

Article 27-500. HISTORIC PRESERVATION

DIVISION 1. GENERALLY

SEC. 27-501. INTENT.

The intent of this ordinance is to promote the educational, cultural, economic, and general welfare of the community by:

- (1) Providing a mechanism to identify and preserve the distinctive historic architectural characteristics of the City of Billings that represent elements of the city's cultural, social, economic, political, military and architectural history;
- (2) Fostering civic pride in the beauty and noble accomplishments of the past as represented in the City of Billings prehistoric and historic sites and historic districts;
- (3) Conserving and improving the value of property designated as historic sites or within historic districts;
- (4) Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry, and providing economic benefit to the city;
- (5) Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods and thereby preventing future urban blight.

SEC. 27-502. DEFINITIONS.

For the purposes of this article, the following definitions apply:

Alteration: Any act or process that changes the exterior architectural appearance of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure. Alterations and changes may include, but are not limited to, covering original materials and features, replacing a window, re-pointing brickwork, sandblasting, and the removal of paint by chemical or other means.

Appeal: An applicant may appeal a recommendation of the Yellowstone Historic Preservation Board (YHPB) to the Billings City Council.

Applicant: The owner of record of an Historic Site and/or Local Register property; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a “bona fide” contract to purchase an Historic Site and/or Local Register property.

Area: A specific geographic division of the City of Billings.

Certificate of Appropriateness: A signed and dated document that shall be submitted to the Yellowstone Historic Preservation Board for recommendation of the appropriateness of any new construction, demolition, exterior alteration or change of

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location of an historic site or structure located within a Historic District or designated on the Local Register. This certification is required prior to the issuance of a building permit, demolition permit or sign permit.

City administrator: The city administrator of the City of Billings or his/her designee.

Construction: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Council: The city council of the City of Billings.

Demolition: Any act or process that destroys in part or in whole a historic site or a structure within a historic district.

Exterior architectural appearance: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Historic district: An area designated as a "historic district" by ordinance of the city council which may contain within definable geographic boundaries one or more historic sites and which may have within its boundaries other properties or structures that, while are not of such historic and/or architectural significance to be designated as historic sites, nevertheless contribute to the overall visual characteristics of the historic site or historic sites located within the historic district.

Historic site: A property or structure designated as a historic site by ordinance of the city council pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Billings.

Local Register: Means a list of properties designated by the City of Billings based on Local Register criteria and procedures, and properties listed to the National Register of Historic Places that have petitioned to be listed to the local register.

National register: National Register of Historic Places. A list, maintained by the US Department of Interior, of sites, properties, objects and districts having local, state or national historical, architectural or cultural significance.

Preservation board: The Yellowstone Historic Preservation Board.

Removal: Any relocation of a structure on its site or to another site.

Repair: Any change not otherwise construed as an alteration, as herein defined, that constitutes replacing broken, worn or damaged materials with like, not necessarily

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identical, materials and is insignificant to the size and condition of the structure or property. Repainting and re-roofing shall be included under this definition of repair.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, building, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

SEC. 27-503. HISTORIC PRESERVATION BOARD.

(a) *Members:* The Yellowstone Historic Preservation Board shall consist of nine (9) members with a demonstrated interest, competence, and knowledge in historic preservation. The following five (5) members shall be selected jointly by all signatories to the inter-local agreement establishing the Yellowstone Historic Preservation Board. Each signatory has one (1) vote. In this selection process the simple majority vote will prevail. The board shall include at least three (3) members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, or other historic preservation-related disciplines such as cultural geography or cultural anthropology. The board shall also include two (2) additional members from the following:

One member of the Yellowstone County board of planning;

One member of the Laurel board of planning;

One property owner either residing or owning a business in a historic district or who owns property listed on the National Register of Historic Places;

One member of a city/county preservation society.

The four (4) remaining board members shall be considered "at-large" and shall consist of:

One City of Billings resident appointed by the Billings city council;

One county resident appointed by the Yellowstone County commissioners;

One City of Laurel resident appointed by the Laurel city council;

One Crow Tribal member who lives within the Yellowstone County portion of the Crow Reservation or elsewhere within Yellowstone County appointed by the Crow Tribal council.

(b) *Appointments and terms:* Terms of office for the historic preservation board members shall be for two-year terms and shall be staggered. Upon enactment of this resolution, three (3) members shall be appointed to one-year terms. The following year, all terms shall be for two (2) years.

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(c) *Absences and removal:*

- (1) Each member shall inform the preservation officer at least one (1) day before the meeting of the inability to attend a board or committee meeting. Such an absence shall be considered an excused absence.
- (2) If any member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residences, or by announcement at a meeting attended by him/her, the president may call such absences to the attention of the board which may then recommend to the appointing authority that such member be asked to resign and then another person be appointed to serve out the unexpired term.

(d) *Vacancies:* Vacancies occurring on the board shall be filled within sixty (60) days in the same manner as for the original appointment. This appointment shall be for the remainder of the unexpired term.

(e) *Meetings:* The historic preservation board shall conduct a minimum of one (1) regularly scheduled meeting each month, except that the chairperson may cancel any meeting or schedule special meetings when such meetings are necessary to carry out the provisions of this article.

Special meetings of the board may be called by the chairperson or by two (2) members, upon request to the preservation officer. The preservation officer shall notify members at least two (2) days in an advance of the special meeting.

Meetings shall be open to the public in accordance with the State of Montana Open Meeting Law, and all written or taped minutes, reports and case decisions shall be available to the public.

The historic preservation board shall establish bylaws conforming to the guidelines set forth in the "Certified Local Government Program in Montana."

(f) *Powers and duties:* Yellowstone historic preservation board shall:

- (1) Maintain a system for the survey and inventory of historic and prehistoric properties. The information shall be available to the public.
- (2) Review and participate in all proposed National Register nominations within the City of Laurel, the City of Billings, the Crow Reservation and/or Yellowstone County.
- (3) Encourage public participation while assisting with the enforcement of appropriate state and local legislation concerning historic preservation.
- (4) Submit an annual report to the State Historic Preservation Office describing projects, activities, recommendations and decisions made, projects reviewed, recommendations to the National Register of Historic Places, revised resumes

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of historic preservation board members and member attendance records, and indexed copies of typewritten or tape recorded minutes of all historic preservation board meetings. Copies of the following will be attached to the annual report: inventory forms, survey reports, maps, photographs, and other survey materials or planning documents generated during the preceding year.

- (5) Have at least one (1) member attend at least one (1) training session each year and review any orientation materials provided by the State Historic Preservation Office.
- (6) Review and comment on land use proposals and planning programs related to historic resources, such as municipal improvements, housing and other public programs.
- (7) Consult with city, county, tribal, state and federal agencies on all applications, environmental assessment, environmental impact statements, and other similar documents pertaining to historic districts, historic sites, and landmarks or neighboring properties within the City of Billings and/or Yellowstone County. Comments and recommendations by the historic preservation board will be sent to the Billings city council and the Yellowstone county commissioners.
- (8) Review the local zoning regulations for their applicability to the characteristics of the proposed historic districts, and make appropriate recommendations to the zoning commissions and the boards of adjustment concerning any changes or modifications to the zoning regulations, zoning boundaries, zone change applications, special review applications, or variance applications.
- (9) Make recommendations to the boards of adjustments regarding variance change applications within any historic district.
- (10) Assist with the preparation and adoption of a comprehensive historic preservation plan and assist with the annual updates of said plan.
- (11) Provide information, advice and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping or maintenance of potentially historic buildings or structures. The historic preservation board may recommend voluntary design guidelines which will be made available to the public for assistance in preservation projects.
- (12) Participate in, promote and conduct public information, education and interpretive programs pertaining to historic potential tax incentives and federal and/or state grants that might be available.
- (13) Provide, in its discretion, quarterly reports to all governing bodies to discuss its activity for the past quarter. Minutes of board meetings and any other information deemed necessary may be appended to the quarterly reports. A copy of the annual report to the State Historic Preservation Office shall be provided to each of the governing bodies.
- (14) Undertake any actions necessary to assure compliance of the preservation board with certified local government requirements.

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- (15) Review and forward a recommendation to the City Administrator or his/her designee on a Certificate of Appropriateness as requested by applicants. The application may be recommended for approval as presented, approval with modifications, denied or delayed as set out in this Article.

SEC. 27-504. HISTORIC PRESERVATION OFFICER.

- (a) *Duties:*
 - (1) The historic preservation officer shall serve as staff to the historic preservation board.
 - (2) The historic preservation officer must have demonstrated interest, competence or knowledge in historic preservation.
 - (3) The historic preservation officer will assist with coordinating the local historic preservation programs, help in the development of local surveys, projects and historic preservation planning documents, advise and provide assistance to the historic preservation board, government agencies and the public, and ensure, to the extent practicable, that the duties and responsibilities delegated by this resolution are carried out.
 - (4) The historic preservation officer shall be appointed by mutual agreement of the Laurel city council, the Billings city council, the Crow Tribal council and the Yellowstone county commissioners.

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SEC. 27-505. LOCAL REVIEW AND DESIGNATION.

Historic designation on the local registry is the process by which a building, structure, site, or district is recognized as having historic, architectural or archaeological significance. It is the primary means for identifying and protecting Billing's historic resources.

To qualify as a historic site or historic district, the individual properties, structures, sites, or buildings, or groups of properties, structures, sites or buildings must have significant character, interest, or value as part of the historical, cultural, aesthetic, and architectural heritage of the city, county, state or nation. To qualify as a historic site or district, the property or properties must fulfill one (1) or more of the criteria set forth in subsection (1) below and meet the criteria set forth in subsections (2)a. and (2)d. below.

- (1) A building, structure, site, or district will be deemed to have historical or cultural significance if it meets one (1) or more of the following criteria:
 - a. Is associated in a significant way with the life or activities of a major person important in city, county, state, or national history (for example, the homestead of a local founding family);
 - b. Is the site of a historic event with significant effect upon the city, county, state, or nation;
 - c. Is associated in a significant way with a major historic event, whether cultural, economic, social, military, or political;
 - d. Exemplifies the historical, political, cultural, economic, or social trends of the community in history; or
 - e. Is associated in a significant way with a past or a continuing institution which has contributed substantially to the life of the city and/or county.

- (2) A building, structure, site, or district is deemed to have architectural or aesthetic significance if it fulfills one (1) or more of the following criteria; except that to qualify as a historic interior, the interior must meet the criteria contained within subsections (2)b. and (2)d.:
 - a. Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles;
 - b. Embodies those distinguishing characteristics of an architectural style, period, or method of construction;
 - c. Is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or
 - d. Contains elements of design, detail, material, or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaption to the environment.

- (3) A building, structure, site, or district will be deemed to have historic significance if, in addition to the previously mentioned criteria in (1) and (2), the building, structure, site, or zone meets historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places

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as prepared by the United States Department of the Interior under the Historic Preservation Act of 1966, as amended. Said regulations, as amended from time to time, are made part of this chapter as if fully set forth herein.

- (4) Classification of Structures and Buildings. All historic buildings, structures, archaeological sites, districts, and neighborhoods classified and designated on the local register, will be approved by the city council and be made an overlay to the city and county, zoning maps and land use plans. Such buildings, structures, districts, neighborhoods, and the like will be divided into two (2) classes:
 - a. Contributing. Those buildings, structures, archaeological sites, or districts classified as historic shall possess identified historical and architectural merit of a degree warranting their preservation. All buildings, structures, archaeological sites, and the like, listed in the city historic survey, as adopted and approved by the city council and county commission, will be considered worthy of preservation and may be designated as a historic site or a historic district.
 - b. Noncontributing. Those buildings and structures within a historic district not listed in the city historic preservation survey, and those buildings and structures determined by the preservation board to be of no contributing value.
- (5) All commercial districts listed in the National Register of Historic Places within the City of Billings automatically become part of the Local Register. Commercial buildings individually listed in the National Register of Historic Places within the City of Billings may petition to become part of the Local Register by request of the owner of record of said National Register property. This petition must be submitted to the Billings City Council.
- (6) Individually listed residential buildings and/or residential districts listed in the National Register of Historic Places within the City of Billings may petition to become part of the Local Register. Individuals may apply on their own behalf. Residential Historic Districts may petition to become part of the local register with a minimum of 2/3 approval by the owner(s) of the properties within the district.

SEC. 27-506. NATIONAL REGISTER OF HISTORIC PLACES; NOMINATION REVIEW.

(a) The preservation board shall review proposed nominations to the National Register of Historic Places submitted by the State Historic Preservation Officer or other sponsor qualified pursuant to United States Department of the Interior regulations. The preservation board will develop or receive the documentation necessary to nominate properties to the National Register of Historic Places. The preservation board shall evaluate, in a timely manner, nomination proposals received for completeness. Should a nomination proposal not be technically complete, the preservation board shall notify the proposal's sponsor, identifying the technical deficiencies in writing, within thirty (30) days of receipt of the nomination proposal. If the nomination proposal is technically

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complete, the preservation board shall place the item on its agenda for the earliest possible regular meeting after notification procedures are complete.

(b) The preservation board shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least thirty (30) days but not more than seventy-five (75) days prior to the preservation meeting at which the nomination proposal will be considered.

- (1) Owner(s) of record of the property. The list of owners shall be obtained from official tax records and provided with the nomination application. Where there is more than one (1) owner on the list, each separate owner shall be notified.
- (2) The mayor of the City of Billings. Said local officials shall have thirty (30) days from receipt of notice within which to submit the preservation board a written recommendation supporting or opposing the nomination.
- (3) The State Historic Preservation Officer.

(c) When the preservation board considers a nomination proposal that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the preservation board, the preservation board shall seek professional expertise in this area before rendering a decision, but failure to obtain such advice shall not invalidate its determination on the proposal.

(d) Nomination proposals shall be considered by the preservation board at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the preservation board meeting. All nomination proposals shall be forwarded, with a record of official action taken by the preservation board and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within thirty (30) days of the preservation board meeting at which they were considered.

(e) Any person or organization supporting or opposing the nomination of a property to the national register shall be afforded the opportunity to make their views known in writing or in person at meetings of the board. All such correspondence regarding a nomination proposal shall become part of the permanent record and shall be forwarded to the state historic preservation officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the state historic preservation officer.

(f) Nomination proposals to be considered by the preservation board shall be on file at the Yellowstone county board of planning offices for at least thirty (30) days but not more than seventy-five (75) days prior to the meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local access, such as a local library, courthouse, or other public place.

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(g) Any person may appeal the decision of the preservation board regarding a proposed nomination by filing a written appeal with the state historic preservation officer within thirty (30) days of the preservation board decision.

(h) In reviewing national register of historic places nomination proposals, the preservation board shall follow the regulations found in 36 C.F.R. Part 60, and as amended from time to time, promulgated by the National Park Service, Department of the Interior under the Historic Preservation Act of 1966, as amended.

SEC. 27-507. DESIGNATION OF HISTORIC DISTRICTS.

- (a) The following area within the city is designated as the Billings Townsite Historic District:

Beginning at the northwest corner of the right-of-way intersection of North 26th Street and 1st Avenue North, located in the original Town of Billings, said point being the point of beginning; thence, southeasterly along the westerly right-of-way line of North 26th Street to the southerly right-of-way line of Montana Avenue, thence northeasterly along said southerly right-of-way line of Montana Avenue 280± feet, thence southeasterly along a bearing perpendicular to the bearing of the southerly right-of-way line of Montana Avenue to the centerline of the Burlington Northern Railroad right-of-way thence northeasterly along said railroad right-of-way line to a point which is the extension of the easterly right-of-way line of North 22nd Street, thence northwesterly along said extension of the easterly right-of-way line of North 22nd Street and along the easterly right-of-way line of North 22nd Street to the northeast corner of the right-of-way intersection of North 22nd Street and 1st Avenue North, thence southwestward along the northerly right-of-way line of 1st Avenue North to the point of beginning. Included within this area, but not limited to it, are Blocks 111, 112, 113 and 114 of the original Town of Billings.

Beginning at the northwest corner of the right-of-way intersection of North 26th Street and Montana Avenue, located in the Original Town of Billings, said point of beginning; thence southwestward to the easterly right-of-way line of North 27th Street and Montana Avenue; thence southeasterly along the eastern right-of-way of North 27th Street to the center line of the Burlington Northern right-of-way, thence northeasterly to the eastern boundary of the existing Billings Townsite Historic District, then following the eastern border of the existing district to the point of beginning.

- (b) The following area within the city is designated as the Billings Old Town Historic District:

Beginning at the east side of North 30th Street mid-block alley entrance, located in the Original Town of Billings, said point of beginning; thence easterly along alley to the northeast corner of the building at 2815 Montana

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Avenue; thence south to the centerline of Montana Avenue; thence turns easterly and continues along the centerline until reaching the intersection of 27th Street and Montana Avenue; thence south to the southern edge of the Burlington Northern right-of-way; thence easterly along said right-of-way to the east side of the building at 2601 Minnesota Avenue; thence south to the centerline of Minnesota Avenue; thence westerly to the intersection of Minnesota Avenue and South 26th Street; thence south to the mid-block alley entrance; thence westerly to the centerline of South 27th Street; thence south to the intersection of South 27th Street and 1st Avenue South; thence westerly along the centerline of 1st Avenue South to the west boundary of the building at 24 South 30th Street; thence north to the northwest boundary of the building at 24 South 30th Street; thence easterly to the centerline of South 30th Street; thence north of the intersection of South 30th Street and Minnesota Avenue centerline; thence easterly along said centerline to the intersection of Minnesota Avenue and South 29th Street; thence north along South 29th Street centerline to the intersection of North 29th Street and Montana Avenue; thence westerly to the intersection of Montana Avenue and North 30th Street; thence north along North 30th street centerline to the point of beginning.

- (c) Existing or additional historic districts may be expanded or created by amendment of this section as provided for under Section 27-1502 of this article. Provision shall be made for public participation in the expansion of existing historic districts or the development of any new historic district.¹

SECS. 27-508--27-510. RESERVED.

DIVISION 2. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION AND BUILDING PERMITS.

SEC. 27-511. APPROVAL OF BUILDING, EXTERIOR REMODELING AND DEMOLITION PERMITS.

No permit for building, alteration or demolition (excluding permits for interior work) of any building or structure currently listed or part of a district listed on the City of Billings Local Registry shall be granted by the city administrator or his/her designee until the historic preservation board has advised the city administrator or his/her designee concerning the application for a Certificate of Appropriateness pursuant to the procedures and criteria set forth in this article. The board may advise the city administrator to approve the application as presented, approve with modifications, deny or delay based upon advice given by the board and the criteria set forth in Sections 27-514 and 27-515 of this article.

The owner or the owner's agent is responsible for applying for a Certificate of Appropriateness prior to, or concurrently with, any application for building, demolition, or alteration.

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SEC. 27-512. PROCEDURES FOR HISTORIC PRESERVATION BOARD REVIEW AND ADVICE ON A CERTIFICATE OF APPROPRIATENESS.

Procedures shall conform to the following:

- (1) The city administrator shall, immediately upon receipt thereof, submit to the historic preservation board for consideration each complete application for permit for building, (excluding permits for interior work) exterior remodeling or demolition of any structure situated wholly or partially within the historic district. Within ten (10) days after receipt of the application, the board may request that the applicant furnish additional information or drawings concerning the proposed project.
- (2) Within thirty (30) days after receipt by the board of any such application, or thirty (30) days after receipt by the board of any additional information or drawings requested from the applicant, the board shall advise the city administrator whether it recommends approval as presented, approval with modification, denial or delay of the permit. If the board does not advise the city administrator within such thirty-day period it will be deemed conclusive evidence that the board has advised that the application be approved without modification. The foregoing thirty-day period may be extended by the board for an additional thirty-day period upon consent of the applicant.
- (3) Within ten (10) days after the latter of receipt by the historic preservation board of the application or receipt by the board of additional information or drawings requested from the applicant, the board shall set a date for a public hearing on the application.
- (4) Notice of the application and hearing shall be given by:
 - a. Publication of the same in a newspaper of general circulation in the city at least seven (7) days prior to the date set for the hearing;
 - b. Posting the same on the property affected by the application at least fifteen (15) days prior to the date set for the hearing; and
 - c. Mailing the same to the applicant at the address stated on the application at least fifteen (15) days prior to the date set for the hearing.
- (5) The historic preservation board may continue the hearing to a subsequent time. Any person may appear at the hearing and present such evidence or testimony at the board deems relevant to its decision. Following the hearing, the board shall advise the city administrator to approve as presented, approve with modifications, deny or delay the application.
- (6) The historic preservation board's advice with regard to each application and the reasons therefore, shall be in writing, shall be preserved and shall be available for public inspection in the office of the Historic Preservation Officer.

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- (7) The city administrator or his/her designee will notify, by certified mail, return receipt requested to the applicant and/or his/her agent of the final decision.

SEC. 27-513. REVIEW BY COUNCIL.

If, pursuant to this article, the city administrator disapproves an application or approves an application with modifications, the applicant may appeal the decision of the city administrator to the council. The appeal must be perfected by the following procedure:

- (1) The applicant shall file with the city administrator's office within five (5) working days of the date of the administrator's final decision, a request in writing for review by the city council, and the city administrator shall place the matter on the next council agenda following the administrator's decision.
- (2) If the administrator's final decision is contrary to the advice of the board with regard to any application, the decision of the city administrator shall be automatically reviewed by the council and the city administrator shall advise the city clerk, and the matter shall be placed on the next council agenda following the administrator's decision. The council may thereupon convene a public hearing or continue the matter to a public hearing at a more convenient date certain, not more than ten (10) days thereafter.
- (3) The council's decision with regard to any matter appealed to it pursuant to this article shall be based upon the criteria set forth in this article.

SEC. 27-514. DESIGN REVIEW PROTECTION, HISTORIC PRESERVATION GUIDELINES, AND CERTIFICATE OF APPROPRIATENESS.

In considering an application for a Certificate of Appropriateness for a building or demolition permit, the preservation board shall be guided by the Secretary of Interior Standard's for the Treatment of Historic Properties with guidelines for preserving, rehabilitation, restoring and reconstructing historic buildings and the following general standards.

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- (3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- (4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment.

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These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.

SEC. 27-515. DEMOLITIONS.

The preservation board, upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for demolition of designated historic sites, or buildings, structures, or appurtenances within designated historic districts:

- (1) Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register;
- (2) Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically nonviable expense;
- (3) Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city;
- (4) Whether retaining the structure would promote the general welfare of the city by providing an opportunity to study local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage;
- (5) Whether there are definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the character of the surrounding area.

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SEC. 27-516. CRITERIA FOR DEMOLITION PERMITS.

- (1) No application for a permit to demolish a structure located within the Billings Local Register shall be approved unless:
- (2) The Yellowstone Historic Preservation Board with recommendations from the City of Billings Building Official has determined that the structure poses an immediate threat to public safety.
- (3) No disapproval of a permit to demolish shall be in effect for more than six (6) months after the board's recommendation. During such six (6) month period, the historic preservation board may take or encourage the taking of whatever steps seem likely to lead to the structure's preservation. The board may work with the property owner to seek alternative economic uses for the property, may consult with private civic groups, interested private citizens and other public boards or agencies.

SEC. 27-517. INFORMAL OPINIONS.

The historic preservation board may, in its discretion, render informal opinions to any person contemplating application for a permit for building, exterior remodeling or demolition of any structure situated wholly or partially within the historic district. The board will not be bound by its informal opinions.

SEC. 27-518. PUBLIC IMPROVEMENTS.

Any public improvements installed within the historic district shall be compatible with the criteria for approval of permits for building or exterior remodeling set forth in this article to the extent that such installation does not conflict with the requirements of the Manual on Uniform Traffic-Control Devices.

SEC. 27-519. PENALTY.

Violations of this article are designated as municipal infractions and punishable by civil penalties as specified in Section 18-1304.

(Ord. No. 93-4927, § 1, 7-26-93) (Ord. No. 93-4927, § 8, 7-26-93; Ord. No. 94-4970, § 1, 9-26-94)