

## CHAPTER 23

### HISTORIC PRESERVATION

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23.01 PURPOSE AND INTENT. The Common Council declares as a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, welfare, prosperity and safety of the people. The purpose of this chapter is to:

- (1) Affect and accomplish the identification, protection, enhancement, and preparation of structures, sites, improvements and districts which represent or reflect the elements of the city's cultural, social, economic, political and architectural history.
- (2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (3) Foster civic pride in the notable accomplishments of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and a stimulus to business and industry.
- (6) Enhance and improve the visual and aesthetic character of the City.
- (7) Educate the public regarding the need and desirability of the City's Historic Preservation Program and its enhancement of the quality of life.

23.02 DEFINITIONS.

- (1) **CERTIFICATE OF APPROPRIATENESS** - means a certificate issued by the Commission approving the alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (2) **COMMISSION** - means the historic preservation committee created under this chapter.
- (3) **HISTORIC DISTRICT** - is that district designated as the Downtown Historic District by Section 17.34 of the Municipal Code, and any other area recommended by the Commission and designated by the Common Council under this chapter which contains two or more historic structures, sites or improvements.
- (4) **HISTORIC SITE** - means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement

parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

(5) **HISTORIC STRUCTURE** - means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation and which has been designated as a historic structure pursuant to the provisions of this chapter, or which has been placed on the State or National register of historic places.

(6) **IMPROVEMENT** - means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(7) **IMPROVEMENT PARCEL** - is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, and also includes any unimproved area of land which is treated as a single entity for tax purposes.

23.03 **HISTORIC PRESERVATION COMMISSION.** A Historic Preservation Commission created, consisting of seven members. One Commissioner shall be an alderperson. The balance of the Commission shall constitute of persons who own or rent real estate within the City. If persons which such qualifications are eligible for membership, one Commissioner should be a licensed architect, one a historian, and one a licensed real estate broker. Another qualification for membership should be a known interest in historic preservation. The Mayor shall appoint the Commissioners, subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. The Mayor shall designate the initial term of each member so appointed. After the initial term, the term for each member subsequently appointed shall be three years.

23.04 **HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.**

(1) In determining whether a structure, site or district should be designated as historic, the Commission, and in relevant circumstances the Common Council, should consider the following criteria:

- (a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, the State or the Nation.
- (b) Its location as a site of a significant historic event.
- (c) Its identification with historic persons or with important events in national,

state or local history.

(d) Its embodiment of distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship.

(e) Its embodiment of distinguishing characteristics of architectural type or specimen.

(f) Its embodiment of elements of architectural design, detail, materials, or craftsmanship that represents a significant architectural innovation.

(g) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood or the City.

(2) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation, providing they are in conformance with the provisions of this chapter.

#### 23.05 POWERS AND DUTIES.

(1) DESIGNATION. The Commission shall have the power, subject to Section 23.04, to designate historic structures and historic sites and to recommend designation of historic districts within the City limits. Such designations shall be made based on the criteria of Section 23.04. Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all of the provisions of this chapter.

(2) REGULATION OF CONSTRUCTION, RECONSTRUCTION, ALTERATION AND DEMOLITION.

(a) No owner or person in charge of a historic structure, historic site, or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish any such property unless a certificate of appropriateness has been granted by the Commission. Also, unless a certificate of appropriateness has been granted by the Commission, the building inspector shall not issue a permit for any such work.

(b) When an application for a certificate of appropriateness has been filed with the Commission, the Commission shall approve the application unless:

1. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of

improvement or site upon which said work is to be done;

2. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of the improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such sites or within the district;

3. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for the district;

4. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and would destroy the architectural or historical continuity of the City;

5. The building or structure is of such old and unusual or uncommon design, texture, or material that it could not be reproduced without difficulty or expense;

6. In the case of a request for a demolition permit, the denial of the permit would result of the loss of all reasonable and beneficial use of or return from the property; or

7. In the case of a request for the demolition of a deteriorated or dilapidated building or structure, any economic hardship or difficulty claimed by the owner is self-created, or is the result of a failure to maintain the property in good repair.

(c) If the Commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and feature of the property or district, it shall issue the certificate within 30 days of filing the application.

(d) The receipt of a Certificate of Appropriateness shall not relieve the holder from obtaining other permits and approvals required by law. A building permit or other municipal permit shall be invalid if it is obtained without a Certificate of Appropriateness required for the proposed work.

(e) Proposed work and projects for which a Certificate of Appropriateness has been issued shall be completed within one year from the date of the issuance of the Certificate, and all work shall conform to the provisions of the Certificate. Failure to comply with the Certificate of Appropriateness or failure to obtain such a Certificate shall be a violation of this section. In addition to other penalties and remedies, the City may issue a stop work order, and all work on the property shall cease.

(f) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance. Further, the work shall not change the exterior appearance of the structure or site and shall not require the issuance of a building permit.

(3) APPEALS. If the Commission denies an application for a Certificate of Appropriateness because the proposal fails to conform to the provisions of this chapter, the applicant may appeal the decision to the Board of Zoning Appeals within 30 days of the date of denial. Further, if the Commission denies an application for a Certificate, it shall, with the cooperation of the applicant, work with the applicant in an attempt to formulate a proposal that meets the criteria of this chapter.

(4) IDENTIFICATION OF HISTORIC STRUCTURES, SITES AND DISTRICTS. When a historic structure, site or district has been designated, the Commission shall cause to be prepared and erected on such property at City expense, a plaque, monument, or other device declaring that the property is a historic structure, site or district. Such declaration shall be placed so as to be easily visible to passing pedestrians.

#### 23.06 PROCEDURES.

##### (1) DESIGNATION OF HISTORIC STRUCTURES AND SITES.

(a) The Commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation, after application of the criteria in Section 23.04. At least 10 days before the hearing, the Commission shall notify the owners of record, as listed on the City tax rolls, who are the owners of property in whole or in part situated within 200 feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by it on the designation. Notice of the public hearing shall be published as a Class I notice under Chapter 985 of the Wisconsin Statutes. The Commission shall also notify the Plan Commission and the Zoning Administrator, who may confer with the Commission prior to final action by it on the designation or rescission.

(b) At the public hearing, the Commission may hear persons entitled to notice, any expert witnesses, members of the Plan Commission and the Zoning Administrator. The Commission is granted the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. The Commission may continue the public hearing from time to time for this purpose. Within 10 days after the close of the public hearing, the Commission may designate the property either as a historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notice of the decision shall be sent to the property owner or owners. Notice shall also be given to the City Clerk, the Plan Commission and the Zoning Administrator. If the Commission has designated a property as a historic structure or a historic site, or has

rescinded such a designation, it shall cause a document reciting that fact to be recorded, at City expense, in the office of the Register of Deeds for Grant County.

(2) CREATION OF A HISTORIC DISTRICT.

(a) For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City to be designated as historic districts and shall, with the assistance of the Plan Commission, prepare a historic preservation plan for each area, as well as for the Downtown Historic District. A historic district may be designated for any geographic area of a particular historic, architectural or cultural significance to the City, after consideration of the criteria in Section 23.04. Each historic plan prepared for or by the Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

(b) Review and Adoption Procedure.

1. The Historic Preservation Commission shall hold a public hearing when considering the creation of a historic district and the plan for such a district. Notice of the time, place and purpose of the hearing shall be given by publication as a Class I notice under Chapter 985. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the owners of record, as listed on the City tax rolls, to all persons who are owners of the property within the proposed district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. The notice shall be sent at least 10 days before the date of the public hearing. After the public hearing, the Commission shall vote to approve the plan as proposed, to approve the plan with amendments as determined by the Commission, to reject the plan totally, or to table the plan pending further study. If a plan which has been tabled is again brought up for consideration, with or without amendments, the notice and hearing procedures provided herein shall be repeated.

2. Upon receiving a recommendation from the Commission to designate an area as a historic district, and to approve a plan for such a district, the Common Council shall hold a public hearing on the question, after giving notice as provided in sub. (2)(b)1. of this section. After the hearing, the Council may approve the recommendation, reject it, or return it to the Commission to consider amending the plan, in which latter case specific changes and modifications shall be articulated by the Council and communicated to the Commission. After consideration of any changes or modifications proposed by the Council, the Commission may either resubmit the original plan to the Council, or resubmit the plan as amended. The Council shall reconsider any resubmitted plan, after notice as provided herein, and either approve the designation and plan or reject it.

23.07 INTERIM CONTROL. No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure,

historic site, or any property or structure within a nominated historic district from the date of the meeting of the Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Commission or the Common Council, unless such alteration, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, safety or welfare. Decisions on nominations shall be made within 180 days, unless an extension is agreed to by all interested parties.

23.08 CONFORMITY WITH REGULATIONS. Every person in charge of a historic structure, historic site or improvement in a historic district shall maintain it in a condition consistent with the provisions of this chapter. The Common Council may direct the building inspector or any other individual or group of individuals to enforce this ordinance.

23.09 PENALTY FOR VIOLATIONS. Any person or persons violating any provision of this chapter shall be fined \$200.00 for each separate violation. Each day during which a violation continues shall be deemed to be a separate violation. Citations for violations shall be issued by the building inspector.

23.10 EMERGENCY CONDITIONS. Whenever the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a property in a historic district, he or she may order the correction of these conditions without the approval of the Commission. The building inspector shall promptly notify the Commission of the action being taken. When such emergency conditions do not require demolition, the building inspector shall make every effort to carry out the intent of this chapter and to follow the design guidelines of this chapter and any relevant district plan in correcting the emergency conditions.