

## Billings City Administrator Weekly Report

November 22, 2019

- 1) Project ReCode** – In an effort to share important questions asked by Councilmembers about Project ReCode and continue the education and understanding of the work and process on this project to date, we thought it might be useful to share Councilmember inquiries with the entire Council when possible. This week, we are sharing an inquiry from Councilmember Neese on Accessory Dwelling Units (ADUs). Please see the attached email question from Councilmember Neese and response from staff along with two (2) supporting documents.
- 2) City Council Orientation** – The first orientation for the newly elected councilmembers was held on Monday. There will be more orientation sessions and tours to follow between Thanksgiving and Christmas.
- 3) Annexation 19-02 Acceptance of Quitclaim Deed for a Portion of Barrett Road from Yellowstone County** – On November 5, 2019, the Yellowstone County Board of County Commissioners passed a Resolution of Intent to transfer its interest in a portion of Barrett Road. Due to deadline requirements, the staff memo was generated prior to BOCC approval. A draft deed was attached to the staff memo in the November 25<sup>th</sup> Agenda Packet. The BOCC acted on the item November 19<sup>th</sup> and City Council will consider acceptance on November 25<sup>th</sup>. (Item 1 G)
- 4) TRP** – During last Monday's TRP presentation Councilmember Ewalt asked for the amount being included out of the General Fund. The table below shows a total of \$135,400 from the General/Public Safety Funds:

### FY2020 TRP Totals by Fund

Row Labels	Sum of Amount
Airport	187,000.00
Building	7,800.00
Fleet	2,800.00
General/Public Safety	135,400.00
IT	396,200.00
Library	124,975.00
MET	7,000.00
P.W. Admin	3,600.00
P.W. Engineering	10,400.00
Parking	12,775.00
Planning	5,504.00
Solid Waste	1,400.00
Street	2,800.00
Water/Wastewater	170,300.00
<b>Grand Total</b>	<b>1,067,954.00</b>

**5) Presentations Attached** – Going forward the CA Weekly Report will provide presentations for the upcoming council meeting:

- Noise Ordinance Revisions

**6) Next Week's Meetings/Task Forces/Presentations etc.**

- a. Heights Task Force, Tuesday, November 26<sup>th</sup> 7:00 PM at Oasis.

Have a good weekend!

**From:** Cromwell, Nicole  
**Sent:** Monday, November 18, 2019 8:32 AM  
**To:** Neese, Roy <neeser@billingsmt.gov>; Friday, Wyeth <FridayW@billingsmt.gov>  
**Cc:** Kukulski, Chris <kukulskic@billingsmt.gov>; Iffland, Kevin <ifflandk@billingsmt.gov>; Plecker, Monica <PleckerM@billingsmt.gov>; Green, Dave <greend@billingsmt.gov>; egarvin@communityrecode.com; PLNVista2 <plnvista2@billingsmt.gov>; Brian Johnson <Brian@collaborativedesignarchitects.com>; Darell Tunnicliff (Dtunnicliff@iwks.net) <Dtunnicliff@iwks.net>; greg@mccalldevelopment.com; Jan Rehberg <jan@rehbergranch.com>; sheldon@yodjdiscjockeys.com; Specialized Construction (scihill@gmail.com) <scihill@gmail.com>; Troy Boucher (montanareo@gmail.com) <montanareo@gmail.com>; Troy Boucher (ycbocc1@gmail.com) <ycbocc1@gmail.com>  
**Subject:** RE: Recode ADU consensus

CM Neese,

The subcommittee's final recommendation back to the Urban Issues Working Group is attached. It has not yet been incorporated into the on-line draft. We wanted to update this section – Use Table and Use Standards 27-1000 – when we have several updates completed including sections on alcohol service, gambling, and short-term rentals. The Working Groups have not yet completed their review of these other uses.

As currently drafted, Planning would accept requests for an ADU in the N1, N2 zones as an administrative review (allowed use), but the N3 district will require special review approval. All ADUs (administrative and special review) must meet the standards in the draft regulations.

I have attached a recent presentation about ADUs by our office. Here is the on-line location of some of the ADU subcommittee documents: <https://ci.billings.mt.us/2692/ADUsTask-Work-Group>

I will make sure all the Task Group documents, background and final version appear on this webpage. The agenda for each meeting was the same since the only topic of discussion was ADUs and the draft language for the Use Table and Use Standards. The Task Group met on Friday May 3, May 10, May 17, Wednesday May 22, Friday May 31 and finally on Friday June 7. Their consensus was reported back to the Urban Issues and County Issues Working groups.

The Task Group discussed the idea of not accepting applications unless the applicant provided proof that a covenant or restriction was not applicable to the lot. The consensus of the Task Group was this was a due diligence issue for the applicant and not enforceable by the city or county since neither one is a party to covenants or restrictions. The same issue was presented as a concern when the city adopted new codes to allow the keeping of a limited number of chicken hens on residential property in the city limits. Many private subdivision covenants do not allow the keeping of any livestock or fowl including chickens. The city's licensing and permitting to keep chicken hens cannot be used to enforce these private covenants.

While an ADU is just one potential issue that covenants or restrictions might address, other contradictions are more common such as fences, fence material, siding, siding materials, 2-story structures, detached structures, building height, minimum floor area and other issues. It is incumbent on property owners to be aware of their private covenants and restrictions. Our division always encourages applicants to research their property records prior to making any application to our office, but we cannot make an application contingent on these private restrictions.

Please let me know if you have any other questions.

Sincerely yours,

Nicole Cromwell  
Zoning Coordinator  
Code Enforcement Supervisor

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**From:** Neese, Roy  
**Sent:** Sunday, November 17, 2019 9:45 PM  
**To:** Friday, Wyeth <[FridayW@billingsmt.gov](mailto:FridayW@billingsmt.gov)>; Cromwell, Nicole <[CromwellN@billingsmt.gov](mailto:CromwellN@billingsmt.gov)>  
**Cc:** Kukulski, Chris <[kukulskic@billingsmt.gov](mailto:kukulskic@billingsmt.gov)>; Iffland, Kevin <[ifflandk@billingsmt.gov](mailto:ifflandk@billingsmt.gov)>  
**Subject:** Recode ADU consensus

Wyeth/Nicole,

I see your success story involved ADUs. Can you please provide me a little more detail on what consensus was reached to allow ADU's in all of the neighborhood districts? I'm not sure if I have the correct document as the one I see on line indicates ADU can be in N3,2,1 without a special review. Is that correct or can you please send me the correct recommended draft for ADUs.

What happens to the discussion Nicole had in council some time back about relying on C&R to not accept applications for an ADU if the C&R only allowed one dwelling unit on a lot?

Can you point me to the location of where I can view the dates the subcommittee meetings where held and read the minutes of the subcommittees? The site I'm looking at has the last meeting notes as of Feb 2019. It does not have any dates or agendas for the subcommittees.

#### Meeting Notes

- [January 17, 2018 Notes](#)
- [February 22, 2018 Notes](#)
- [March 22, 2018 Notes](#)
- [April 19, 2018 Notes](#)
- [May 17, 2018](#)
- [February 28, 2019](#)

Thank you.

**Roy Neese** | Billings City Councilman Ward 2 |  
Office: 406-794-3318 | Email: [Neeser@ci.billings.mt.us](mailto:Neeser@ci.billings.mt.us) |

## E. TABLE 27-1001.X, BILLINGS ACCESSORY USES

Table 27-1000-x: Accessory Uses	Residential				Mixed-Use and Commercial				Indust.	Public	EBURD				Additional Standards										
	Key: P = Permitted, PL = Location Limits in Zone District, SR – Special Review																								
Use Table	N 3	N 2	N 1	N X <sub>1</sub>	N 2	N X <sub>3</sub>	R M H	N O	N M	C M U 1	C M U 2	C X	D X	C B D	I <sub>1</sub>	I <sub>2</sub>	P 2	P <sub>3</sub>	R S V M S	R S V	C W	I <sub>3</sub>	IS		
Accessory Day Care Facility	P	P	P	P	P	P																			27-1009.E
Accessory Dwelling Unit	S R	P	P																						27-1009.F
Amateur Radio Support Tower	P	P	P	P	P	P	P																		27-1009.G
Drive-Through (Thru) Facility																									27-1009.H
Electric Vehicle Charging Facility																									27-1009.I
Employee/Caretaker Unit																									27-1009.J
Gambling													P	P	P	P	P	P	P	P	P	P	P	27-1009.K	
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-1009.L	
Kennel, Private	P	P	P																						27-1009.M
Outdoor Sales Lot																									27-1009.N
Outdoor and Sidewalk Seating																									27-1009.O
Outdoor Storage																									27-1009.P
Park/Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Satellite Antenna and Dishes	P	P	P	P	P	P	P	P	P																27-1009.Q
Solar Energy Facility, Tier 1	P	P	P	P	P	P	P	P																	27-1006.E
Wind Energy Conversion System, Tier 1	P	P	P	P	P	P	P	P																	27-1006.G

## F. ACCESSORY DAY CARE FACILITY

A child or adult day care facility, including nursery and preschool, may be permitted as an accessory use to a Public, Civic, and Institutional Use, subject to compliance with applicable state and city regulations.

## G. ACCESSORY DWELLING UNITS (ADU TASK GROUP CITY VERSION 08/19)

### 1. Applicability

- (a) Accessory dwelling units (ADUs) are permitted by right in the N1 and N2 zone districts and are allowed by special review in the N3 zone district.
- (b) Accessory dwelling units in applicable zones are permitted on any parcel where a single dwelling unit is permitted or currently exists.
- (c) The minimum lot size for a lot that has both a primary dwelling unit and an accessory dwelling unit is 3,000 sq. ft.

### 2. Ownership and Occupancy

- (a) The property owner shall live in either the primary or accessory dwelling unit, with one of the units serving as their principal residency for at least six months in a year. No third-party rentals shall occur in the owner-occupied unit.
- (b) The property owner shall record a deed restriction with the Yellowstone County Clerk and Recorder requiring owner-occupancy of the property. Evidence of recordation of the deed restriction shall be provided to the City of Billings Planning & Community Services Department.
- (c) Conditions of approval, as determined by the Director, shall be filed for record with the County Recorder as deed restrictions within 30 days of approval of the accessory dwelling unit. Evidence of such filing shall be submitted to the Director within 30 days of approval.
- (d) The accessory dwelling unit shall not be sold separately or subdivided from the primary dwelling unit or lot.

### 3. Dimensional Standards and Location

- (a) One accessory dwelling unit is permitted per residential lot. The ADU shall be located on the same lot as the primary unit.
- (b) Unless specifically addressed in this section, accessory dwelling units are subject to the dimensional regulations for a principal building of the underlying zone district; e.g., setback/yard requirements and building coverage.
  - (1) A detached accessory dwelling unit shall not cover more than 30 percent of the available rear yard between the primary structure building line and the rear yard setback line.
  - (2) These standards do not apply to legally established detached garages that contain an accessory dwelling unit. Any expansion of a detached garage for conversion into an ADU shall comply with the appropriate setback and yard requirements for the detached garage.

- (3) Maximum height for a new, detached accessory dwelling unit shall not exceed the height of the principal dwelling unit.
- (4) The footprint of a detached accessory dwelling unit shall not exceed the footprint of the principal dwelling unit.
- (c) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit, but the structure may not be altered in any manner that would increase the degree of non-conformity.

4. Size

- (a) The gross floor area of an accessory dwelling unit attached or internal to the primary dwelling unit shall not exceed the gross floor area of the primary dwelling unit.
- (b) The maximum gross floor area of a detached accessory dwelling unit shall be no more than 80 percent of the gross floor area of the principal dwelling unit or 750 square feet, whichever is less.

5. Construction

- (a) Accessory dwelling units must contain a kitchen or a food prep area, bathroom, and sleeping area for the sole use of the unit.
- (b) Water and sewer service shall be provided. The principal unit and accessory unit may share utilities.
- (c) Mobile homes, manufactured housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.
- (d) A new street address for a new ADU is required to assist in emergency response.

6. Design

- (a) Accessory dwelling units may be incorporated within or added onto a principal dwelling unit, garage, or other accessory structure, or may be built as a separate, detached structure on a lot where a single-family dwelling exists or will exist.
- (b) An ADU, either detached or an extension of an existing structure, shall be designed to maintain the architectural design, style, appearance, and character of the primary structure, including compatibility with the neighborhood.
- (c) Accessory dwelling units shall have a separate entrance with a clearly labeled street address. Houses with an incorporated accessory dwelling unit may not create additional entrances facing the same street.

7. Parking

The accessory dwelling unit shall have at least one dedicated off-street parking space in addition to the parking required for the primary dwelling unit. An exception to the parking requirement may be granted if it is demonstrated to planning staff that the additional parking space for the ADU is not feasible and/or on-street parking is available without negatively impacting the neighborhood.

8. Home Occupations

Home occupations are permitted in an accessory dwelling unit.

# PROJECT RECODE: ACCESSORY DWELLING UNITS

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# Today's Agenda

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- What is an accessory dwelling unit (ADU)?
- Why have ADUs?
- Where do we find ADUs?
- ADUs and Project ReCode

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# **WHAT IS AN ACCESSORY DWELLING UNIT?**



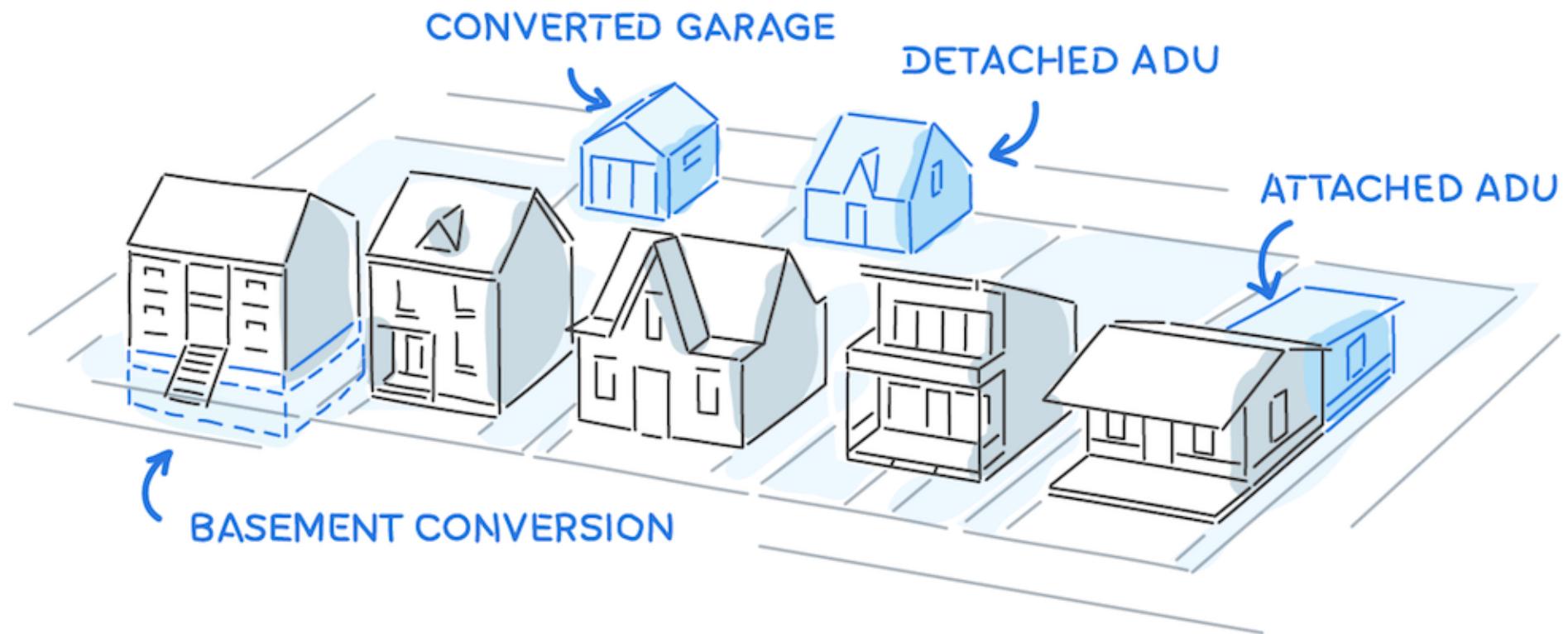
# Characteristics of an ADU

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- Independent living space accessory to a single family residence with separate entrance
  - Does **not** create a duplex
- Owner occupancy generally required in one of the units
- Can be a detached accessory building or attached/internal to the primary dwelling unit
- Includes a private kitchen, full bathroom, and living/sleeping area

# Styles of ADUs

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# Examples of ADUs



Detached



Detached Garage



Detached



Basement Conversion

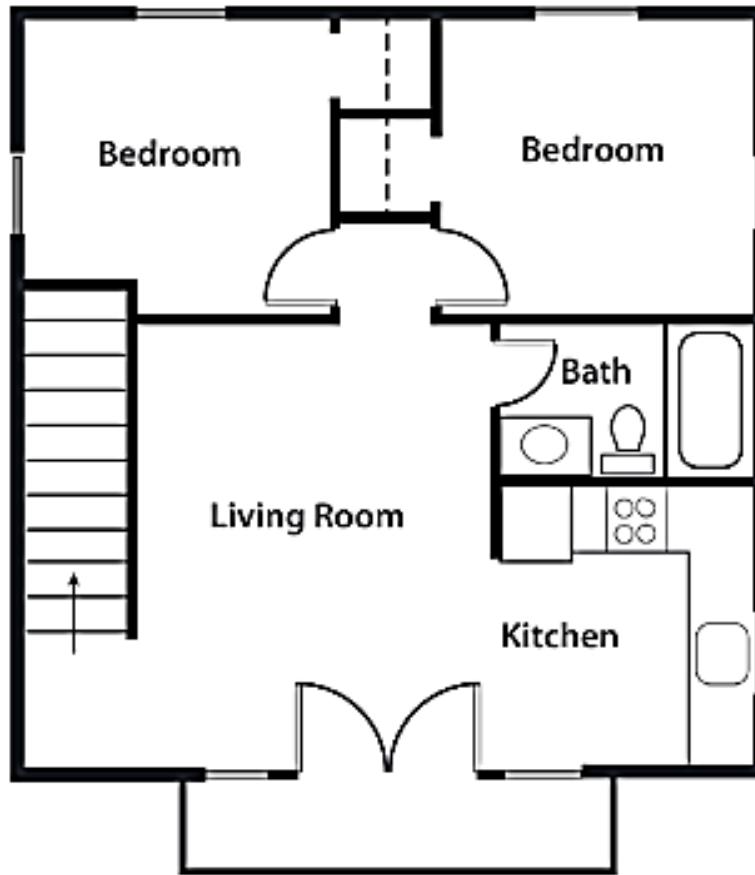


Attached



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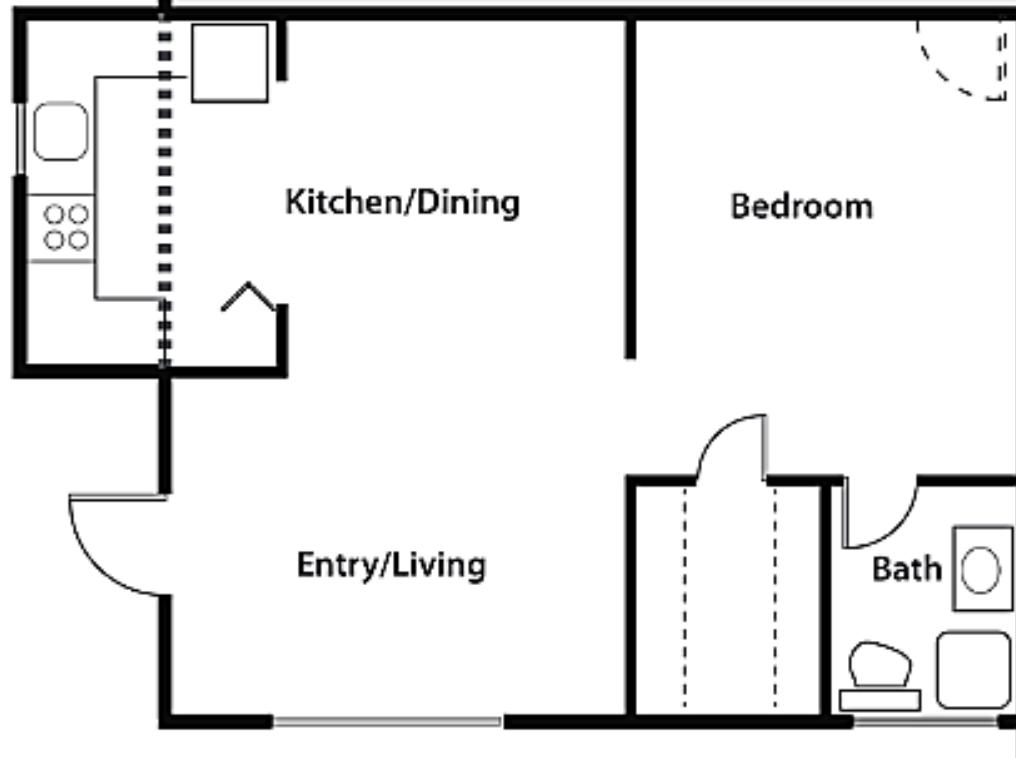
## 360 SQ FT DETACHED ADU



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## 640 SQ FT ADU ABOVE DETACHED GARAGE

Existing Single-Family Dwelling



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**750 SQ FT CONVERTED INTERNAL ADU**

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# **WHY HAVE ACCESSORY DWELLING UNITS?**



# Housing Affordability and Diversity

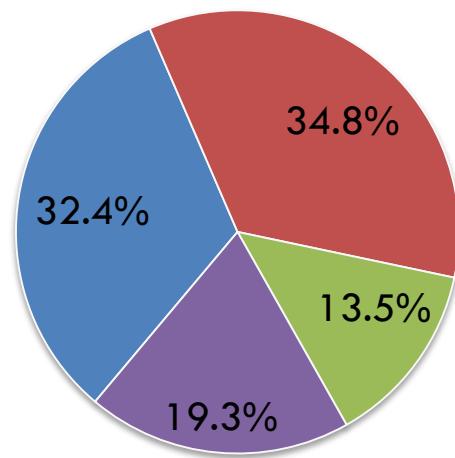
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- Supports the goals of the city's 2011 Infill Development Policy
- Helps create market-rate affordable housing
- Represents incremental development to slowly create more housing options in neighborhoods
- Supports independent living for smaller households

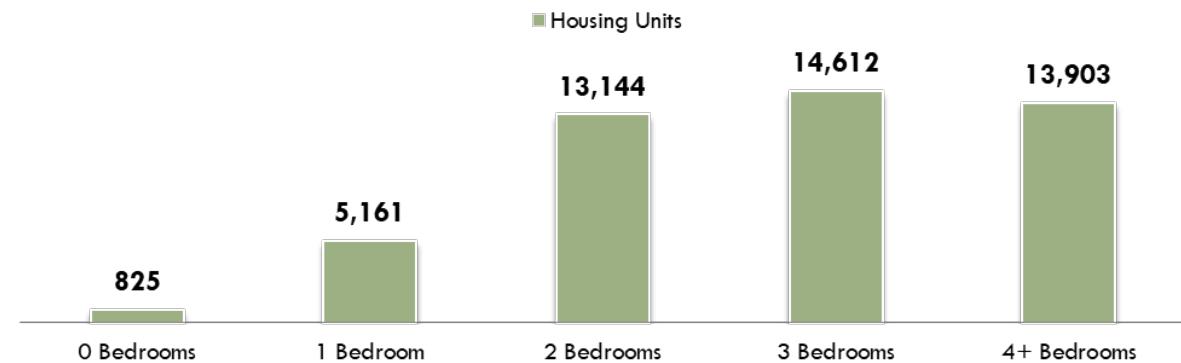


## Billings Household Size, 2016

■ 1 Person ■ 2 Person  
■ 3 Person ■ 4+ Person



## Billings Housing Units by # of Bedrooms



## The Need for Smaller Housing Options

- Over two-thirds of the households in Billings are one or two people while over half of the housing units are three or four bedrooms

# Supporting Neighborhoods

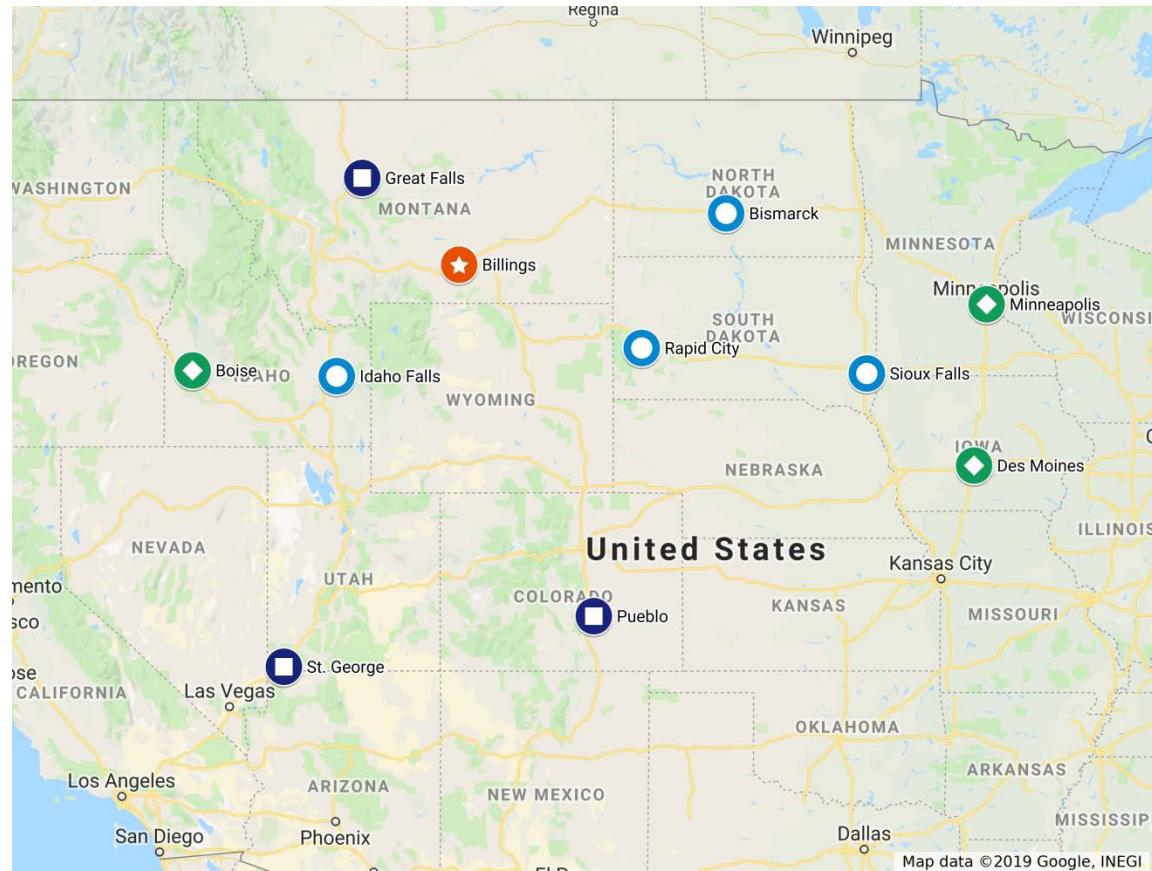
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- Can be flexible to support the needs of homeowners and their families throughout life
- Allows owners to age in place
- Potentially raises property values of homes with accessory dwelling units



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# **WHERE DO WE FIND ACCESSORY DWELLING UNITS?**



## Peer Cities

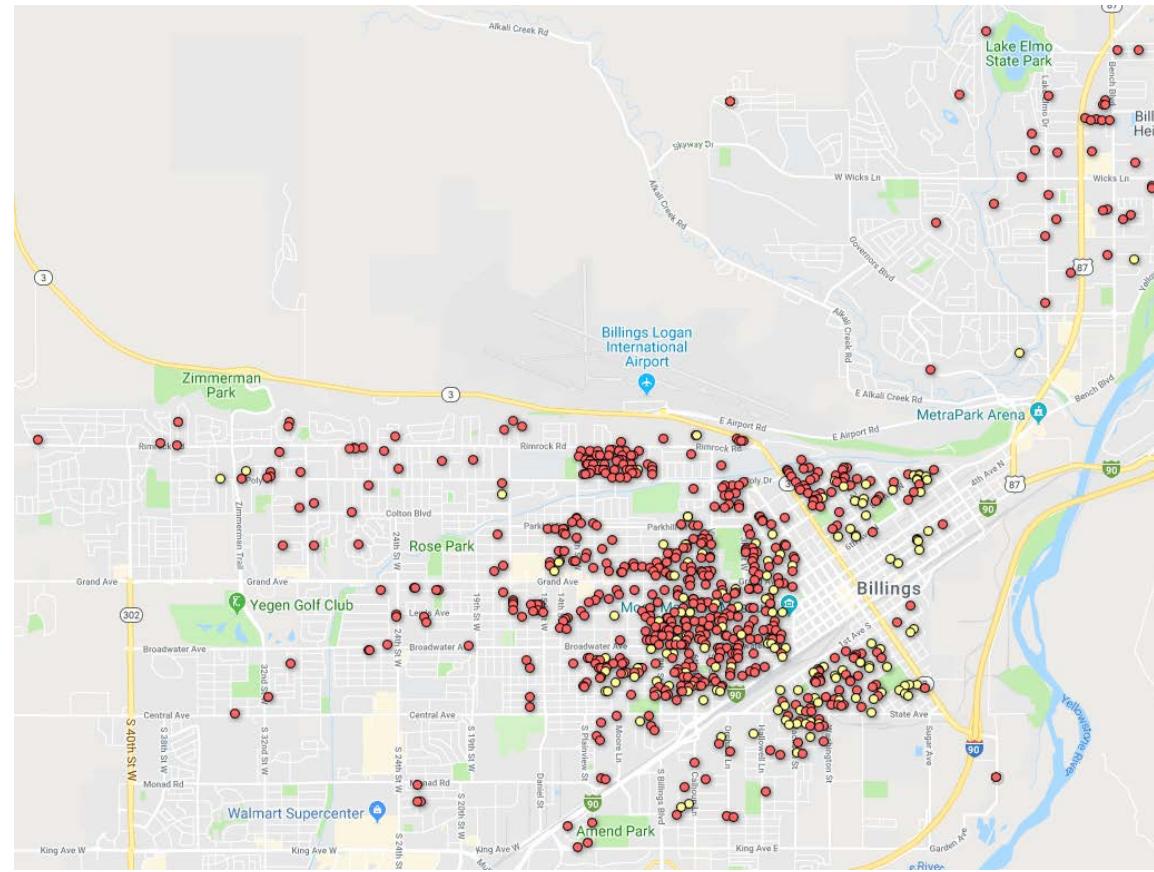
- Blue circles: peer cities with current or proposed ADU regulations
- Green diamonds: large regional cities with current or proposed ADU regulations
- Purple squares: peer cities that recognize ADUs in some way



# ADUs in Billings

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- Accessory dwelling units were regularly built in neighborhoods of Billings up until the 1970s
- ADUs currently exist as legal non-conforming units, which limits renovation and resale potential
  - Difficult to finance to include extra income
- They most often appear in our first neighborhoods as basement apartments



## Mapping Potential ADUs in Billings

- Determined using parcels with one address and two garbage service fees
- Red dots: potential attached ADUs
- Yellow dots: potential detached ADUs

# Examples of Likely ADUs in Billings

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1412 Avenue C



4613 Ruth Avenue



123 Yellowstone Avenue



3507 Poly Drive



109 Yellowstone Avenue

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# **ACCESSORY DWELLING UNITS AND PROJECT RECODE**



# ADU Task Group Recommendations

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- N1/N2 allowed by right, N3 by special review
- Deed restriction with conditions of approval to enforce owner occupancy (six months/year)
- No third party rentals
- New ADUs to have a separate street address and entrance
- Only one allowed on lots with one single family residence



# ADU Task Group Recommendations

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- **Size:**
  - Detached: less than 80% of gross floor area of principal unit or 750 sqft, whichever is less
  - Attached: less than gross floor area of principal unit
- **Designed as compatible with house and neighborhood**
- **One off-street parking spot required with the ability to opt out based on feasibility**

# QUESTIONS?

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# Image Links

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- <https://murraylampert.com/infographic-pros-cons-different-adu-types/>
- <https://www.shelter-solutions.net/accessory-dwelling-units-adus/adu-portfolio/>
- <http://sccoplanning.com/Portals/2/County/adu/ADU%20Design%20Guide.pdf?ver=2018-06-07-110529-997>

## YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 19-85

## Resolution to Transfer a Portion of Barrett Road to the City of Billings

WHEREAS, pursuant to Section 7-8-101(1) of the Montana Code Annotated, if it would be in the best interest of the public, a board of county commissioners may transfer real property to another government entity when the property is no longer needed for county operations. To transfer property to another government entity, a board must pass a resolution of intent to transfer the property, publish notice of intent to transfer the property and pass a resolution to transfer the property.

WHEREAS, the City of Billings intends to annex land that includes a portion of Barrett Road. The portion of Barrett Road the City intends to annex is Tract 4 of Certificate of Survey No. 840 and a portion of Tract 21 of Certificate of Survey No. 1175. The owners of the tracts deeded them to Yellowstone County to use as public roads. The City requested the County transfer to it the County's interest in the portion of Barrett Road it intends to annex. The County believed that it might be in the best interest of the public to transfer to the City its interest in the portion of Barrett Road the City intends to annex and set a public hearing on the transfer.

WHEREAS, on November 5, 2019, the Yellowstone County Board of County Commissioners passed a resolution of intent to transfer its interest in a portion of Barrett Road to the City of Billings, set a public hearing on the transfer for November 19, 2019 and ordered the Yellowstone County Clerk and Recorder to provide notice of the hearing and to receive written comments on the transfer. The Yellowstone County Clerk and Recorder provided notice of the hearing. On November 8, 2019 and November 15, 2019, the Clerk and Recorder published notice of the hearing in the *Yellowstone County News*. On November 18, 2019, the Board held a public hearing on the transfer. The Board received comments on the transfer. The Board considered the comments and determined it would be in the best interest of the public to transfer the road right-of-way.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners transfer Yellowstone County's interest in the portion of Barrett Road the City of Billings intends to annex, Tract 4 of Certificate of Survey No. 840 and a portion of Tract 21 of Certificate of Survey No. 1175, to the City for the promise the City will maintain the Road. The Board executed a deed to transfer the road right-of-way to the City. Attached is a copy of the deed.

Passed and Adopted on the 19<sup>th</sup> day of November 2019.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

Denis Pitman, Chairman

John Ostlund, Member

Don Jones, Member

ATTEST:

Jeff Martin, Clerk and Recorder

State of Montana                    }  
    ss.  
County of Yellowstone            }

On November 19, 2019, Denis Pitman, John Ostlund and Don Jones, members of the Yellowstone County Board of County Commissioners, and Jeff Martin, the Yellowstone County Clerk and Recorder, acknowledged to me that they executed the attached Resolution to Transfer a Portion of Barrett Road to the City of Billings on behalf of Yellowstone County in their official capacities as Board Members and the Clerk and Recorder.

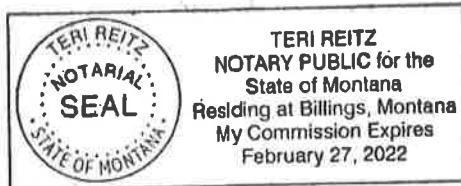
Resolution No. 19-85

Resolution to Transfer a Portion of Barrett Road to the City of Billings

(NAME)

Notary Public for the State of Montana  
Residing at Billings, Montana.  
My commission expires (DATE)

(Notarial Seal)



City of Billings  
Attn: City Clerk  
P.O. Box 1178  
Billings, Montana 59103

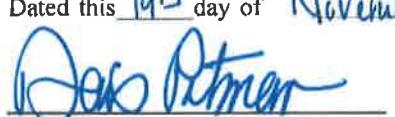
**Quitclaim Deed**

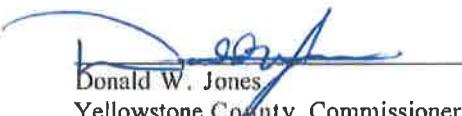
For valuable consideration, Yellowstone County, a political subdivision of the State of Montana, whose address is Post Office Box 35000, Billings, Montana 59103, through its Board of County Commissioners, conveys and quit claims to the City of Billings, a municipal corporation, whose address is Post Office Box 1178, Billings, Montana 59103, all its interest in the property described below that is located in Yellowstone County, Montana:

A tract of land known as Barrett Road as depicted on Certificate of Survey 1175 being a portion of Tract 21 (the portion as Barrett Road only) Recorded January 29, 1971, under Document No. 875730, also deeded to Yellowstone County by Deed in Book 934 Page 590. Recorded April 23, 1971, under Document No. 880777;  
Certificate of Survey 840 Corrected being Tract 4 Recorded July 14, 1972, under Document No. 911664, also deeded to Yellowstone County by Deed in Book 973 Page 102, Recorded August 2, 1972, under Document No. 912950.

The Board of County Commissioners authorized the conveyance of the property pursuant to Section 7-8-101(1) of the Montana Code Annotated (2019) at its November 19, 2019 meeting.

Dated this 19<sup>th</sup> day of November 2019.

  
Denis Pitman,  
Yellowstone County Commissioner

  
Donald W. Jones  
Yellowstone County Commissioner

Attest:

  
Jeff Martin  
Yellowstone County Clerk and Recorder

  
John Ostlund  
Yellowstone County  
Commissioner

State of Montana

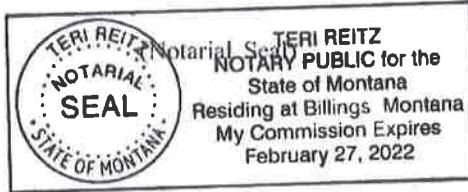
SS

County of Yellowstone }

On November 19, 2019 before me, personally appeared Denis Pitman, Donald W. Jones and John Ostlund members of the Board of County Commissioner of Yellowstone County, and Jeff Martin, the Yellowstone County Clerk and Recorder, and acknowledged to me that they executed the attached quitclaim deed on behalf of Yellowstone County in their official capacities as Board Members and the Clerk and Recorder.

Teri Reitz

Notary Public For the State of  
Montana Residing at Billings,  
Montana.  
My commission expires \_\_\_\_\_



#### ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this deed and hereby accepts the property interest conveyed through this instrument.

\_\_\_\_\_  
William A. Cole, Mayor, City of Billings

ATTEST:

By: \_\_\_\_\_  
Denise Bohlman, City Clerk

State of Montana

SS

County of Yellowstone }

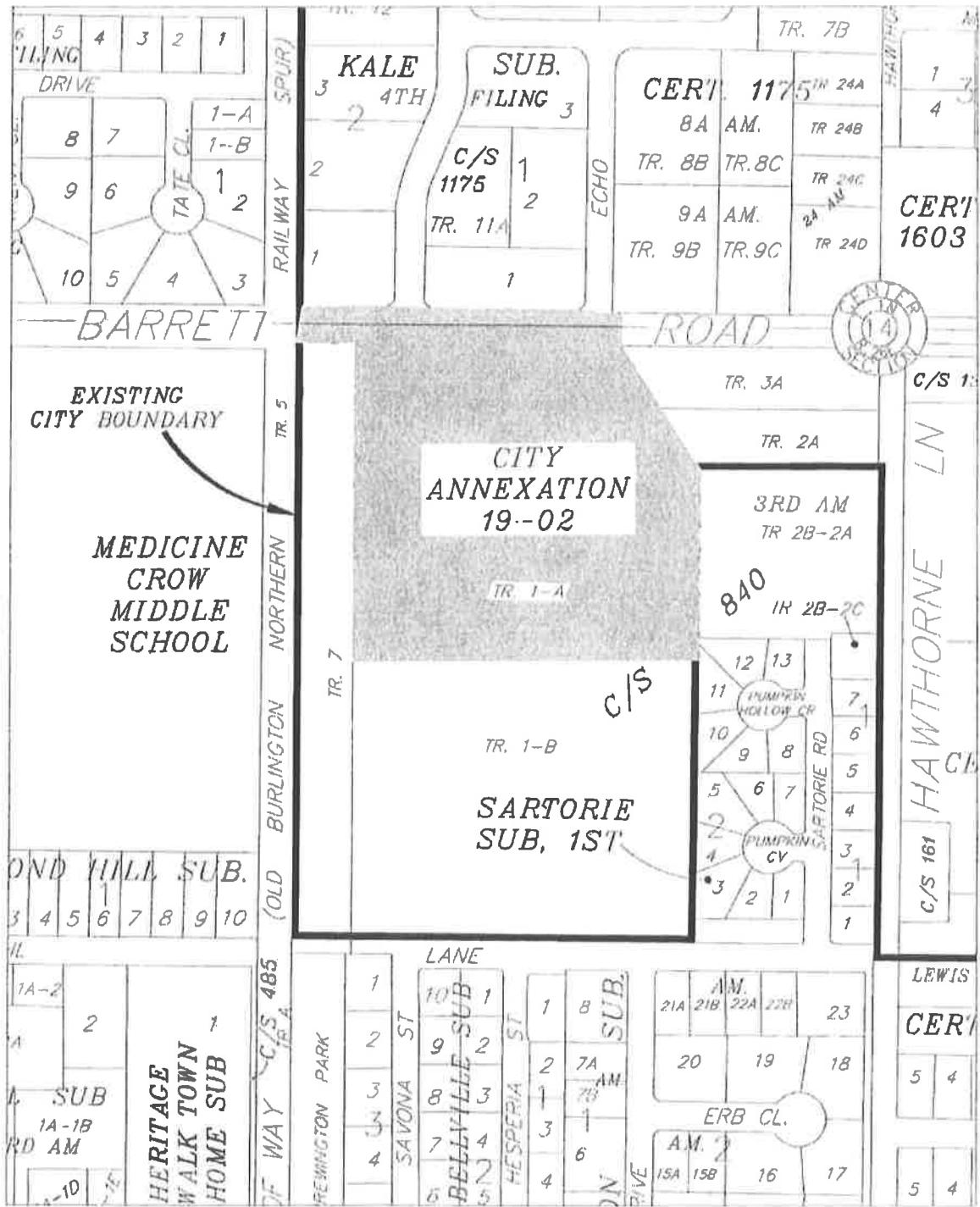
On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, a Notary Public in and for the State of Montana, personally appeared William A. Cole and Denise Bohlman known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, and acknowledged to me that they executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

\_\_\_\_\_  
(Notarial Seal)

\_\_\_\_\_  
Notary Public For the State of  
Montana Residing at Billings,  
Montana.  
My commission expires \_\_\_\_\_

EXHIBIT "A"



# Noise Ordinance Amendments

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Presented to  
Mayor & City Council  
City of Billings

November 25, 2019

By City Council Noise Committee  
and  
Brent Brooks, City Attorney  
Dan Autenrieth, Ph.D, MT Tech  
Capt. Brian Korell, Billings Police Dept.

# Noise Ordinance Committee

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## **City Council Noise Ord. Committee:**

- Appointed by Mayor/Council on June 10, 2019
- Members:
  - Mayor Bill Cole
  - CM Brent Cromley
  - CM Mike Yakawich
  - CM Reg Gibbs
  - CM Roy Neese

# Noise Ordinance Committee

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## Purpose:

- To review noise ord. exemptions in § 17-105, especially stadium noise §17-105(6)
- Review all ord. amendments and make any further recommendations

## Committee Meetings:

- July 15, August 7 and October 24, 2019

# Noise Ordinance Review

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## Introduction/History of Council Review

- Council Initiative by former CM McFadden to review/revise noise ordinances to address citizen complaints/issues
- Late 2016: City Administrator Volek created internal committee of staff from Public Works, Police, Legal and Administration
- Several meetings to discuss/review/draft changes
- Feb. 2017: Draft presented to DPARB and sent to Yell. Co, Tavern Assoc. early Sept 2017 for comment
- Sept. 25 2017: Draft amendments presented to Council

# Noise Ordinance Review

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## Timeline/History (cont.)

- Sept 25 2017: Council postponed proposed amendments/directed staff to retain expert to review ord./report to Council with recommendations
- April 16, 2018: Council approved Dr. Dan Autenrieth, MT Tech-to review ord., prepare written report/recommendations
- May 28, 2018: Council approved small amendment to Sec. 17-106(a) limiting # of waivers to four per calendar year
- Early September 2018: Public Comment period on Dr. Autenrieth's report-report/comments posted on City web

# Noise Ordinance Review

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## Timeline/History (cont.)

- September 16, 2018:
  - Report/recommendations presented to Council by Dr. Autenrieth
  - Council directed staff to proceed with amendments in collaboration with Dr. Autenrieth and his recommended amendments
  - Goal was to bring back amendments in first half of 2019

# Noise Ordinance Review

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- **June 10, 2019 First Reading/Public Hearing:**
  - Public Comment mainly on Daylis stadium scoreboard/sound system noise; § 17-105(6)
  - Some additional comments on exemptions from noise levels
  - First Hearing continued/Council Committee appointed to further study and make recommendations

# Noise Ordinance Proposed Amendments

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## Major Recommended Changes

- Simplified definitions of Residential, Commercial and Industrial zones for noise ord. purposes (BMCC 17-101 and 17-103) **pp.1-3**
- Added Maximum and Average Noise Limits-Table 1 Sec. 17-103(b). Measured by trained city officials. **pp.4-5**
- Added new Section 17-104 providing specific ending times for **outdoor events** unless waiver granted **p.5:**
  - Inside CBD: 10 pm Sun-Thur, 11 pm Fri/Sat
  - Outside CBD: 9 pm Sun-Thur, 10 pm Fri/Sat

# Noise Ordinance Proposed Amendments

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## Recommended Changes (cont.)

- **Exemptions: BMCC 17-105(6), (7), (8):**
  - Revised/clarified school, stadium and City Park events and athletic/musical/other events permitted by PRPL . **pp 6-7**
  - **MOU** required for outdoor school events; no sound system during athletic team practices. **p. 6**
  - Must still end outdoor events per times in 17-104. unless waiver granted **p.5**
- **Waivers: BMCC 17-107(a):**
  - Only four allowed in a 12 month period for outdoor events. (This Amendment currently in force-approved by Council on May 28 2018)
  - CBD/EBURD exempt from this limit

# Noise Ordinance Proposed Amendments

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## Recommended Changes (cont.)

- **Waivers: BMCC 17-107(a)-(c):**
  - Waiver cannot override Special Review outside amplified noise condition on specific property **p.9**
  - City may grant conditional waiver **p. 10**

# Noise Ordinance Proposed Amendments

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- **Waiver Denial Appeal: Sec. 17-107 (c)-unchanged p.10:**
  - Revised to provide more specific deadline
  - Applicant must appeal denial at least 30 days before event occurs-placed on next available Council Regular agenda for review
- **Penalty for Violation: Sec. 17-108-unchanged**
  - Municipal Infraction-civil fine/abatement imposed by Muni Ct Judge-First Offense \$110
  - Other remedies available-injunction/abatement of noise

# Noise Ordinance Proposed Amendments

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## Conclusion

- Revisions are based on expert Dr. Autenrieth's analysis/report/recommendations/presented to Council/concurred with on September 16, 2018
- Current draft contains recommendations from Council Committee Review in July, August, October 2019
- Attempt to achieve/maintain balance of often competing interests
- Council may make further amendments as deemed appropriate

**QUESTIONS?**