

ORDINANCE NO. 1498

AN ORDINANCE AMENDING THE ZONING REGULATIONS BY ADDING CHAPTER 31 TO THE CODE OF CITY ORDINANCES FOR THE CITY OF LIVINGSTON, MONTANA, FOR DESIGNATING HISTORIC DISTRICTS AND REGULATIONS GOVERNING DEVELOPMENT WITHIN SUCH DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AS FOLLOWS:

Section 1. That the Code of Ordinances, City of Livingston, is hereby amended by adding Chapter 31, which shall read as follows:

"Section 31.01. Title

This ordinance shall be known as the Historic District Overlay Zoning Ordinance of the City of Livingston.

Section 31.02. Purpose and Intent

The purposes and intent of this ordinance are as follows:

- 1) To maintain the present housing stock in the Livingston community and thereby conserve energy through the recycling and rehabilitation of existing structures.
- 2) To promote the tourist industry in the City of Livingston through the preservation of historically significant building structures and the creation of a central business district that reflects the cultural and architectural past of the City.
- 3) To provide a means of informing owners of property and building structures within the historic districts of potential tax incentives and federal grants that might be obtained through the preservation of those historic structures.
- 4) To enhance the property values and to increase economic and financial benefits to the City of Livingston and its inhabitants through the preservation of historic buildings.

Section 31.03. Territorial Jurisdiction

A) Official Historic District Zoning Map

The properties to be included in the Historic District Overlay Zone are identified on the Historic District Overlay Zoning Map on file at the City Clerk's Office, and entitled "The Historic District Overlay Zoning Map of the City of Livingston."

The properties included in this zoning district are those properties accepted by the United States Department of the Interior for inclusion into the National Register of Historic Places.

B) Amendments to the Zoning Map

The Historic District Zoning Map may be amended from time to time through the procedure outlined in Section 30.71 of the Livingston Code of City Ordinances.

C) Criteria for Inclusion into Historic District Zone

Only those sites and structures that have been accepted as Historic Places by the National Register of Historic Places may be included in the Historic District Zone.

D) Exclusion of Properties from the Historic District Zone

The Livingston City Council may eliminate certain properties from the Historic Zoning District, only after following the procedures outlined in Section 30.71 of the Livingston Code of City Ordinances. In such cases, the property shall maintain the zoning classification specified in the underlying district.

E) Fees

No fees shall be charged for any petition requesting either inclusion to or exclusion from the Historic District Zone.

Section 31.04. Permitted Uses

Any building or structure within the designated historic districts may be used for any purpose allowed in the underlying zoning district. Any request for a change in use not permitted as a use by right in the underlying zoning district must be submitted to the Livingston Zoning Commission as a request for a Special Exemption or a Change in Zone in accordance with the procedures outlined in Chapter 30, Section 30.71 or Section 30.75. If such a Special Exemption Permit or Zone Change is granted by the Livingston City Council such change shall not have any effect on the designation of the property as a historic district zone.

The Historic District designation shall be an overlay zone, and as such shall be in addition to existing zoning designations and the regulations appropriate thereto.

Section 31.05. Design Review Committee

A) Establishment of Design Review Committee

In order to carry out the purpose and intent of this resolution a Design Review Committee is hereby created. The Committee shall consist of nine (9) residents of the City of Livingston and, in as much as possible, shall consist of the following mix:

- 1) Three members of the Livingston Zoning Commission to be appointed by the mayor.
- 2) One local architect registered to practice in the State of Montana.
- 3) One locally licensed contractor.
- 4) One resident knowledgeable about the historical aspects of Livingston.
- 5) Three owners of property within the historic district.

B) Appointment, Term Vacancy

- 1) All appointments to the Design Review Committee shall be made by the mayor and approved by the City Council.
- 2) The terms of each member shall run concurrent with the term of mayor.
- 3) Vacancies on the Committee shall be filled by appointment by the mayor and are subject to the confirmation of the City Council for the unexpired portion of the term.

C) Officers, Quorum, Staff

- 1) The Chairperson shall be elected by the members of the Committee at the first meeting held in each calendar year.
- 2) A quorum shall consist of ^{five}~~four~~ members of the Committee.
- 3) The Building Official shall serve as the executive secretary to the committee and the zoning coordinator shall perform all staff duties required by this ordinance.

D) Conflict of Interest

No member of the Design Review Board may vote on any project which he or she or any partner has worked or in which he or she or any partner has any financial interest, including professional fee.

E) Meetings, Notice of Meetings

- 1) The Board shall schedule a minimum of one regularly scheduled meeting each month, except that the Chairperson may cancel the meeting if no project is pending review.

Additional special meetings may be called by the Chairperson when such meetings are necessary to carry out the provisions of this ordinance.

- 2) Requirements for notice of meetings of the Design Review Board shall be determined by the Chairperson in consultation with the City Attorney. Notice of meetings should be calculated to reach all interested and affected members of the community in sufficient time to enable them to participate meaningfully in Board proceedings. Notice may be achieved by posting, through advertisements in newspapers of general circulation, radio public service announcements, news releases to local news media or any other method deemed necessary and appropriate.

F) Powers and Duties

The Design Review Committee shall have the power to:

- 1) Establish criteria for designation of properties as a historic site or district, pursuant to the National Register of Historic Preservation criteria.
- 2) Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning programs undertaken by city, county, state or federal agencies, as they relate to cultural and historical resources.
- 3) Establish guidelines to be used by the Board in reviewing applications for permits to construct, alter, change, modify, remove, or significantly affect any cultural resource.
- 4) Provide to all interested parties information available on surveys, technologies and funding sources needed to promote cultural resource preservation.
- 5) Approve or disapprove applications for permits.
- 6) Render advice and guidance upon request of the property owner as to the restoration, alteration, decoration, landscaping or maintenance of any cultural resource designation.

Section 31.06. Permit Procedure for Alteration
or Construction

A) Intent

Any application for a permit for erection, or construction of a new building or structure, or any application for a permit which would affect the exterior appearance of a building or structure located within an historic district shall require a review by the Design Review Committee. The Building Official shall refer all such applications to the chairperson of the Design Review Committee. No building permit shall be issued unless the committee shall first review and approve the architectural appropriateness of the proposed structure or renovation.

B) Application Procedure

- 1) Applications for permits for construction, renovation and/or demolition of any structure within an historic district shall be made to the Building Official on forms supplied by that office.
- 2) Upon receipt of an application, the building official shall inform the Chairperson of the Design Review Committee of such application. The Chairperson shall then hold a meeting of the Design Review Committee within twenty (20) days of receiving such an application.
- 3) The Chairperson of the Design Review Committee shall cause a Notice of Public Hearing to be published within a newspaper of local circulation no sooner than seven (7) days and no longer than fourteen (14) days prior to the date of the public hearing.

C) Permit Criteria

In considering applications for construction, renovation or demolition permits, the Design Review Committee shall base its decision on whether the proposal therein is architecturally compatible with the buildings, structures and landmarks within the district. In applying such standard, the Committee shall consider, among other factors, the following:

- 1) Exterior architectural features, including all signs.
- 2) General design, scale and arrangement.
- 3) Texture and material.
- 4) The relationship of 1, 2, and 3 above, to other structures and features of the district.
- 5) The purposes for which the district was created.

- 6) The extent to which the denial of the permit would constitute a deprivation to the owner of a reasonable use of his property.
- 7) The relationship of the size and siting of any new or reconstructed structure to the landscape of the district.

All approvals or denials by the Committee shall include a statement of the reasons for such approval or denial, and the conditions to be met, where applicable, whereby the applicant could make his application acceptable to the Committee.

D) Appeals

Decisions of the Design Review Committee shall be treated as administrative. Any decision of the Committee may be appealed by any aggrieved party to the Livingston City Council.

E) Appeals Procedure

Any aggrieved party may appeal directly to the Livingston City Council by filing a request for appeal with the Livingston City Clerk within a reasonable time, as provided by the rules of 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 period of time, not to exceed ten (10) days thereafter. At the hearing any party may appear in person, or be agent or attorney.

F) Fees

No special fees, other than the appropriate building permit fees, shall be charged to any applicant for construction, renovation, or demolition of any historic structure or any structure located within a designated historic district.

Section 31.07. Ordinary Maintenance and Repair

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and/or repair of any structure when such maintenance or repair does not alter the exterior appearance of the building or structure.

Section 31.08. Hazardous Buildings or Structures

Nothing in this ordinance shall prevent the razing or demolition, without consideration of the Design Review Board, of any building or structure within the historic districts which is in such an unsafe condition that it would endanger life or property as determined by the Building Official or the Livingston Fire Chief in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings or the Uniform Housing Code.

Section 31.09 Interior Arrangement

The Design Review Committee shall not have authority to consider interior arrangements.


Section 31.10. Severability Clause

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of this provision to other persons or circumstances is not affected."

Section 2. This Ordinance shall be in full force and effect thirty (30) days from and after its passage by the City Council.

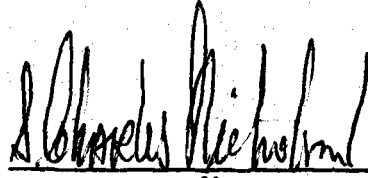
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA THIS 16th DAY OF July, 1982.

ORDINANCE NO. 1498 POSTED AND COPIES MADE AVAILABLE TO THE PUBLIC BY THE CITY CLERK ON THE 3th DAY OF July, 1982.



CITY CLERK

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIVINGSTON ON SECOND AND FINAL READING ON THE 19TH DAY OF JULY, 1982.

APPROVED BY THE MAYOR OF THE CITY OF LIVINGSTON ON THE 19TH DAY OF JULY, 1982.


Mayor

Attest:


City Clerk

