



CLARIFICATION MEMO

City of Helena
Community Development Department
Building Division

Lewis & Clark County
Heritage Tourism
Council



Date: January 28, 2016

From: Kimberley Mack, AIA
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Building Division
City of Helena

Pam Attardo
Helena/Lewis & Clark County
Historic Preservation Officer
Lewis & Clark County Heritage
Tourism Council

Subject: Demolition Review of Historic Buildings
City of Helena, City Code: Title 3 – Chapter 15

Helena's historic districts reflect the area's identity to the community, provide a "sense of place" for residents and visitors, and provide recognition for the area, including an attraction for heritage tourism. Our historic districts and historic buildings include a wealth of architectural variety and are a physical record of the area's cultural development over time.

The purpose of the demolition permit review process is to protect and preserve the historical and archeological heritage of Helena, because the historic district designation is not permanent and the designation and related benefits can be lost forever if changes and alternatives are not carefully considered.

The regulations of this ordinance apply to those structures within the city of Helena that are individually listed on the National Register of Historic Places (NRHP), and also those properties located within the city's historic districts which are designated by the State Historic Preservation Office (SHPO) as primary or contributing.

When any building project is submitted to the City Building Division for permits you will be asked if the structure is listed with NRHP or located in one of Helena's historic districts and if there is any demolition anticipated in the project. If it is, then a pre-application meeting will be required with the City/County Historic Preservation Officer to determine if the demolition review process is required.

The following documents will provide guidance of the process for homeowners or applicants where demolition, in part or whole, of designated structures occurs within the City of Helena.

- A. Review Process Summary
- B. Demolition Review of Historic Buildings Application
- C. Demolition Review of Historic Buildings Process Flow Chart
- D. City of Helena, City Code: Title 3, Chapter 15



City of Helena

City of Helena
DEMOLITION REVIEW –
HISTORIC BUILDING APPLICATION
Helena City Code Title 3, Chapter 15
Application Fee: \$200



The use of this application is only required AFTER it has been determined the proposed project meets the definition of 'demolition' (of an historic structure) as defined in City Code, Title 3, Chapter 15.

DATE STAMP:

DATE COMPLETED: _____

RECEIVED: _____

Please provide all information requested in this application.

AN INCOMPLETE APPLICATION MAY DELAY THE REVIEW OF YOUR REQUEST

APPLICANT:

Name: _____

Address: _____

Primary Phone: _____

Secondary Phone: _____

Email Address: _____

PROPERTY OWNER: (if different from applicant)

Name: _____

Address: _____

Primary Phone: _____

Secondary Phone: _____

Email address: _____

Authorized Representative: _____

(The representative is authorized to represent the property owner and to receive all correspondence)

For items listed below, additional attachments may be provided. Please clearly identify each attachment and the corresponding item number in supplements. (City Code 3-15-6)

A (1). PROPERTY ADDRESS: _____

(2). LEGAL DESCRIPTION: _____

(3). YEAR BUILDING WAS CONSTRUCTED: _____

B. BUILDING DESCRIPTION AND LABELED PHOTOS: _____

C (1). DESCRIPTION OF PROPOSAL: (What will be demolished, what will be installed in its place?) Include drawings and photos to describe the project in its entirety.

(2). WHY IS DEMOLITION REQUESTED? _____

D. DESCRIBE THE SURROUNDING NEIGHBORHOOD AND HOW YOU PROPOSE TO PROTECT THE HISTORIC DISTRICT'S INTEGRITY IF DEMOLITION IS BEING PROPOSED:

E (1). PROVIDE ITEMIZED COST ESTIMATES TO RESTORE OR REPAIR STRUCTURE, DEMOLITION AND NEW CONSTRUCTION. (Attached separate document as necessary)

(2). NAME OF PREPARER OF COST ESTIMATES: _____

PHONE: _____ EMAIL: _____

LIST ANY ADDITIONAL INFORMATION OR DOCUMENTS AVAILABLE TO FURTHER DESCRIBE OR IDENTIFY THE HISTORIC SIGNIFICANCE OF THE STRUCTURE.

I HEREBY CERTIFY AND ACKNOWLEDGE THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED: _____ Date: _____
Applicant

PROPERTY OWNER: _____ Date: _____
(If different from applicant)

REVIEW PROCESS:

- 1) The City-County Historic Preservation Officer (HPO) determines if the property is individually listed on the National Register of Historic Places (NRHP) or is primary or a contributing property located in a City Historic District.
- 2) If the property is not listed on the NRHP or is primary or contributes to a City Historic District, a demolition permit may be issued following Building Division process approval.
- 3) If the property is identified as listed on the NRHP or is primary or contributes to a City Historic District, the HPO meets with the applicant to discuss the proposed demolition and related work.
- 4) If the property is identified as listed on the NRHP or is primary or contributing to a City historic district, and the proposed demolition and related work will destroy, in part or in whole, the historic integrity of the property so that it no longer qualifies for primary or contributing status on the NRHP, a complete application must be submitted along with a \$200 application fee to the Community Development Department for demolition review in accordance with Helena City Code, Title 3, Chapter 15.
- 5) The City/County Heritage Tourism Council (HTC) holds a legally advertised public hearing to consider the demolition permit application. The applicant or applicant's representative must attend the hearing.
- 6) The HTC makes a recommendation to the City Commission to approve or deny the application.
- 7) The City Commission holds a legally advertised public hearing to consider the application and the HTC's recommendation. The applicant or applicant's representative must attend the hearing.
- 8) The City Commission approves or denies the application within 60 days of submission of a complete application.
 - a) If the demolition application is APPROVED, demolition permit may be issued.
 - b) If the demolition application is DENIED, the applicant may not reapply for a demolition permit until 6 months after the date of the previously completed demolition application was submitted, unless Commission finds there are changed circumstances sufficient to warrant a new application.



Review Process for Demolition of Historic Buildings

City of Helena, City Code: Title 3-Chapter 15
(Historic Demolition Ordinance)



The Historic Demolition Ordinance applies to:

- ❖ Properties and structures individually listed National Register of Historic Places (NRHP)
- ❖ Historic properties and structures considered as primary or contributing as determined by the State Historic Preservation Office (SHPO)

Following the submission of an application for permit with the City Building Division, the applicant must meet with the City/County Historic Preservation Officer (HPO) to review the project, preferably on-site. The HPO will make a determination if the destruction, in part or in whole (demolition as defined in the ordinance), will affect the historic integrity of a structure or site so that it no longer qualifies as primary (eligible to be individually listed) or contributing (contributes to the overall fabric of the historic district) status.

- If it is determined that the building is NOT individually listed or a primary/contributing structure within a NRHP historic district by the HPO, then a demolition permit may be issued following the approval of the Building Division plan review process.

For properties that ARE LISTED with NRHP or within a historic district and designated as primary or contributing, the applicant must proceed with the “Review Process for Demolition of Historic Buildings”. The “Review Process” is as follows:

1. Pre-application Meeting will be scheduled:

For a building individually listed on the NRHP or a building that is determined to be primary or contributing to a NRHP historic district, the applicant must meet with City/County Heritage Tourism Council (HTC) and HPO at the project site to explain the proposal.

- a. The HPO makes a determination if the proposal constitutes a demolition as defined by the ordinance.
 - If it is determined that the proposed demolition does NOT meet the definition as defined by ordinance, then a demolition permit may be issued following the approval of the Building Division plan review process.
 - If the proposed demolition DOES MEET the definition as defined by ordinance, the HPO will provide procedural information to the applicant, (i.e., demolition application requirements) and will discuss options such as alternative designs, grants, tax credits, tax abatements, purchase, land exchanges and/or building relocation.

2. Demolition Application Requirements:

The applicant will be provided with a “Demolition Review – Historic Building Application” form. The application shall be completed and returned to the Community Development Department office along with the \$200 application fee.

The application will require the following information:

- a. Legal description of the property, property address, age of structure;
- b. Written description of structure and photographs of same;

- c. Brief description of the proposal & reason demolition is requested;
- d. Brief description of the surrounding neighborhood & how applicant proposes to protect the integrity of the historic district if demolition occurs; and
- e. Cost estimates to restore or repair the structure & name of person or firm preparing the estimates.

3. Heritage Tourism Council Public Hearing:

The HTC shall conduct a legally advertised public hearing, advertising twice, with 6 days separating each publication in compliance with M.C.A. 7-1-4127.

The HTC will review and evaluate:

- a. The information submitted in item 2 above;
- b. The architectural and/or historical significance of the structure, its relationship to the district and/or its relationship to a larger project;
- c. Hear and consider public testimony on proposed demolition; and
- d. Any other relevant information.

The HTC will make a recommendation to the City Commission for approval or denial of demolition application.

4. City Commission Public Hearing:

The City Commission shall hold a public hearing to consider the application.

The City Commission will consider:

- a. Information provided to it by HTC;
- b. HTC's recommendation; and
- c. Any other relevant information.

The City Commissions shall approve or deny the application within 60 days after a complete application has been submitted.

- If the demolition application is APPROVED, the Building Department may issue the permit immediately.
- If the demolition application is DENIED, the applicant may not reapply for a demolition permit until 6 months after the date of the previously completed demolition application was submitted, unless Commission finds there are changed circumstances sufficient to warrant a new application.

Definitions / Key:

Additional definitions for this process are provided in City Code, Title 3, Chapter 15.

DEMOLITION: Any act or process that destroys, in part or in whole, the historic integrity of a structure or site, including the exterior or facade of the structure, or otherwise alters the structure so that it no longer qualifies for primary or contributing status.

NRHP - National Register of Historic Places

HPO - City/County Historic Preservation Officer

HTC – Lewis & Clark County Heritage Tourism Council



DEMOLITION PERMIT PLAN SUBMITTAL REQUIREMENTS

MINIMUM PLAN SUBMITTAL REQUIREMENTS WHERE THE COMPLETE REMOVAL OF THE STRUCTURE IS INTENDED

APPLICABLE CODES:

2012 International Building Code, Section 105.1 - Multi-family and Commercial Structures

2012 International Residential Code, Section R105.1 - One- and two-Family Dwelling Structures

SUBMITTAL REQUIREMENTS:

The plan must be drawn neatly to scale and sufficiently detailed to indicate the nature of the work proposed by showing the applicable items listed below. Suggested scale for the site plan, which may be adjusted in scale to the size of the property and the project, should not be less than 1 inch = 30 feet.

THE FOLLOWING INFORMATION MUST BE SUBMITTED FOR YOUR PLANS TO BE CONSIDERED AS COMPLETE. THE INFORMATION MUST BE PROVIDED IN ORDER TO PROCESS YOUR PLANS IN A TIMELY AND CONSISTENT MANNER. INCOMPLETE SUBMITTALS WILL BE RETURNED TO THE APPLICANT UN-REVIEWED.

PROVIDE FOUR (4) COPIES OF A DETAILED SITE PLAN

1. Is the structure listed on the National Register of Historic Places or located in a historic district? (Separate application process required - City Code, Title 3, Chapter 15).
2. SITE PLAN - The following information must be provided on the site plan.
 - * Property owner name, address and phone number.
 - * Subject property address.
 - * All property dimensions, total lot square foot area.
 - * Names and locations of adjacent streets and North arrow.
 - * Indicate location of gas, electric, telephone and cable services. Contact One-Call Locate at 811.
 - * Any Site encumbrances – access, drainage and utility easements, encroachments or covenants.
 - * Location to nearest fire hydrant – show or provide distance reference in feet.
 - * Storm water drainage mitigation during demolition activities.
 - * Erosion control plan.
 - * Water and sewer service lines and sizes.
 - * Will water and/or sewer be used for future development? If not, utilities must be abandoned at the main.
 - * Will street or sidewalk closure be required?
(Separate Public Works Dept. application required).

Site plan information will be reviewed by various City Divisions to ensure compliance with City Code and City Engineering Standards requirements including City Code, Title 3, Chapter 15, "Review process for Demolition of Historic Buildings"

NOTICE: Notify the Montana Department of Environmental Quality (DEQ) of all demolitions that impacts asbestos containing material at www.asbestos.mt.gov or 406- 444-5300. See attached.