, the requirements for off-street parking facilities shall be determined by the City Superintendent or his authorized representative. Such determination shall be based upon the requirements for the most comparable use listed.
- G. Joint Use. The Building Official or his authorized representative may authorize the joint use of parking facilities for the following uses or activities under conditions specified:
 - 1. Up to fifty percent of the parking facilities required for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as "day time" uses such as banks, offices, retail, personal-service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
 - 2. Up to one hundred percent of the parking facilities required for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses primarily of a day time nature.

H. Conditions Required for Joint Use. The building for which application is being made to jointly utilize the off-street parking facilities provided by another building shall be located within 500 feet of such parking facilities.

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

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

I. Central Business District. In the Central Business District Zone any commercial enterprise that is required to meet the minimum standards for off-street parking, shall be required to have only fifty (50) percent of the parking space requirements in the Table of Minimum Standards. Apartment units in the Central Business District shall meet the full parking space requirements.

J. Table of Minimum Standards — Off-Street Parking. Parking spaces shall be required as set forth in the following table, and where alternatives or conflicting standards are indicated, the greater requirements shall apply: Where the total quota results in a fraction, the next highest full unit shall be provided; and in case of a use not specifically mentioned, the requirements of the most similar mentioned use shall apply.

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

Residential, duplex or multi-family.	2 per dwelling unit for first 4 dwelling units, then 1.5 for each dwelling unit thereafter.
Boarding houses and similar uses.	One per dwelling unit or lodging unit.
Convalescent homes, nursing homes, rest homes	One per 6 beds plus one per each staff member on duty on a maximum shift.
Warehouses, storage and wholesale business and freight terminals.	10 spaces for the first 20,000 square feet of gross floor area* and one space for each additional 10,000 square feet.
Food or beverage places with sale and consumption on premises.	One per 100 sq. ft. of gross floor area for the first 4,000 sq. ft. with 10 spaces minimum requirement and one space for each additional 300 square feet.
Furniture, appliance, hardware, clothing, shoe, personal-service stores.	One per 600 square feet of gross floor space.
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and service.	One per 1,000 sq. ft. of gross floor area plus one per three employees.
Retail stores or service businesses not otherwise named.	One per 500 square feet of gross floor area.
Retirement homes, housing projects for senior citizens.	1-6 dwelling units 0.5 per dwelling unit; 7-18 dwelling units 0.33 per dwelling unit; over 18 dwelling units 0.25 per dwelling unit; minimum of 5 spaces.
Motels, hotels and motor courts.	One per sleeping room.
Hospitals and institutions.	One per 3 beds plus one per 3 employees.
Theaters.	One per 10 seats.
Churches, auditoriums and similar open assemblies.	One per 5 seats or one per 100 linear inches of pew or one per 65 sq. ft. of gross floor area used for assembly purposes, whichever is greater.
Stadiums, sport arenas and similar open assemblies.	One per 8 fixed seats plus one per 100 sq. ft. of assembly space without fixed seats.

*~~In calculating minimum required parking, g~~Gross floor area shall ~~not be the total built-up area of all floors, excluding 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 yard, or the side yard extending from the foremost edge of the house to the point where the side yard line intersects the front lot line. Fences and walls located along side yards from the foremost edge of the house to the rear lot line or rear yard, and along the rear lot line, shall not exceed a height of six (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 shall be erected or maintained in any yard which materially impedes vision of vehicles entering an abutting street.

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

Sec. 30.53. - Animals.

Prohibited Animals. No livestock or fowl as defined in Article II of this ordinance, may be kept or maintained in any zoning district in the city, except for licensed veterinarian services, and except for those kept pursuant to permit obtained pursuant to Section 4-2 through the office of the Sanitarian.

Sec. 30.54. - Motor vehicles or parts.

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

Sec. 30.55. - Home occupations.

A. General.

- 1. It is the intent of this ordinance to permit home occupations that meet the following criteria in any residential district. No other home occupations except those meeting this criteria will be allowed. Nonconforming home occupations shall meet the criteria within one year from the effective date of this ordinance.
- 2. The purpose of this ordinance is to protect the residential characteristic of the neighborhoods in Livingston. It is to ensure that the home occupations which are allowed to operate will not impose any burdens on the neighboring landowners.

B. Definitions.

- 1. A home occupation is defined as any business or commercial activity that is conducted or petitioned to be conducted from a property which is zoned for residential use and which meets the conditions set forth in Section 30.55.C and Section 30.55.E.1. However, a medical marijuana facility is hereby specifically excluded from consideration as a home occupation.
- 2. A home occupation permit is a permit issued for a home occupation that is authorized by Section 30.55.E without hearing.
- 3. A home occupation conditional use permit is a permit authorized by the City Board of Adjustment only after a public hearing by the Board.

C. Criteria. Home occupations must fit all of the following criteria:

- 1. No person shall be employed other than the residents of said dwelling.
- 2. The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property.
- 3. The floor area devoted to the occupation shall not exceed fifteen (15) percent of the total floor area of the dwelling plus accessory buildings on the property.
- 4. The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, fumes, odors, hours of operation, traffic, or electrical interference. The above shall not be detectable by normal sensory perception beyond the dwelling or accessory building in which the business is located.
- 5. Direct sales of products off display shelves or racks is not allowed, but a person may pick up an order which was placed earlier by telephone or at a sales party.

6. There shall be no signs erected other than those allowed by this ordinance in residential districts.
 7. A minimum of one off-street parking space for each business related vehicle shall be provided on the property. Each parking space shall meet minimum standards for off-street parking established elsewhere in this code.
 8. Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area.
 9. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, except for the permitted sign.
 10. Outdoor storage of materials for the home occupation is prohibited.
 11. No toxic, flammable, hazardous, or explosive industrial substances shall be used or stored on the premises unless registered with the Local Emergency Planning Committee. Said premises shall be subject to regular fire inspections.
 12. No home occupation shall be permitted without the prior issuance of a home occupation permit or home occupation conditional use permit.
- D. Enforcement.
1. The permit shall be valid only for the proposed business as operated by the applicant. The permit shall be non-transferable either to another property or to another owner or operator. It may be revoked upon sufficient showing that a permit holder is violating the terms of the permit.
 2. The business shall be subject to regular inspections by the City Fire Marshal and/or the City Building Inspector. The inspections shall be done during regular business hours.
 3. The Building Official shall be responsible for enforcing this section of this ordinance, and shall report any violations to the Livingston City Attorney.
- E. Compliance. It is the intent of this subsection to provide the Building Official with the means to enforce the Home Occupation section of this ordinance.
1. Businesses shall be divided into two categories based on the expected impact they will have on the residential neighborhood they are proposed for.
 - a. A Major Home Occupation is one which can be expected to have some impact on the neighborhood it is proposed for. It is one which has some visible evidence of the occupation and shall accommodate both the residential and business related parking needs on the property. Additional characteristics include:
 - (1) The business may have a sign; or
 - (2) The business may create some additional traffic for deliveries and customers.
 - b. A Minor Home Occupation is one which has no visible exterior evidence of the conduct of the occupation, which does not generate additional traffic, and in which no equipment other than that normally used in household, domestic, or general office use. Additional characteristics may include:
 - (1) The business shall not have a sign.
 - (2) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
 - (3) No hazardous, flammable, explosive or toxic industrial substances may be used in a minor home occupation.
 2. All Home Occupations in existence at the time of the adoption of this Ordinance and all new home occupations which fit the criteria of a minor home occupation shall be required to get a Home Occupation Permit.

- a. The purpose of the Home Occupation Permit is to ensure compliance with this section of the Ordinance.
 - b. The Home Occupation Permit may be issued by the Building Inspector upon application by the owner of a Home Occupation.
 - c. The application shall be accompanied by a floor plan for the residence with the area to be used for the business clearly marked.
 - d. The application shall be accompanied with a fee of twenty dollars (\$20.00) to cover processing.
3. All new Major Home Occupations shall be required to be reviewed by the City Board of Adjustment for a Home Occupation Conditional Use Permit.
- a. The Home Occupation Conditional Use Permit process shall be initiated by application to the City Zoning Administrator.
 - b. The Zoning Administrator shall review the application for completeness and prepare it for review by the City Board of Adjustment.
 - c. The Zoning Administrator shall schedule a public hearing, advertise it two (2) times beginning at least fifteen (15) and not more than thirty (30) days prior to the public hearing date.
 - d. The Zoning Administrator shall notify the adjoining landowners within three hundred (300) feet of the proposed Home Occupation location, on the proposed business, and the date of the public hearing by mail at least fifteen (15) days prior to the date of the public hearing. The request shall be posted on the property at least ten (10) days prior to the public hearing.
 - e. The City Board of Adjustment shall conduct the public hearing and decide on the application.
 - f. The City Board of Adjustment shall have the power to require any mitigating measures it deems necessary to protect the public health, safety and welfare.
 - g. The Special Review shall have a fee of fifty dollars (\$50.00).

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

- A. Residential Mobile Homes. Mobile homes are permitted in approved mobile home (RMO) parks and R-II (MH) districts only. No mobile homes shall be placed in other zoning districts except those specified in Section 30.56B.

Any mobile home or replacement of any existing mobile home moved onto a site in one of the approved zoning districts must contain a minimum of eight hundred (800) square feet, and must meet all of the following requirements before a Certificate of Occupancy can be issued by the Building Official:

- A) All mobile homes must be completely skirted.
 - B) All mobile homes must be securely anchored at all four corners.
 - C) The running gear must be removed.
 - D) The tongue must be removed.
 - E) All mobile homes must be placed on a permanent foundation. For the purpose of this part, a permanent foundation means a foundation system which has been designed and certified by a professional engineer or architect, or which has been specified by the mobile home manufacturer.
- B. Commercial Use. Mobile homes shall not be utilized for any commercial use, other than an on-premises office in connection with a mobile home sales business or as a temporary job shack located

on a construction site. Such job shack must be removed within ten (10) days after completion of construction.

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

- A. Manufactured homes are permitted in all residential zoning districts. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand (1,000) square feet.
- B. All manufactured homes must be placed on a permanent foundation. For the purpose of this part a permanent foundation means a standard footing-type, perimeter foundation built to frost depth, with or without a basement.

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

Whenever a commercial building is permitted in a residential district, either as a matter of right or by special use permit, that building must meet the density requirements of the residential zone in which it is located, except for the off-street parking requirements. The minimum off-street parking requirement will be established by the Building Official in accordance with Section 50.51.

Sec. 30.58. - Townhouses.

- A. Townhouses are permitted in RII, RII(MH) and RIII districts only.
- B. All townhouse development must comply with the density and setback requirements set forth in Table 30.41, the off-street parking requirements found in Section 30.51, and all other applicable regulations.

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

- A. Purpose. The purpose of the ordinance codified in this section is to set forth minimum landscaping requirements for new or altered commercial, industrial, R-III and RMO Zones in order to minimize the visual impact upon public rights-of-way and incompatible uses in said zones and adjacent or abutting R-I or R-II Zones as well as establishing minimum buffering requirements between new or altered commercial, industrial, R-III and RMO Zones and existing incompatible uses and abutting or adjacent R-I or R-II zones and to lessen the impact of lighting.
- B. Definitions. For the purposes of this section, the following definitions shall apply:
 1. "Ornamental tree" means any variety of tree which is not expected, at maturity, to reach a height of fifteen (15) or more feet nor be a substantial provider of shade.
 2. "Shade tree" means any variety of tree which is expected, at maturity, to be in excess of twenty-five (25) feet in height and sufficiently full in form to provide substantial shading effects.
 3. "DBH" means diameter at breast height.
- C. Prohibition. No land shall be used or occupied and no structure shall be designed, erected, used, occupied or altered where a building permit is required, nor shall any variance or special exception be granted, except in conformity with the regulations established in this section.
- D. General Landscaping Requirements. Landscaping shall be required as follows:

1. Parking or Storage Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family parking and/or storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.
 2. Requirements for the Interior of Parking Areas.
 - a. Option #1. Parking areas will be designed so that parking rows will consist of not more than ten (10) automobiles. Any parking area which has a capacity of twenty (20) or more automobiles will be required to provide landscaped islands between parking rows. The island(s) will be at least five (5) feet wide and shall consist of vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof. The island(s) will be separated from the parking surface by a curb of at least six (6) inches in height.
 - b. Option #2. In the alternative, where parking rows are to consist of more than ten (10) parking spaces, landscaped islands will be provided in accordance with an approved landscape plan. The plan will provide for landscaped area equal to a minimum of five (5) percent of the gross parking space area. (i.e., 1 parking space = 180 square feet. Landscape requirement = 5% x 180 x number of spaces.) When using this option at least two (2) islands will be required and each island must be a minimum size of fifty (50) square feet. Each island will contain vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof.
 3. Buffering Required Between Different Land Uses. Where commercial, industrial, multi-family or mobile home park land uses abut or are adjacent to lower density residential land uses or zones, either directly or when separated by an alley or street right-of-way or other natural or manmade structure, the commercial, industrial, multi-family or mobile home park use will provide a landscaped buffer zone screening itself from the lower density residential use.
 - a. Buffer Zone. The buffer zone shall be a minimum of five (5) feet in width with an additional five (5) feet required for each story of the commercial, industrial or multi-family use above one (1) story, not to exceed twenty-five (25) feet in width.
 - b. Screening. Screening shall be installed within the buffer zone which shall consist of vegetation or vegetation and a combination of berm, fencing or masonry walls to a minimum height of six (6) feet in a manner which does not create a safety hazard for vehicular or pedestrian movement or interfere with the requirements of Section 30-52(B) of the Livingston Municipal Code.
 - c. Shade Trees. In addition, a minimum of one (1) shade tree within each two hundred fifty (250) square feet of buffer zone shall be required. Shade trees required hereunder shall be a minimum of two and one-half (2 ½) inches, DBH, in size at the time of planting.
- E. Purpose of Lighting Restrictions. The goal in regulating exterior illumination is to direct, to the maximum extent possible, all artificial light onto the property from which it originates. This section does not apply to street lighting provided by a governmental agency.
1. Parking or Storage Area. In any area required to buffer itself from adjacent land uses, all exterior lighting shall be limited in height to no more than sixteen (16) feet and will be required to be of a design which directs light downward through the use of a directional shade.
 2. Signs and Decorative Lighting. In commercial and industrial areas adjacent to any land use from which it must be buffered, the following lighting regulations shall apply:
 - a. Internally Illuminated Signs. Internally illuminated signs shall not exceed sixteen (16) feet in height. Internally illuminated canopies or structural panels are prohibited. Alternately, spot-lit signs, canopies or panels may be approved at standard heights if they will not adversely

affect 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)

Sec. 30.59.1. - 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 be 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 § 30.59.1 at the discretion of the editor.

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

DOREL HOGLUND, Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND, Chair

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

File Attachments for Item:

C. ORDINANCE NO: 2091 AMENDING ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING.

ORDINANCE NO. 2091

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING.

* * * * *

Preamble.

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

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

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

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

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

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

SECTION 1

That Chapter 30- Zoning Ordinance, Article IIV- Zoning Commission and Board of Adjustment, Article IV- District Regulations and Article V- Supplementary General Requirements, be amended as follows with deletions struck-through and additions underlined as follows:

Article VII. - Zoning Commission and Board of Adjustment

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

- A. General. This chapter, including the Official Zoning Map, may be amended by the City Commission by a regular ordinance amendment, but no amendment shall become effective unless it shall have been submitted to the City Zoning Commission for review according to the procedures in Section 30.71.~~GE~~ and recommendation.
- B. Applications for Map Amendments ~~and Amendments to Text~~. Unless initiated by the City Manager, City Commission or the Zoning Commission, all applications for Official Map amendments must be submitted by the owner of such property. An application for an amendment affecting the same property shall not be submitted more often than once every twelve (12) months.

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

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

1. It shall include, but not be limited to, the following information:
 - a. A legal description of the tract(s) proposed to be re-zoned;
 - b. A map showing the dimensions, acreage and location of the tract(s) and adjacent land uses;
 - c. A completed City application form.
 - de. The names and addresses of the owners of the adjacent land;
 - ed. A receipt showing payment of all applicable fees to the City.
- ~~2. In the case of an application to amend the text of this chapter, the application shall include the proposed change of the text and that portion of the text proposed to be changed.~~
3. An application for amendment to the Official Map ~~or text~~ shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
4. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

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

1. It shall include, but not be limited to, the following information:
 - a. The proposed change of the text and that portion of the text proposed to be changed.
 - b. A completed City application form.
 - c. A receipt showing payment of all applicable fees to the City.
3. An application for amendment to the text of this chapter shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
4. An application for a text amendment may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

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

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

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

FD. City Zoning Commission Action. The City Zoning Commission shall review and take action upon each application in accordance with the provisions of this article, and after a public hearing at which the application has been legally advertised. Each application shall be presented to the Zoning Commission by the Zoning Coordinator, together with ~~his~~their findings and conclusions on the matter. A written report of the Zoning Commission's decision and the Zoning Coordinator's findings and conclusions including the basis for the decision shall be submitted to the City Commission.

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

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

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

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

The recommendation of the Zoning Commission and the time and place of the City Commission's hearing shall be published in the newspaper at least fifteen (15) days prior to the date of the hearing by the City Commission. The City Commission may vote upon the first reading of the amendment at the same meeting at which the public hearing is held. Such a vote may only be taken after the public hearing is held.

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

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

When such proposed amendment has been denied by the City Commission neither it nor one involving the same tract(s) shall be offered for adoption within one (1) year after such denial.

Sec. 30.72. - Reserved.

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

SECTION 2

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

September 25, 2020

STAFF REPORT
TEXT AMENDMENT – ZONING CLEANUP AND PERSONAL CARE CENTERS

Background

Planning staff has performed minor cleanup, consistency edits, and use table adjustments to the Zoning Ordinance to improve the clarity, user friendliness, and the needs of the City. The majority of the changes proposed are typo cleanup and ensuring that the Ordinance utilizes defined terms throughout (e.g. one (1) family dwelling rather than single-family dwelling). Minor changes have been proposed to the use table including the addition of the defined term townhouses and consolidating nursing homes into personal care centers. Personal care centers are proposed to be allowed in NC, HC, and P zoning districts.

Proposed Findings of Fact

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

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

Section 30.30 Definitions:

The use of the word trailer has been removed from the definition of “Mobile home” to avoid confusion. Likewise, the use of the words mobile home has been removed from the definition of “Trailer” to avoid confusion.

“Personal care center” has been updated to read: "Personal care center" means a facility which provides services and care to residents needing

some assistance in performing the activities of daily living. Includes assisted living facilities and nursing homes.

Section 30.40. List of Uses:

Townhouse has been added to the to the list of uses as the current use table implies they are not allowed anywhere in the City of Livingston which was not the intent of the Ordinance. Townhouse has been listed as “acceptable”, consistent with language of Section 30.58 (Townhomes) of the City Ordinance.

Nursing homes has been removed as it now falls under the definition of “Personal care center”. In addition to where it is currently listed as acceptable, personal care center is now listed as acceptable in NC, HC, and P zoning districts to allow for additional housing for older adults in the City of Livingston.

Section 30.44. Bed and breakfasts:

The sexually oriented business regulations have been moved out of the Bed and breakfast section of the Ordinance, as currently the zoning implies that bed and breakfast inns are sexually oriented businesses or that the sexually oriented business regulations only apply to bed and breakfast inns. The existing language has been moved to a new Section 30.60, “Sexually oriented businesses”.

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

(a) made in accordance with a growth policy:

Staff Comments:

- The proposed amendments are all minor and have no effect on the Zoning Ordinance’s compliance with the adopted Growth Policy.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- The proposed amendments will have no effect on fire or any other danger.

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

Staff Comments:

- The addition of personal care centers in NC, HC, and P would allow older adults in Livingston to age in place through the potential addition of assisted living and nursing home facilities.

- All proposed amendments are minor in nature and should not negatively impact health, safety, or welfare.

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

Staff Comments:

- None of the proposed amendments should increase the adequate provision of transportation, water, sewerage, schools, or parks.

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

(a) reasonable provision of adequate light and air;

Staff Comments:

- The proposed amendments will have no effect on light or air. Setbacks and building height limits are not proposed to change.

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

Staff Comments:

- The proposed amendments should have no effect on transportation systems.

(c) promotion of compatible urban growth;

Staff Comments:

- Personal care centers and townhomes are both compatible with the current form and growth of the City. Increasing housing stock is an important consideration as the City continues to grow.
- All other changes are minor and do not affect the growth of the city.

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

Staff Comments:

- Expanding personal care centers into areas of the City which currently allow for multi-family and commercial development should not cause any conflict with current and allowed uses in the districts.
- Townhome development will be required to meet all density standards and should not negatively impact districts which currently allow for two (2) family dwelling or multifamily dwellings.

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

Staff Comments:

- The proposed amendments should have no effect on the value of buildings within the City.

Zoning Commission

The Zoning Commission discussed the proposed updates at their September 8th meeting. After a brief discussion, and with no public comment, the Zoning Commission voted unanimously (5:0) to recommend approval of the proposed amendment with no recommended changes.

Staff Recommendation

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

Attachments

Attachment I.....Draft Ordinance

LEGAL
NOTICE OF PUBLIC HEARING

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

Coleman Zone Map Amendment: The Purpose of this hearing is to receive public comment regarding a request for a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Adventurers Rest, LLC, represented by Doyle Scott Coleman, has requested that the zoning on the lot described as the Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E), be amended from R-II (MH) to I on the official zoning map. The Zoning Commission heard this item at their October 13, 2020 public meeting and unanimously (5:0) voted to recommend approval of the amendment to the City Commission.

Zoning Amendment Administrative Language Zoning Text Amendment: The Purpose of this hearing is to receive public comment regarding the 1st reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The goal of the amendment is to clarify the notice requirements for zoning text and map amendments. Specifically, the amendment proposes to create distinct noticing and application processes for zoning text and map amendments. The Zoning Commission heard this item at their October 13, 2020 public meeting and unanimously (5:0) voted to recommend approval of the amendment to the City Commission.

Accessory Dwelling Unit Zoning Text Amendment: The Purpose of this hearing is to receive public comment regarding the 2nd reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to allow for, and regulate, accessory dwelling units within the City of Livingston. Specifically, the amendment allows for accessory dwellings on all lots in the R-I and R-II zoning districts within the city without requiring additional lot square footage. The amendment also addresses accessory dwelling density, size, and parking. The proposed Amendments were heard at the October 6, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

Personal Care Centers and Zoning Cleanup Zoning Text Amendment: The purpose of this hearing is to receive public comment regarding the 2nd reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to define “personal care centers”, update the use table to allow personal care centers in specific zoning districts, correct typographic errors in the current zoning, and ensure consistency throughout the zoning. Specifically, the amendment proposes that the undefined term nursing home be consolidated into the defined term “personal care centers” and that personal care centers be allowed to be placed in all districts that allow nursing homes as well as the Highway Commercial and Public districts. The amendment also addresses language and use consistency, typographic errors, and section labeling errors. The proposed Amendments were heard at the October 6, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

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

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

<https://us02web.zoom.us/j/84959288918?pwd=eFNhVUN2dGRJeitOVG9waHlpNEloZz09>

Meeting ID: 849 5928 8918

Passcode: 096949

Call In: (669) 900 6833

Mathieu Menard
City Planner

PLEASE PUBLISH ON WEDNESDAY, OCTOBER 21, 2020

File Attachments for Item:

ORDINANCE NO. 2092: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE VII, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO ZONING COMMISSION TEXT AMENDMENTS.

ORDINANCE NO. 2092

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

* * * * *

Preamble.

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

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

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

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

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

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

SECTION 1

That Chapter 30- Zoning Ordinance, Article IIV- Zoning Commission and Board of Adjustment, Article IV- District Regulations and Article V- Supplementary General Requirements, be amended as follows with deletions struck-through and additions underlined as follows:

Article VII. - Zoning Commission and Board of Adjustment

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

- A. General. This chapter, including the Official Zoning Map, may be amended by the City Commission by a regular ordinance amendment, but no amendment shall become effective unless it shall have been submitted to the City Zoning Commission for review according to the procedures in Section 30.71E 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.

C. The Chair of the Zoning Commission shall set the Zoning Commission meeting agenda in consultation with the City Commission, City Manager, and City Staff.

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.

SECTION 2

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

October 21, 2020

STAFF REPORT
**TEXT AMENDMENT – ZONING AMENDMENT ADMINISTRATIVE
LANGUAGE**

Background

Planning staff has proposed an amendment to the City Zoning Ordinance to update the “amendments to City zoning ordinance and zone change” section of the Zoning Ordinance (Sec. 30.71). The Ordinance has a single set of procedures for both amendments to the Official Zoning Map and the text of the Zoning Ordinance. The current regulation was clearly written for map amendments as there are several instances where the Ordinance only refers to map amendments within the section of the text that applies to both text and map amendments. As the Ordinance was written for map amendments many of the requirements of the section are not consistent with performing a text amendment which could apply to a large or full portion of the City. For example, the Ordinance requires that the City must “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”, in the case of the text amendment there is no specific property or properties subject to the rezoning as it would potentially apply to any property that is subject to the section of the Ordinance being modified, or could be interpreted to no be required at all as there is no specific property in question. In the case of a text amendment that modifies the general standards that apply to all properties (such as this amendment), one interpretation of the Ordinance is that every property in the City should be notified via certified mail. Not only does this not appear to be the intent of the Ordinance, but is wildly impractical, costing upwards of 10,000 dollars in mailing fees and staff time per amendment. Staff has suggested the clarifying the requirements to notice the adjoining properties only be required for Official Zoning Map amendments and that both zoning text and map amendments require 15-day notice in the newspaper as is required by Montana State Statute (MCA 76-2-303(2)).

Staff has also suggested minor modifications to the submittal requirements listed in the Ordinance to cater the submitted documents to the specific type of application.

Proposed Findings of Fact

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

Proposed Zoning Updates: Changes to the Zoning Ordinance can be found in a strikethrough-underline version included as Attachment I.

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

(a) made in accordance with a growth policy:

Staff Comments:

- The proposed amendments are all administrative and have no effect on the Zoning Ordinance’s compliance with the adopted Growth Policy.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- The proposed amendments are all administrative and have no effect on safety from fire or other dangers.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on public health, safety, and welfare.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on provision of any public requirements and services.

(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 are all administrative and have no effect on provision or light and air.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on transportation systems.

(c) promotion of compatible urban growth;

Staff Comments:

- The proposed amendments are all administrative and have no effect on urban growth.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on uses.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on property values.

Public Hearing

The Zoning Commission held a public hearing on this item at their regularly scheduled, October 13th meeting. The Zoning Commission voted unanimously (5:0) to recommend approval to the City Commission.

The Zoning Commission voted unanimously (5:0) to recommend language be added to Section 30.71 reading “The Chair of the Zoning Commission shall set the Zoning Commission meeting agenda in consultation with the City Commission, City Manager, and City Staff.” This language has been added as Section 30.71.D, and included in the proposed amendment provided to the City Commission.

Staff Recommendation

The Zoning Coordinator believes that the new language listed above other than the addition made by the Zoning Commission meets both the needs of the City of Livingston and the requirements of State Statute. As all of the changes are purely administrative, the intent of the amendment is to streamline and clarify the process for amending the Zoning Ordinance.

Staff recommends that the Commission adopt the proposed zone text amendment without the change proposed by the Zoning Commission. Staff finds that the suggestion by the Zoning Commission that their chair determine the agenda for meeting inappropriate. The Zoning Commission is an *advisory* board governed by State Statute (76-2-307 MCA). State Statute dictates that the Zoning Commission shall make recommendations on all district boundaries and zoning regulations, as such, the board handles official, and sometimes urgent, City business that should not be at the discretion of the board (or in this case one member of the board) to dictate when those items are heard. Allowing the Zoning Commission Chair to dictate what is on the agenda essentially gives the Chair unlimited filibuster powers as zoning items cannot be heard by the City Commission without a recommendation from the Zoning Commission.

Furthermore, the Zoning Commission Bylaws (Attachment II) list the duties of Zoning Commission members, including the Chair, Vice-Chair, and Secretary:

The Chair will perform the following duties:

1. Control and run all meetings to include deciding who will have the floor, how debate will take place, and maintaining order.
2. Sign all official documents of the Board.
3. Assure that minutes are taken of the Board's meetings.
4. Promote efficient use of the Board's time while assuring that all interested parties have an opportunity to participate in Board activities.

The Vice-Chair shall perform the duties of the Chair in the Chair's absence. Appointed City Staff shall act as Secretary. The Secretary shall be responsible for keeping records of the Board actions and/ or recommendations, including overseeing the taking of minutes, sending out meeting announcements and distributing copies of minutes and the agenda to each Board member.

The duties of the Chair as listed in the Bylaws does not include any mention of the agenda, rather the appointed City staff, acting as Board Secretary, is responsible for the agenda of the board. If desired, changing the duties of the Zoning Commission Chair should be achieved through amending the Bylaws not adding additional language to the Zoning Ordinance.

Attachments

- Attachment I.....Strikethrough-underline version of amendment
- Attachment II.....Zoning Commission Bylaws
- Attachment III.....Zoning Commission Materials

LEGAL
NOTICE OF PUBLIC HEARING

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

Coleman Zone Map Amendment: The Purpose of this hearing is to receive public comment regarding a request for a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Adventurers Rest, LLC, represented by Doyle Scott Coleman, has requested that the zoning on the lot described as the Triangular piece South of Block 48 bounded by Chinook and K Street, Section 12 (S12), Township Two South (T02S), Range Nine East (R09E), be amended from R-II (MH) to I on the official zoning map. The Zoning Commission heard this item at their October 13, 2020 public meeting and unanimously (5:0) voted to recommend approval of the amendment to the City Commission.

Zoning Amendment Administrative Language Zoning Text Amendment: The Purpose of this hearing is to receive public comment regarding the 1st reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The goal of the amendment is to clarify the notice requirements for zoning text and map amendments. Specifically, the amendment proposes to create distinct noticing and application processes for zoning text and map amendments. The Zoning Commission heard this item at their October 13, 2020 public meeting and unanimously (5:0) voted to recommend approval of the amendment to the City Commission.

Accessory Dwelling Unit Zoning Text Amendment: The Purpose of this hearing is to receive public comment regarding the 2nd reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to allow for, and regulate, accessory dwelling units within the City of Livingston. Specifically, the amendment allows for accessory dwellings on all lots in the R-I and R-II zoning districts within the city without requiring additional lot square footage. The amendment also addresses accessory dwelling density, size, and parking. The proposed Amendments were heard at the October 6, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

Personal Care Centers and Zoning Cleanup Zoning Text Amendment: The purpose of this hearing is to receive public comment regarding the 2nd reading of a Zone Text Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. The proposed amendment is to define “personal care centers”, update the use table to allow personal care centers in specific zoning districts, correct typographic errors in the current zoning, and ensure consistency throughout the zoning. Specifically, the amendment proposes that the undefined term nursing home be consolidated into the defined term “personal care centers” and that personal care centers be allowed to be placed in all districts that allow nursing homes as well as the Highway Commercial and Public districts. The amendment also addresses language and use consistency, typographic errors, and section labeling errors. The proposed Amendments were heard at the October 6, 2020, City of Livingston City Commission public meeting. The City Commission voted unanimously (5:0) to approve the first reading of the proposed amendments.

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

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

<https://us02web.zoom.us/j/84959288918?pwd=eFNhVUN2dGRJeitOVG9waHlpNEloZz09>

Meeting ID: 849 5928 8918

Passcode: 096949

Call In: (669) 900 6833

Mathieu Menard
City Planner

PLEASE PUBLISH ON WEDNESDAY, OCTOBER 21, 2020

File Attachments for Item:

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

ORDINANCE NO. 2093

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

* * * * *

Preamble.

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

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

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

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

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

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

SECTION 1

That Chapter 30- Zoning Ordinance, Article IIV- Zoning Commission and Board of Adjustment, Article IV- District Regulations and Article V- Supplementary General Requirements, be amended as follows with deletions struck-through and additions underlined as follows:

Article VII. - Zoning Commission and Board of Adjustment

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

- A. General. This chapter, including the Official Zoning Map, may be amended by the City Commission by a regular ordinance amendment, but no amendment shall become effective unless it shall have been submitted to the City Zoning Commission for review according to the procedures in Section 30.71.~~GE~~ and recommendation.
- B. Applications for Map Amendments ~~and Amendments to Text~~. Unless initiated by the City Manager, City Commission or the Zoning Commission, all applications for Official Map amendments must be submitted by the owner of such property. An application for an amendment affecting the same property shall not be submitted more often than once every twelve (12) months.

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

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

1. It shall include, but not be limited to, the following information:
 - a. A legal description of the tract(s) proposed to be re-zoned;
 - b. A map showing the dimensions, acreage and location of the tract(s) and adjacent land uses;
 - c. A completed City application form.
 - de. The names and addresses of the owners of the adjacent land;
 - ed. A receipt showing payment of all applicable fees to the City.
- ~~2. In the case of an application to amend the text of this chapter, the application shall include the proposed change of the text and that portion of the text proposed to be changed.~~
3. An application for amendment to the Official Map ~~or text~~ shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
4. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

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

1. It shall include, but not be limited to, the following information:
 - a. The proposed change of the text and that portion of the text proposed to be changed.
 - b. A completed City application form.
 - c. A receipt showing payment of all applicable fees to the City.
3. An application for amendment to the text of this chapter shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
4. An application for a text amendment may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

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

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

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

FD. City Zoning Commission Action. The City Zoning Commission shall review and take action upon each application in accordance with the provisions of this article, and after a public hearing at which the application has been legally advertised. Each application shall be presented to the Zoning Commission by the Zoning Coordinator, together with ~~his~~their findings and conclusions on the matter. A written report of the Zoning Commission's decision and the Zoning Coordinator's findings and conclusions including the basis for the decision shall be submitted to the City Commission.

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

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

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

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

The recommendation of the Zoning Commission and the time and place of the City Commission's hearing shall be published in the newspaper at least fifteen (15) days prior to the date of the hearing by the City Commission. The City Commission may vote upon the first reading of the amendment at the same meeting at which the public hearing is held. Such a vote may only be taken after the public hearing is held.

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

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

When such proposed amendment has been denied by the City Commission neither it nor one involving the same tract(s) shall be offered for adoption within one (1) year after such denial.

Sec. 30.72. - Reserved.

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

SECTION 2

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

October 1, 2020

STAFF REPORT
**TEXT AMENDMENT – ZONING AMENDMENT ADMINISTRATIVE
LANGUAGE**

Background

Planning staff has proposed an amendment to the City Zoning Ordinance to update the “amendments to City zoning ordinance and zone change” section of the Zoning Ordinance (Sec. 30.71). The Ordinance has a single set of procedures for both amendments to the Official Zoning Map and the text of the Zoning Ordinance. The current regulation was clearly written for map amendments as there are several instances where the Ordinance only refers to map amendments within the section of the text that applies to both text and map amendments. As the Ordinance was written for map amendments many of the requirements of the section are not consistent with performing a text amendment which could apply to a large or full portion of the City. For example, the Ordinance requires that the City must “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”, in the case of the text amendment there is no specific property or properties subject to the rezoning as it would apply to any property that is subject to the section of the Ordinance being modified. In the case of a text amendment that modifies the general standards that apply to all properties (such as this amendment), the implication of the Ordinance is that every property in the City should be notified via certified mail. Not only does this not appear to be the intent of the Ordinance, but is wildly impractical, costing upwards of 10,000 dollars in mailing fees and staff time per amendment. Staff has suggested the changing the requirements to notice the adjoining properties only be required for Official Zoning Map amendments and that both zoning text and map amendments require 15-day notice in the newspaper as is required by Montana State Statute (MCA 76-2-303(2)).

Staff has also suggested minor modifications to the submittal requirements listed in the Ordinance to cater the submitted documents to the specific type of application.

Proposed Findings of Fact

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

Proposed Zoning Updates: Changes to the Zoning Ordinance can be found in a strikethrough-underline version included as Attachment I.

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

(a) made in accordance with a growth policy:

Staff Comments:

- The proposed amendments are all administrative and have no effect on the Zoning Ordinance’s compliance with the adopted Growth Policy.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- The proposed amendments are all administrative and have no effect on safety from fire or other dangers.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on public health, safety, and welfare.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on provision of any public requirements and services.

(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 are all administrative and have no effect on provision or light and air.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on transportation systems.

(c) promotion of compatible urban growth;

Staff Comments:

- The proposed amendments are all administrative and have no effect on urban growth.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on uses.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on property values.

Public Hearing

Staff Recommendation

The Zoning Coordinator believes that the new language listed above meets both the needs of the City of Livingston and the requirements of State Statute. As all of the changes are purely administrative, the intent of the amendment is to streamline and clarify the process for amending the Zoning Ordinance. 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 yards and open space, the density of population and the location and use of buildings, structures and land for trade, industry, residence, or other purposes within the city limits.

Sec. 30.12. - Territorial jurisdiction.

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

Sec. 30.13. - Incorporation of Official Zoning Map.

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

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 30.13 of the Zoning Ordinance of the City of Livingston, Montana", together with the date of adoption of this ordinance.

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

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

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

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

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

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

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

Article II. - Definitions

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

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

"Accessory" means a use, a building or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building 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.

"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.

"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 yards and other open spaces as are herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

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

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

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

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

Lot types. The diagram (Figure 1) which follows on page 166 illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.

In the diagram, A = corner lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots line to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A(1) in the diagram.

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

C = through lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at a right angle or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (D-D).

"Manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least one thousand (1,000) square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home.

"Material" means a book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, DVD, or videotape (except a motion picture, DVD or videotape rated G, PG, PG-13 or R by the motion picture association of America).

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

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

"Mobile home park" means any lot, tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by two (2) or more mobile homes. This definition shall not include trailer sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sales.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use by automobile tourist or transient, and such word shall include tourist courts, motor courts, automobile courts, and motor lodges.

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

"Planning board" means the Livingston City Planning Board.

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

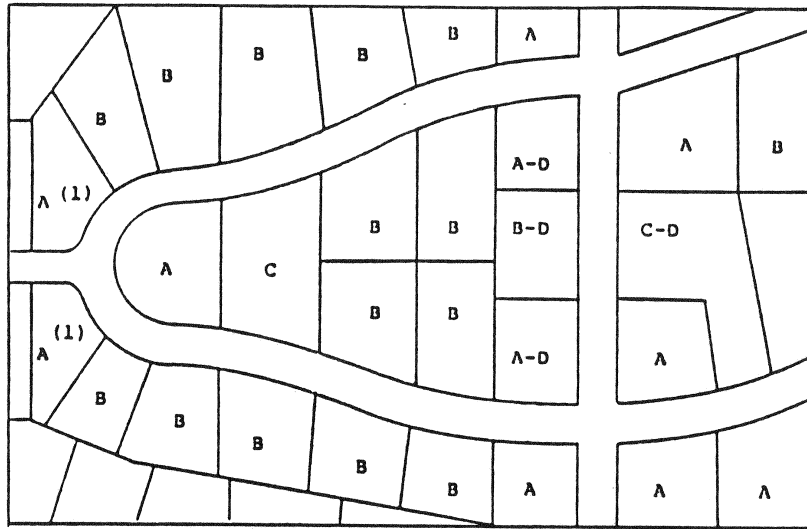


Figure 1
Lot Types

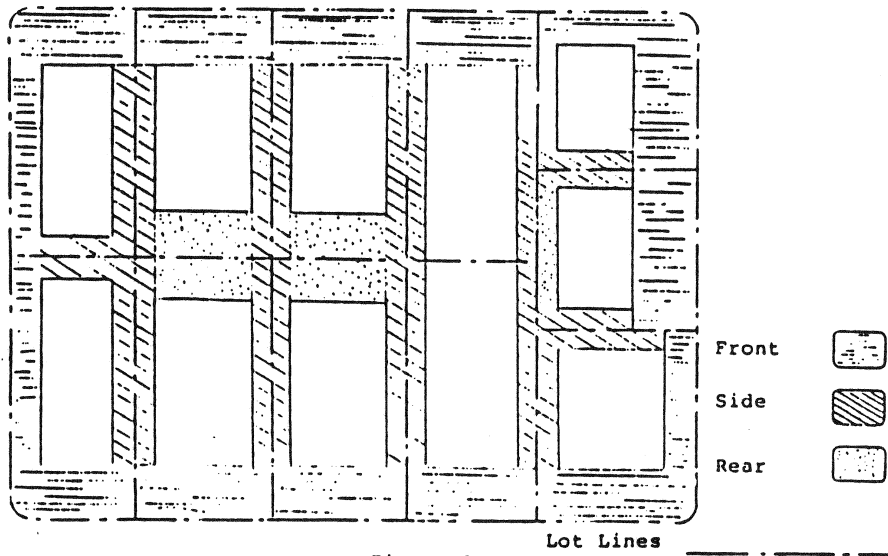


Figure 2
Location of yards on lots

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

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

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

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

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

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

"Special exceptions" means a special exception to the terms of this ordinance to permit uses other than those specifically permitted in each district in appropriate cases and subject to appropriate conditions.

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

Street:

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

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

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

"Structure" means a building or anything constructed in the ground or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences six (6) feet or less in height, paved areas, or small accessory use structures such as storage sheds, which would not require a building permit to be erected under any building code adopted by the City of Livingston, however, in no case will such accessory building be allowed to violate the line of sight restrictions for street and alley or private drive approaches as specified in Section 30.52(B) of this code, or the height limitations of the applicable zoning district.

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

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

"Variance" means an adjustment in the application of the specific regulations of this Chapter pursuant to Section 30.74.

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

"Yard" means a space on the same lot with a principal building, open, unoccupied, and unobstructed by any structure or portion of a structure; provided, however, that fences, walks, poles, small accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility in Section 30.52 of Article V. See Figure 2 for illustration of yard types defined below.

Yard, Front. "Front yard" means a yard extending between side lot lines across the front of a lot adjoining a public street. The front yard shall extend from the front property line to the front of the building located on the lot. In the case of corner lots where one (1) of the front yards that would normally be required is not in keeping with the prevailing yard pattern, the Zoning Coordinator may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall exceed the average of the yards provided on abutting lots.

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

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

"Zoning Coordinator" means the planner for the Livingston City-County Planning Board, or such other official as the City Commission, by motion, may designate.

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

Article 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 rowhouses.

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.

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

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

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

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

3 Adult Foster Care Center.

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

* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. [2046](#), § 1(Exh. A), 9/17/13)

Sec. 30.41. - Residential density requirements.

Residential density requirements are set out in Table 30.41.

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

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

- A) Applicable to Mobile Home Subdivisions only.
- B) Rear setback in all residential zoning districts on this table shall be five (5) feet. side setback required for approved townhouse development.

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

Sec. 30.42. - Commercial density requirements.

Commercial density requirements are set out in Table 30.42.

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

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

(Ord. 1949, 10/18/04)

Sec. 30.43.1. - Bed and breakfasts.

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

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

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

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

(Ord. 1954, 5/16/05)

Sec. 30.45.1. - Preservation Zoning District Plan.

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

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

(Ord. 1954, 5/16/05)

Sec. 30.46. - Building design standards.

- A. This Section provides policies and standards for the design of buildings in the Design Review Overlay Zone. In general, they focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design

traditions. As such, they address only broad-scale topics and do not dictate specific architectural styles or building details.

B. Objectives for Building Design.

1. **Achieve High Quality Design.** Buildings in the overlay zone shall convey a high quality of design, in terms of their materials and details, as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.
2. **Reflect the Design Traditions of Livingston.** Buildings shall reflect the design traditions of the region, in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Sloping roofs, in gable, hip and shed varieties are historical precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snowfall. Flat roofs with varied parapet lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale, to reduce the impact of building scale on the adjacent property, as well as on the neighborhood.
3. **Promote Buildings that Fit with the Natural Setting.** Structures shall be sited to fit with the land and incorporate colors seen in the natural setting.
4. **Promote Buildings that Reflect Pedestrian Scale.** Human scale shall be an integral part of all buildings. Large, flat, windowless block buildings do not reflect human scale or the design traditions of Livingston. Thoughtful use of landscaping, color, building materials and architectural details bring human scale to buildings.

C. Building and Topography.

1. **Policy.** A building shall respect the natural topography of the site.
2. **Standards.** Step a building foundation to follow the slope of the site when feasible. In general, an exposed building foundation shall not exceed three (3) feet in height.

D. Building Character.

1. **Policy.** Buildings shall reflect the regional urban character.
2. **Guideline.**
 - a. Designs that draw upon regional design traditions are preferred. Standardized "franchise" style architecture will be strongly discouraged by following these standards.
 - b. The primary entrance to a building shall have a human scale. Provide a one (1) story element at the building entrance to help establish a sense of scale.
 - c. Where no windows or other obvious indication exists, express the position of each floor in the external skin design of a building to establish a human scale.
 - i. Use belt courses or other horizontal trim bands of contrasting color and materials to define floor lines.
 - ii. Articulate structural elements, or change materials as a method of defining floors.
 - d. Use building materials that help establish a human scale.
 - i. For example, use brick in a standard module to express a human scale.
 - ii. Avoid using large surfaces of panelized products or featureless materials.
 - iii. A large surface of stucco or similar material that lacks articulation or detailing shall be avoided.
 - e. New construction shall relate to adjacent residential and historic resources. Where a new project abuts a residential neighborhood or a historic structure, step the building down at

the property edge to minimize abrupt changes in scale, or increase side yards to reduce the impact.

E. Primary Building Entrance.

1. Policy. The primary entrance of a structure shall orient to a street, major sidewalk, pedestrian way, plaza, courtyard or other outdoor public space.
2. Standards.
 - a. Design the main entrance to be clearly identifiable.
 - i. Provide a sheltering element such as a canopy, awning, arcade or portico to signify the primary entrance to a building.
 - ii. Where more than one (1) user shares a structure, each individual entrance shall be identified.
 - b. Orient the primary entrance of a building to face a street, plaza or pedestrian way.
 - i. Focusing an entrance toward a parking lot without also addressing the street is inappropriate.
 - ii. Consider using a "double-fronted" design where the entrance to parking and to the street is required. That is, provide a door to the street and another to the parking lot.
 - iii. Consider locating a pedestrian plaza at the entrance; this may be enhanced with landscaping and streetscape furnishings.

F. Street Level Interest.

1. Policy. When a building is located close to a street or walkway, it shall be designed to provide interest to pedestrians. For example, commercial buildings with storefronts are of interest to passersby. Such features encourage pedestrian activity and shall be used whenever feasible. The overall mass of a building shall appear to be in scale with buildings seen traditionally. This will help new structures fit with the Livingston context. At the same time, newer structures may be larger than those seen before; they shall simply be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.
2. Standards.
 - a. Develop the street level of a building to provide visual interest to pedestrians. All sides of a building shall include interesting details and materials to avoid presenting a "back side" to neighboring properties. For example, the sides of restaurants and specialty stores shall incorporate windows and display cases over at least a third of the facade area. A large expanse of blank wall is inappropriate on any street-oriented facade.

G. Building Mass and Scale.

1. Policy. A building shall appear to have a "human scale." In general, this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions, as noted throughout this Chapter, e.g., "small details/visible to pedestrians."
2. Standards. In order to reduce building scale, each major building project shall provide all of the following:
 - a. Divide a building into visual modules that express dimensions of structures seen traditionally.
 - i. Buildings shall employ all of the following design techniques:
 - (A) Change material or color with each building module to reduce the perceived mass;
 - (B) Change the height of a wall plane or building module;

- (C) Change roof form to help express the different modules of the building mass; and
 - (D) Change the arrangement of windows and other facade articulation features, such as columns or strap work that divide large wall planes into smaller components.
- ii. Express facade components in ways that will help to establish a human scale (details oriented towards pedestrians).
- (A) Establish a pattern and rhythm on exterior walls to establish a human scale;
 - (B) Windows, columns and other architectural treatments used repetitively can create this effect;
 - (C) Using windows and doors that are similar in scale to those seen traditionally also can help establish a human scale;
 - (D) Also, recess these elements, even if slightly, and articulate them with headers, sills, columns and/or mullions.

H. Roof Form.

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

I. Signage.

1. Policy. Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development, it will be important within this overlay zone to keep signage as minimal and unobtrusive as possible.
2. Standards.
 - a. Free standing and monument signs will be constructed of materials and contain details which match those of the building being advertised.
 - i. Use brick, wood or stone facades on signage structures to help them blend into and match the site;
 - ii. Simulate architectural details of the building, such as colors, textures, and geometric forms, in designing sign structures.
 - b. Signs that detract from the site design of a development shall be avoided. The use of internally backlit signs will not be allowed. Spotlighting or other lighting methods shall be explored.

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

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

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

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

(Ord. 1974, 9/5/07)

Article V. - Supplementary General Requirements

Sec. 30.50. - Signs.

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

B. Definitions.

1. "Animated sign" means a sign with action or motion, flashing or intermittent lights and/or color changes requiring electrical energy, electronic or manufactured sources of activation, but not including wind-activated elements such as flags and banners.
2. "Awning signs" means a sign which is an integral part of a window awning assembly, to include the printing or painting of words onto awning material.
3. "Billboard signs" means any standard outdoor advertising sign larger than two hundred (200) square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located.
4. "Free standing signs" means a sign which is supported by one (1) or more columns, uprights, or braces and is permanently fixed in the ground.
5. "Monument sign" means a sign, single- or double-sided mounted, flush with the surface of the grade upon which sets the business, industry, or other commercial enterprise which the sign advertises. A monument sign must be landscaped with grass, shrubs or other plants or other landscape material in an area not less than three (3) feet surrounding such sign in all directions.
6. "Revolving sign" means a sign which revolves three hundred sixty (360) degrees.

7. "Menu board" means a sign specifically designed to advise customers of the menu of food available in the establishment by which the menu board is owned.
8. "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.
9. "Marquee sign" means a specific type of reader board but restricted to use by active movie theaters.
10. "Temporary sign" means a sign made of paper, or some other limited life-span material advertising a short-term event, like a sale. Temporary signs are not subject to inclusion in a business' sign square footage measurement. Temporary signs shall be removed within twenty-four (24) hours after the completion of the advertised event.
11. "Projecting sign" means a sign installed on the facade of a building which is attached to such building in a perpendicular manner or at an angle to the building wall.
12. "Sandwich board sign" means a sign painted on both of the outside of two (2) boards fastened together at the top with a hinge-like device, designed to be placed on the sidewalk area in front of an establishment.
13. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, including, but not limited to, signs described in subsections (B)(1) through (B)(12) of this Section. For the purpose of determining number of signs, a sign will be considered to be a single display device with not more than two (2) display surfaces (back-to-back) or display device containing elements organized, related and composed to form a unit. For measurement purposes, the square footage of a sign which employs back-to-back display surfaces will only be considered as the square footage of one (1) side of that sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element will be considered a separate sign.
14. Square Footage. The square footage of a sign shall be measured as the product of the total linear foot measurement multiplied by the total height measurement. The linear measurement shall be attained by measuring from the leftmost edge of the sign, continually measured to the rightmost edge of the sign. Any mounting material shall be part of the measurement.
15. "Actual business premises" means the owned or leased real property from which the primary business is actively transacted.
16. "Off-premises sign" means a sign located on property other than the actual business premises.
17. "Banner signs" means a strip of cloth, plastic or other material displaying advertising or other information.
18. "Portable sign" means any sign designed to be easily moved or transported whether by carrying, by mounted wheels, by trailer or otherwise.
19. "Voluntary modification" means any modification to an existing sign which reflects a conscious business or personal decision. This may include a change in corporate color scheme, change of logo, or any other change which would require the replacement of existing sign faces. It does not include the replacement or repair of sign faces with new, identical faces as part of normal maintenance or due to damage by wind, fire or other hazard.

C. General.

1. Nothing in this Section shall be interpreted as prohibiting or excluding such signs as are required by law. This includes legal notices and advertisements prescribed by law or posted by any lawful officer or agent.
2. Any sign which is readily visible from the public right-of-way in an exterior window of a building, whether on the external or internal side of the window, shall be regulated by the provisions of this Section. Temporary sale signs are excluded, however, no single temporary sign shall

exceed six (6) square feet in size, and the total of all such temporary signs shall not exceed fifty (50) percent of the transparency of the window in which they are visible.

3. All signs as permitted by this Section shall be maintained by the owner and kept in good repair and shall be painted and repaired at reasonable intervals. The surface of the ground under and about any sign shall be kept clear of weeds, rubbish and flammable waste material.
 4. All signs shall be designed and constructed in accordance with the Uniform Sign Code.
 5. A permit must be obtained from the Building Official by the person who is erecting the sign prior to the construction of any sign, except for those signs listed in subsection E of this Section.
 6. Signs not in use by reason of change of occupancy or use by vacation of the building shall be removed within thirty (30) days of such change by the owner of the sign, or the owner of the property. The City has the option of removing such sign at the end of the thirty (30) day period after giving fifteen (15) days' written notice by certified mail to the owner, and upon such removal, the full charges of removal shall constitute a mechanic's lien against the real property enforceable pursuant to State law.
 7. All existing signs that have been constructed pursuant to City sign permits and variances through the official date of the ordinance codified in this Section (Ord. 1749 effective date, October 20, 1993) shall be grandfathered and do not have to conform as to the height, size or prohibited signs subsections of this Section. Other provisions of this Section shall apply to existing signs. Grandfathered signs which are voluntarily modified must meet all requirements of this Section. Signs which have previously been granted variances may continue to exist within the parameters of those variances.
 8. The Building Official shall be responsible for the enforcement of this sign ordinance.
 9. All buildings with more than one (1) business occupant must submit to the Board of Adjustment a master signage plan which identifies the number and location of all potential signs on the property before any sign permits may be issued. For properties located in the Downtown Historic District, this master plan will be submitted to the Historic Preservation Commission. Any deviation from an approved master plan must be approved by the appropriate body prior to permit issuance.
 10. Pre-existing multi-occupant buildings will not be issued any new sign permits until a master plan is approved by the appropriate body.
 11. Any sign variance issued to multi-occupant property shall constitute an amendment to that property's signage master plan.
 12. All signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay Zoning.
- D. Prohibited Signs.
1. No animated signs shall be erected in any zoning district, except time and temperature signs which may be erected in the Central Business District only and existing lighted signs in the Downtown Historic Preservation District which flash, chase, move, revolve, rotate, blink, flicker or vary in intensity or color; however, such lights must be turned off when the business is closed.
 2. No revolving sign may be permitted in any district.
 3. No billboard sign shall be erected in any zoning district.
 4. In the Central Business District Zone, no backlit signs are allowed.
 5. Visibility at Corners, Alleys and Driveway Approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, and on all corner lots, a triangular clear vision zone shall be maintained. The zone shall measure ten (10) feet into the lot, as measured from the edge of the sidewalk nearest the property line, and twenty (20) feet parallel to the street measured from the edge of any alley, driveway or street corner along the edge of the sidewalk

nearest the property line. No structure of any kind over three (3) feet in height shall be erected or maintained within the above defined clear vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the Building Official.

6. Notwithstanding any other provisions contained in this Section, no free standing sign shall be erected or maintained upon any spire, chimney, cupola, water tank, water tower, radio aerial or television antenna.
 7. No sign shall be erected on any property without the express permission of the occupant, owner, lessee or any authorized agent thereof.
 8. No sign shall be erected in such a manner that a portion of the sign or their supports are attached to or will interfere with the free use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator or window.
 9. No sign shall be attached to any tree.
 10. Menu boards are not permitted on any property other than that occupied by a restaurant-type business.
 11. No portable and/or trailer-mounted signs shall be allowed.
 12. No sign not in conformance with this Code shall be allowed.
- E. Signs Permitted in All Districts Without a Permit. The following signs are permitted in all zoning districts and will not require a permit:
1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, which do not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. Only two (2) such signs shall be allowed on any one (1) property;
 2. Signs bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial promotion;
 3. Flags and insignia of the government except when displayed in connection with commercial promotion;
 4. Legal notices: identification, information or directional signs erected or required by governmental bodies;
 5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
 6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
 7. Detached bulletin boards for churches, schools, or other public, religious or educational institutions provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections;
 8. Construction information signs, providing the signs are removed immediately following final completion of construction;
 9. Nonilluminated 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 and two-family 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: Off-street parking is required within a walking distance of one hundred (100) feet.

- 3. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged, asylums, retirement homes, rooming and boarding houses: Off-street parking is required within six hundred (600) feet.
- 4. For uses other than those specified above: Off-street parking within five hundred (500) feet is required.
- C. Expansion or Enlargement. Whenever any building is enlarged in 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	One per 100 sq. ft. of gross floor area for the first 4,000 sq.

consumption on premises.	ft. with 10 spaces minimum requirement and one space for each additional 300 square feet.
Furniture, appliance, hardware, clothing, shoe, personal-service stores.	One per 600 square feet of gross floor space.
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and service.	One per 1,000 sq. ft. of gross floor area plus one per three employees.
Retail stores or service businesses not otherwise named.	One per 500 square feet of gross floor area.
Retirement homes, housing projects for senior citizens.	1-6 dwelling units 0.5 per dwelling unit; 7-18 dwelling units 0.33 per dwelling unit; over 18 dwelling units 0.25 per dwelling unit; minimum of 5 spaces.
Motels, hotels and motor courts.	One per sleeping room.
Hospitals and institutions.	One per 3 beds plus one per 3 employees.
Theaters.	One per 10 seats.
Churches, auditoriums and similar open assemblies.	One per 5 seats or one per 100 linear inches of pew or one per 65 sq. ft. of gross floor area used for assembly purposes, whichever is greater.
Stadiums, sport arenas and similar open assemblies.	One per 8 fixed seats plus one per 100 sq. ft. of assembly space without fixed seats.
*Gross floor area shall be the total built-up area of all floors, excluding car ports and garage areas.	

- 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 yard, or the side yard extending from the foremost edge of the house to the point where the side yard line intersects the front lot line. Fences and walls located along side yards from the foremost edge of the house to the rear lot line or rear yard, and along the rear lot line, shall not exceed a height of six (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 shall be erected or maintained in any yard which materially impedes vision of vehicles entering an abutting street.

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

Sec. 30.53. - Animals.

Prohibited Animals. No livestock or fowl as defined in Article II of this ordinance, may be kept or maintained in any zoning district in the city, except for licensed veterinarian services, and except for those kept pursuant to permit obtained pursuant to Section 4-2 through the office of the Sanitarian.

Sec. 30.54. - Motor vehicles or parts.

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

Sec. 30.55. - Home occupations.

A. General.

1. It is the intent of this ordinance to permit home occupations that meet the following criteria in any residential district. No other home occupations except those meeting this criteria will be allowed. Nonconforming home occupations shall meet the criteria within one year from the effective date of this ordinance.
2. The purpose of this ordinance is to protect the residential characteristic of the neighborhoods in Livingston. It is to ensure that the home occupations which are allowed to operate will not impose any burdens on the neighboring landowners.

B. Definitions.

1. A home occupation is defined as any business or commercial activity that is conducted or petitioned to be conducted from a property which is zoned for residential use and which meets the conditions set forth in Section 30.55.C and Section 30.55.E.1. However, a medical marijuana facility is hereby specifically excluded from consideration as a home occupation.
2. A home occupation permit is a permit issued for a home occupation that is authorized by Section 30.55.E without hearing.
3. A home occupation conditional use permit is a permit authorized by the City Board of Adjustment only after a public hearing by the Board.

C. Criteria. Home occupations must fit all of the following criteria:

1. No person shall be employed other than the residents of said dwelling.
2. The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property.
3. The floor area devoted to the occupation shall not exceed fifteen (15) percent of the total floor area of the dwelling plus accessory buildings on the property.
4. The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, fumes, odors, hours of operation, traffic, or electrical interference. The above shall not be detectable by normal sensory perception beyond the dwelling or accessory building in which the business is located.
5. Direct sales of products off display shelves or racks is not allowed, but a person may pick up an order which was placed earlier by telephone or at a sales party.
6. There shall be no signs erected other than those allowed by this ordinance in residential districts.
7. A minimum of one off-street parking space for each business related vehicle shall be provided on the property. Each parking space shall meet minimum standards for off-street parking established elsewhere in this code.
8. Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area.
9. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, except for the permitted sign.
10. Outdoor storage of materials for the home occupation is prohibited.

11. No toxic, flammable, hazardous, or explosive industrial substances shall be used or stored on the premises unless registered with the Local Emergency Planning Committee. Said premises shall be subject to regular fire inspections.
 12. No home occupation shall be permitted without the prior issuance of a home occupation permit or home occupation conditional use permit.
- D. Enforcement.
1. The permit shall be valid only for the proposed business as operated by the applicant. The permit shall be non-transferable either to another property or to another owner or operator. It may be revoked upon sufficient showing that a permit holder is violating the terms of the permit.
 2. The business shall be subject to regular inspections by the City Fire Marshal and/or the City Building Inspector. The inspections shall be done during regular business hours.
 3. The Building Official shall be responsible for enforcing this section of this ordinance, and shall report any violations to the Livingston City Attorney.
- E. Compliance. It is the intent of this subsection to provide the Building Official with the means to enforce the Home Occupation section of this ordinance.
1. Businesses shall be divided into two categories based on the expected impact they will have on the residential neighborhood they are proposed for.
 - a. A Major Home Occupation is one which can be expected to have some impact on the neighborhood it is proposed for. It is one which has some visible evidence of the occupation and shall accommodate both the residential and business related parking needs on the property. Additional characteristics include:
 - (1) The business may have a sign; or
 - (2) The business may create some additional traffic for deliveries and customers.
 - b. A Minor Home Occupation is one which has no visible exterior evidence of the conduct of the occupation, which does not generate additional traffic, and in which no equipment other than that normally used in household, domestic, or general office use. Additional characteristics may include:
 - (1) The business shall not have a sign.
 - (2) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
 - (3) No hazardous, flammable, explosive or toxic industrial substances may be used in a minor home occupation.
 2. All Home Occupations in existence at the time of the adoption of this Ordinance and all new home occupations which fit the criteria of a minor home occupation shall be required to get a Home Occupation Permit.
 - a. The purpose of the Home Occupation Permit is to ensure compliance with this section of the Ordinance.
 - b. The Home Occupation Permit may be issued by the Building Inspector upon application by the owner of a Home Occupation.
 - c. The application shall be accompanied by a floor plan for the residence with the area to be used for the business clearly marked.
 - d. The application shall be accompanied with a fee of twenty dollars (\$20.00) to cover processing.
 3. All new Major Home Occupations shall be required to be reviewed by the City Board of Adjustment for a Home Occupation Conditional Use Permit.

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

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

- A. Residential Mobile Homes. Mobile homes are permitted in approved mobile home (RMO) parks and R-II (MH) districts only. No mobile homes shall be placed in other zoning districts except those specified in Section 30.56B.

Any mobile home or replacement of any existing mobile home moved onto a site in one of the approved zoning districts must contain a minimum of eight hundred (800) square feet, and must meet all of the following requirements before a Certificate of Occupancy can be issued by the Building Official:

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

- B. Commercial Use. Mobile homes shall not be utilized for any commercial use, other than an on-premises office in connection with a mobile home sales business or as a temporary job shack located on a construction site. Such job shack must be removed within ten (10) days after completion of construction.

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

- A. Manufactured homes are permitted in all residential zoning districts. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand (1,000) square feet.
- B. All manufactured homes must be placed on a permanent foundation. For the purpose of this part a permanent foundation means a standard footing-type, perimeter foundation built to frost depth, with or without a basement.

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

Whenever a commercial building is permitted in a residential district, either as a matter of right or by special use permit, that building must meet the density requirements of the residential zone in which it is located, except for the off-street parking requirements. The minimum off-street parking requirement will be established by the Building Official in accordance with Section 50.51.

Sec. 30.58. - Townhouses.

- A. Townhouses are permitted in RII, RII(MH) and RIII districts only.
- B. All townhouse development must comply with the density and setback requirements set forth in Table 30.41, the off-street parking requirements found in Section 30.51, and all other applicable regulations.

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

- A. Purpose. The purpose of the ordinance codified in this section is to set forth minimum landscaping requirements for new or altered commercial, industrial, R-III and RMO Zones in order to minimize the visual impact upon public rights-of-way and incompatible uses in said zones and adjacent or abutting R-I or R-II Zones as well as establishing minimum buffering requirements between new or altered commercial, industrial, R-III and RMO Zones and existing incompatible uses and abutting or adjacent R-I or R-II zones and to lessen the impact of lighting.
- B. Definitions. For the purposes of this section, the following definitions shall apply:
 - 1. "Ornamental tree" means any variety of tree which is not expected, at maturity, to reach a height of fifteen (15) or more feet nor be a substantial provider of shade.
 - 2. "Shade tree" means any variety of tree which is expected, at maturity, to be in excess of twenty-five (25) feet in height and sufficiently full in form to provide substantial shading effects.
 - 3. "DBH" means diameter at breast height.
- C. Prohibition. No land shall be used or occupied and no structure shall be designed, erected, used, occupied or altered where a building permit is required, nor shall any variance or special exception be granted, except in conformity with the regulations established in this section.
- D. General Landscaping Requirements. Landscaping shall be required as follows:
 - 1. Parking or Storage Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family parking and/or storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.

2. Requirements for the Interior of Parking Areas.
 - a. Option #1. Parking areas will be designed so that parking rows will consist of not more than ten (10) automobiles. Any parking area which has a capacity of twenty (20) or more automobiles will be required to provide landscaped islands between parking rows. The island(s) will be at least five (5) feet wide and shall consist of vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof. The island(s) will be separated from the parking surface by a curb of at least six (6) inches in height.
 - b. Option #2. In the alternative, where parking rows are to consist of more than ten (10) parking spaces, landscaped islands will be provided in accordance with an approved landscape plan. The plan will provide for landscaped area equal to a minimum of five (5) percent of the gross parking space area. (i.e., 1 parking space = 180 square feet. Landscape requirement = 5% × 180 × 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)

Sec. 30.59.1. - 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 be 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 § 30.59.1 at the discretion of the editor.

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

Sec. 30.60. - 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. 30.61. - Non-conforming lots of record.

In any district the authorized uses may be continued on any single lot of record at the effective date of adoption or amendment of this ordinance, even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district and provided that yard dimensions for the district can be met. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard 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. 30.62. - 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. 30.63. - Non-conforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, 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. 30.64. - 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 Manager, City Commission or the Zoning Commission, all applications for Official Map amendments must be submitted by the owner of such property. An application for an amendment affecting the same property shall not be submitted more often than once every twelve (12) months.
- C. Applications for Text Amendments. Unless initiated by the City Manager, City Commission or the Zoning Commission, all applications for text amendments to this chapter must be submitted by the owner of property within the City of Livingston.

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

- 1. It shall include, but not be limited to, the following information:
 - a. A legal description of the tract(s) proposed to be re-zoned;

- b. A map showing the dimensions, acreage and location of the tract(s) and adjacent land uses;
- c. A completed City application form.
- de. The names and addresses of the owners of the adjacent land;
- ed. A receipt showing payment of all applicable fees to the City.

~~2. In the case of an application to amend the text of this chapter, the application shall include the proposed change of the text and that portion of the text proposed to be changed.~~

- 3. An application for amendment to the Official Map ~~or text~~ shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
- 4. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

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

- 1. It shall include, but not be limited to, the following information:
 - a. The proposed change of the text and that portion of the text proposed to be changed.
 - b. A completed City application form.
 - c. A receipt showing payment of all applicable fees to the City.
- 3. An application for amendment to the text of this chapter shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
- 4. An application for a text amendment may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

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. In the case of an amendment to the Official Zoning Map, nNotify, by certified, return receipt requested mail, the applicant and all property owners within three hundred (300) feet of the exterior boundaries of the property subject to the re-zoning: of the time, date, place of the public hearing and the existing and proposed land use classification. Such notification shall be mailed to the applicant and the surrounding property owners no sooner than ~~ten-fifteen~~ (150) days and no later than five (5) days prior to the date of the public hearing. Posted notice shall include the nature of the change being requested as well as the time, date and location of the public hearing;
- 6. Report the findings and conclusions, in writing, to the City Zoning Commission. Such report shall be a matter of public record, and shall be forwarded to the City Commission with the Zoning Commission's recommendation.

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~~their findings and conclusions on the matter. A written report of the Zoning Commission's decision and the Zoning Coordinator's findings and conclusions including the basis for the decision shall be submitted to the City Commission.

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

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

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

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

The recommendation of the Zoning Commission and the time and place of the City Commission's hearing shall be published in the newspaper at least fifteen (15) days prior to the date of the hearing by the City Commission. The City Commission may vote upon the first reading of the amendment at the same meeting at which the public hearing is held. Such a vote may only be taken after the public hearing is held.

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

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

When such proposed amendment has been denied by the City Commission neither it nor one involving the same tract(s) shall be offered for adoption within one (1) year after such denial.

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

Sec. 30.72. - Reserved.

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

Sec. 30.73 - Board of adjustment.

There is created for the City of Livingston, a Board of Adjustment consisting of five (5) members appointed by the City Commission. The terms of each member shall be three (3) years.

Vacancies shall be filled by the City Commission for the unexpired terms of any member whose term becomes vacant.

- A. Proceedings of the Board of Adjustment. Meetings of the Board shall be scheduled at a regular time each month and special meetings may also be called by the Chairman. The Chairman may cancel the regular monthly meeting if no matters are pending for the Board's consideration. The Chairman, or in his absence, the acting Chairman may compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of their proceedings, showing the vote of each member, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be filed in the Office of the Zoning Coordinator. The official minutes of the Board's proceedings shall be signed by the Chairman or acting Chairman and attested to by the recording secretary. The Chairman of the Board of Adjustment shall designate a secretary of the Board. The Zoning Coordinator shall be custodian of all records of the meetings, findings, conclusions and recommendations of the Board.

- B. Hearings, Appeals, Notices. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decisions of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Board of Adjustment a notice of appeal, and shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board of Adjustment 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 Board of Adjustment 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. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

- D. Decisions, Appeals Re-Hearing. In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or modify the order, 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 Board 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 Board of Adjustment, or any taxpayer, or any officer, department, or board of the City may present to a court of record a petition setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

If an application for an administrative review is denied by the Board of Adjustment, another application shall not be filed within a period of one year from the date of denial, except upon the

initiation of the Board of Adjustment after a showing of a change of circumstances which would warrant a re-hearing.

- E. Powers and Duties. The Board of Adjustment shall have the following powers:
 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or interpretation of this act or of any resolution adopted pursuant thereto.
 2. To grant Special Exceptions regarding specific cases for variances from the terms of the ordinance as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.74. - Variances—application procedures.

- A. Applications. An application for variance shall be filed with the Zoning Coordinator under the following conditions:
 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. However, the Board of Adjustment may, by a two-thirds vote of all members, allow the application to be withdrawn without prejudice with respect to the twelve month limitation of this article.
- B. Zoning Coordinator Action. The Zoning Coordinator, upon receiving an application for a variance, shall do the following:
 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 Board of Adjustment.
- C. Board of Adjustment Action. The Board of Adjustment, before the Board makes a decision granting or denying a variance, shall determine whether:
- 1. Special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.
 - 2. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other tract(s) in the same district.
 - 3. Granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other land in the same district.
 - 4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.
 - 5. In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance.

Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this ordinance.

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

- D. The Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment may prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set by the Board of Adjustment shall void the variance.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.75. - Special exceptions.

- A. General. Special Exceptions for uses other than those specifically permitted in each district, are intended to provide, in appropriate cases, and subject to appropriate conditions and safeguards, to be 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 Board of Adjustment 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 Board of Adjustment may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception.

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

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

The Board of Adjustment 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)

October 21, 2020

STAFF REPORT
**TEXT AMENDMENT – ZONING AMENDMENT ADMINISTRATIVE
LANGUAGE**

Background

Planning staff has proposed an amendment to the City Zoning Ordinance to update the “amendments to City zoning ordinance and zone change” section of the Zoning Ordinance (Sec. 30.71). The Ordinance has a single set of procedures for both amendments to the Official Zoning Map and the text of the Zoning Ordinance. The current regulation was clearly written for map amendments as there are several instances where the Ordinance only refers to map amendments within the section of the text that applies to both text and map amendments. As the Ordinance was written for map amendments many of the requirements of the section are not consistent with performing a text amendment which could apply to a large or full portion of the City. For example, the Ordinance requires that the City must “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”, in the case of the text amendment there is no specific property or properties subject to the rezoning as it would potentially apply to any property that is subject to the section of the Ordinance being modified, or could be interpreted to no be required at all as there is no specific property in question. In the case of a text amendment that modifies the general standards that apply to all properties (such as this amendment), one interpretation of the Ordinance is that every property in the City should be notified via certified mail. Not only does this not appear to be the intent of the Ordinance, but is wildly impractical, costing upwards of 10,000 dollars in mailing fees and staff time per amendment. Staff has suggested the clarifying the requirements to notice the adjoining properties only be required for Official Zoning Map amendments and that both zoning text and map amendments require 15-day notice in the newspaper as is required by Montana State Statute (MCA 76-2-303(2)).

Staff has also suggested minor modifications to the submittal requirements listed in the Ordinance to cater the submitted documents to the specific type of application.

Proposed Findings of Fact

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

Proposed Zoning Updates: Changes to the Zoning Ordinance can be found in a strikethrough-underline version included as Attachment I.

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

(a) made in accordance with a growth policy:

Staff Comments:

- The proposed amendments are all administrative and have no effect on the Zoning Ordinance’s compliance with the adopted Growth Policy.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- The proposed amendments are all administrative and have no effect on safety from fire or other dangers.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on public health, safety, and welfare.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on provision of any public requirements and services.

(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 are all administrative and have no effect on provision or light and air.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on transportation systems.

(c) promotion of compatible urban growth;

Staff Comments:

- The proposed amendments are all administrative and have no effect on urban growth.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on uses.

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

Staff Comments:

- The proposed amendments are all administrative and have no effect on property values.

Public Hearing

The Zoning Commission held a public hearing on this item at their regularly scheduled, October 13th meeting. The Zoning Commission voted unanimously (5:0) to recommend approval to the City Commission.

The Zoning Commission voted unanimously (5:0) to recommend language be added to Section 30.71 reading “The Chair of the Zoning Commission shall set the Zoning Commission meeting agenda in consultation with the City Commission, City Manager, and City Staff.” This language has been added as Section 30.71.D, and included in the proposed amendment provided to the City Commission.

Staff Recommendation

The Zoning Coordinator believes that the new language listed above other than the addition made by the Zoning Commission meets both the needs of the City of Livingston and the requirements of State Statute. As all of the changes are purely administrative, the intent of the amendment is to streamline and clarify the process for amending the Zoning Ordinance.

Staff recommends that the Commission adopt the proposed zone text amendment without the change proposed by the Zoning Commission. Staff finds that the suggestion by the Zoning Commission that their chair determine the agenda for meeting inappropriate. The Zoning Commission is an *advisory* board governed by State Statute (76-2-307 MCA). State Statute dictates that the Zoning Commission shall make recommendations on all district boundaries and zoning regulations, as such, the board handles official, and sometimes urgent, City business that should not be at the discretion of the board (or in this case one member of the board) to dictate when those items are heard. Allowing the Zoning Commission Chair to dictate what is on the agenda essentially gives the Chair unlimited filibuster powers as zoning items cannot be heard by the City Commission without a recommendation from the Zoning Commission.

Furthermore, the Zoning Commission Bylaws (Attachment II) list the duties of Zoning Commission members, including the Chair, Vice-Chair, and Secretary:

The Chair will perform the following duties:

1. Control and run all meetings to include deciding who will have the floor, how debate will take place, and maintaining order.
2. Sign all official documents of the Board.
3. Assure that minutes are taken of the Board's meetings.
4. Promote efficient use of the Board's time while assuring that all interested parties have an opportunity to participate in Board activities.

The Vice-Chair shall perform the duties of the Chair in the Chair's absence. Appointed City Staff shall act as Secretary. The Secretary shall be responsible for keeping records of the Board actions and/ or recommendations, including overseeing the taking of minutes, sending out meeting announcements and distributing copies of minutes and the agenda to each Board member.

The duties of the Chair as listed in the Bylaws does not include any mention of the agenda, rather the appointed City staff, acting as Board Secretary, is responsible for the agenda of the board. If desired, changing the duties of the Zoning Commission Chair should be achieved through amending the Bylaws not adding additional language to the Zoning Ordinance.

Attachments

- Attachment I.....Strikethrough-underline version of amendment
- Attachment II.....Zoning Commission Bylaws
- Attachment III.....Zoning Commission Materials

File Attachments for Item:

RESOLUTION NO: 4928: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CHANGE THE NAME OF NORTHTOWN ROAD WITHIN THE NORTHTOWN SUBDIVISION TO SWEETGRASS LANE.

RESOLUTION NO. 4929

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CHANGE THE NAME OF NORTHTOWN ROAD WITHIN THE NORTHTOWN SUBDIVISION TO SWEETGRASS LANE.

WHEREAS the City street running north and south through the Northtown Subdivision (Phases 2 & 3) was originally named Northtown Road on the subdivision plat; and

WHEREAS, no addresses have been assigned along this street as all of the lots are still vacant; and

WHEREAS, the purpose of renaming the street is to correct an error as the subdivider had originally intended to name this street Sweetgrass Lane.

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 change the name of Northtown Road, within the Northtown Subdivision, to Sweetgrass Lane.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this ____ day of November, 2020.

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

SURVEY REQUESTED BY OWNER TO CREATE 37
 LOTS, 2 OPEN SPACE PARCELS, AND 2 PARK
 PARCELS FROM AN EXISTING TRACT OF LAND.
 DATE OF PREPARATION: 9/22/2020
 OWNER: NORTHTOWN LIVINGSTON, LLC
 DEED REF. DOC. NO. D393587

FINAL PLAT OF
NORTHTOWN SUBDIVISION, PHASES 2 AND 3
 PART OF LOT 3, SUBDIVISION NO. 253, LOCATED IN THE N 1/2, SECTION 14,
 T. 2 S., R. 5 E., P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA
 SUBDIVISION PLAT NO. _____

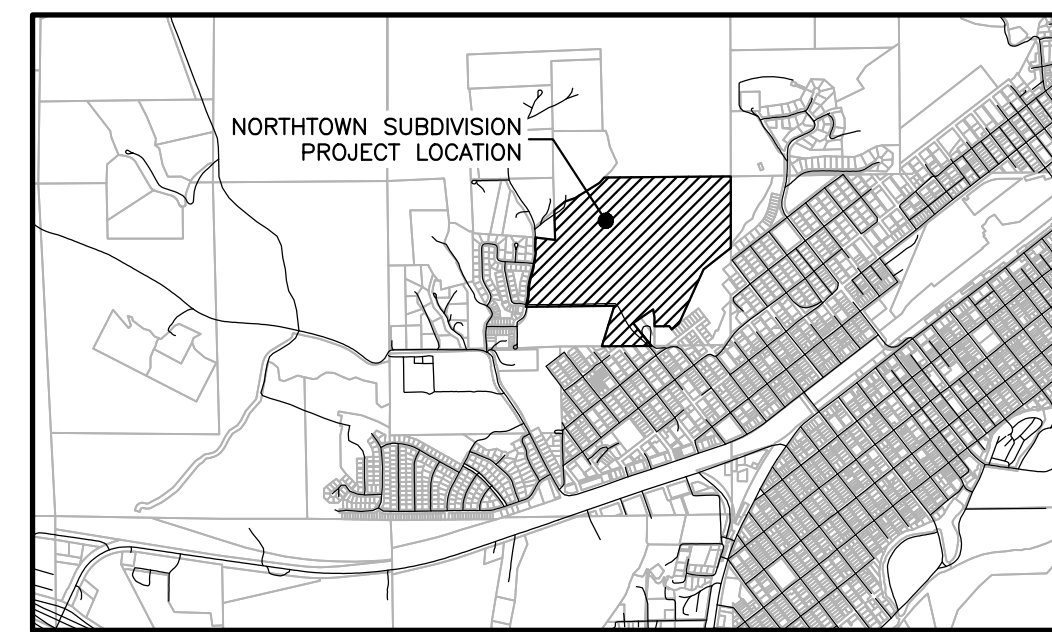
LEGEND

- SECTION CORNER
- FOUND 5/8 INCH REBAR (AS NOTED)
- FOUND 2 INCH ALUMINUM CAP MARKED "ARROWHEAD" OR AS NOTED
- SET 5/8 INCH REBAR WITH AN ALUMINUM CAP MARKED "C&H ENGR 9518ES"
- EXISTING SPOT ELEVATION
- EXISTING SANITARY SEWER MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING POWER POLE
- BENCHMARK
- PROPERTY BOUNDARY LINE
- SURROUNDING PROPERTY LINE
- EASEMENT LINE
- EXISTING FENCE
- EXISTING OVERHEAD ELECTRIC LINE

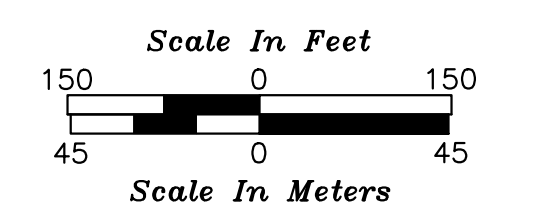
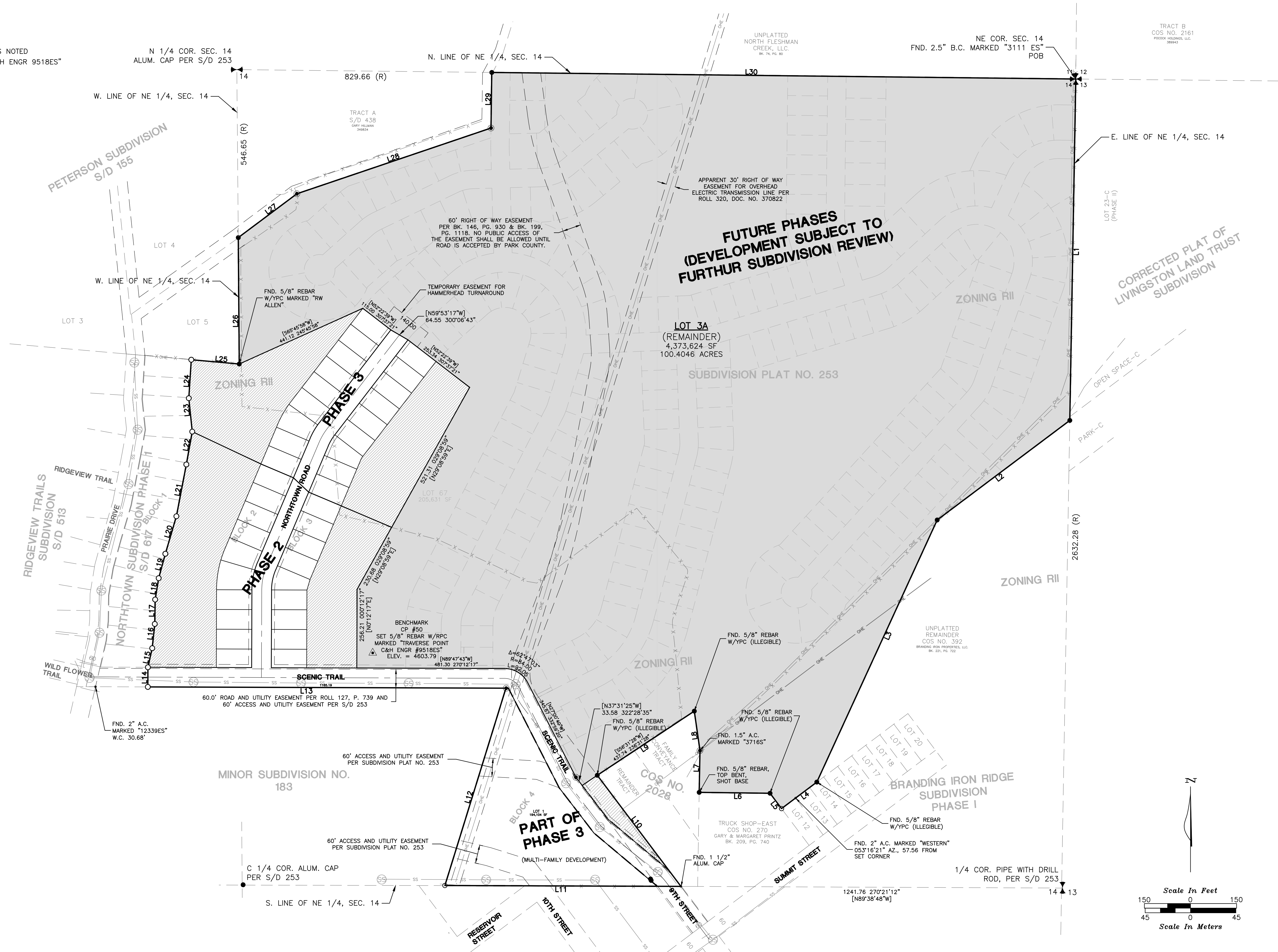
[N45°00'00"E] BEARING COMPUTED FROM AZIMUTH SHOWN

BASIS FOR AZIMUTHS FROM NORTH: WGS 84 DATUM BASED ON
 GPS OBSERVATIONS COLLECTED ON JULY 13, 2016

Parcel Line Table							
Line #	Length	Azimuth	Bearing	Line #	Length	Azimuth	Bearing
L1	1110.98	181°00'19"	S1°00'19"W	L21	171.74	010°50'29"	N10°50'29"E
L2	539.61	233°06'15"	S53°06'15"W	L22	108.57	010°13'46"	N10°13'46"E
L3	938.57	204°40'07"	S24°40'07"W	L23	109.26	354°07'04"	N5°52'56"W
L4	143.52	233°04'26"	S53°04'26"W	L24	125.49	003°41'11"	N3°41'11"E
L5	62.37	323°10'25"	N36°49'35"W	L25	156.64	095°05'44"	S84°54'16"E
L6	230.61	270°43'32"	N89°16'28"W	L26	411.24	359°34'24"	N0°25'36"W
L7	136.02	001°04'13"	N1°04'13"E	L27	238.15	053°11'53"	N53°11'53"E
L8	129.65	351°49'44"	N8°10'16"W	L28	666.84	071°17'55"	N71°17'55"E
L9	378.51	236°31'28"	S56°31'28"W	L29	180.93	000°47'45"	N0°47'45"E
L10	452.46	143°00'55"	S36°59'05"E	L30	1900.49	090°38'41"	S89°21'19"E
L11	768.08	270°12'21"	N89°47'39"W				
L12	672.07	017°11'14"	N17°11'14"E				
L13	1165.19	270°12'17"	N89°47'43"W				
L14	64.00	000°12'21"	N0°12'21"E				
L15	63.61	012°42'23"	N12°42'23"E				
L16	79.27	006°05'08"	N6°05'08"E				
L17	79.41	000°50'15"	N0°50'15"E				
L18	70.42	009°25'09"	N9°25'09"E				
L19	82.46	015°15'11"	N15°15'11"E				
L20	127.07	016°25'11"	N16°25'11"E				



VICINITY MAP (NTS)



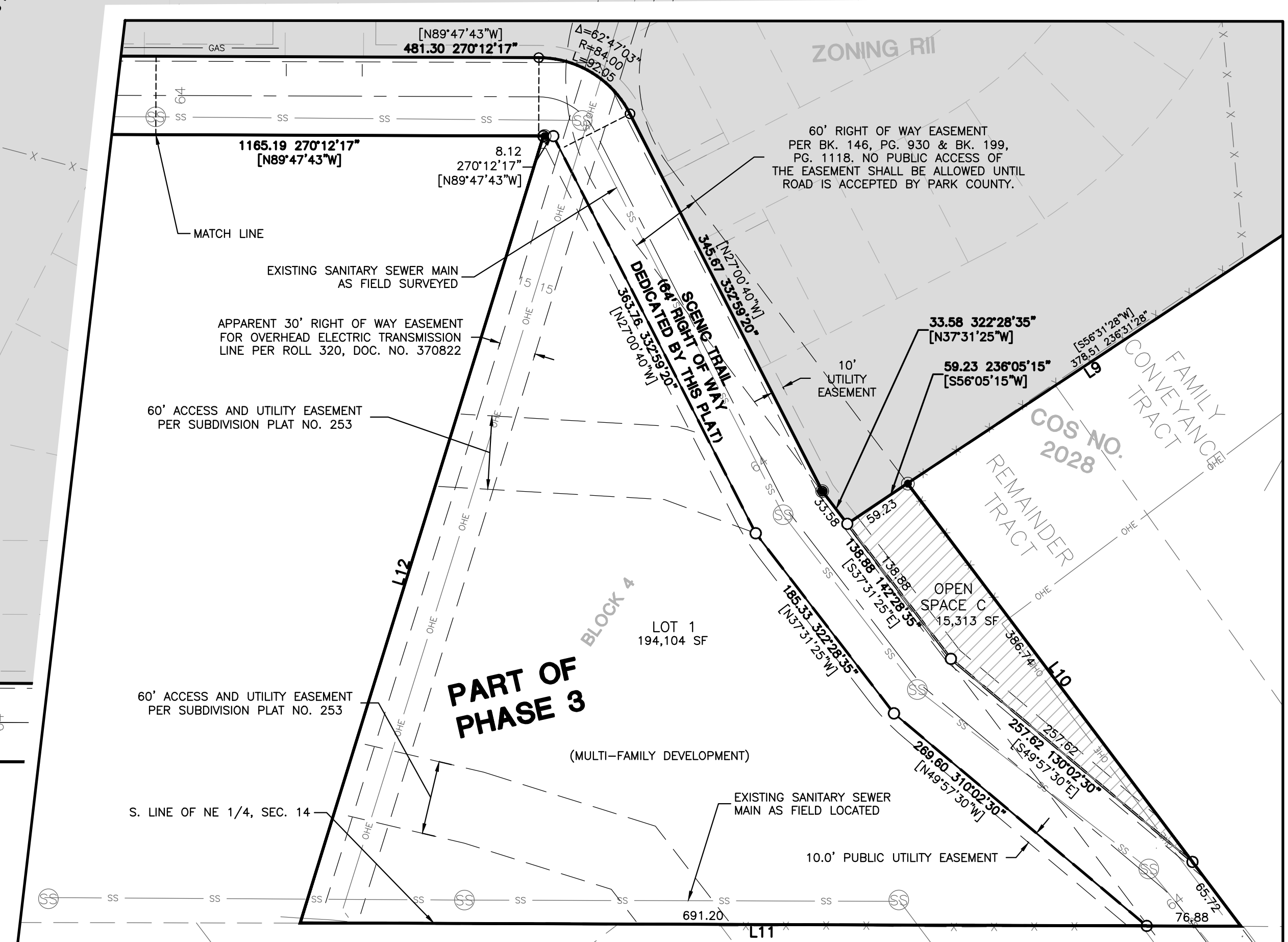
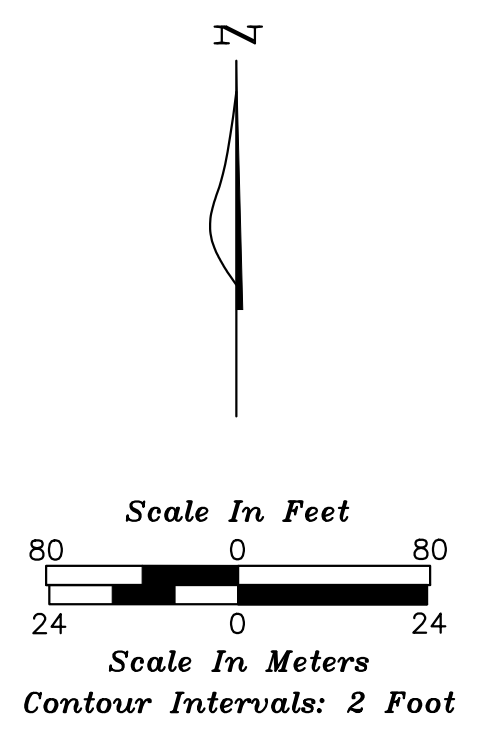
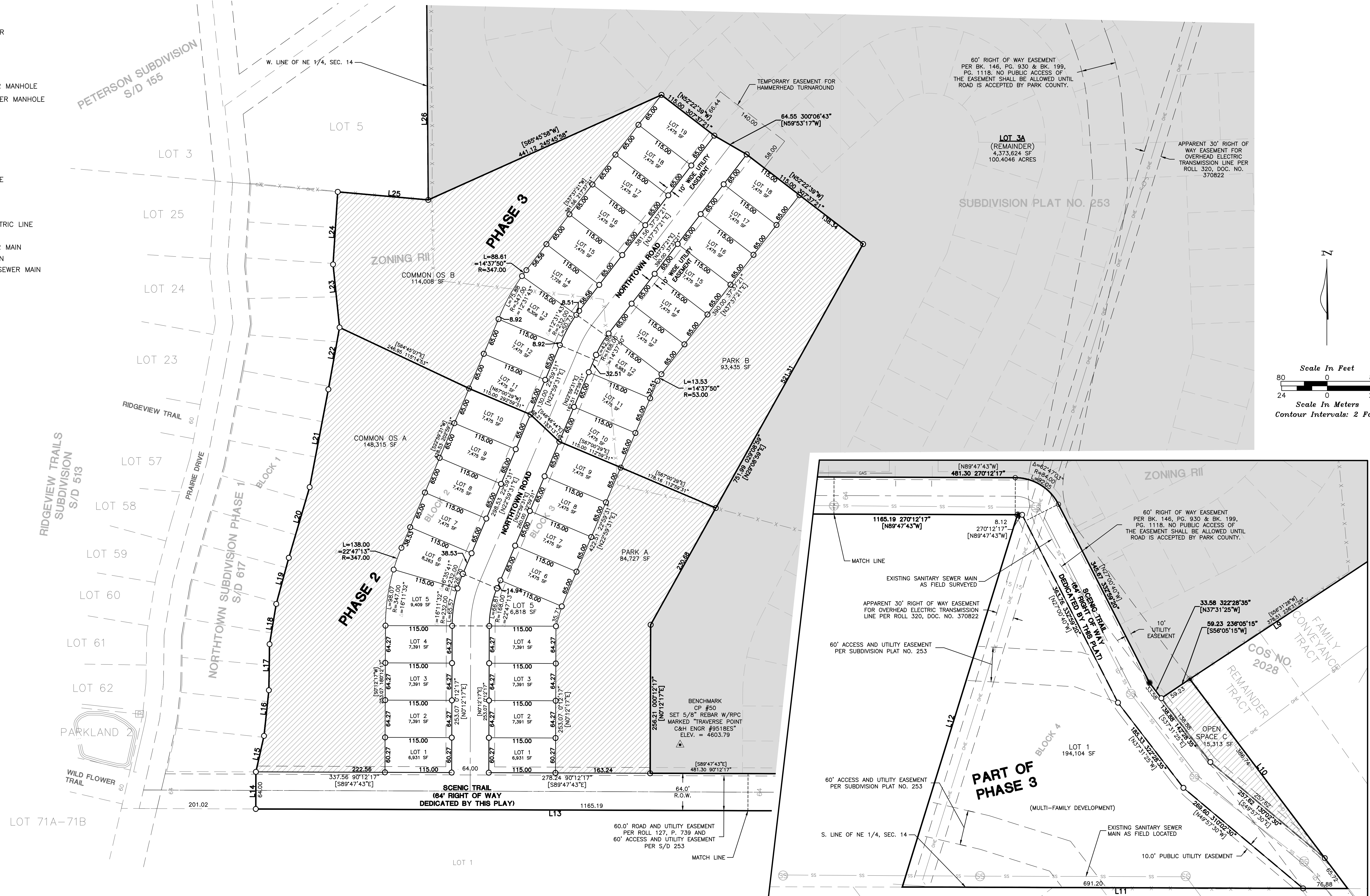
SURVEY REQUESTED BY OWNER TO CREATE 37 LOTS, 2 OPEN SPACE PARCELS, AND 2 PARK PARCELS FROM AN EXISTING TRACT OF LAND. DATE OF PREPARATION: 9/22/2020 OWNER: NORTHTOWN LIVINGSTON, LLC DEED REF. DOC. NO. D393587

FINAL PLAT OF NORTHTOWN SUBDIVISION, PHASES 2 AND 3 PART OF LOT 3, SUBDIVISION NO. 253, LOCATED IN THE N 1/2, SECTION 14, T. 2 S., R. 5 E., P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA SUBDIVISION PLAT NO. _____

- LEGEND**
- (R) RECORD DISTANCE OR AZIMUTH
 - (M) DISTANCE OR AZIMUTH
 - SECTION CORNER
 - SECTION QUARTER CORNER
 - EXISTING UG POWER BOX
 - EXISTING TELEPHONE BOX
 - EXISTING TREE
 - EXISTING SANITARY SEWER MANHOLE
 - PROPOSED SANITARY SEWER MANHOLE
 - EXISTING FIRE HYDRANT
 - EXISTING WATER VALVE
 - EXISTING CURB STOP
 - EXISTING POWER POLE
 - EXISTING LIGHT POLE
 - EXISTING WATER WELL
 - PROPERTY BOUNDARY LINE
 - SETBACK LINE
 - EASEMENT LINE
 - EXISTING FENCE
 - EXISTING OVERHEAD ELECTRIC LINE
 - EXISTING WATER MAIN
 - EXISTING SANITARY SEWER MAIN
 -

AREA TABULATION

Category	Total Area
LOTS	
Block 2	145,033 SF = 3.3295 AC
Block 3	132,605 SF = 3.0442 AC
Block 4	194,094 SF = 4.4558 AC
TOTAL	471,732 SF = 10.8295 AC
OPEN SPACE	
TOTAL	277,611 SF = 6.3731 AC
PARK	
TOTAL	178,162 SF = 4.0900 AC
R.O.W.	
TOTAL	207,815 SF = 4.7708 AC
GRAND TOTAL	1,135,320 SF = 26.0634 AC



SURVEY REQUESTED BY OWNER TO CREATE 37 LOTS, 2 OPEN SPACE PARCELS, AND 2 PARK PARCELS FROM AN EXISTING TRACT OF LAND. DATE OF PREPARATION: 9/18/2020 OWNER: NORTHTOWN LIVINGSTON, LLC DEED REF: DOC. NO. D393587

CERTIFICATES AND CONDITIONS OF APPROVAL FOR FINAL PLAT OF NORTHTOWN SUBDIVISION, PHASES 2 AND 3 PART OF LOT 3, SUBDIVISION NO. 253, LOCATED IN THE N 1/2, SECTION 14, T. 2 S., R. 9 E. OF P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA SUBDIVISION PLAT NO. _____

CERTIFICATE OF DEDICATION AND WAIVER

I, the undersigned property owner, do hereby certify that I have caused to be surveyed, subdivided and platted into lots, blocks, open space parcels, streets and alleys, and other divisions and dedications as shown by the plat hereunto included, the following described tract of land, to wit:

LEGAL DESCRIPTION

Lot 3 of Subdivision Plat No. 253, Park County, Montana, according to the Official Plat thereof on file and of record in the Office of the County Clerk and Recorder of Park County, Montana, less and excepting Tract A of Subdivision Plat No. 438, and also excepting Northtown Subdivision Phase 1, Subdivision Plat No. 617, according to the plat thereof, located in the North Half of Section 14, Township 2 South, Range 9 East of P.M.M., Park County, Montana, described as follows:

Beginning at the northeast corner of said Section 14; thence southerly 181°00'19", assumed azimuth from the north, 1110.98 feet along the east line of the Northeast Quarter of said Section 14; thence on the following courses along the boundary of said Lot 3, Subdivision Plat No. 253: southwesterly 23°06'15" azimuth, 539.61 feet; southwesterly 20°40'07" azimuth, 938.57 feet; southwesterly 23°04'26" azimuth, 143.52 feet; northwesterly 32°10'25" azimuth, 62.37 feet; westerly 27°43'32" azimuth, 230.61 feet; northerly 001°04'13" azimuth, 136.02 feet; northerly 351°49'44" azimuth, 129.65 feet; southwesterly 236°31'28" azimuth, 378.51 feet; southeasterly 143°00'55" azimuth, 452.46 feet; westerly 27°12'21" azimuth, 768.08 feet, which is also on the south line of the Northeast Quarter of said Section 14; northeasterly 017°11'14" azimuth, 672.07 feet; westerly 27°12'17" azimuth, 1165.19 feet; thence on the following courses along the easterly boundary of Northtown Subdivision, Phase 1, Subdivision Plat No. 617: northerly 000°12'21" azimuth, 64.00 feet; northerly 012°42'23" azimuth, 63.61 feet; northerly 006°05'08" azimuth, 79.27 feet; northerly 000°50'15" azimuth, 79.41 feet; northerly 009°25'09" azimuth, 70.42 feet; northerly 015°15'11" azimuth, 82.46 feet; northerly 016°25'11" azimuth, 127.07 feet; northerly 010°50'29" azimuth, 171.74 feet; northerly 010°13'46" azimuth, 108.57 feet; northerly 354°07'04" azimuth, 109.26 feet; northerly 003°41'11" azimuth, 125.49 feet; thence on the following courses along the boundary of said Lot 3, Subdivision Plat No. 253: easterly 095°05'44" azimuth, 156.64 feet; northerly 359°34'24" azimuth, 411.24 feet, which is also the west line of the Northwest Quarter of said Section 14; northeasterly 053°11'53" azimuth, 238.15 feet; northeasterly 071°17'55" azimuth, 666.84 feet; northerly 000°47'45" azimuth, 180.93 feet; easterly 090°38'41" azimuth, 1900.49 feet, which is also the north line of the Northeast Quarter of said Section 14 to the point of beginning.

Area = 5,508,931 square feet, 126.4677 acres or 511,792.2 square meters. Subject to existing easements.

The above described tract of land is to be known and designated as NORTHTOWN SUBDIVISION, PHASES 2 AND 3, City of Livingston, Park County, Montana; and the lands included in all streets, avenues, alleys and parks or public lands shown on said plat are hereby granted and donated to the City of Livingston for the public use and enjoyment. Unless specifically listed herein, the lands included in all streets, avenues, alleys, and parks or public lands dedicated to the public are accepted for public use, but the city accepts no responsibility for maintaining the same. The owner agrees that the City has no obligation to maintain the lands included in all streets, avenues, alleys, and parks or public lands hereby dedicated to public use. The lands included in all streets, avenues, alleys, and parks or public lands dedicated to the public for which the City accepts responsibility for maintenance include: Northtown Road and Scenic Trail

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, internet, cable television or other similar utility or service, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever.

I, the undersigned property owner, of this subdivision, do hereby waive the right to protest creation of Special Improvement Districts, for all lots within this subdivision, for future special improvement districts for public improvements to the Livingston west-end underpass and Front Street extension projects. In doing so, I do not waive any right to comment on, protest and/or appeal any assessment formula which may be proposed if I believe it to be inequitable. This waiver shall be binding upon the heirs, assigns, and purchasers of all lots within this subdivision.

CONDITIONS OF APPROVAL FOR NORTHTOWN SUBDIVISION, PHASES 2 AND 3, LOCATED IN THE N 1/2 OF SEC. 14, T. 2 S., R. 9 E. OF P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA

Pursuant to ARM 24.183.1107 (4):

- (a) Any text and/or graphic representations of requirements by the governing body for final plat approval including, but not limited to, setbacks from streams or riparian areas, floodplain boundaries, no-build areas, building envelopes, or the use of particular parcels, are shown on the Conditions of Approval sheet;
(b) The Landowner hereby certifies that the text and/or graphics shown on the Conditions of Approval sheet represents requirements by the governing body for final plat approval and that all conditions of subdivision application have been satisfied; and
(c) The information shown is current as of the date of the certification required in (4)(b), and that changes to any land-use restrictions or encumbrances may be made by amendments to covenants, zoning regulations, easements, or other documents as allowed by law or by local regulations.

Pursuant to A.R.M. 24.183.1107 UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS: Section (2)(e)(xxiii)(A): "Federal, state and local plans, policies, regulations, and/or conditions of subdivision approval that may limit the use of the property, including the location, size, and use are shown on the Conditions of Approval sheet or as stated. (B): Buyers of the property should ensure that they have obtained and reviewed all sheets of the plat and all documents recorded and filed in conjunction with the plat and that buyers of the property are strongly encouraged to contact local planning department and become informed of any limitations on the use of the property prior to closing."

OWNER: Northtown Development Corp.

Dated this _____ day of _____, 2020.

STATE OF MONTANA COUNTY OF GALLATIN

By: William Muhlenfeld, President

This instrument was signed or acknowledged before me on this _____ day of _____, 2020, by William Muhlenfeld as President of Northtown Development Corp., a Montana Corporation.

Notary Public for the State of Montana Printed Name: _____ Residing at: _____ My commission expires: _____

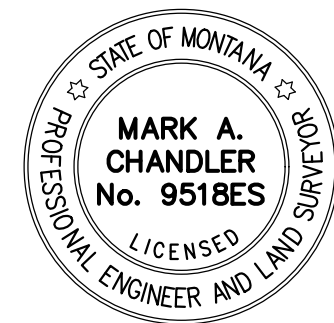
CERTIFICATE OF COMPLETION OF IMPROVEMENTS

I, William Muhlenfeld, President of Northtown Development Corp., and I, Mark A. Chandler, a professional engineer licensed to practice in the State of Montana, hereby certify that the following improvements, required as a condition of approval of NORTHTOWN SUBDIVISION, PHASES 2 AND 3, have been installed in conformance with the approved plans and specifications, or financially guaranteed and covered by the improvements agreement accompanying this plat. Installed Improvements: Water and Sewer Services, Road Subgrade/Flowable Fill. Financially Guaranteed Improvements: Asphalt Street and Curb Patches on Prairie Drive, Water Main Loop on Scenic Trail.

Northtown Development Corp. By: William Muhlenfeld, President Date: _____

Mark A. Chandler PE, PLS Montana License No. 9518ES Date: _____

Director of Public Works, City of Livingston, Montana Date: _____



CERTIFICATE OF EXCLUSION FROM MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW

Northtown Subdivision, Phases 2 and 3, located in Park County, Montana, is within the City of Livingston, Montana, a first-class municipality, and within the planning area of the Livingston growth policy which was adopted pursuant to Section 76-1-601 et seq., M.C.A., and pursuant to Section 76-4-127 M.C.A. can be provided with adequate storm water drainage and adequate municipal facilities. Therefore, under the provisions of Section 76-4-125(1)(d) M.C.A., this subdivision is excluded from the requirement for Montana Department of Environmental Quality review.

Dated this _____ day of _____, 2020.

Director of Public Works, City of Livingston, Montana

CERTIFICATE OF FINAL PLAT APPROVAL

The City Commission of the City of Livingston, Park County, Montana does hereby certify that the accompanying plat of Northtown Subdivision, Phases 2 and 3 have been duly examined and having found the same to conform to the requirements of the Subdivision and Platting Act, Sec. 76-3-101 et. seq. M.C.A., and the City of Livingston Subdivision Regulations, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use.

Dated this _____ day of _____, 2020.

Chairman of the City Commission, City of Livingston, Montana

CONSENT OF MORTGAGEE(S)

We, the undersigned mortgagees or encumbrancers, do hereby join in and consent to the described plat, releasing our respective liens, claims or encumbrances as to any portion of said lands now being platted into streets, avenues, parks or other public uses which are dedicated to the City of Livingston for the public use and enjoyment.

Dated this _____ day of _____, 2020.

Northtown Living, LLC

By: William Muhlenfeld, Managing Member

STATE OF MONTANA COUNTY OF GALLATIN

This instrument was signed or acknowledged before me on this _____ day of _____, 2020, by William Muhlenfeld as Managing Member of Northtown Living, LLC., a Montana Limited Liability Company.

Notary Public for the State of Montana Printed Name: _____ Residing at: _____ My commission expires: _____

Dated this _____ day of _____, 2020.

Carter Boehm

STATE OF MONTANA COUNTY OF PARK

This instrument was signed or acknowledged before me on this _____ day of _____, 2020, by Carter Boehm.

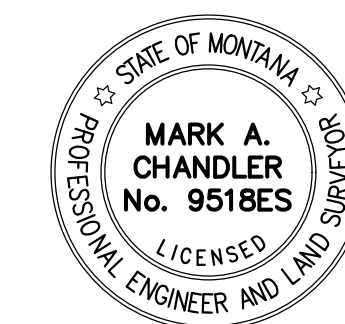
Notary Public for the State of Montana Printed Name: _____ Residing at: _____ My commission expires: _____

CERTIFICATE OF SURVEYOR

I, Mark A. Chandler, Professional Engineer and Land Surveyor No. 9518ES, do hereby certify that between November 21, 2018 and October _____, 2020, Northtown Subdivision, Phases 2 and 3, was surveyed under my direct supervision, and I have platted the same as shown on the accompanying plat, and as described, in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-625, M.C.A., and the City of Livingston Subdivision Regulations.

Dated this _____ day of _____, 2020.

Mark A. Chandler PE, PLS Montana License No. 9518ES



CERTIFICATE OF COUNTY TREASURER

I, Kevin J. Larkin, Treasurer of Park County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

Dated this _____ day of _____, 2020.

Deputy Treasurer of Park County

CERTIFICATE OF CLERK AND RECORDER

I, Aritza Reddington, Clerk and Recorder of Park County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock _____M. this _____ day of _____, A.D., 2020, and recorded as Subdivision No. _____, records of the Clerk and Recorder, Park County, Montana.

Deputy Clerk and Recorder



File Attachments for Item:

B. RESOLUTION NO. 4929: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, AUTHORIZING THE CITY MANAGER TO SIGN A BUY-SELL AGREEMENT WITH DAVID AMSK FOR THE PURCHASE OF HIS BUILDING LOCATED AT 220 E. PARK STREET IN LIVINGSTON.

RESOLUTION NO. 4929

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A BUY-SELL AGREEMENT WITH DAVID AMSK, FOR THE PURCHASE OF HIS BUILDING LOCATED AT 220 E. PARK ST. IN LIVINGSTON.

WHEREAS, the City Commission has tasked the City Manager and staff with the execution of the Livingston Organizational Strategic Plan in order to carry out the goals provided by the Livingston City Commission; and

WHEREAS, the City currently finds itself in a unique situation due to CARES Act funds, with approximately an additional \$2,255,000.00 in funds exceeding the 50% General Fund reserve limits established by state law in MCA 7-6-4034; and

WHEREAS, the City Staff believes one effective use of these additional funds is to purchase the old State of Montana building, located at 220 E. Park St. in Livingston. This purchase will immediately complete or significantly advance 6 goals in the Livingston Organizational Strategic Plan, specifically:

- 1) **Goal 1.4 Restructure Organization and Physical Spaces Prioritizing Efficiency & Design Specifically, action 1.4.2. Align Physical Space with Organizational Structure.** City staff believes the current footprint of 220 E. Park St. provides an excellent opportunity to re-locate the City Manager, and assistant, the City Attorney and assistant, the HR Director, the Building and Planning Director, Deputy Planner, Building Inspector, the City Finance Director, Accountant and Utility Billing Staff to one centralized location.
- 2) **Goal 1.4 Restructure Organization and Physical Spaces Prioritizing Efficiency & Design Specifically, action 1.4.3. Pursue efficiencies by combining services with Park County.** City Staff believes while the effort to combine HR with Park County failed, the purchase of the building provides the opportunity to increase efficiencies while providing for growth in a manner that is fiscally responsible and provides opportunities to partner with Park County, state agencies, or other organizations.
- 3) **Goal 2.1. Establish Operational Reserves in all non-rate supported funds. Action 2.1.1. General Fund goal of 33.33%.** The City currently finds itself with a surplus \$2,255,000.00 exceeding that 50% limit set by MCA, to avoid any penalty, surplus funds must be spent. However, this purchase also reduces future annual costs and makes preservation of the General Fund reserve easier to maintain.
- 4) **Goal 2.7 Pursue Cost-Saving Energy Investments** Staff priced the cost of a Solar array placement to the roof of the south-facing side of the 220 E. Park St. building, which

would provide for increased energy efficiencies, and reduced electrical costs. An initial estimate projects the solar array could fulfill up to 100% of the buildings electrical needs.

- 5) **Goal 3.1 Personnel/Public Security Category Facilities:** The building’s current footprint and layout provides secure doors and workspace for staff. A layout of the building is attached hereto and incorporated herein as [Exhibit A]. This purchase eliminates a stand-alone facility (Finance) and increases safety both through configuration and mutual support.
- 6) **Goal 4.3. Improve Community Access:** While not specifically defined within the framework of the Livingston Organizational Strategic Plan, the City believes the goal of improved community access to City staff can easily be attained by the purchase of 220 E. Park St. The community will be able to access more services in one location and improved parking and ADA access also increases accessibility.
- 7) **The mission of the City of Livingston Organizational Strategic Plan reads: Providing essential services, quality of life opportunities, and maintain what is best about Livingston while providing for growth in a manner that is fiscally responsible with integrity and compassion.** City Staff believes the purchase of the building embraces the greater mission of the Strategic Plan. It is capital purchase that provides a creative and efficient way to advocate for enhanced services after the significant reduction of State Services which burdens our community with a corresponding increase in services for those vulnerable citizens, by maintaining space for Child and Family Services, the current tenant of 220 E. Park St., if they maintain that presence in our community and could lead to providing office space for the Office of Public Assistance (SNAP/Food Stamps, Medicaid, TANF cash assistance) and Job Service where those programs mean better outcomes for the children and families in our community.

WHEREAS, Commission members and many members of the community have emphasized the importance of maintaining/increasing access to these services provided to those in our community who may not have access to a computer or a phone. City staff believes the purchase of this building would fulfill that need for greater community access not only to City Staff, but to State Services as well.

WHEREAS, the City Manager is ready and willing to sign the Buy-Sell Agreement attached hereto and incorporated here in as [Exhibit B]

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

The City Manager is hereby authorized to enter into the Real Property Buy-Sell Agreement attached hereto and incorporated herein as [Exhibit B].

PASSED AND ADOPTED, by the City Commission of the City of Livingston, this ____ day of November, 2020.

DOREL HOGLUND, Chair

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

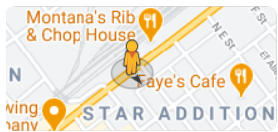


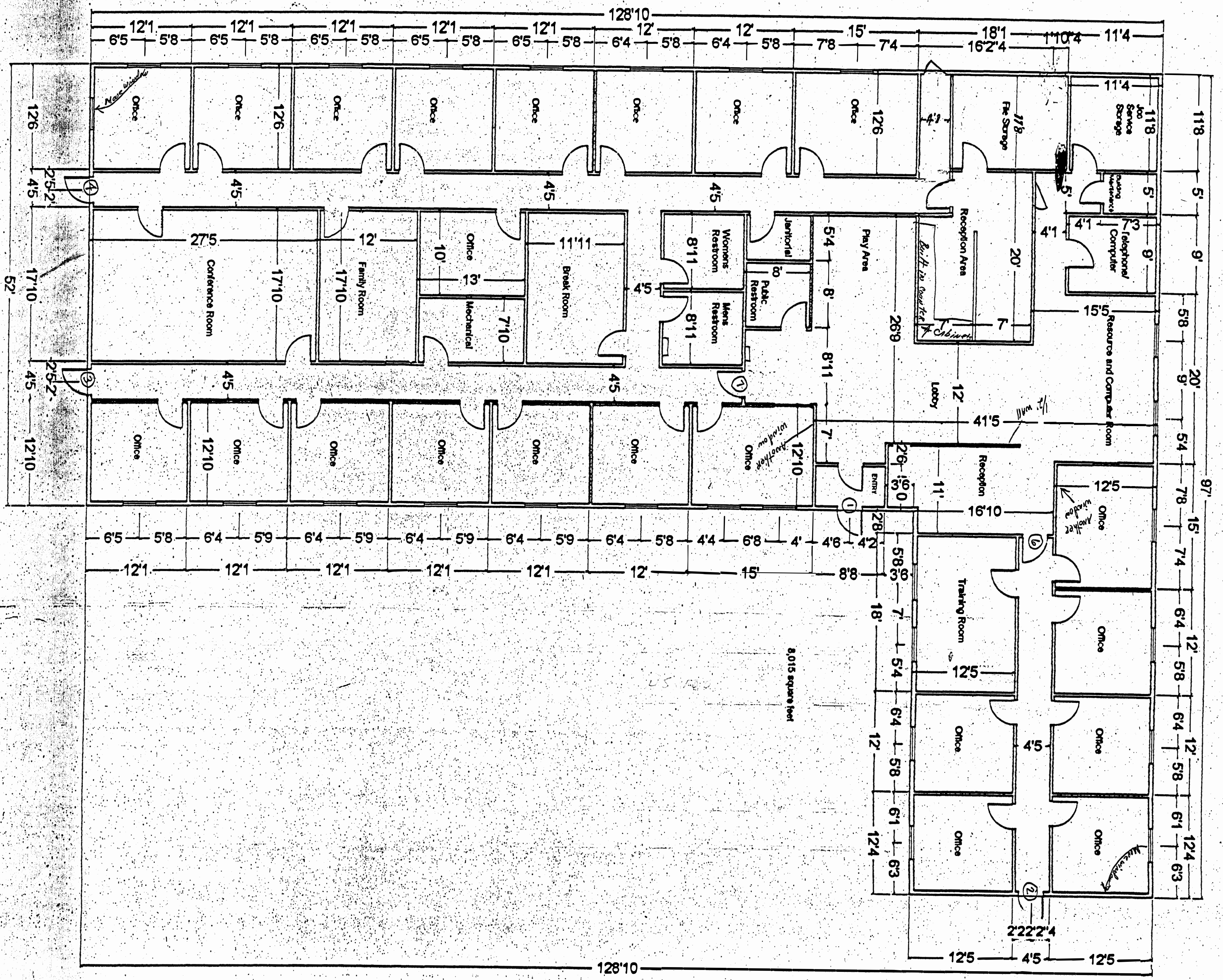
Image capture: Aug 2019 © 2020 Google

Livingston, Montana



Street View





BUY-SELL AGREEMENT (Commercial)
(Including Earnest Money Receipt)



The use of this form is for REALTOR® members only (members of the Montana Association of REALTORS®) and cannot be used by any other party for any purpose. Use of these forms by other parties may result in legal action by the Montana Association of REALTORS®.

This Agreement stipulates the terms of sale of this property. Read carefully before signing. This is a legally binding contract. If not understood, seek competent advice.

1 Date: 11/05/2020
2 City of Livingston Michael Kardoes, City Manager
3 as joint tenants with rights of survivorship, tenants in common, single in his/her own right, other
4 _____ (hereafter the "Buyer") agrees to purchase, and the Seller agrees to sell the
5 following described real property (hereafter the "Property") commonly known as
6 220 East Park Street
7 in the City of Livingston, County of Park, Montana, legally described
8 as: LIVINGSTON ORIGINAL TOWNSITE, S13, T02 S, R09 E, BLOCK 63, LOT 7 - 12. Final legal description to be verified by the title
9 company.

10 _____
11 _____
12 TOGETHER with all interest of Seller in vacated streets and alleys adjacent thereto, all easements and other
13 appurtenances thereto, and all improvements thereon. All existing permanently installed fixtures and equipment that are
14 attached to the property are included in the purchase price and transfer to the Buyer. Certain fixtures and fittings are
15 included in the purchase price and transfer to the Buyer regardless of whether they are in fact permanently installed and
16 attached to the Property are electrical, plumbing and heating fixtures, unless otherwise excluded below: N/A

17 _____
18 _____
19 **PERSONAL PROPERTY:** The following items of personal property and other assets are set forth hereafter or per
20 attached addendum, free of liens and without warranty of condition, are included and shall be transferred by bill of
21 sale: None

22 _____
23 **PURCHASE PRICE AND TERMS:**
24 \$950,000.00 Purchase Price: nine hundred fifty thousand (U.S. Dollars)
25 \$10,000.00 Earnest Money (credited to Buyer at closing)
26 \$940,000.00 Balance Due (not including closing costs, prepaids and prorations) payable as follows
27 (check one):
28 All cash at closing (no financing contingency); **OR**
29 Additional cash down payment at closing in the minimum amount of:
30 \$ _____ **OR** _____ % of the Purchase Price.
31 Balance to be financed as indicated below:
32 _____
33 _____
34 _____
35 _____
36 _____
37 _____
38 _____
39 _____
40 _____
41 _____

42 **CLOSING DATE:** The date of closing shall be (date) 12/1/2020 or sooner _____ (the "Closing Date"). The parties may, by
43 mutual agreement, close the transaction anticipated by this Agreement at any time prior to the date specified. The
44 Buyer and Seller will deposit with the closing agent all instruments and funds necessary to complete the
45 purchase in accordance with this Agreement. If third party financing is required by the terms of this Agreement
46 (including assumptions, contracts for deed, and lender financing), the Closing Date may be extended without
47 amendment by not more than _____ days to accommodate delays attributable solely to such third party financing.

Buyer's Initials

Seller's Initials

POSSESSION: Seller shall deliver to Buyer possession of the Property and allow occupancy:

when the closing agent is in receipt of all required, signed documents and all funds necessary for the purchase;

upon recording of the deed or notice of purchaser's interest, **OR**

Seller shall provide keys and/or means to operate locks, mailboxes, security systems, alarms, if applicable.

PAYMENT/RECEIPT OF EARNEST MONEY: Buyer agrees to provide earnest money in the amount of ten thousand U.S. Dollars (\$ 10000.00) as evidenced by Cash;

OR Check, the receipt of which is acknowledged by the undersigned Broker/Salesperson; **OR**,

Peg Sundling 406-580-6501

[Signature Box]

(Broker/Salesperson's Printed Name and Phone Number) (Signature of Broker/Salesperson)

To be signed only if in actual receipt of cash or check

If Buyer fails to pay the earnest money as set forth above, Buyer will be in default of this Agreement and Seller shall be entitled to immediately terminate this Agreement and declare any earnest money already paid by Buyer to be forfeited.

DEPOSIT OF EARNEST MONEY: All parties to this transaction agree, unless otherwise provided herein, that the earnest money will be deposited or delivered by the Broker/Salesperson listed above within 5 business days of the date all parties have signed the Agreement or and such funds will be held in a trust account by Guardian Title Company

The parties agree that interest accruing on earnest money, if any, while deposited shall be payable to the holder of the earnest money unless otherwise agreed herein. If interest is payable to the holder of the earnest money it is agreed that sums so paid are consideration for services rendered.

The parties authorize the holder of the earnest money to forward to the closing agent, upon its request, all or any portion of the earnest money required to complete the closing of the transaction.

BUYER'S REPRESENTATION OF FUNDS: Buyer represents that they have sufficient funds for the down payment and closing costs to close this sale in accordance with this Agreement and are not relying upon any contingent source of such funds unless otherwise expressly set forth herein.

DETECTION DEVICES: The Property is equipped with the following detection devices:

Smoke Detector(s)

Carbon monoxide detector(s)

Other fire detection device(s): Fire Extinguishers (3)

PROPERTY INSPECTIONS: The Buyer is aware that any Brokerage Firm(s) and Brokers/Salespersons involved in this transaction have not conducted an expert inspection or analysis of the Property or its condition and make no representations to the Buyer as to its condition, do not assure that the Property and/or buildings will be satisfactory to the Buyer in all respects, that all equipment will operate properly or that the Property and/or improvements comply with current building and zoning codes and ARE NOT building inspectors, building contractors, structural engineers, electricians, plumbers, sanitarians, septic or cesspool experts, well drillers or well experts, land surveyors, civil engineers, flood plain or water drainage experts, roofing contractors or roofing experts, accountants, attorneys, or title examiners, or experts in identifying hazardous waste and/or toxic materials.

[Initials Box] / [Initials Box]
Buyer's Initials

[Initials Box] / [Initials Box]
Seller's Initials

96 **CONTINGENCIES:** The contingencies set forth in this Agreement or on attached addenda shall be deemed to have
97 been released, waived, or satisfied, and the Agreement shall continue to closing, unless, by 5:00 p.m. (Mountain
98 Time) on the date specified for each contingency, the party requesting that contingency has notified the other party or
99 the other party's Broker/Salesperson in writing that the contingency is not released, waived, or satisfied. If a party has
100 notified the other party on or before the release date that a contingency is not released, waived, or satisfied, this
101 Agreement is terminated, and the earnest money will be returned to the Buyer, unless the parties negotiate other
102 terms or provisions.

104 **INSPECTION CONTINGENCY:** The Buyer's offer to purchase is contingent upon Buyer's acceptance of the
105 Property conditions identified through any inspections or advice requested below. Buyer agrees to acquire, at their
106 own cost, independent inspections or advice from qualified inspectors or advisors of the Buyer's choice. Buyer
107 agrees that any investigations or inspections undertaken by Buyer or on his/her behalf shall not damage or destroy
108 the Property, without the prior written consent of Seller. Further, Buyer agrees to return the Property to its original
109 condition and to indemnify Seller from any damage or destruction to the Property caused by the Buyer's
110 investigations or inspections, if Buyer does not purchase the Property.

112 **Inspections or advice requested by the Buyer, or other concerns noted, are to be CHECKED as follows:**

- | | |
|--|--|
| <input type="checkbox"/> Building Inspection | <input type="checkbox"/> Zoning Determination |
| <input type="checkbox"/> Owner's Property Disclosure Statement | <input type="checkbox"/> Review and Approval of Protective Covenants |
| <input type="checkbox"/> Roof Inspection | <input type="checkbox"/> Easements |
| <input type="checkbox"/> Structural/Foundation Inspection | <input type="checkbox"/> Flood Plain Determination |
| <input type="checkbox"/> Electrical Inspection | <input type="checkbox"/> Water Sample Test |
| <input type="checkbox"/> Plumbing Inspection | <input type="checkbox"/> Septic or Cesspool Inspection |
| <input type="checkbox"/> Heating, ventilation, cooling system – Inspection | <input type="checkbox"/> Pest/Rodent Inspection |
| <input type="checkbox"/> Radon | <input type="checkbox"/> Underground Storage Tanks |
| <input type="checkbox"/> Asbestos | <input type="checkbox"/> Sanitary Approval/Septic permit |
| <input type="checkbox"/> Well Inspection for condition of Well and Quantity of Water | <input type="checkbox"/> Legal Advice |
| <input type="checkbox"/> Accounting Advice | <input type="checkbox"/> Access to Property |
| <input type="checkbox"/> Survey or Corner Pins located | <input type="checkbox"/> Airport Affected Area |
| <input type="checkbox"/> Water Rights | <input type="checkbox"/> Road Maintenance |
| <input type="checkbox"/> Internet Availability/Speed | <input type="checkbox"/> Toxic Waste/Hazardous Material |
| <input type="checkbox"/> Post-Closing Rental Obligations | <input type="checkbox"/> Other _____ |

130 Release date for the above checked item(s): _____

132 **FINANCING CONTINGENCY:**

133 This Agreement is contingent upon Buyer obtaining the financing specified in the section of this Agreement
134 entitled "PURCHASE PRICE AND TERMS". If financing cannot be obtained by the Closing Date this Agreement
135 is terminated and the earnest money will be refunded to the Buyer.

137 **APPRAISAL CONTINGENCY:**

138 Property must appraise for at least the Purchase Price **OR** at least _____.
139 If the Property does not appraise for at least the specified amount, this Agreement is terminated and earnest
140 money refunded to the Buyer unless the Buyer elects to proceed with closing this Agreement without regard to
141 appraised value. Written notice of Buyer's election to proceed shall be given to Seller or Seller's
142 Broker/Salesperson within _____ days of Buyer or Buyer's Broker/Salesperson receiving notice of appraised
143 value; **OR**
144 This Agreement is contingent upon the Property appraising for at least the Purchase Price **OR** at least
145 \$ _____. Release Date: _____.

Buyer's Initials

Seller's Initials

146 **TITLE CONTINGENCY:** This Agreement is contingent upon Buyer's receipt and approval (to Buyer's satisfac
147 of the preliminary title commitment (the "Commitment") issued for the Property. Release Date: 5 _____ days
148 Buyer's or Buyer Broker's/Salesperson's receipt of the Commitment.

150 Buyer may approve the Commitment subject to the removal of specified exceptions. However, Buyer may not object to
151 the standard pre-printed exceptions (general exceptions not unique to the Property). If Buyer provides Seller written
152 objections to the Commitment prior to the release date above, Seller shall have ten (10) days from receipt of those
153 objections to satisfy said objections or propose to Buyer a plan by which the objections would be satisfied within a time
154 frame satisfactory to Buyer. If within said ten (10) day period Seller has not either satisfied Buyer's objection to the
155 Commitment or proposed to Buyer a plan by which the objections would be satisfied, Buyer shall have three (3) days
156 after expiration of said ten (10) day period to notify Seller whether Buyer desires to (i) terminate this Agreement in which
157 case the earnest money shall be returned to the Buyer or (ii) waive said objections in which case this Agreement shall
158 remain in full force and effect. The two remedies stated above shall be Buyer's sole remedies if Seller and Buyer are
159 unable to resolve Buyer's objections to the Commitment.

161 **INSURANCE CONTINGENCY:** This Agreement is contingent upon Buyer's ability to acquire, at a rate acceptable
162 to the Buyer, hazard insurance on the Property. Release Date: Closing

164 **This Agreement is contingent upon** the Buyer assuming all leases with the current tenants in their entirety.
165 _____
166 _____ Release Date: Closing

168 **This Agreement is contingent upon** _____
169 _____
170 _____ Release Date: _____

172 **ADDITIONAL PROVISIONS:** All parties acknowledge that The City of Livingston is acting without Realtor representation and that
173 Peg Sundling of Berkshire Hathaway Home Services is solely acting on behalf of the Seller.

175 All lobby and conference room furniture and the refrigerator in the break room are property of DPHHS (State of Montana) and do not
176 convey.

183 **CONVEYANCE:** The Seller shall convey the real property by Warranty deed, free of all
184 liens and encumbrances except those described in the title insurance commitment, as approved by Buyer. The Seller
185 shall further convey any and all security deposits, rental agreements, property condition reports and other
186 documentation in regard to any parts of the Property occupied by tenants.

188 **WATER:** All water, including surface water or ground water, any legal entitlement to water, including statements of
189 claim, certificates of water rights, permits to appropriate water, exempt existing rights, decreed basins or any ditches,
190 ditch rights, or ditch easements appurtenant to and/or used in connection with the Property are included with the
191 Property, except N/A

193 Filing or transfer fees will be paid by Seller, Buyer, split equally between Buyer and Seller.
194 Documents for transfer will be prepared by _____

Buyer's Initials

Seller's Initials

195 **WATER RIGHT OWNERSHIP UPDATE DISCLOSURE:** By Montana law, failure of the parties at closing or transfer
196 of real property to pay the required fee to the Montana Department of Natural Resources and Conservation
197 updating water right ownership may result in the transferee of the Property being subject to a penalty. Additionally, in
198 the case of water rights being exempted, severed, or divided, the failure of the parties to comply with
199 Section 85-2-424, MCA, could result in a penalty against the transferee and rejection of the deed for recording.

200
201 **MINERAL RIGHTS:** "Mineral rights" as defined in this Agreement (which may be different than the definition under
202 Montana Law) is a term used to describe the rights the owner of those rights has to use, mine, and/or produce any or
203 all of the minerals and hydrocarbons including oil, gas, coal, sand, gravel, etc. lying below the surface of property.
204 These mineral rights may be separate from the rights a property owner has for the surface of a property. In some
205 cases, these mineral rights have been transferred to a party other than the property owner and as a result the
206 subsurface mineral rights have been severed from the property owner's surface rights. If the mineral rights have been
207 severed from the surface rights, the owner of the mineral rights has the right to enter the land and occupy it in order to
208 mine the minerals even though they don't own the property. The undersigned Buyer acknowledges and agrees that
209 neither the Seller nor the brokerage firms, brokers and salespersons involved in the transaction anticipated by this
210 Agreement warrant or make any representations concerning the mineral rights, if any, for this Property and that
211 neither the Seller nor the brokerage firms, brokers and salespersons involved in the Buyer's purchase of the Property
212 have conducted an inspection or analysis of the mineral rights to and for the Property.

213
214 **CLOSING FEE:** The fee charged by the individual or company closing the transaction will be paid by Seller
215 Buyer Equally Shared.

216
217 **TITLE INSURANCE:** Seller, at Seller's expense and from a title insurance company chosen by Seller, shall furnish
218 Buyer with an ALTA Standard Coverage Owners Title Insurance Policy (as evidenced by a standard form American
219 Land Title Association title insurance commitment) in an amount equal to the purchase price. Buyer may purchase
220 additional owner's title insurance coverage in the form of "Extended Coverage" or "Enhanced Coverage" for an
221 additional cost to the Buyer. It is recommended that Buyer obtain details from a title company.

222
223 **CONDITION OF TITLE:** All mortgages, judgments and liens shall be paid or satisfied by the Seller at or prior to
224 closing unless otherwise provided herein. Seller agrees that no additional encumbrances, restrictions, easements or
225 other adverse title conditions will be placed against the title to the Property subsequent to the effective date of the
226 preliminary title commitment approved by the Buyer.

227
228 **SECTION 1031 LIKE-KIND EXCHANGE:** If either Buyer or Seller intends for this transaction to be part of a Section
229 1031 like-kind exchange, then the other party shall cooperate in the completion of the like-kind exchange provided the
230 cooperating party does not incur any additional liability or cost in doing so. Any party who intends for this transaction
231 to be part of a Section 1031 like-kind exchange may assign their rights under this Agreement to a qualified
232 intermediary or any entity expressly created for the purposes of completing a Section 1031 like-kind exchange,
233 notwithstanding the prohibition against the Buyer's assignment of this Agreement set forth in the "Binding Effect and
234 Non-Assignability" section below.

235
236 **SPECIAL IMPROVEMENT DISTRICTS:** All Special Improvement Districts (including rural SIDs), including those that
237 have been noticed to Seller by City/County but not yet spread or currently assessed, if any, will be:

- 238 paid off by Seller at closing;
- 239 assumed by Buyer at closing; **OR**
- 240

241 All perpetual SIDS shall be assumed by Buyer.

242
243 **ASSOCIATION SPECIAL ASSESSMENTS:** Any special or non-recurring assessments of any non-governmental
244 association, including those that have been approved but not yet billed or assessed, will be:

- 245 paid off by Seller at closing;
- 246 assumed by Buyer at closing; **OR**
- 247

 /
Buyer's Initials

 /
Seller's Initials

248 **PRORATION OF TAXES AND ASSESSMENTS:** Seller and Buyer agree to prorate taxes, Special Improver
249 District assessments for the current tax year, as well as prepaid rents, water and sewer system charges, and
250 common maintenance fees, if any, as of the date of closing unless otherwise agreed and: N/A
251 _____
252

253 **CONDITION OF PROPERTY:** Seller agrees that the Property shall be in the same condition, normal wear and tear
254 excepted, from the date of the execution of this Agreement up to the time Buyer takes possession of the Property. Seller
255 agrees to leave the Property in broom clean or better condition and allow Buyer a walk-through inspection of said
256 Property prior to closing to make sure that all appurtenances and appliances included in the sale remain on the Property.
257

258 **NOXIOUS WEEDS DISCLOSURE:** Buyers of property in the State of Montana should be aware that some properties
259 contain noxious weeds. The laws of the State of Montana require owners of property within this state to control, and to
260 the extent possible, eradicate noxious weeds. For information concerning noxious weeds and your obligations as an
261 owner of property, contact either your local County extension agent or Weed Control Board.
262

263 **MEGAN'S LAW DISCLOSURE:** Pursuant to the provisions of Title 46, Chapter 23, Part 5 of the Montana Code
264 Annotated, certain individuals are required to register their address with the local law enforcement agencies as part of
265 Montana's Sexual and Violent Offender Registration Act. In some communities, law enforcement offices will make the
266 information concerning registered offenders available to the public. If you desire further information please contact the
267 local County Sheriff's Office, the Montana Department of Justice, in Helena, Montana, and/or the probation officers
268 assigned to the area.
269

270 **RADON DISCLOSURE STATEMENT:** The following disclosure is given pursuant to the Montana Radon Control Act,
271 Montana Code Annotated Section 75-3-606. RADON GAS: RADON IS A NATURALLY OCCURRING RADIOACTIVE
272 GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH
273 RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL
274 GUIDELINES HAVE BEEN FOUND IN BUILDINGS IN MONTANA. ADDITIONAL INFORMATION REGARDING
275 RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR COUNTY OR STATE PUBLIC HEALTH UNIT. If
276 the Property has been tested for radon, the Seller will provide a copy of the test results concurrent with an executed
277 copy of this Agreement. If the Property has received radon mitigation treatment, the Seller will provide the evidence of
278 the mitigation treatment concurrent with an executed copy of this Agreement.
279

280 **BUYER'S REMEDIES:** (A) If the Seller fails to accept the offer contained in this Agreement within the time period
281 provided in the BUYER'S COMMITMENT section, all earnest money shall be returned to the Buyer.
282 (B) If the Seller accepts the offer contained in this Agreement, but refuses or neglects to consummate the transaction
283 anticipated by this Agreement within the time period provided in this Agreement or otherwise defaults, the Buyer may:
284 (1) Demand immediate repayment of all monies that Buyer has paid as earnest money, if any, and upon the return of
285 such money, the rights and duties of Buyer and Seller under this Agreement shall be terminated; **OR**
286 (2) Demand that Seller specifically perform Seller's obligation under this Agreement; **OR**
287 (3) Demand monetary damages from Seller for Seller's failure to perform the terms of this Agreement.
288

289 **SELLER'S REMEDIES:** If the Seller accepts the offer contained in this Agreement and Buyer refuses or neglects to
290 consummate the transaction anticipated by this Agreement within the time period provided in this Agreement or
291 otherwise defaults, the Seller may:
292 (1) Declare the earnest money paid by Buyer be forfeited; **OR**
293 (2) Demand that Buyer specifically perform Buyer's duties and obligations under this Agreement; **OR**
294 (3) Demand that Buyer pay monetary damages for Buyer's failure to perform the terms of this Agreement.
295

296 **BUYER'S AND SELLER'S CERTIFICATION:** By entering into this Agreement, each person or persons executing this
297 Agreement, as Buyer or Seller, represents that he/she is eighteen (18) years of age or older, of sound mind, and legally
298 competent to own or transfer real property in the State of Montana; and, if acting on behalf of a corporation, partnership,
299 or other non-human entity, that he/she is duly authorized to enter into this Agreement on behalf of such entity.

Buyer's Initials

Seller's Initials

300 **FOREIGN PERSON OR ENTITY:** Section 1445 of the Internal Revenue Code provides for the withholding of
301 upon the sale of U.S. real property owned by a foreign entity or foreign person unless the amount realized (usually
302 the sales price) does not exceed \$300,000 and the Buyer intends to use the Property as a residence. If the Seller is
303 a foreign entity or foreign person, Seller acknowledges and agrees that the Buyer or closing agent is required to
304 deduct and withhold the applicable tax from the proceeds of sale at closing and submit the tax to the Internal
305 Revenue Service unless the transfer of the Property satisfies an exception provided for in Section 1445 of the
306 Internal Revenue Code.

307
308 **CONSENT TO DISCLOSE INFORMATION:** Buyer and Seller hereby consent to the procurement and disclosure by
309 Buyer, Seller, and Brokers/Salespersons and their attorneys, agent, and other parties having interests essential to this
310 Agreement, of any and all information reasonably necessary to consummate the transaction described in this
311 Agreement, specifically including access to escrows for review of contracts, deeds, trust indentures, or similar
312 documents concerning this Property or underlying obligations pertaining thereto.

313
314 **WIRE FRAUD ALERT:** Criminals are hacking email accounts of title companies, real estate agents, settlement
315 attorneys and others, resulting in fraudulent wire instructions being used to divert funds to the account of the criminal.
316 The emails may look legitimate but they are not. Buyer and Seller are advised **NOT** to wire any funds without
317 personally speaking with the intended recipient of the wire to confirm the routing number and the account number.
318 Buyer and Seller should **NOT** send personal information such as social security numbers, bank account numbers and
319 credit card numbers through email.

320
321 **RISK OF LOSS:** All loss or damage to any of the above-described Property or personal property to any cause is
322 assumed by Seller through the time of closing unless otherwise specified.

323
324 **TIME IS OF THE ESSENCE:** Time is of the essence as to the terms and provisions of this Agreement.

325
326 **BINDING EFFECT AND NON-ASSIGNABILITY:** This Agreement is binding upon the heirs, successors and assigns
327 of each of the parties hereto; however, unless otherwise provided for in this Agreement, Buyer's interest is not
328 assignable without the Seller's express written consent.

329
330 **ATTORNEY FEES:** In any action brought by the Buyer or the Seller to enforce any of the terms of this Agreement, the
331 prevailing party in such action shall be entitled to such reasonable attorney fees as the court or arbitrator shall
332 determine just.

333
334 **COMMISSION:** The Seller's and/or Buyer's commitment to pay a commission in connection with this transaction is an
335 integral part of this Agreement.

336
337 **FAX/COUNTERPARTS/ELECTRONIC SIGNATURES:** This Agreement may be executed in counterparts and, when
338 all counterpart documents are executed, the counterparts shall constitute a single binding instrument. Moreover, a
339 signature transmitted by fax or other electronic means will be enforceable against any party who executes the
340 Agreement and transmits the signature by fax or other electronic means. The parties hereto, all agree that the
341 transaction contemplated by this document may be conducted by electronic means in accordance with the Montana
342 Uniform Electronic Transaction Act.

343
344 **ENTIRE AGREEMENT:** This Agreement, together with any attached exhibits and any addenda or amendments signed
345 by the parties, shall constitute the entire agreement between Seller and Buyer, and supersedes any other written or oral
346 agreements between Seller and Buyer. This Agreement can be modified only in writing, signed by the Seller and Buyer.

347
348 **EARNEST MONEY DISPUTES:** Buyer and Seller agree that, in the event of any controversy regarding the earnest money
349 and things of value held by the Broker, closing agent, or any person or entity holding such money or property, unless mutual
350 written instructions are received by the holder of the earnest money and things of value, Broker or closing agent shall not be
351 required to take any action, but may await any proceedings, or, at Broker's or closing agent's option and sole discretion, may
352 interplead all parties and deposit any monies or things of value in a court of competent jurisdiction and may utilize as much of
353 the earnest money deposit as may be necessary to advance the cost and fees required for filing such action.

Buyer's Initials

Seller's Initials

354 **ADDENDA AND/OR DISCLOSURES ATTACHED:** (check all that apply):

- 355 Contingency for Sale of Buyer's Property Back-up Offer
- 356 Addendum for Additional Provisions Mold Disclosure (for all inhabitable real property)
- 357 Water Rights Acknowledgement
- 358 _____
- 359 _____
- 360 _____

362 **RELATIONSHIP CONFIRMATION:** The parties to this Agreement confirm that the real estate licensees identified
363 hereafter have been involved in the capacities indicated below and the parties have previously received the required
364 statutory disclosures setting forth the licensee's duties and the limits of their obligations to each party:

366 Peg Sundling of Berkshire Hathaway Home Services
367 (name of licensee) (name of brokerage company)
368 is acting as Seller's Agent Dual Agent Statutory Broker

371 N/A of _____
372 (name of licensee) (name of brokerage company)

375 is acting as Buyer's Agent Dual Agent Statutory Broker
376 Seller's Agent (includes Seller's Sub-Agent)

378 **BUYER'S ACKNOWLEDGMENT:** Buyer acknowledges that prior verbal representations by the Seller or Seller's
379 representatives do not modify or affect this Agreement. Buyer acknowledges that by signing this Agreement he/she
380 has examined the subject real and personal property; has entered into this Agreement in full reliance upon his/her
381 independent investigation and judgments; and has read and understood this entire Agreement.

383 **BUYER'S COMMITMENT:** I/We agree to purchase the above-described Property on the terms and conditions set
384 forth in the above offer and grant to said Broker/Salesperson until (date) 11/06/2020, at 5:00 am pm
385 (Mountain Time) to secure Seller's written acceptance, whether or not that deadline falls on a Saturday, Sunday or
386 holiday. Buyer may withdraw this offer at any time prior to Buyer being notified of Seller's written acceptance. If Seller
387 has not accepted by the time specified, this offer is automatically withdrawn. I/We hereby acknowledge receipt of a
388 copy of this Agreement bearing my/our signature(s).

390 Date: _____, at _____ am pm (Mountain Time)
391 Buyer's Signature

393 Name Printed: City of Livingston Michael Kardoes, City Manager

395 Address: 414 East Callender Street, Livingston State: MT Zip: 59047

397 Date: _____, at _____ am pm (Mountain Time)
398 Buyer's Signature

400 Name Printed: _____

402 Address (if different): _____ State: _____ Zip: _____

/
Buyer's Initials

/
Seller's Initials

403 **SELLER'S COMMITMENT:**

404 I/We agree to sell to Buyer the above-described Property on the terms and conditions herein above stated. I/We hereby
405 acknowledge receipt of a copy of this Agreement bearing my/our signature(s) and that of the Buyer(s) named above.

406 _____
407 _____ Date: _____, at _____ am pm (Mountain Time)

408 Seller's Signature

409 _____
410 Name Printed: BVA, Inc.

411 _____
412 Address: 120 North G Street State: MT Zip: 590474

413 _____
414 _____ Date: _____, at _____ am pm (Mountain Time)

415 Seller's Signature

416 _____
417 Name Printed: _____

418 _____
419 Address (if different): _____ State: _____ Zip: _____

420 _____
421 Modified per the attached Counter Offer:

422 _____ / _____
423 / _____
424 Seller's Initials Date

422 _____ / _____
423 / _____
424 Seller's Initials Date

425 _____
426 Rejection of this offer by Seller (no counter offer is being made):

427 _____ / _____
428 / _____
429 Seller's Initials Date

427 _____ / _____
428 / _____
429 Seller's Initials Date

NOTE: Unless otherwise expressly stated the term "Days" means calendar days and not business days. Business days are defined as all days except Sundays and holidays. Any performance which is required to be completed on a Saturday, Sunday or holiday can be performed on the next business day.

File Attachments for Item:

**DISCUSS/APPROVE/DENY: LIVINGSTON CHAMBER OF COMMERCE FEE WAIVER REQUEST,
FOR 2020 DOWNTOWN CHRISTMAS STROLL**



October 26, 2020

Request to City of Livingston Administration

Re: Christmas Stroll

The annual Christmas Stroll is a Livingston tradition, and this year is not to be an exception. Covid 19 has changed the face of events in every city and town nationwide. Our community has seen all events of gathering and celebration cancelled but we believe this one is one we can continue, with extra effort of precaution.

Last week we had a meeting with county and city members of all statuses and the Health Department was in attendance. The meeting was to discuss what the holidays and Halloween would look like. We discussed the Christmas Stroll and how our changes would create a safe stroll and our local shops and restaurants, bars and community members will be able to have some sense of normalcy with some small changes for this year.

I have attached the document with the plan however we now have one big change. The Holiday Market of vendors who could not safely have a packed event inside are joining forces and moving the booths outside down the middle of the Stroll. I appreciate the collaboration for this year and coming together for our community's benefit.

We are asking the street closure fee be waved and the City could be added to the sponsor list. The streets are three blocks of Main Street as that allows the sidewalks to be less crowded. The average fee is approx \$500.00 with top of Main street to bottom of the 3rd block at Neptune's be the end. We are looking at leaving the cross streets open as we will not have the Wagon rides, or we can just leave closed to have more room either way. We will have fire pits, vendors from the Holliday Market down the middle of the street set back to back to eliminate group gathering. We would like to start at 2pm and go to 8pm to encourage a more spread out event instead of masses in short periods. We would like to close the streets at noon for ample setup. The Chamber as always will have the insurance policy. We will not have Santa Claus in the store he will instead stay in the street on top of a wagon. Elves will hand out gift bags to the children as every year, after they give a Dear Santa letter to the elves on the wagon. See Santa but do not touch. We will place the letters to cut out in the paper and at many business locations in town.

We will need 6 garbage cans, three per each street, and electricity turned on at the Green light posts as we do every year. We will fill out the proper form if this is acceptable terms.

We appreciate the consideration and let's end this year trying to bring our community back into a healthy state of mind and presence by coming together for the holidays and give our economy a boost it needs.

Thank you

Leslie Feigel, CEO

Livingston Area Chamber of Commerce & Visitor Center, 303 E. Park St, Livingston, MT 59047

City of Livingston Special Event Permit Application

The City of Livingston Special Event Permit Application applies to City of Livingston Streets, Facilities, Parks and Trails; this does NOT include private property. Completed applications must be submitted **at least 6 weeks** prior to the event date. (8 weeks if requesting fee waivers, see Section 7 for eligibility)

Applications **are not considered complete** until the following items have been submitted:

- Signed Application
- Non-refundable application fee: \$50 resident / \$80 non-resident
- Refundable Deposit if utilizing any COL equipment or Facility
- Proof of Liability Insurance
 - \$1,500,000 and \$750,000 per occurrence
 - Fire Casualty and Property loss insurance on the premises in the minimum amount of \$500,000.00 with a loss payable provisions to the City.
- Proposed maps/layout of event
 - If run/walk, include locations of water stations/volunteers/traffic control devices

Application Information (should also serve as the event day contact)

Renter/Contact Name: Leslie Feigel, CEO

Organization: Livingston Area Chamber of Commerce

Email Address: info@livingston-chamber.com Tax ID Number: 81-0160223

Address: 303 E. Park Street City, State, Zip: Livingston MT 59047

Mobile Phone: 406-223-6603 Work Phone: 406-222-0850

Group insuring event: The Sentinel Ins. Co

Insurance Company: Lightfoot & Assoc Policy Number: 34 SBA PP9189

Insurance Agent: Susan Castaneda Insurance Phone: 720-261-2249

Insurance Address: 8354 Northfield Blvd Ste 3700, Denver CO 80238

Event Information

Name of Event: The Annual Christmas Stroll Date of Event: Dec 4th or 5th 2020

Event Type: street fair with Santa Approx # of Attendees: unknown (500)

Proposed Route(s) and/or Map(s) Attached: _____ Time(s) of event: 2pn-8pm

Set up	Event	Event	Cleanup
Begins: <u>12pm</u>	Begins: <u>2pm</u>	ends: <u>8pm</u>	Complete: <u>9pm</u>

Please provide a brief description of your event: *(use additional sheet if you need more space)*

Please See attached sheet

Local Christmas Stroll to encourage local business. Shops open late and Vendors in booths on the street. Santa will be in Wagon and remain there with elves handing out gifts.

Please identify any safety / security issues:

Do you plan for your event to:

Have food: Yes If yes, have you contacted the Park County Sanitarian at 406-222-4145 and followed all requirements? Local businesses to be open

Accumulate waste: Yes If yes, please notate your disposal plan (We recommend 1 – 96 Gallon can per 200 people):
3 cans one for each block possibly

The City of Livingston will supply additional trash cans for your event, if utilizing, please notate quantity:

_____ Mon – Fri, 7am – 4pm: \$20 for first can; \$10 per additional can

3 _____ Mon – Fri, 4pm-10pm; Saturday & Sunday: \$30 for first can; \$15 per additional can

Need restrooms: No If yes, how do you plan to accommodate? (We recommend one toilet per 250 people)
All businesses open

Need electricity: Yes If yes, what for and what source do you plan to use?
The vendors might need power from the light poles

Utilize parking: No If yes, how do you plan to accommodate?
We need the streets to be clear and will use no parking signs a few days prio

Utilize City park/facility/space: _____ If yes, please name the space and provide record of reservation. Contact the Recreation Department at 406-223-2233 to reserve.

no

Use a stage, bleachers, tents or other temporary structures:
If yes, please attach a drawing of proposed location(s) and sizes. \$30 irrigation locate fee applies when in parks.

***Utilize Cones, A-frames or Barricades from the City of Livingston:**

Candlestick Cones: 3 @ \$3 each A-Frames: 3 @ \$7 each Barricades: 3 @ \$12 each

Construction Fencing: 3 @ \$15 / 100 feet

**When rented individually these items do require a \$100 refundable deposit upon return of items*

Street Closure: _____ If yes, please notate number of streets* in accurate space provided as well as on the route map

3 _____ Mon – Fri, 7am – 4pm: \$110 each (up to 2 streets) \$50 per street over 2

3 _____ Mon – Fri, 4pm-10pm; Saturday & Sunday: \$200 each (up to 2 streets) \$100 per street over 2

**A street is considered one city block. Permit Holder understands responsibility to notify ALL residents / businesses affected by closure _____*

Alcohol to be served at event: Yes If yes, describe the location of sales, liquor license to be used and measures to insure proper ID for purchases and persons supervising the operation:

All alcohol to be sold at local businesses. Alcohol containers in closed areas only after waiver agreed to . only 2-8pm Plastic cups only.

Liquor Liability Attached as described in Section 7

Proof of Alcohol Server Training as described in Section 7

Requests for special animal policy considerations as described in Section 7: _____ If yes, please describe:

Will the event require camping or temporary housing: NO If yes, have you the Park County Sanitarian at 406-222-4145 to set up a temporary housing plan and answer the following questions:

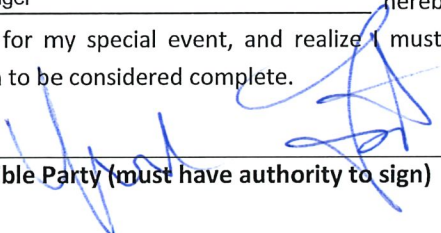
_____ Date(s) Camping will occur _____ Location of camp site(s) _____ Number of campers
_____ Number of tents _____ Location of tent(s) _____ Fire Ring(s) needed? (must be authorized by Fire Dept)

Please describe plan for water/sanitation facilities and parking:

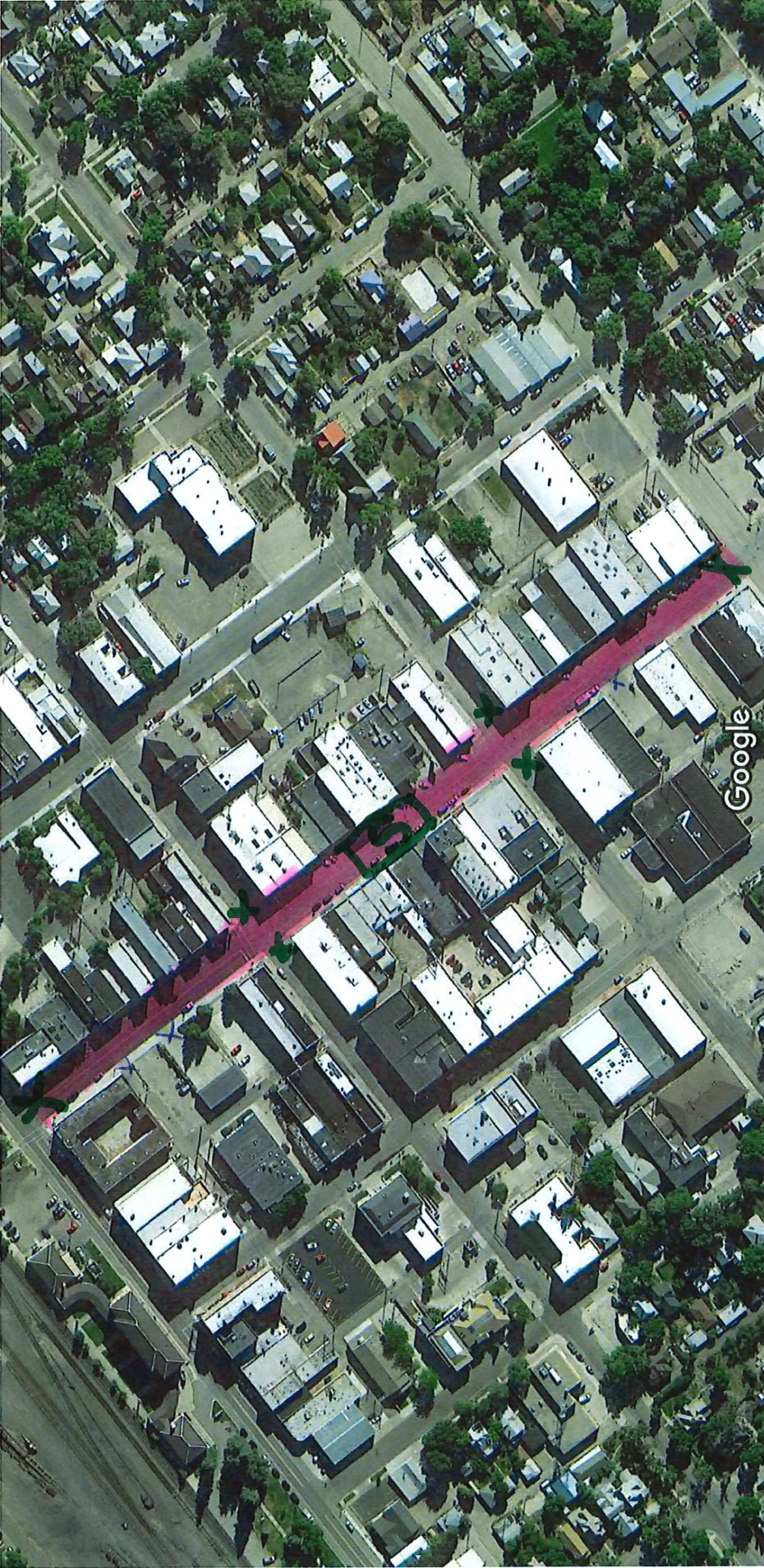
Agreement to the City of Livingston Special Event conditions. Application hereby agrees to comply with the City of Livingston Special Event Conditions (Policy & Fee Schedule – Section 7). Upon signing this application, the applicant agrees not to violate any state or city codes in the presentation of the requested special event.

In consideration for permission to conduct its activity as requested, applicant agrees to indemnify, defend and hold harmless the City of Livingston, its officers, agents, employees and volunteers from damage to property and for injury to or death of any person from all liability claims, actions or judgements which may arise from the activity. Applicants also agree to obtain valid save or hold harmless agreements from all participants in its activity, protecting the City of Livingston from all losses arising out of its activity, including damages of any kind or nature.

I, Leslie Feigel hereby agree to the terms of insurance as set forth by the City of Livingston for my special event, and realize I must attach proof of insurance with this document in order for my application to be considered complete.

 _____ 10-28-20
Responsible Party (must have authority to sign) **Date**

City of Livingston Parks & Recreation **Date**



Imagery ©2020 Maxar Technologies, Map data ©2020 100 ft

X Closed Barriers

[S] SANTA Location

x Cones to Close Alley exits onto Main



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/01/2020

210

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LIGHTFOOT & ASSOCIATES LLC 34345428 8354 NORTHFIELD BLVD STE 3700 DENVER CO 80238	CONTACT NAME:	
	PHONE (720) 261-2249 (A/C, No, Ext):	FAX (877) 546-8204 (A/C, No):
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Sentinel Insurance Company Ltd.	
INSURED LIVINGSTON AREA CHAMBER OF COMMERCE 303 E PARK ST LIVINGSTON MT 59047-2714	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	
	NAIC# 11000	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY			34 SBA PP9189	04/30/2020	04/30/2021	EACH OCCURRENCE	\$2,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
	<input checked="" type="checkbox"/> General Liability						MED EXP (Any one person)	\$10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	\$2,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC						GENERAL AGGREGATE	\$4,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	\$4,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	
	ANY AUTO						BODILY INJURY (Per person)	
	<input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)	
	<input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	
	<input type="checkbox"/> OTHER:							
	UMBRELLA LIAB EXCESS LIAB						EACH OCCURRENCE	
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						AGGREGATE	
	DED: RETENTION \$							
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N					E.L. EACH ACCIDENT	
	If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. DISEASE -EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations. Certificate Holder is an Additional Insured per the Business Liability Coverage Form SS0008 attached to this policy. Hold and save harmless the City of Livingston, its agents, and officers per the Business Liability Coverage Form SS0008 attached to this policy.

CERTIFICATE HOLDER**CANCELLATION**

City of Livingston
 414 E CALLENDER ST
 LIVINGSTON MT 59047

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan S. Castaneda

© 1988-2015 ACORD CORPORATION. All rights reserved.



2020 Christmas Stroll Plan as approved by the Livingston Area Chamber Board

10/23/20

To the City Administration and Staff

Covid 19 requirements by Health dept for event: December 4th or 5th 2020

Less crowds by event taking place over a longer period and ending earlier. Hoping 2-8pm

Masks are recommended for open areas and mandatory for all businesses during stroll.

Santa line not inside and no sitting on lap to avoid close contact. All gift bags handed out by

Santa Elves and Santa will have handles, all bags will be packaged with gloves on.

Santa will remain in wagon so to not have direct contact with children.

All Dear Santa requests will be done via letters places in boxes by the wagon.

All vendors in the street will be spaced by booths and placed back to back. Information sheets will have mask reminders and requests to spatially distance.

Request that food and drink inside of stores not be offered so to not create mass inside gathering.

These items are very easy to achieve and Dr Desnick agreed this would be ok and will produce a letter for us.

Thank you

Leslie Feigel

Livingston Chamber



Livingston Recreation Department
 229 River Drive
 Livingston, MT 59047
 406-223-2233
 rec@livingstonmontana.org
 http://www.livingstonmontana.org/

Registration/Payment Receipt 23959450

10/29/2020 11:10 AM

Account Information

Livingston Area Chamber of Commerce
 Leslie Feigel
 303 East Park Street
 Livingston, MT 59047

Received By

Maggie Tarr at Civic Center

Item	Quantity	Balance Due	Amount Paid
Special Event Administration Fee - Resident	1.00	\$50.00	\$0.00
Road Closure Evening/Wkend/Holiday	2.00	\$400.00	\$0.00
Special Event Facility Deposit	1.00	\$100.00	\$0.00
Addtl. Road Closure Evening/Wkend/Holiday	1.00	\$100.00	\$0.00
1st Garbage Can Evening/Wkend	1.00	\$30.00	\$0.00
Addtl Garbage Can Evening/Wkend	2.00	\$30.00	\$0.00
Change in Balance			\$710.00
Account Balance			\$710.00
<i>(As of 10/29/2020 11:10 AM)</i>			

Transaction Notes

Additional materials were requested to close of alley access. That was not included as that can be included as part of the road closure process.

This is an invoice worked up to demonstrate cost to City of Livingston for road closures / waste management for the event.

Thank you for reserving a facility with the City of Livingston

Reservation Status: A reservation is considered binding after The Facility Rental Agreement has been established and approved by City Personnel.

If a Special Event Application is required, the reservation is not considered binding until after all City departments have approved the Special Event Application. Rental applicants may not advertise until after this time.

Cancellation Policy: Deadline for cancellation is **7 days** prior to your event. We cannot give refunds after the deadline. The City of Livingston will not be held responsible for emergencies that may arise that require the Civic Center, Band Shell or Gazebo area to be closed, i.e. floods, electrical outages, sewer backups, or any other unavoidable emergency situations. Should this occur, the rental fee and deposit will be refunded, unless the renter is able to reschedule the event. Notification of any emergency situation will be given to the renter as soon as possible.

Problems: If you encounter a problem during your rental, please call The Recreation Department Office at 223-2233, or Recreation Manager at 222-8155 **only** if you cannot get in contact with the Recreation Department staff. If it is an emergency and you cannot reach any of the listed contacts, please call 222-2050 and ask for the person on call for Public Works.

The City of Livingston does not deny access to the facility to anyone on the basis of race, sex, religion, creed, national origin, or political views. Further, permitting any group to use the facility does not imply the endorsement of any views by the City of Livingston. The City of Livingston reserves the right to refuse application for good cause or to revoke the rental applicant's permit privileges.

File Attachments for Item:

B. DISCUSS/APPROVE/DENY: CARES ACT REVENUE FUNDING OPTIONS

Select	Item	Cost	Chosen	Strategic Plan Reference
<input checked="" type="checkbox"/>	Air Quality Monitors x7	\$ 1,750.00	\$ 1,750.00	5.5
<input checked="" type="checkbox"/>	Parks & Trails Funding	\$ 50,000.00	\$ 50,000.00	5.5
<input checked="" type="checkbox"/>	LE Body Cameras	\$ 50,000.00	\$ 50,000.00	1.5.2; 5.1
<input checked="" type="checkbox"/>	Warming Center	\$ 11,000.00	\$ 11,000.00	5.3
<input checked="" type="checkbox"/>	Security Cameras	\$ 80,000.00	\$ 80,000.00	1.5.2; 3.1
<input checked="" type="checkbox"/>	LPD Radio Replacement	\$ 50,000.00	\$ 50,000.00	3.14
<input checked="" type="checkbox"/>	Reserve Fire Bunker Gear	\$ 40,000.00	\$ 40,000.00	5.1
<input checked="" type="checkbox"/>	Park County Housing Coalition	\$ 50,000.00	\$ 50,000.00	5.3
<input checked="" type="checkbox"/>	Purchase State Building	\$ 950,000.00	\$ 950,000.00	1.4.2; 1.4.3; 2.1.1; 2.7; 3.1; 4.3
<input checked="" type="checkbox"/>	Furnish State Building	\$ 60,000.00	\$ 60,000.00	
<input checked="" type="checkbox"/>	Upgrade State Building	\$ 50,000.00	\$ 50,000.00	1.4.2; 1.5.2
<input checked="" type="checkbox"/>	Clean Air Shelter #1	\$ 10,000.00	\$ 10,000.00	5
<input checked="" type="checkbox"/>	LPD Vehicle #1 (K9 Unit) Replacement	\$ 60,000.00	\$ 60,000.00	
<input checked="" type="checkbox"/>	Fenced Dog Park (Location TBD)	\$ 50,000.00	\$ 50,000.00	5.5
<input checked="" type="checkbox"/>	ADA Compliant Website/Gender Neutral Code	\$ 15,000.00	\$ 15,000.00	4.1; 4.3
<input checked="" type="checkbox"/>	Warming Center (Hoot Match)	\$ 11,000.00	\$ 11,000.00	5.3
<input checked="" type="checkbox"/>	Automatic Gate - Recycling Area	\$ 50,000.00	\$ 50,000.00	5
<input checked="" type="checkbox"/>	Building Dept Vehicle Replacement	\$ 30,000.00	\$ 30,000.00	
<input checked="" type="checkbox"/>	Clean Air Kits	\$ 1,000.00	\$ 1,000.00	5
<input checked="" type="checkbox"/>	Path Repair (Hwy 10 to Depot Park)	\$ 10,000.00	\$ 10,000.00	5.4
<input checked="" type="checkbox"/>	Star Road Facility Repairs/Storage Addition	\$ 40,000.00	\$ 40,000.00	
<input checked="" type="checkbox"/>	Solar Array - State Building	\$ 80,000.00	\$ 80,000.00	2.7
<input checked="" type="checkbox"/>	LFR Bunker Gear	\$ 40,000.00	\$ 40,000.00	5.1
<input checked="" type="checkbox"/>	Police Vehicle #2 Replacement	\$ 50,000.00	\$ 50,000.00	
<input checked="" type="checkbox"/>	Sacajawea Park Improvements	\$ 50,000.00	\$ 50,000.00	5.5
<input checked="" type="checkbox"/>	Wellness Center Architects (Update Design)	\$ 15,000.00	\$ 15,000.00	3.7
<input checked="" type="checkbox"/>	NWE Parking Lot (Next to Mark's)	\$ 75,000.00	\$ 75,000.00	5.4
<input checked="" type="checkbox"/>	Floating Islands (Lagoon water improvement)	\$ 100,000.00	\$ 100,000.00	5.5
<input checked="" type="checkbox"/>	ADA Pedestrian/Bike Crossings	\$ 60,000.00	\$ 60,000.00	5.4
<input checked="" type="checkbox"/>	Emerald Ash Borer (Grant Match)	\$ 15,000.00	\$ 15,000.00	5.5
<input checked="" type="checkbox"/>	LBID (Downtown Improvements)	\$ 25,000.00	\$ 25,000.00	
<input checked="" type="checkbox"/>	Civic Center Accoustics	\$ 55,700.00	\$ 55,700.00	4.2
<input type="checkbox"/>			\$ -	
<input type="checkbox"/>			\$ -	
<input type="checkbox"/>			\$ -	
<input type="checkbox"/>			\$ -	
<input type="checkbox"/>			\$ -	
<input type="checkbox"/>			\$ -	
<input type="checkbox"/>			\$ -	
		\$ 2,235,450.00	\$ 2,235,450.00	

Available Funds
\$ 2,255,000.00

Items Chosen
\$ 2,235,450.00

Funds Remaining
\$ 19,550.00

Allocated







MISSION DESK

DESK WITH RETURN - ITEM 2902

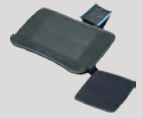
Our Mission office furniture makes a statement. Nowhere else can you find this handcrafted design and high quality craftsmanship.



Available with right or left hand flush return. Return depth is 24".



Monitor Swingarm

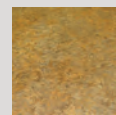


Ergo Keyboard Rollout

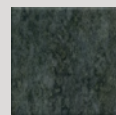
DESK OPTIONS

- 0100 Oak Veneer Top
- 0995 Mission Oak Finish
- 0891 Mountain Passages Laminate
- 0895 Deep Star Slate Laminate
- 2731 Ergo Keyboard Rollout (Easy Riser)
- 2732 Monitor Swingarm

LAMINATES



Mountain Passages



Deep Star Slate

SPECIFICATIONS

Dimensions: 30" H x 68" W x 32 1/2" D

Our Mission Line is constructed with solid Northern Red Oak and finished with the "Mission Oak Finish". Laminate surfaces are standard. Other options are available.

- Pressure-glue construction eliminates exterior hardware blemishes
- Lockable drawers can be keyed alike or individually
- Drawers have 1" over-travel extension slides that support 100 pounds (20 reams of paper)
- Maple hardwood drawers
- Wrought iron style drawer pulls with flat black finish
- Rift cut, solid Northern Red Oak drawer fronts
- Adjustable chrome glides allow leveling on uneven floors

NAVIGATE TO OUR FULL FURNITURE CATALOG TO SEE THE REST OF OUR MISSION LINE



MONTANA CORRECTIONAL ENTERPRISES

350 Conley Lake Road
Deer Lodge, MT 59722

Phone: (406) 846-1320 ext.2772 Fax: (406) 846-2955 Email: MCE@mt.gov



LIVINGSTON



POLICE

CAUTION K-9
KEEP BACK!

"RHINO"

221



municode

CONNECTING YOU & YOUR COMMUNITY

Website Redesign, Hosting, and Support Quote for Livingston, Montana



Dennis Cimatu

PO Box 2235 Tallahassee, FL 32316
850.692.7034 dennis@municode.com

LETTER OF INTEREST

09/29/2020

Dear Selection Team:

Thank you for the opportunity to present our quote for website redesign, hosting, and support services. It is our goal to deliver an accessible, mobile-friendly web presence that is professional, easy-to-use, and easy-to-maintain.

Municode has developed a portfolio of online services that are tailored for local government agencies. We have worked with cities, towns, villages, counties, and other local government agencies for over sixty-five years continually striving to make your job easier.

Our Municode Web content management system allows your community to find content by providing multiple navigation paths to each page. Our designs reinforce self-service to enable 24x7 online access to your organization's services. We create your website using Drupal, an industry-leading content management system.

Our ongoing Circle of Governance initiative to strengthen democracy includes seamless integrations that connect Municode Web with our suite of online municipal solutions including code of ordinance integration (Municode NEXT) and meeting management integration (Municode Meetings). These integrations include unified search (including PDFs) and cross-links across each platform.

We are thrilled at the opportunity to partner on such an important initiative.

Sincerely,



Brian Gilday
President, Website Division

CONTENTS

- Letter of Interest.....2
- Contents3
- Company Profile4
- References and Design Examples6
- Website Content Management System (CMS) Features10
- Meeting and Agenda Management (Optional)11
- Project Timeline and Approach12
- Hosting, Maintenance, and Customer Support15
- Project Costs17
- Payment Schedule17
- Services Agreement18

COMPANY PROFILE

History, Mission, and Team

With over 65 years of experience, Municode's mission is to connect public sector organizations with their communities. Our solutions promote transparency and efficiency - such as custom website design, meeting and agenda management, online payment portals, the legal codification process, and our robust suite of online legislative search tools.

Municode has been in business for over sixty-five years and partners with more than 4,000 government agencies across all fifty states. Municode is a privately-owned corporation and is financially sound with no debt. Our leadership focuses on improving Municode through investments in its people and its technology. Our culture is conducive to the longevity of our employees; Our clients can establish a long-term partnership with our experienced and stable workforce.



Municode is home to over 230 employees (most of whom enjoy a 10+ year tenure). Our headquarters in Tallahassee, Florida includes four buildings totaling 56,000 square feet. Our West Coast office is in Portland, Oregon. We also have individual team members working in several states across the country.

65+ YEARS OF EXPERIENCE

4,000+ Municipal Clients

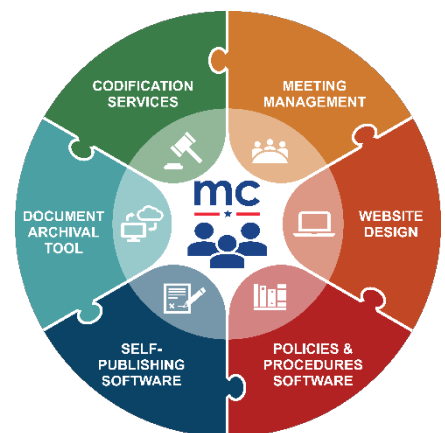
CONNECTING 200 MILLION RESIDENTS WITH LOCAL GOVERNMENT

Our Vision: Simple, Seamless Integration

Our vision is to create seamless integration between our service offerings. The goal is to reduce staff workload, while at the same time, increasing the ability for municipalities to connect with their communities.

The following example integration points are either in place today or envisioned in our future strategic roadmap.

- Unified search across all platforms (website, meetings, online codes)
- Auto-publish agendas and minutes from the Meetings platform to the Website
- Ordinance auto-publishing from the Meetings platform to your online code, queued for supplementation, Code of ordinance cross-references to legislative voting history, minutes, and video/audio



Project Team

We have a highly skilled team with a customer service focus.



Jarrod - Project Sponsorship / Project Management / Customer Service

Jarrod has a Bachelor of Science degree in Mathematics and Business Administration from the University of Oregon. Jarrod is the Director of Professional Services and leads all aspects of project development and customer support.



Dave - Project Management / User Experience

Dave has a Bachelor of Arts degree in Communications from California State University. In addition to project and design leadership, Dave will participate in various analytical, site configuration, content migration, and training activities.



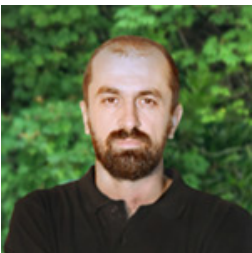
Mary Joy – Project Management / User Experience

Mary Joy has that unique ability to put technical concepts into easy-to-understand terms with clients such as Dunkin Donuts, Gillette, Fidelity, and Osram Sylvania. A Bentley graduate with a Bachelor of Science in CIS, Mary Joy leads our customer support efforts and content migration.



Paul – Development / Systems Architecture / QA

Paul has been working on software systems for years and is a strong member of our team. We will turn to Paul for any custom development work that might be required. In addition, Paul has many years of experience in quality assurance testing, so he will be acting as Municode’s lead tester for the engagement.



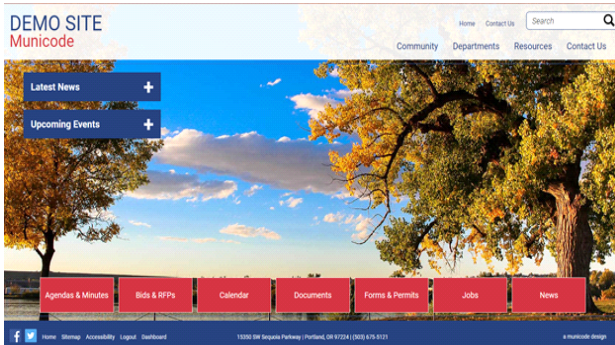
Drago - Graphic Design

Drago's work speaks for itself. He has the unique ability to capture the essence of your branding and communication requirements and transform them to stunning web designs.

REFERENCES AND DESIGN EXAMPLES

Standard Designs

Our standard designs come as part of our base price and are a great option for those who want a professional, mobile friendly design without the added expense of custom graphic design work. You choose from one of our standard layouts and still get to customize the color palette and background photos.



- ★ Same features and systems as custom design.
- ★ Customize your menus.
- ★ Customize your images.
- ★ Customize your quick links.
- ★ Your logo.
- ★ Customize your button colors.
- ★ Customize the header bar color.
- ★ Customize the footer bar color.

Wolf Point Montana

<https://ci.wolf-point.mt.us>

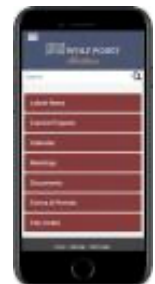
Population: 2,621

Marlene Mahlum

City Clerk

406-653-1852 X110

ctywlfpt@nemont.net



Columbia Falls Montana

<https://www.cityofcolumbiafalls.org>

Population: 4,688

Susan Nicosia

City Manager

406-892-4391

nicosias@cityofcolumbiafalls.com



Hooper City Utah

<https://www.hoopercity.com>

Population: 7,218

Shauna Vanderschaaf

801-732-1064

hoopercity@hotmail.com



Custom Designs

There is a reason why we have loyal customers! It is because we have a great solution, we take care of our customers, and we are committed to working with you for the long haul. When you pick up the phone and call us, we answer! When you email, we respond quickly – usually within 30 minutes. When you need us, we will be there for you. **But don't take our word for it, ask our clients.**

Laurel Montana

<https://cityoflaurelmontana.com>

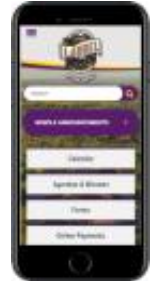
Population: 6,718

Brittney Moorman

Secretary

406-628-8456 x 5

bmoorman@laurel.mt.gov



Deadwood South Dakota

<http://www.cityofdeadwood.com>

Jeremy Russell

Planning and Zoning

605-578-2082

Jeramyr@cityofdeadwood.com



North Ogden Utah

<http://www.northogdencity.com>

Population: 17,357

Annette Spendlove

City Recorder

(801) 782-7211 x830

aspend@nogden.org



Kearns Utah

<https://www.kmtutah.org>

Population: 35,731

Kelly Bush

Mayor

(801) 654-2123

lobkb973@hotmail.com



Rexburg Idaho

<https://www.rexburg.org>

Population: 25,484

Daniel Torres

Assistant Economic Developer

208-372-2333

daniel.torres@rexburg.org



Ketchum Idaho

<https://ketchumidaho.org>

Population: 2,689

Jake Losinski

Senior Management Analyst

(208) 727-5081

jlosinski@ketchumidaho.org

[CIVIC PLUS REPLACEMENT]



Corvallis Oregon

<https://www.corvallisoregon.gov>

Population: 54,462

Patrick Rollens

PIO

541-766-6368

Patrick.rollens@corvallisoregon.gov

[NAGW AWARD WINNER]



Addison Texas

<https://addisontexas.net>

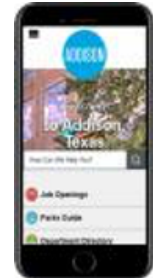
Population: 13,056

Mary Rosenbleeth

Director of Public Communications

972-450-7032

mrosenbleeth@addisontx.gov



Mercer Island Washington

<http://www.mercerisland.gov>

Population: 22,699

Deborah Estrada

City Clerk

206-275-7793

deb.estrada@mercergov.org

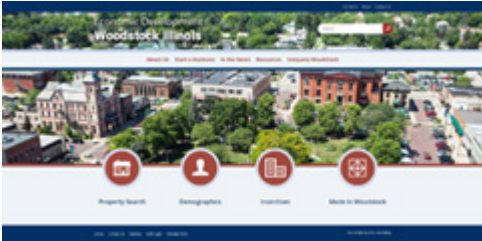


Specialty Sub-Site Graphic Designs

We also offer the option of having graphic designs for sub-sites that require specialized branding. We call these 'specialty sub-sites'. We leverage your main CMS and database, which allows us to offer these sub-sites with the same functionality as your main site yet with a completely different look and feel.

Economic Development

www.choosewoodstock.com
<https://www.fluvannacounty.org/ced>



Parks & Recreation

www.cprdnewberg.org
www.cityofvancouver.us/parksrec



Festivals

www.wintermusicfestival.org



Libraries

www.woodstockpubliclibrary.org



Police and Fire

www.mvfpd.org
www.quincypd.org
www.co.benton.or.us/sheriff



Event Centers / Cultural Centers

www.eventcenter.org
www.woodstockoperahouse.com
www.sherwoodcenterforthearts.org



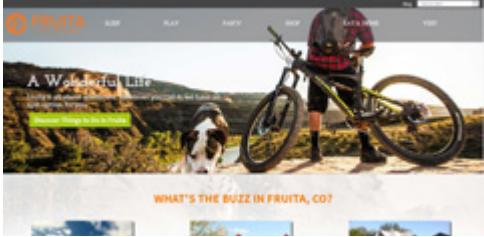
Golf Courses

www.meadowlakesgc.com



Tourism

www.gofruita.com



WEBSITE CONTENT MANAGEMENT SYSTEM (CMS) FEATURES

Municode Web was designed for local governments by experts in local government. It utilizes Drupal, an open source platform, that powers millions of websites and is supported by an active, diverse, and global community. We are the Drupal experts for local government!

Key Project Deliverables

- ★ WEBSITE DESIGN
- ★ CONTENT MIGRATION
- ★ TRAINING
- ★ HOSTING
- ★ SUPPORT

Standard Features

- ⦿ Responsive Mobile Friendly Design
- ⦿ Simple Page Editor
- ⦿ Best-in-Class Search Engine
- ⦿ Social Media Integration
- ⦿ Web Page Categories - create a page once, have it show up in multiple places
- ⦿ Department Micro-sites (sites-within-a-site)
- ⦿ Rotating Banners and Headline Articles
- ⦿ Online Job Postings
- ⦿ Online Bid/RFP Postings
- ⦿ Photo Album Slideshows
- ⦿ Google Maps Integration
- ⦿ Resource/Document Center
- ⦿ Image auto-scaling and resizing
- ⦿ Site Metrics (Google Analytics)
- ⦿ Scheduled Publish On/Off Dates
- ⦿ Unlimited User logins
- ⦿ Unlimited Content
- ⦿ Word-like WYSIWYG Editor
- ⦿ Private Pages – staff view only
- ⦿ Unlimited Online Fillable Forms
- ⦿ Emergency Alerts
- ⦿ Meeting Agendas/Minutes/Videos
- ⦿ Event Calendar
- ⦿ Page Versioning / Audit Trail
- ⦿ Latest News / Press Releases
- ⦿ Anti-spam controls
- ⦿ Email Harvesting Protection
- ⦿ Broken Link Finder
- ⦿ Dynamic Sitemap
- ⦿ Support for Windows, Mac, Linux
- ⦿ Video integration (YouTube, Vimeo, etc.)
- ⦿ Client owns rights to all data
- ⦿ Organization/Staff Directory
- ⦿ Frequently Asked Questions (FAQs)
- ⦿ Ordinances and Resolutions
- ⦿ Share This Button (Facebook/Twitter)
- ⦿ Secure Pages / SSL
- ⦿ Printer Friendly Pages
- ⦿ RSS Feeds Inbound/Outbound

Optional Features/Services

- ⦿ Email Subscriptions / Notifications
- ⦿ Projects Directory
- ⦿ Parks and Trails Directory
- ⦿ Property Directory (Commercial/Industrial)
- ⦿ Business Directory
- ⦿ Facility Reservations
- ⦿ Specialty Sub-site Graphic Designs
- ⦿ Board Management

MEETING AND AGENDA MANAGEMENT (OPTIONAL)

Municode Web includes a standard feature to post meeting agendas and minutes. Many organizations seek the additional features of an agenda management solution such as agenda item approval workflow, auto-generated PDF/Word agendas, live council voting/roll call, and audio/video integration.

Municode Meetings is the easiest-to-use and most modern agenda management system in the industry. It is a 100% cloud-based offering that will greatly reduce the staff time and effort required to create and publish online agendas and minutes.

Key Project Deliverables

- ★ BOARD/COMMITTEE SETUP - configure as many boards as you need - no limit
- ★ MEETING TEMPLATE DESIGN - design one or more meeting templates to your custom specifications
- ★ TRAINING
- ★ WORKFLOW - setup custom agenda item approval workflows
- ★ USERS/ROLES/PERMISSIONS - create and configure unlimited user accounts
- ★ ANNUAL SERVICE - 99.95% up-time guarantee, data backups, disaster recovery
- ★ SUPPORT - 8AM to 8PM Eastern phone and email support; 24x7x365 emergency support

Standard Features

- ⊙ Unlimited Meetings and Agenda Templates
- ⊙ Unlimited Meeting Agenda Templates
- ⊙ Unlimited Users
- ⊙ Create Meetings
- ⊙ Submit/Add Agenda Items
- ⊙ Attach agenda item files
- ⊙ Create Agendas
- ⊙ Create Agenda Packets
- ⊙ Create Meeting Minutes
- ⊙ Approve Items with Approval Workflow
- ⊙ Auto Publishing Agenda, Agenda Packet, Minutes to the web
- ⊙ Self-service YouTube video time stamping
- ⊙ Integration with Swagit Video (coming soon)
- ⊙ Voting/Roll Call
- ⊙ Integration with Municode Web calendar

Service and Support

We will guarantee service uptime of 99.95%. In the event this service level is not met within a given month, you will receive a credit for that month's service.

We will provide you contact numbers to reach us 24x7x365 for catastrophic site issues. We will also be available from Monday to Friday 8AM-8PM EST via email and phone to handle routine questions from staff.

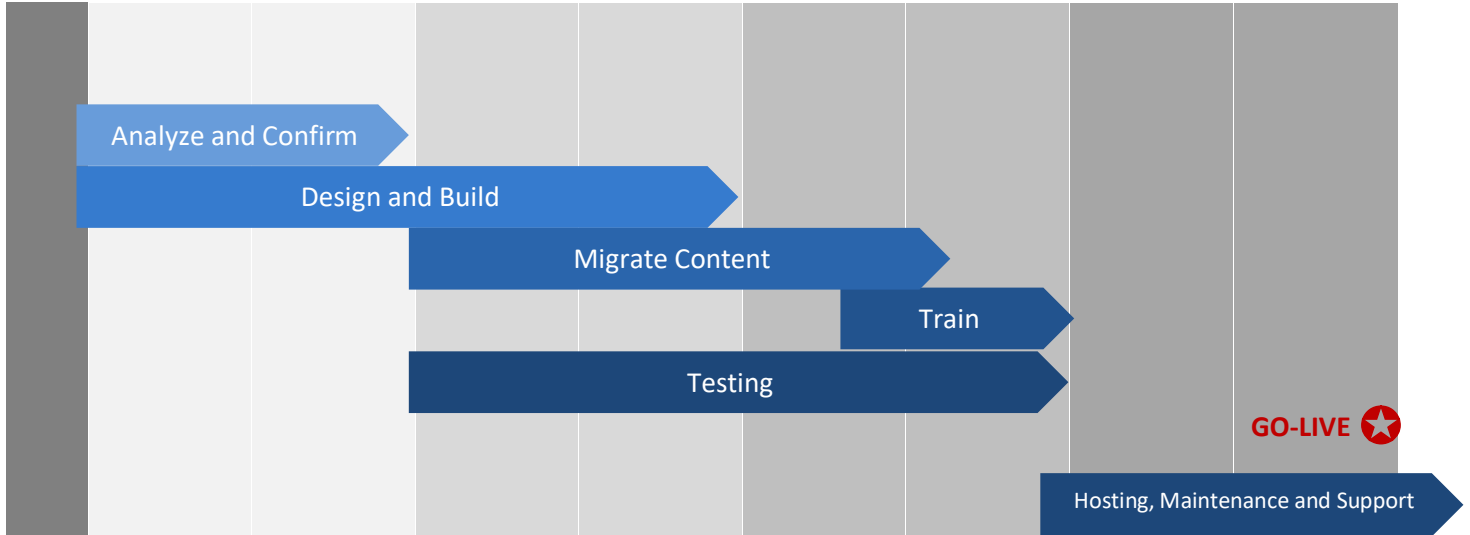
We will perform security upgrades and other optimizations during off-hours, typically between the hours of 12-3AM PST, if such work requires your meetings to be off-line. We will provide at least 14 days' notice for any non-emergency maintenance that requires down-time.

Our auto-monitoring software continually monitors performance and instantly alerts us when problems occur. We act as soon as possible and no later than two hours after problems are detected.

PROJECT TIMELINE AND APPROACH

The typical project takes from 3 to 7 months. The high-level timeline below is an approximation. We will finalize the schedule once we meet with you:

Project Timeline Sample



Client Responsibilities

The client’s responsibility and the key to a smooth on-time deployment is providing the initial information and approving proofs quickly.

- ☑ The Client will make available to Municode relevant images, photos, logos, colors, and other branding material as well as an inventory of existing applications, websites, and content at the start of this effort. The Client will create new content copy as needed.
- ☑ The Client will assign a single point of contact for Municode to interact with that will be responsible for coordinating the schedules of other project stakeholders.
- ☑ The Client will review any deliverables requiring formal approval within 5 business days and return all comments/issues at or before those 5 days have elapsed.
- ☑ The Client will assign one person who will act as the "ultimate decision maker" in the case where consensus among the team cannot be reached.
- ☑ The Client must agree to applicable terms of services for Google related services such as Google Analytics and Google Maps to access those features. Municode is not responsible for Google’s decisions related to discontinuing services or changing current APIs.

Project Phase Descriptions

Phase 1: Analyze and Confirm Requirements	Deliverables
<p>Website Assessment:</p> <p>Municode will complete an analysis of your current website(s) to assess the existing navigation, features/functions, and quality of content.</p>	
<p>Organizational Overview Inventory/Survey:</p> <p>Municode will provide an organizational overview document for you to complete as part of this assessment.</p>	<ul style="list-style-type: none"> ⦿ Organization Survey
<p>Website Design Meeting:</p> <p>Municode will conduct a design meeting with a client-defined web advisory team. We recommend the advisory team be limited to a maximum of 6 members. This design meeting will allow the website advisory team to provide input regarding the overall design of the new website, including the site branding as well as high-level site navigation. This team will act as the initial review team for website design concepts. In addition, this team will act as the final review team for the website before it is approved for go-live.</p>	<ul style="list-style-type: none"> ⦿ Website design specification sheet (graphic design and information / navigation design)
Phase 2: Design and Build phase	Deliverables
<p>Design Concept Creation and Approval (Custom Designs):</p> <p>Municode will complete home page design concepts for the Home Page and inner pages. These design concepts will incorporate all the graphical elements as well as the high-level sitemap. You will select a winning concept after going through a series of iterative design revision meetings. We allow for a total of 6 revisions.</p>	<ul style="list-style-type: none"> ⦿ Design concepts ⦿ Finalized design (Sketch, Figma, or Photoshop)
<p>Website Setup, Configure, and Customization:</p> <p>Municode will create a fully functional website that includes the functional elements described in this proposal. As part of the website setup, Municode will finalize any remaining elements to the approved design and navigation.</p>	<ul style="list-style-type: none"> ⦿ Functional beta website with approved design ⦿ Content migration

Phase 3: Migrate Content

Deliverables

Content Finalization and Departmental Acceptance

Municode migrates initial content and your trained staff finalizes prior to go-live. See pricing section for specific number of included pages.

Meeting Agendas and Minutes: Client completes an excel template with information regarding each meeting plus corresponding files. Municode will then auto-import that content. Files must be provided with a standard naming convention to allow for auto parsing of date. (i.e. minutes_061516.pdf, etc.)

Standard Web Pages: A standard web page is defined as a page that contains a title, body text, and up to a total of 5 links, file attachments, or images. If you require migration of more complex pages, we can provide a custom quote.

Directory pages (Staff Directory, Projects, Commercial/Industrial Properties, Business Directory, Ordinances/Resolutions): Client completes manually or may request a custom quote. For custom quotes, client completes an excel template with directory data and Municode auto-imports directory content.

- ⦿ Content creation and migration
- ⦿ Departmental content 'signoff'

Phase 4: Staff Training

Deliverables

Staff Training

Throughout the development and after launch, our customers have access to training, resources and educational opportunities that help them thrive. Our initial training is offered to administrators and content contributors.

- ⦿ On-site (if applicable)
- ⦿ Web teleconference
- ⦿ Videos and User guides

Phase 5: Testing

Deliverables

Municode Functional Testing

Municode will perform a series of tests across multiple browser and operating system versions to confirm site functionality. These tests will confirm proper functionality of all features documented in this proposal.

Acceptance Testing

Staff will review the website for completeness. Municode will have completed functional testing and cross-browser compatibility testing.

- ⦿ Completing Testing Checklists
- ⦿ Site acceptance by client

Go Live ★

Deliverables

Go-Live

We will work with you to make the appropriate 'A' Record DNS entry changes to begin the process of propagating the new production web server IP address.

- ⦿ Accepted Final Live Website

HOSTING, MAINTENANCE, AND CUSTOMER SUPPORT

Hosting

We provide first-class hosting services in a secure data center. We take cyber security seriously. Your website will be secure from multiple perspectives:

□ **Data Center**

We host your website in a secure data center. The data center is manned 24x7x365. Your website is maintained using firewalls, load balancers, multiple web application servers, and a database server. We apply security updates to the entire web server stack on a regular basis.

⚡ **Data transmission**

We guarantee up to 1 Terabyte of data transfer per month.

🔒 **Web CMS software security**

We apply security updates to your Drupal-based CMS whenever updates are posted. Your website is built on Drupal software that has the confidence of millions of websites in both the private sector and public sector, including whitehouse.gov, the City of Boston and the City of Los Angeles. Several built-in security mechanisms are in place to prevent cross-site scripting attacks.

🔒 **Web transmission security**

Your website is secured with SSL to encrypt transmission of data. We SSL-enable every page on your website for maximum security.

🔒 **User authentication security**

Our solution is configured with granular role-based permissions, and each user is required to login with a unique user id and password. We also offer a two-factor authentication option using Google Authenticate if that should be something you are interested in pursuing.

□ **Data Backup**

We back up your data in multiple geographic locations. Backups occur daily, weekly, monthly, and up to 7 years of annual data backups.

🏆 **Guaranteed Uptime**

Municode guarantee web server uptime of 99.95%. In the event this service level is not met within a given month, you will receive a credit for that month's service

Maintenance and Customer Support

□ **24x7 Customer support:**

We will provide you contact numbers to reach us 24x7x365 for catastrophic site issues. We will also be available from Monday to Friday 8AM-8PM EST via email and phone to handle routine website operation questions from staff.

🔒 **Security upgrades:**

Municode will apply security upgrades to your solution’s core and contributed modules ensuring that your website stays secure. Municode will perform security upgrades and other web server and website optimizations during off-hours, typically between the hours of 9PM-3AM Pacific, if such work requires taking the website off-line. We will provide at least 14 days’ notice for any non-emergency maintenance that requires down-time.

♥ **Site Monitoring and Site Recovery:**

Municode will install auto-monitoring software routines that continually monitor website performance and alert us when problems occur. We will act as soon as possible and no later than two hours after problems are detected.

★ **Free feature upgrades:**

As we update our base Municode features, you receive those upgrades for FREE.

PROJECT COSTS

Design, Development, and Implementation Phase \$7,000

- Fully functional Municode CMS with all base features
- Responsive mobile-friendly website with **standard** design
- Content migration; up to 250 pages and 5 years meeting minutes
- Training: web teleconference, video, user guides

Annual Hosting, Maintenance, and Customer Support \$2,200 / year

- 80GB disk space and up to 1 terabyte data transfer per month
- 99.95% up-time guarantee, telephone support 8AM-8PM Eastern
- Email support with one-hour response time during working hours
- Emergency 24x7 support
- Up to 3 hours' webinar refresher trainings per year

Total Year 1 Costs \$9,200

Select Additional Website Options

<input type="checkbox"/> Custom website design	\$3,500 one-time
<input type="checkbox"/> Email Subscriptions / Notifications	\$600 per year
<input type="checkbox"/> Projects Directory	\$200 per year
<input type="checkbox"/> Parks and Trails Directory	\$200 per year
<input type="checkbox"/> Property Listings (Commercial/Industrial)	\$200 per year
<input type="checkbox"/> Facility Reservations	\$1500 setup + \$900 per year
<input type="checkbox"/> Business Directory	\$750 setup + \$600 per year
<input type="checkbox"/> Microsite color/logo customization	\$500 one-time (per microsite)
<input type="checkbox"/> Specialty sub-site graphic designs	\$3500 + \$600 per year (per design)
<input type="checkbox"/> Site graphic redesign every 4th year	\$600 per year (per design)
<input type="checkbox"/> Additional on-site visits (training, consultation, etc.)	\$1500 day 1, \$1000 per day (days 2+)
<input type="checkbox"/> Custom Feature Development	\$150 per hour or fixed bid quote
<input type="checkbox"/> Board Management	\$1,000 per year

PAYMENT SCHEDULE

Year 1

Sign contract	50% of one-time costs
Implement design and features	50% of one-time costs
Conduct training (site moved to production / annual support begins)	annual hosting and support

Notes

- No long-term commitments required. We will earn your trust. You may cancel service at any time.
- Guaranteed pricing. Hosting and Support fees will not increase for first three years.
- Annual hosting and support fees starting year four will increase according to the previous year-ending *Consumer Price Index (CPI) for All Urban Consumers*.
- Payment schedule will be adjusted accordingly based on selected optional features.
- 2, 3, or 4-year interest-free payment plan available upon request

SERVICES AGREEMENT

This agreement ("AGREEMENT") is entered between Livingston, Montana ("CLIENT") and Municipal Code Corporation ("CONSULTANT").

1. Term of AGREEMENT. This AGREEMENT shall commence effective the date signed by the CLIENT. It shall automatically renew annually. This AGREEMENT shall terminate upon the CLIENT's providing CONSULTANT with sixty (60) days' advance written notice.

2. Compensation. It is understood and agreed by and between the parties hereto, that the CLIENT shall pay the CONSULTANT for services based on the payment schedule provided as set forth in the section marked "Payment Schedule". Payment will be made to CONSULTANT within thirty (30) days of the receipt of approved invoices for services rendered.

3. Scope of Services. CONSULTANT's services under this AGREEMENT shall consist of services as detailed in the attached proposal including appendices ("SERVICES"). SERVICES may be amended or modified upon the mutual written AGREEMENT of the parties.

4. Integration. This AGREEMENT, along with the SERVICES to be performed contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

5. Warranty. CONSULTANT warrants that any services provided hereunder will be performed in a professional and workmanlike manner and the functionality of the services will not be materially decreased during the term.

6. Liability. CONSULTANT's total liability arising out of any acts, omissions, errors, events, or default of CONSULTANT and/or any of its employees or contractors shall be limited by the provisions of the AGREEMENT and further limited to a maximum amount equal to the fees received by CONSULTANT from CLIENT under this AGREEMENT.

7. Termination. This AGREEMENT shall terminate upon the CLIENT's providing CONSULTANT with sixty (60) days' advance written notice. In the event the AGREEMENT is terminated by the CLIENT's issuance of said written notice of intent to terminate, the CONSULTANT shall pay CLIENT a pro-rated refund of any prepaid service fees (for the period from the date of the termination through to the end of the term). If, however, CONSULTANT has substantially or materially breached the standards and terms of this AGREEMENT, the CLIENT shall have any remedy or right of set-off available at law and equity.

8. Independent Contractor. CONSULTANT is an independent contractor. Notwithstanding any provision appearing in this AGREEMENT, all personnel assigned by CONSULTANT to perform services under the terms of this AGREEMENT shall be employees or agents of CONSULTANT for all purposes. CONSULTANT shall make no representation that it is the employee of the CLIENT for any purposes.

9. Confidentiality. (a) Confidential Information. For purposes of this AGREEMENT, the term "Confidential Information" means all information that is not generally known by the public and that: is obtained by CONSULTANT from CLIENT, or that is learned, discovered, developed, conceived, originated, or prepared by CONSULTANT during the process of performing this AGREEMENT, and relates directly to the business or assets of CLIENT. The term "Confidential Information" shall include, but shall not be limited to: inventions, discoveries, trade secrets, and know-how; computer software code, designs, routines, algorithms, and structures; product information; research and development information; lists of clients and other information relating thereto; financial data and information; business plans and processes; and any other information of CLIENT that CLIENT informs CONSULTANT, or that CONSULTANT should know by virtue of its position, is to be kept confidential.

(b) Obligation of Confidentiality. During the term of this AGREEMENT, and always thereafter, CONSULTANT agrees that it will not disclose to others, use for its own benefit or for the benefit of anyone other than CLIENT, or

otherwise appropriate or copy, any Confidential Information except as required in the performance of its obligations to CLIENT hereunder. The obligations of CONSULTANT under this paragraph shall not apply to any information that becomes public knowledge through no fault of CONSULTANT.

10. Assignment. Neither party may assign or subcontract its rights or obligations under this AGREEMENT without prior written consent of the other party, which shall not be unreasonably withheld. Notwithstanding the foregoing, either party may assign this AGREEMENT in its entirety, without consent of the other party, in connection with a merger, acquisition, corporate reorganization, or sale of its assets.

11. Cooperative Purchasing. CONSULTANT and CLIENT agree that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without CONSULTANT or CLIENT incurring any financial or legal liability for such purchases.

12. Governing Law. This AGREEMENT shall be governed and construed in accordance with the laws of the State of Montana without resort to any jurisdiction’s conflicts of law, rules, or doctrines.

Submitted by:

Municipal Code Corporation

By: *Brian Gilday*

Title: Brian Gilday - President, Website Division

Accepted by:

By: _____

Title: _____

Date: _____



Building Department Vehicle



Building Department Vehicle



Gate for Recycling Area

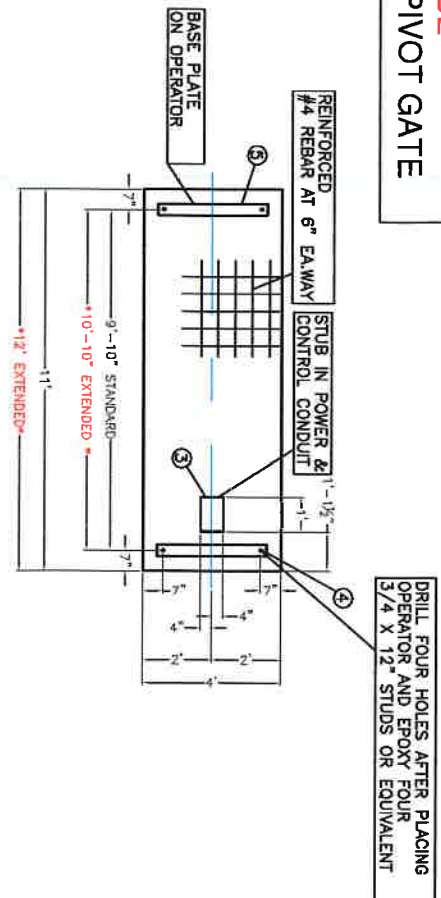
MODEL HYJD-B MODEL HYJD-BE HYDRAULIC VERTICAL PIVOT GATE

NOTE: STUB IN 208/220 VAC SINGLE PHASE
20 AMP SERVICE SUGGESTED MINIMUM
COPPER WIRE REQUIRED

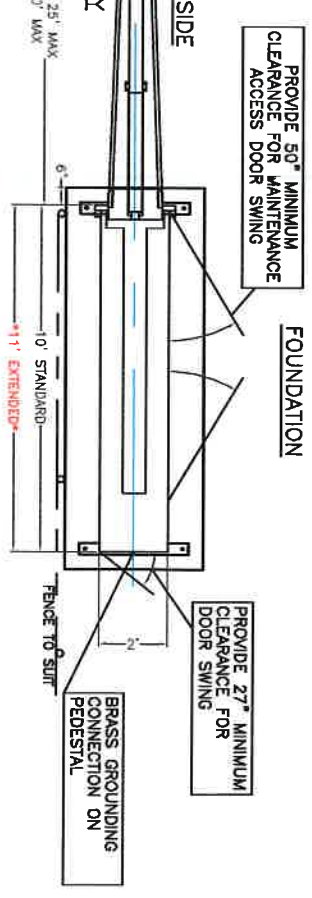
CAP AMPS	16	20	25	30	40	50	60	70	80	90	100	120	140	160	180	200	240
LENGTH OF CIRCUIT IN FEET	12	12	12	12	12	12	10	10	10	10	10	8	8	8	6	6	6

NOTE: FOR CIRCUIT LENGTH GREATER THAN 240'
AND THREE PHASE GATE SYSTEMS
CONSULT A LICENSED ELECTRICIAN FOR PROPER WIRE SIZE

***NOTE: IF BARRIER HEIGHT EXCEEDS 8' TALL*
USE HYJD-BE DIMENSIONS FOR FOUNDATION**

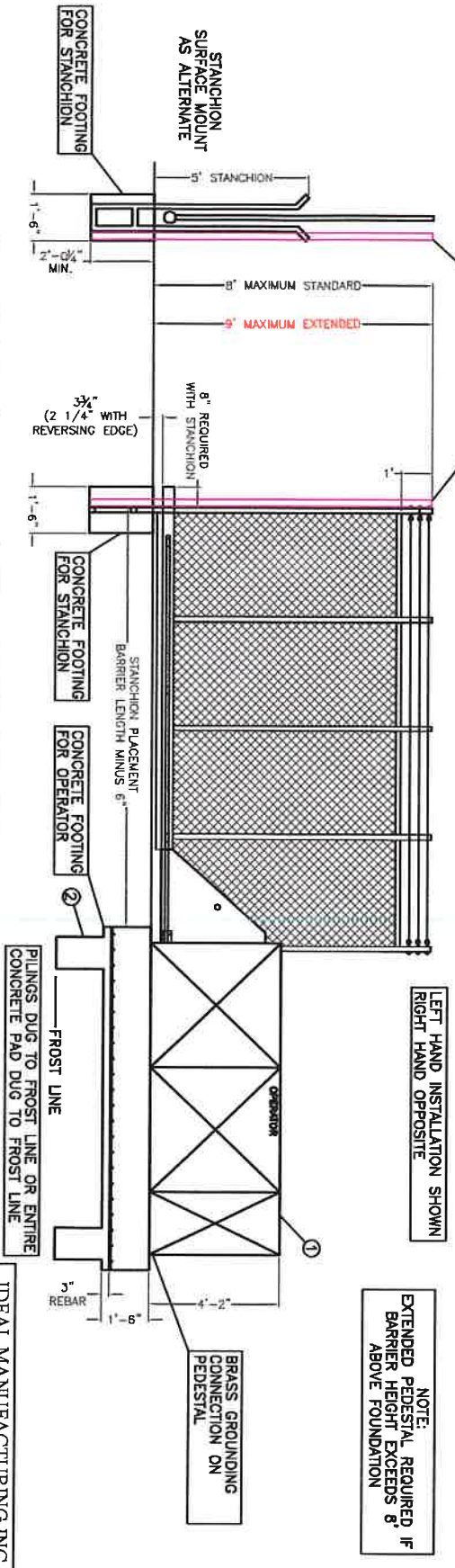


DRILL FOUR HOLES AFTER PLACING OPERATOR AND EPOXY FOUR 3/4 X 12 STUDS OR EQUIVALENT



PROVIDE 50" MINIMUM CLEARANCE FOR MAINTENANCE ACCESS DOOR SWING

PROVIDE 27" MINIMUM CLEARANCE FOR DOOR SWING



NOTE: EXTENDED PEDAESTAL REQUIRED IF BARRIER HEIGHT EXCEEDS 8' ABOVE FOUNDATION

LEFT HAND INSTALLATION SHOWN
RIGHT HAND OPPOSITE

NOTE: FOR ADDITIONAL GROUND CLEARANCE RAISE FOUNDATION

NOTE: BARRIER STYLE WITHIN DIMENSIONAL LIMITS AS PER CUSTOMER SPECIFICATIONS. FOR GREATER ROADWAY SPAN INSTALL OPPOSING GATES PROVIDE 1" GAP.

7-18-2014

IDEAL MANUFACTURING INC.
2011 HARRISH BLVD. BILLINGS, MT 59101
PHONE: (406) 656-4360
VERTICAL PIVOT GATE BASIC DIAGRAM
AUTO CAD DWG #301





Star Road Interior



Star Road Interior



Star Road Interior



Star Road Interior



Star Road Interior



Star Road Interior



Star Road Interior



Star Road Interior



Star Road Interior



Star Road Interior



101-





SER



PROPOSAL FOR A 32.19 KW SOLAR PROJECT

Created for Shannon Holmes

Residing at 220 E Park St, Livingston, MT 59047



Select your option to find out how much you could save.

Cash

Own the System

\$0

Estimated Monthly Energy Payment

Gross Cost	\$79,831
Payback Period	19.5 years
Return on Investment (ROI)	1.5% per year

Estimated Solar Savings Over 25 Years	\$109,894
---------------------------------------	------------------

Cost after Rebates & Incentives*	\$79,831
----------------------------------	-----------------



Loan

Own the System

\$807

Estimated Monthly Payment

Gross Cost	\$79,831
Payback Period	22.1 years
Return on Investment (ROI)	0.8% per year

Estimated Solar Savings Over 25 Years	\$96,113
---------------------------------------	-----------------

Cost after Rebates & Incentives*	\$79,831
----------------------------------	-----------------



Overview

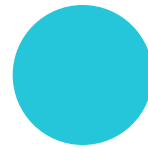
System Size	32.19 kW DC
CEC-AC Rating	27.48 kW AC
Estimated Solar Savings Over 25 Years	\$109,893.86
Estimated First Year Production	41,834 kWh AC



18,586 Trees planted

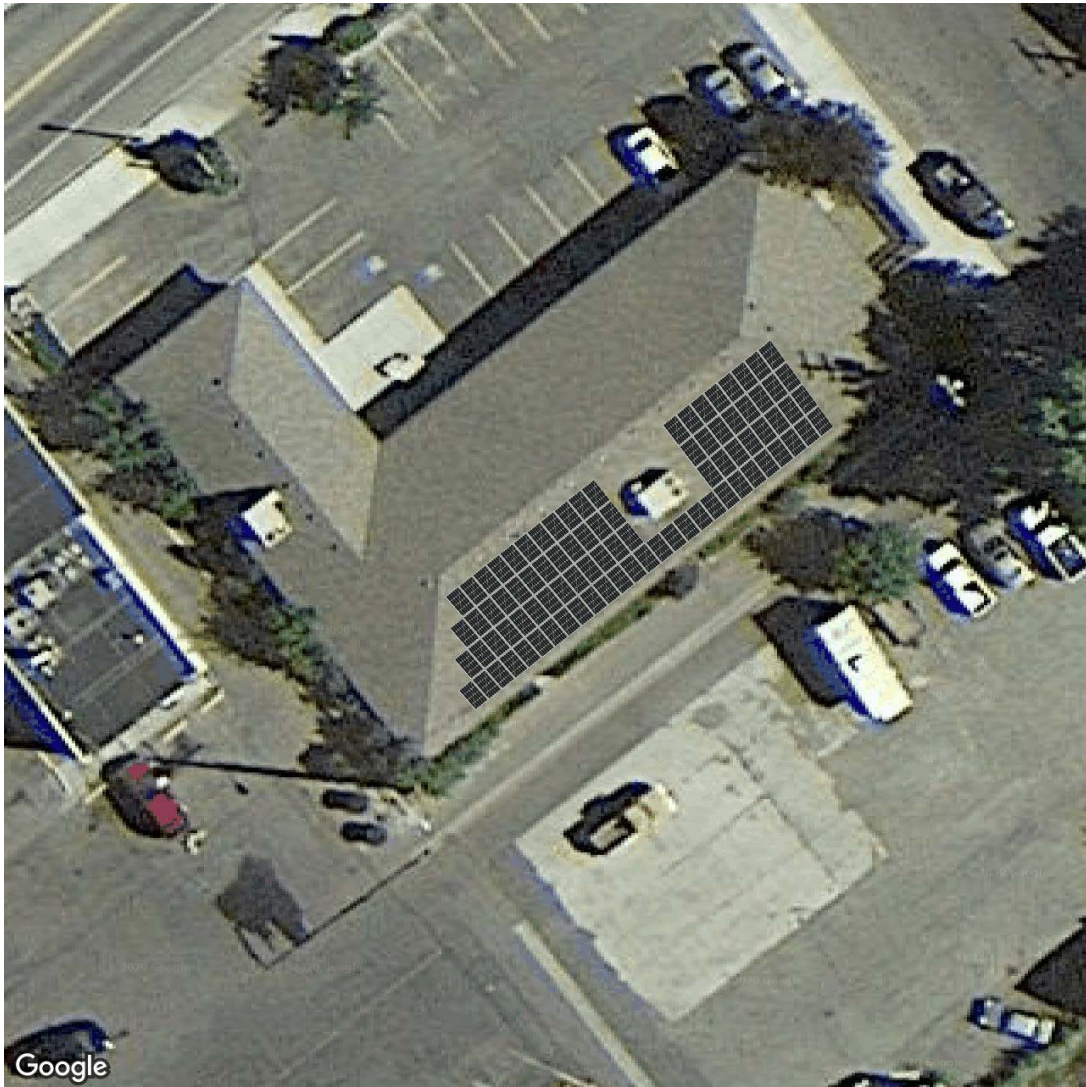


151.00 Vehicles off the road



1685.62 Barrels not consumed

Source: [United States Environmental Protection Agency](#)



Location coordinates (latitude, longitude): 45.6631392, -110.5589205

Materials

87 Panels

REC Solar (370
Watts)

Inverters



Mount Type

Flush

Others

Balance of system
included



Usage Breakdown



Created with Highcharts 6.1.0 From utility: 0% From solar: 102%



Estimated Monthly Solar Savings

Created with Highcharts 6.1.0Utility BillCurrent BillNew

Bill\$0.00\$50.00\$100.00\$150.00\$200.00\$250.00\$300.00Current BillUtility Bill: \$265.46

Pricing

	Price	Discounts	Total Price
Base Price Based on a 32.19 kW installation	\$79,831.20		
Cost after Rebates & Incentives*	\$79,831.20	-\$0.00	\$79,831.20

*Note: Not everyone is eligible for credits, incentives, or rebates or can fully use them. Please consult your tax professional or legal professional for further information.

Project Timeline

Site Assessment

Nov 3rd 20 - Complete Site Evaluation & Final Measurements

Contract Signature

\$19,957.80 Charged at this Step (25%)

Nov 6th 20 - File opening and centralizing all information

Permits and Applications

Dec 26th 20 - Completing paperwork for incentives and regulatory steps

Installation

\$39,915.60 Charged at this Step (50%)

Feb 24th 21 - Materials Delivery to Site, Installation of Solar Array, Inverter, and Electrical Distribution

Final Connection

Feb 27th 21 - System Commissioning, Inverter and Monitoring System Configuration

assignment_turned_in

Electrical Inspection

Mar 4th 21 - Final System Inspection by Local Jurisdictional Authority

Customer Tutorial

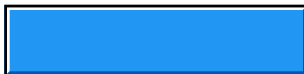
\$19,957.80 Charged at this Step (25%)

Mar 5th 21 - System Walkthrough, Presentation of Project Documentation, Operation Tutorial

Net Meter

Mar 15th 21 - Installation of Net Meter by Utility, System Goes Online

Next Step to Go Solar



By signing, I agree to the [terms & conditions](#)

Customer Signature

Signature

Extra Files



Solar Project Considerations_Commercial.pdf
Click here to download the file.



OSE Company Profile 2020.pdf
Click here to download the file.




Monitoring System Data Sheet_SolarEdge.pdf
Click here to download the file.





Power Optimizer Data Sheet_SolarEdge.pdf
Click here to download the file.




SE9KUS-SE14.4KUS Inverter with SetApp configuration for the 208V Grid.pdf

 Click here to download the file.

 **Solar Module Data Sheet_REC_Alpha_BOW.pdf**
Click here to download the file.

 **REC Solar PEAK Series Arrays.pdf**
Click here to download the file.

 **SolarEdge Three-Phase Inverters.pdf**
Click here to download the file.



OnSite Energy
619 N. Church Ave, Unit 4, Bozeman, MT 59715
[4065516135](tel:4065516135)
License Number: 207887



Your Solar Pro

Conor Darby

Email: conor@onsiteenergyinc.com

Phone: [4066002075](tel:4066002075)

Created on October 21st, 2020

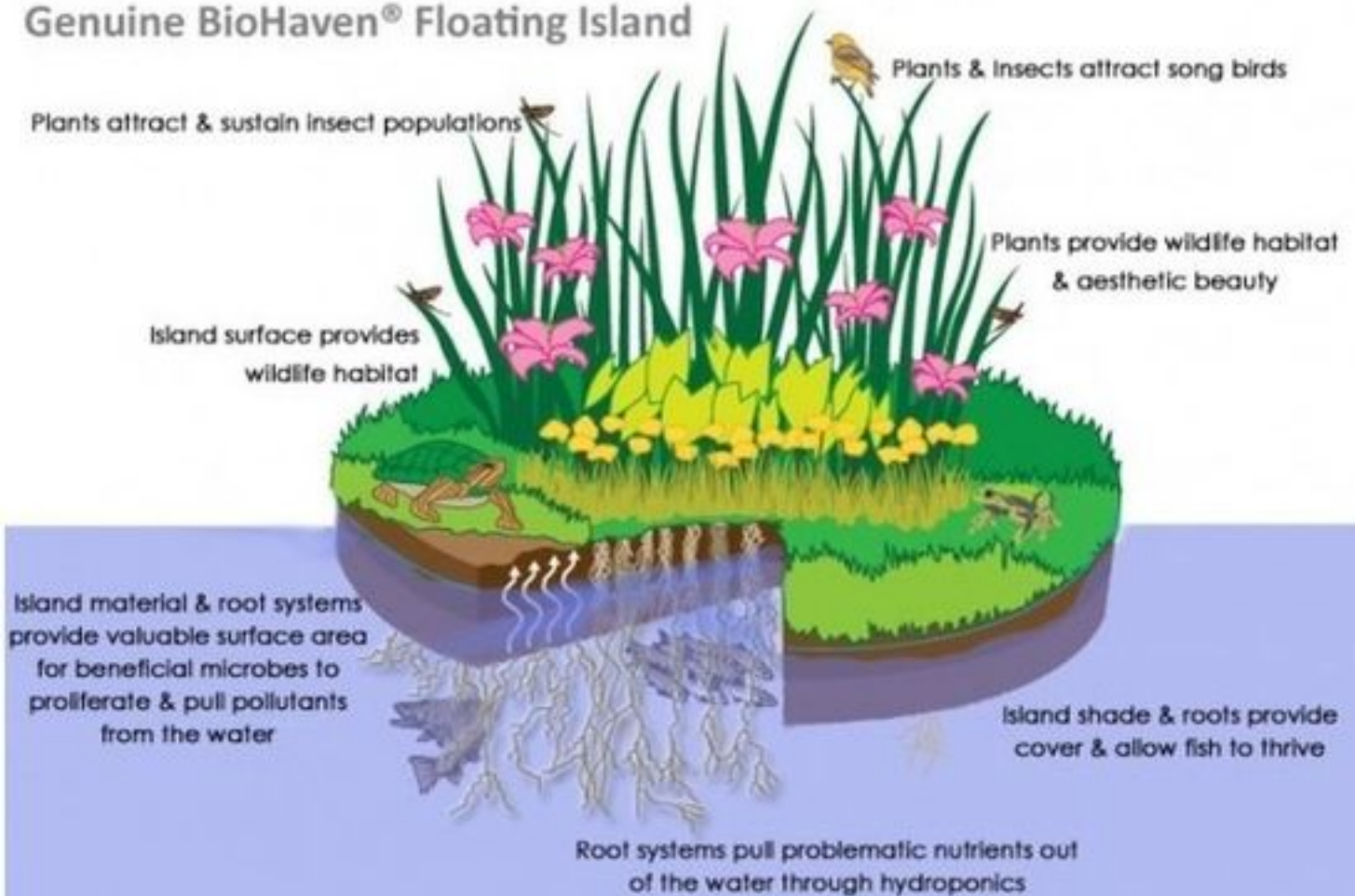
*All calculations are an average based on the power your panels are expected to generate, and your usage average last year, not the exact new bill. Your new bill will still depend on how much energy you use in the future. Incentives are subject to change. The actual amount can be higher or lower than what is quoted, and may not stay at a fixed rate over time. It can also change based on the tax bracket you are in.







Genuine BioHaven® Floating Island





Treatment works

- Insecticide injected into trunk
- Nearly 100% effective
- Lasts 2-3 years
- \$50 per tree
- Only licensed pesticide applicators



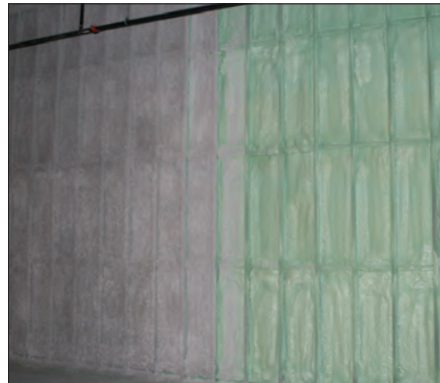
Emerald Ash Borer (Grant Match)

CSI MasterFormat® Filing:
Division 7: Thermal & Moisture Protection

- 07 21 00 Thermal Insulation
- 07 21 29 Sprayed Insulation

Division 9: Finishes

- 09 81 00 Acoustic Insulation
- 09 81 29 Sprayed Acoustic Insulation
- 09 83 00 Acoustic Finishes
- 09 83 16 Acoustic Ceiling Coating



MANUFACTURER INFORMATION:

International Cellulose Corporation
12315 Robin Boulevard | Houston, Texas 77045
(713) 433-6701 or (800) 444-1252 | FAX: (713) 433-2029

1. PRODUCT DESCRIPTION:

Ure-K is a spray-applied **15-minute Thermal Barrier** approved to go over polyurethane foam. At the standard 1.25" thick application, Ure-K contributes an additional R-4.5 to the overall insulation system. Ure-K's monolithic exposed finish also provides acoustic benefits with an NRC of .95. Ure-K has a **Natural Texture** and is available in five standard colors along with specially-matched custom colors.

2. BASIC USE:

Ure-K is used as **15-Minute Thermal Barrier** over exposed applications of polyurethane foam in existing buildings and new construction projects as a combination system to meet mandatory code requirements. Additionally, Ure-K provides acoustical and thermal benefits.

3. MATERIAL COLORS:

Ure-K is available in five standard colors and can also be specified in specially-matched custom colors.

STANDARD COLORS:



Color selection will affect the final price.

4. SURFACE PREPARATION:

Ure-K adheres to polyurethane foam as 15-Minute Thermal Barrier. Surfaces to receive Ure-K are to be inspected prior to installation to determine if pretreatment is required.

5. APPLICATION:

Ure-K is installed by an international network of professional contractors licensed by ICC. These contractors are required to install Ure-K using approved equipment, materials, and procedures. Due to the inherent texture of the material and application techniques, the installed material will have thickness variances. Compliance with applicable building codes and project requirements is the responsibility of the user and/or installing contractor.

SUSTAINABLE CREDIT CATEGORIES:

MATERIALS + RESOURCES:

RECYCLED CONTENT: 80% Pre-Consumer

REGIONAL MATERIALS: Manufactured By International Cellulose Corporation in Houston, TX.

MATERIAL INGREDIENT REPORTING: Inventoried to 1,000 PPM in accordance with the HPD Collaborative.

INDOOR ENVIRONMENTAL QUALITY:

INDOOR AIR QUALITY:

UL GREENGUARD Gold Certified

May Contribute Towards:

LEED v4: Indoor Air Quality Assessment

LEED v4: Enhanced Indoor Air Quality Strategies

THERMAL COMFORT: Ure-K has exceptionally low heat-loss characteristics with an R-Value of 3.6

ACOUSTICAL PERFORMANCE

LOW-EMITTING MATERIALS:

Compliant With:

LEED v4: Low-Emitting Materials

CDHP/ California Section 01350

SCAQMD Rule 1168

CHPS - Acoustical Ceiling

TECHNICAL DATA:

ASTM STANDARDS COMPLIANCE

- ASTM C 423 Sound Absorption
- ASTM C 518 Thermal Conductivity
- ASTM D 2244 Light Reflectance
- ASTM E 84 Surface Burning Characteristics
- ASTM E 119 Fire Test
- ASTM E 736 Cohesion/Adhesion - Bond Strength

2009 IBC Section 803.10: Stability

Ure-K was applied at an average thickness of 1.25 inches over open and closed cell foam and met the requirements of the 30-minute stability test set forth in 2009 IBC Section 803.10 tested at 200°F.

2009 IBC Section 2603.4: Thermal Barrier

Ure-K was tested in accordance with and meets the acceptance criteria of both the Temperature Transmission Fire Test and the Integrity Fire Test of NFPA 275 Part 1 & Part 2. Ure-K is approved to be used as a 15-Minute Thermal Barrier over Polyurethane Foam.

NFPA 275: Part 1 / ASTM E 119 / UBC 26-2:

Test Method for the Evaluation of Thermal Barriers

Ure-K was applied at an average thickness of 1.25 inches.

NFPA 275: Part 2: Walls & Ceiling Finishes / NFPA 286

Ure-K was applied at an average thickness of 1.25 inches over 2 pcf and .5 pcf spray-applied polyurethane foam. Ure-K met the criteria set forth in the 2003 IBC Section 803.2.1.

ASTM C 423: Sound Absorption (NRC)

URE-K APPLIED OVER CLOSED-CELL POLYURETHANE FOAM

Inches	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	NRC
1.25"	.38	.57	1.00	1.07	1.06	1.07	.95

ASTM C 518: Thermal Conductivity

R-Value: 3.6 PER INCH

STANDARD APPLICATION THICKNESS	R-VALUE
1.25"	4.5

ASTM D 2244: Light Reflectance

White: 84+	Black: 17+
Light Gray: 73+	Gray: 45+
Beige: 71+	

ASTM E 84: Surface Burning Characteristics

CLASS 1, CLASS A RATED per ASTM E 84, UL 723, NFPA 255, & UBC 42

Flame Spread 5

Smoke Development 5

Ure-K has been rated and approved by Factory Mutual Research Corporation for use in category III.

ASTM E 736: Cohesion/Adhesion - Bond Strength

Bond Strength >100psf

MISCELLANEOUS CODE APPROVALS & SPECIFICATIONS

- Underwriters Laboratories – Classified Code Compliance Report UL ER 5499
- Factory Mutual Research – Report Nos. 19678, 20399, and 24703
- Federal Defense Logistics Agency Cage Code: ONJU2
- Federal Specification – SS-S-111C
- Corps of Engineers Guide Specifications – CE-201.01
- Department of the Navy Guide Specifications – NFGS-07218
- EPA 40 CFR Part 248
- Los Angeles – RR-24311
- New York – MEA 65-96-M
- Meets California Bureau of Home Furnishings Standards
- Resource Conservation and Recovery Act

Ure-K does not contain silica dust, asbestos, mineral or glass fibers, or PCB's.



File Attachments for Item:

RECRUITMENT NOTICE: CITY COUNTY HEALTH BOARD

**PUBLIC NOTICE
VACANCY ON CITY/COUNTY HEALTH BOARD**

The City of Livingston is seeking to fill one vacancy on the City/County Health Board for a three (3) year term. To qualify for the City/County Health Board, the applicant must possess the following qualifications: a U.S. citizen who is at least 18 years of age, a qualified elector, a resident of the County and State for at least 30 days and a city of Livingston resident or an owner of property within the downtown historic district who is a non-felon and of sound mind.

The deadline for applications is 5 pm November 27, 2020.

Applications are available:

- Online
at: http://www.livingstonmontana.org/City%20Commission/Fillable%20Application_for_Appointed_Office.pdf
- In-person: At the City Offices located at to 414 East Callender Street, Livingston, MT 59047
Interested in sharing your time and talents? Applicants are encouraged to include a resume or bio, and a short cover letter outlining why you would like to serve on the City/County Health Board, what special skills, talents, or resources you offer and what you hope to accomplish as a member.

If you have questions about this or any other City Board/Committee vacancies, contact Faith Kinnick at (406) 823-6002.

Please publish Wednesday, October 28, 2020, Wednesday November 4, 11, 18.

Faith Kinnick
City of Livingston
October 27, 2020

File Attachments for Item:

CITY TREE BOARD SPECIAL MEETING NOTICE

**PUBLIC NOTICE
CITY TREE BOARD MEETING**

The City of Livingston Tree Board will convene Thursday, November 5, 2020, from 12-1 pm for a special meeting. The purpose of this meeting will be for the board to discuss ideas for an upcoming tree grant. All are welcome to join the virtual meeting at:

<https://us02web.zoom.us/j/84868712903?pwd=WTJxbHZ2c05TUERrTGVjaXBvVFZtdz09>

Meeting ID: 848 6871 2903 | Passcode: 243154 | Call In (669) 900-6833 (San Jose)

Please publish Friday October 30, 2020.

Faith Kinnick
City of Livingston
October 27, 2020

File Attachments for Item:

CITY PLANNING BOARD RECRUITMENT NOTICE

NOTICE OF VACANCIES ON THE CITY PLANNING BOARD

The City of Livingston seeks to fill two (2) city resident vacancies on the City Planning Board for members with expiring terms. The appointment is for a two (2) year term. In order to qualify for a seat on the Planning Board, the applicant must possess the following qualifications: a U.S. citizen who is at least 18 years of age, a qualified elector, a resident of the County and State for at least 30 days and a city of Livingston resident who is a non-felon and of sound mind.

The deadline for applications is 5:00 pm November 22, 2020, and the appointment is anticipated to occur during the December 15, 2020 City Commission Meeting. Current members are encouraged to re-apply.

How to apply

1) Online at:

http://www.livingstonmontana.org/living/city_commission/creating_boards_and_committees.php

- 2) In-person: Obtain an application in person t the City Offices located at to 414 East Callender Street, Livingston, MT 59047
- 3) By mail, call Faith Kinnick at (406) 823-6002 to request one by mail, applications received by mail must be received no later than November 22, 2020.

The Planning Board meets once a month, usually on the third Wednesday of the month at 5:30 p.m., though this is subject to change. Interested in sharing your time and talents? Applicants are encouraged to include a resume or bio, and a short cover letter outlining why you would like to serve on the City Planning Board what special skills, talents, or resources you offer and what you hope to accomplish as a member.

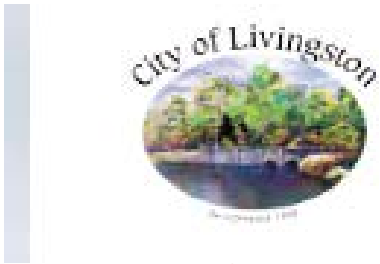
If you have questions about this or any other City Board/Committee vacancies, contact Faith Kinnick at (406) 823-6002.

Please publish Monday, October 26, 2020, Monday, November 2, 9, 16,2020.

Faith Kinnick
City of Livingston
Dated: October 22, 2020

File Attachments for Item:

PLANNING BOARD GROWTH POLICY ANNOUNCEMENT



CITY OF LIVINGSTON GROWTH POLICY

The community expressed to us what their concerns are, what they want to preserve, and improve. Burton Planning Services has collected and interpreted data received from a record-breaking number of responses from the community. Based on this input Burton Planning Services has prepared a draft Growth Policy.

Now, the City Planning Board has scheduled a series of public hearings to garner as much feedback as possible on the draft Growth Policy, before passing their formal recommendations on to the Livingston City Commission for final adoption. We are once again calling on our Community to review this draft policy and share your feedback with us during these meetings. <http://burtonplanning.com/LivingstonGrowthPolicy/read-download/>

Meeting Schedule:

First Meeting November 4, 2020, from 5:30 pm-8:30 pm

<https://us02web.zoom.us/j/88460777341>

Meeting ID: 884 6077 7341

Second Meeting November 18, 2020, from 5:30 pm-8:30 pm

<https://us02web.zoom.us/j/81579899050>

Meeting ID: 815 7989 9050

Third Meeting December 2, 2020, from 5:30-8:30 pm

<https://us02web.zoom.us/j/82584340494>

Meeting ID: 825 8434 0494

Fourth Meeting December 16, 2020, from 5:30-8:30 pm

<https://us02web.zoom.us/j/85331208578>

Meeting ID: 853 3120 8578

If you have any questions about this process or document email them to citymanager@livingstonmontana.org or fkinnick@livingstonmontana.org, or call (406) 823-6000.