

**HISTORIC PRESERVATION COMMISSION
OF THE CITY OF PLATTEVILLE**



AGENDA

**TUESDAY, DECEMBER 21, 2021 – 6:00 P.M.
COUNCIL CHAMBERS IN CITY HALL – 75 N. BONSON STREET**

1. Call to Order
2. Approval of Minutes from November 30, 2021
3. Discussion Items:
 - a. Proposed Chapter 27 amendments
4. Citizen Comments
5. Announcements/Upcoming Items
6. Next Meeting Date: Tentative – January 18, 2022 at 6 pm
7. Adjourn

MINUTES

TUESDAY, NOVEMBER 30, 2021 – 6:00 P.M.
COUNCIL CHAMBERS IN CITY HALL – 75 N. BONSON STREET

MEMBERS PRESENT: Beth Frieders, Ken Kilian, Ben Seigel, Garry Prohaska
ALTERNATES PRESENT: None
MEMBERS ABSENT: None
STAFF PRESENT: Ric Riniker, Joe Carroll
OTHERS PRESENT: Owen Reich, Evan Benkovich

Call to Order

Chairman Kilian called the meeting to order at 6:02 pm

Approval of Minutes – November 16, 2021

Motion by Prohaska to approve the minutes. Second by Seigel.
Motion to approve the minutes was approved.

Action Items

- a. None

Discussion Items

- b. Maintenance and Repair Approval Policy amendments

There was a general discussion of the policy with some suggested changes identified to the masonry, wood, metal, windows, and painting sections, and to relocate the general repair and replacement section.

Citizen Comments

None

Announcements/Upcoming Items

Chapter 27 amendments. Indian Park update?

Next Meeting Date December 21, 2021 at 6 pm.

Adjourn

Motion by Frieders to adjourn. Second by Seigel. Motion approved. Meeting adjourned at 7:10 p.m.

Joe Carroll, Community Development Director

Date Approved



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|--|---------|
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Wisconsin Landmarks Newsletter

December 2021

December 2021

How to do a Check-up on Your Local Historic Preservation Ordinance

By Jason Tish, Certified Local Government and Preservation Education Coordinator with the Wisconsin Historical Society

If your local preservation ordinance is not being enforced, or your commission is struggling to administer it, it may be a good time for some maintenance or rehabilitation.

Many local HP ordinances in Wisconsin were adopted in the mid-1990s when a new state statute required them for some communities. However, the statute did not provide guidance on how those ordinances should be written, so local jurisdictions used a variety of models. In many cases, the resulting ordinance satisfied the state requirement but did not function well in practice.

For anyone who wants to dig into the statute (it's not long), you can find it at 62.23(7)(em) [/direct link](https://docs.legis.wisconsin.gov/statutes/statutes/62/i/23/7/em/1) <https://docs.legis.wisconsin.gov/statutes/statutes/62/i/23/7/em/1>

Problems in local ordinances are wide ranging, but most fall into two categories: those resulting from missing critical components, and those resulting from a misinterpretation of what constitutes a "historic property."

There are four critical components to a good local HP ordinance. If any of these components are missing from your ordinance, consider updating it.

Criteria for designation – An ordinance will typically list 4 or 5 reasons why a property could be historically significant:

usually for associations with an important person, event, architectural movement, or for its research potential – as in the case of an archaeological site.

Process for designation (and rescission) – A local ordinance should prescribe a process for designating historic properties that meet the criteria. This typically involves a formal nomination, review of that nomination by a city committee or commission, notification of the owners and perhaps surrounding owner, a public hearing, and finally, action by the town council to officially designate the property under the provisions of the ordinance. Ordinances should also provide for the rescission of historic designation under certain circumstances: e.g destruction by fire or discovery of new information that invalidates its eligibility.

Standards for review of alterations – Once a property is designated as historic, it is subject to the protections provided by the local ordinance. These protections can be tailored to the needs, objectives, and tolerances of the community. Typically, the goal of an ordinance is to provide some level of protection of the exterior architectural character of designated properties. They typically also have pressure-releases (variances, balancing tests, an appeal process etc.) built in for cases where strict application of the standards would create unintended or undesirable consequences.

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(Continued from front page "Check Up")

Creates (or designates) a committee or commission to administer the ordinance – Ideally, the ordinance creates a body (typically an appointed committee or commission) to administer the ordinance: designate/rescind landmarks, review proposed alterations, etc. In most cases, this is a Historic Preservation Commission or Landmarks Commission with the expertise to review proposed alterations to historic landmarks. Some cities give this responsibility to another existing body with review authority.

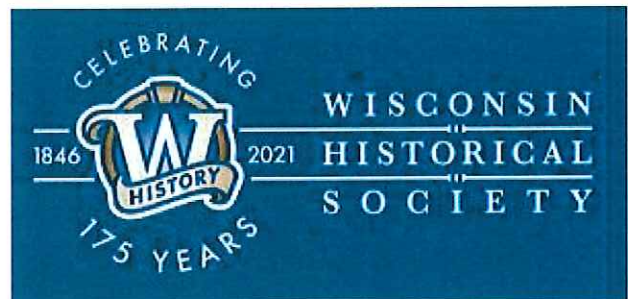
Misapplication of a local ordinance to properties listed in the State or National Registers of Historic places (NRHP, SRHP) can expose a local government to potential legal challenges. The provisions of your local ordinance can be applied *only* to properties designated under the criteria and process of that ordinance. Local review authority cannot piggyback on NRHP or SRHP designation. In some cases, reviewing NRHP and SRHP properties under local review is built into the language of an ordinance. If your ordinance is written this way, consider amending it to allow review only of properties that are designated under your local ordinance. Here's what to look for:

- **Does your ordinance contain the phrase "National Register of Historic Places" or "State Register of Historic Places?"** If it does, look closely at what the ordinance says about properties with those designations. There are very few reasons why a local historic preservation should refer to either the NRHP or SRHP. If your ordinance allows your historic preservation commission to review alterations to NRHP- or SRHP-listed properties, it should be amended. Local ordinances are applicable only to properties designated under the criteria and process defined within the ordinance. They cannot piggyback on NRHP or SRHP listing.
- **Does your ordinance include a set of criteria for eligibility (one of the critical components)?** It should. If yours doesn't, think about which properties the ordinance is being applied to. It may be piggybacking on NRHP designation. Consider adding a set of criteria for designation, and make sure it has a

formal process for designation.

- **Does your ordinance include "historic property" and/or "historic site" in its Definitions section?** If it does, make sure that it defines them as properties that are "designated under the provisions of this ordinance." If there's a need to define NRHP- or SRHP-listed properties in the ordinance, consider adding a definition for "landmark property/site" and using this term exclusively for properties designated under your ordinance.

The State Historic Preservation Office can help identify and fix problems with the application of a local historic preservation ordinance or with the functioning of your commission. Feel free to reach out.



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Jason Tish is the Certified Local Government and Preservation Education Coordinator with the Wisconsin State Historic Preservation Office (SHPO). He advises local governments on their historic preservation ordinances, policies, and practices.



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Jason Tish serves as the SHPO advisor to WAHPC. We are grateful for his contributions.

CHAPTER 27

HISTORIC PRESERVATION

27.01 PURPOSE AND INTENT. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people and the community. The purpose of this section is to:

- A. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the City of Platteville's cultural, social, economic, political and architectural history.
- B. Safeguard the City of Platteville's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.
- C. Stabilize and improve property values, and enhance the visual and aesthetic character of the City of Platteville.
- D. Protect and enhance the City of Platteville's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

27.02 DEFINITIONS. The definitions shall be as follows:

- A. *Commission* means the Historic Preservation Commission created under this section.
- B. *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.
- C. *Certificate of Appropriateness* means the certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction, demolition, or general site compatibility of a local historic structure, local historic site or any improvement in a local historic district.
- D. *National Historic District* means a district that is listed on the National Register of Historic Places as maintained by the National Park Service in the U.S. Department of the Interior.

- E. *State Historic District* means a district that is listed on the State Register of Historic Places, as maintained by the Division of Historic Preservation at the Wisconsin Historical Society.
- F. *Local Historic District* is an area designated by the Common Council, following the procedures set forth in this Chapter, that contains two or more historic improvements or sites.
- G. *Local 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.
- H. *Local 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 of Platteville, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- I. *Parcel* means a portion of land having its own tax parcel identification number.

27.03 HISTORIC PRESERVATION COMMISSION COMPOSITION. A Historic Preservation Commission is hereby created, consisting of five (5) regular members and two (2) alternates, ~~who shall be City residents.~~ Each member shall have, to the highest extent practical, a known interest in historic preservation. Of the membership, one shall be an alderperson; at least two shall be either the owner of property that has been designated locally historic or the owner of a property or business located within the Main Street Commercial Historic District; and the remaining members shall be City residents. Of the resident members, ~~regular membership, if available, effort will be made to include one shall be a registered architect,; one shall be a historian,; one shall be a licensed real estate broker, or persons that have skill sets and experience applicable to historic preservation,; one shall be an alderperson; and one shall be a citizen member.~~ The alternate members shall be citizen members. The Council President shall appoint the members subject to confirmation by the Common Council. The term of the alderperson shall be for the length of the aldermanic term one year, and the other members shall serve staggered three-year terms. Terms shall expire May 1 of each year. Initially, the term of the citizen shall be one year, the term of the licensed real estate broker shall be two years and the terms of the registered architect and the historian shall be three years. Thereafter, three-year terms shall be established for all members, ~~except the alderperson.~~

The alternate members shall receive agendas for all meetings, but will vote only in the absence of a regular member. Three members are needed to establish a quorum, and three affirmative votes are needed to approve any request.

A member, with the exception of the alderperson, on completion of his or her second term shall not be eligible for reappointment as a regular or alternate member thereon until at least a period of one year shall have intervened between said terms. ~~as such member, but this provision shall not apply to a member who fills the unexpired term of a previous member. Persons that have served two consecutive terms may be appointed as an alternate member, but then must take one year off before being reappointed.~~

27.04 POWERS AND DUTIES.

- A. Designation. The Commission shall have the power, subject to Section 27.05 and 27.06, to recommend the designation of local historic structures and local historic sites and to recommend designation of historic districts within the City limits of the City of Platteville. Such designations shall satisfy the requirements of Section 27.05(B). Local historic structures, sites and districts shall require the approval of the Common Council. Once designated, such local historic structures, sites and districts shall be subject to all the provisions of this ordinance.
- B. Regulation of Construction, Reconstruction, Alteration and Demolition.
1. An owner or person in charge of a local historic structure, local historic site or structure within a local historic district shall not 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 such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. The Building Inspector shall not issue a permit for any such work until a Certificate of Appropriateness has been approved by the Commission. Demolition of such property shall also require approval by the Plan Commission and the Common Council.
 2. Upon filing of any application for a Certificate of Appropriateness with the Commission, the Commission shall approve the application unless:
 - a. In the case of a designated local historic structure or local historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, within a local historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
 - c. In the case of any property located in a local historic district, the proposed construction, reconstruction, exterior alteration or demolition

does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

- d. 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 of Platteville and state;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
3. If the Commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The Commission shall make the decision within forty-five (45) days of the filing of the application.
 4. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of Platteville. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. The property owner shall ensure that the necessary permits are obtained for the property.
 5. Ordinary building maintenance and other work that involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure or site with pieces similar in appearance may be undertaken without the approval of the Commission. A Certificate of Appropriateness is still required for this work,; however, the work shall be approved by the Building Inspector or Community ~~Planning and~~ Development Director as designees of the Commission. The types of projects that can be approved by these designees shall be described in a written policy and adopted by the Commission. Unless the Commission or the designee(s) approves a Certificate of Appropriateness, a building permit shall not be issued for any such work.

C. Standards and Guidelines. The Commission shall use the following documents to assist with making decisions when reviewing changes to locally designated properties:

1. The Secretary of the Interior's Standards for Rehabilitation.
2. Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings.
3. Platteville Downtown Design Standards.

4. Commercial Historic District Signage & Awning Guidelines.
5. Dumpster Enclosure Guidelines for the Downtown Historic District.

D. Criteria. In making a determination whether to issue or deny a Certificate of Appropriateness, the Historic Preservation Commission shall consider, among other things, the effect of the proposed construction, alteration, removal or demolition upon historic, aesthetic or architectural value, characteristics and significance of the structure, site, neighborhood and/or district. The criteria to be used by the Commission in making its determination shall include, but shall not be limited to:

1. The maintenance of the significant original qualities or character of the structure or property, including, if significant, its landscape. The removal or alteration of any historic or distinctive architectural features shall be avoided.
2. The compatibility of the architectural style and design detailing the proposed construction, alteration, addition or repair with the original architecture of the landmark or styles within the historic district.
3. The compatibility of the general design, arrangement, scale, texture or materials of the construction or alteration, with the historic, aesthetic or architectural values, characteristics and significance of the historic district and/or landmark.
4. The relationship of the location of the construction, alteration, or demolition to the streets, public or semipublic ways and any other improvement or property within a historic district.
5. Whether, in the case of a designated historic site or structure within an historic district, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which such work is to be done.
6. Whether, in the case of the construction of a new improvement upon an historic site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site.
7. Whether construction, alteration and demolition are done in accordance with the following:
 - a. All buildings, structures, and sites are recognized as products of their own time, and alterations have a historical basis.

- b. Such exterior physical changes as 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. Because these changes may have acquired significance in their own right, this significance should be recognized and respected.
- c. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site are treated with sensitivity.
- d. Deteriorated architectural features are repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material need not be identical to but should match the material being replaced in composition, design, color, texture and other visual qualities.
- e. The surface cleaning of structures is undertaken with the gentlest means possible. Abrasive cleaning and other cleaning methods that will damage the historic building materials should not be undertaken.
- f. Every reasonable effort will be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- g. Contemporary design for alterations and additions to existing properties is undertaken in such a manner that it does not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment as outlined:
 - i. Height. The height of the proposed structure or additions or alterations should be compatible with surrounding structures.
 - ii. Proportions of structure's front façade. The proportions and relationships between the width and height of the proposed structure should be compatible with nearby structures.
 - iii. Proportions of openings into facility. The proportions and relationships between doors and windows should be compatible with existing structures.

- iv. Relationship of building masses and spaces. The relationship of a structure to the open space between it and adjoining structures should be compatible.
- v. Roof shapes. The design of the roof should be compatible with adjoining structures.
- vi. Landscape and appurtenances. Landscaping and the use of appurtenances should be sensitive to the individual structures, its occupants and their needs. Further, the landscape treatment should be compatible with surrounding structures and landscapes.
- vii. Scale of structure. The scale of the structure should be compatible with surrounding structures.
- viii. Directional expression of front elevation. Street façades should blend with other structures with regard to directional expression. When adjacent structures have a dominant horizontal or vertical expression (cornices, transom details), this should be carried over and reflected.
- ix. Architectural details. Architectural details and materials should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of that area.

- h. Wherever possible, new additions or alterations to structures should be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.

EG. Appeals. The Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance. Should the Commission choose to not issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Common Council within thirty (30) days. The Commission's decision to not issue a Certificate of Appropriateness within ~~forty five (45)~~ thirty (30) days of the filing of the application shall be deemed a denial of the request, which may be appealed as provided herein. ~~The Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.~~ Upon the Denial of a Certificate of Appropriateness, the applicant may request to have the appeal placed on the next available Common Council agenda following the standard Council procedures. The applicant shall file a written appeal with the Community Development Director specifying the grounds for such an appeal, and which shall be submitted no later than thirty (30) days from the date of the decision of the Historic Preservation Commission. Such a request to reverse the decision of the

~~Commission may be approved following a majority vote of the Common Council. may be appealed following the procedures described in Section 17.06(A).~~

FD. Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property a suitable plaque declaring that such property is a historic structure, site or district.

27.05 NOMINATIONS FOR DESIGNATION OF LOCAL HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT AND DESIGNATION CRITERIA.

- A. Nominations for local historic structure, historic site and historic district designations, or requests to rescind a designation, shall be made as follows:
1. Local Historic Structure of Historic Site.
 - a. The owner of a property may nominate that property for designation at any time by submitting a completed nomination form and any appropriate documentation.
 - b. Any member(s) of the Historic Preservation Commission may nominate a property for designation if the member is of the opinion that the property may meet the criteria in Section 27.05(B). A completed nomination form and any appropriate documentation must be submitted.
 2. Local Historic District.
 - a. The nomination process for designation of a local historic district shall be considered by the Commission upon receipt of a written petition signed by the owners of a majority of the parcels within the proposed district. Each parcel included in the proposed district shall be allowed one (1) vote, and all of the owners of the parcel must sign the petition for the parcel to be counted as a vote in favor. Upon receipt of such a petition, the procedures described in Section 27.06 shall apply.
 - b. The Commission may begin the nomination process for designation of a local historic district at any time. However, the public hearing required in Section 27.06 shall not be scheduled until a written petition signed by the owners of a minimum of eighty percent (80%) of the parcels within the proposed district is provided. Upon receipt of such a petition, the procedures described in Section 27.06 shall apply.
- B. For purposes of this ordinance, a local historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any

building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Platteville such as historic structures, sites, or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
2. Are identified with historic personages or with important events in national, state, or local history; or
3. Embody the 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; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

27.06 PROCEDURES.

A. Designation of Local Historic Structures and Local Historic Sites.

1. Upon receipt of a nomination under 27.05(A), the Commission shall, after notice, schedule a public hearing to consider the designation of local historic structures and local historic sites, ~~or to rescind such designation or recommendation.~~ At least ten (10) days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City of Platteville's assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
2. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses. The Commission may conduct an independent investigation into the proposed designation ~~or rescission.~~ Within ten (10) days after the close of the public hearing, the Commission may, after application of the criteria in Section 27.05(B) above, recommend to the Common Council the designation of the property as either a local historic structure, or a local historic site, ~~or recommend to rescind the designation.~~
3. The Common Council, upon receipt of the recommendation from the Historic Preservation Commission, shall either designate or reject the local historic structure or local historic site, ~~or rescind such a designation.~~ Such action shall

not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the Common Council. After the designation ~~or rescission~~ has been made, notification shall be sent to the property owner or owners. Notification shall also be given to Platteville's Plan Commission.

B. Designation of Local Historic District.

1. Upon receipt of a petition described in Section 27.05(A), the Commission shall prepare a historic preservation plan for the proposed district. A Local Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City of Platteville, after application of the criteria in Section 27.05 above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the proposed district, the specific guidelines for preservation, and a statement of preservation objectives.
2. Review and Adoption Procedure.
 - a. Historic Preservation Commission. The Historic Preservation Commission and the City Plan Commission shall hold a joint public hearing when considering the plan for a Local Historic District. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Local Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Local Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission and the City Plan Commission shall each vote to recommend, reject or withhold action on the plan.
 - b. The Common Council. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission and the City Plan Commission shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall, following the public hearing either designate or reject the Local Historic District. Designation of the Local Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.
 - c. If the petition described in Section 27.05(A)(2)(b) is signed by the owners of a minimum of eighty percent (80%) but less than one hundred percent (100%) of the parcels within the proposed district, such district shall not become effective except by the favorable vote of

three-fourths (3/4) of the entire membership of the Common Council. If the petition is signed by one hundred percent (100%) of the property owners within the proposed district, such district shall become effective upon a simple majority vote. Nominations for a local historic district begun under Section 27.05(A)(2)(a) become effective upon a simple majority vote.

~~3. Amendment. A property owner or the City may seek an amendment of the designation of a property as a historic site, historic structure or its inclusion in a historic district. Consideration of an amendment shall be commenced by written request filed with the Historic Preservation Commission. The notice and public hearing requirements for the establishment of a historic site, structure or historic district shall be followed with respect to consideration of the amendment. Following the public hearing, the Historic Preservation Commission shall make a recommendation to the Common Council regarding the amendment of the designation. The Common Council will then take final action on the amendment.~~

C. Voluntary Restrictive Covenants. The owner of any historic structure or site may, at any time following such designation of the property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the structure or site. The owner shall record such covenant in the office of the Grant County Register of Deeds, and shall notify the City Assessor of such covenant and the conditions thereof.

D. Rescinding A Local Designation.

1. Application process.

a. Rescind a local historic structure or site designation. The property owner or owner's agent in charge of a local historic structure or site shall submit a written request to rescind a local historic structure or site designation to the Community Development Director.

b. Rescind a local historic district designation. The majority (greater than fifty percent (50%)) of the property owners and/or owner's agents in charge of a contributing structure shall submit a written request to rescind a local historic district designation to the Community Development Director.

2. Public Hearing at Historic Preservation Commission.

a. Notice of public hearing to rescind a local historic structure or site designation, or local historic district designation shall be given by a

- Class 2 notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.
- b. At least fourteen (14) days prior to such hearing, the Community Development Director shall mail the public hearing notice to the owners of record, and owners of property in whole or in part situated within a one hundred (100) foot radius of the local historic structure, local historic site or local historic district.
- c. The Historic Preservation Commission shall then conduct such public hearing, and in addition to the notified persons, may hear expert witnesses and review records as it deems necessary.
3. Action by the Historic Preservation Commission. After the close of the public hearing, the Historic Preservation Commission shall either recommend approval or denial of the proposed rescission to the Common Council. Grounds for rescinding or altering the designation are as follows:
- a. Evidence has been presented showing that modifications and alterations to the structure have eliminated the distinctive architectural features that warranted its designation.
- b. The property has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed.
- c. New evidence or documentation has been presented disproving the information upon which the property was originally designated.
- d. Additional information or documentation has been presented to show conclusively that the property does not possess sufficient significance to meet the designation criteria.
- e. Evidence has been presented to show there was professional error in the designation.
- f. Evidence has been presented to show there was prejudicial procedural error in the designation process.
4. Action by the Common Council.
- a. After receiving and reviewing the report and recommendation of the Historic Preservation Commission the Common Council shall either approve, deny, or postpone the proposed application to rescind a local historic site designation, a local historic structure designation or a local

historic district designation, or refer the matter back to the Historic Preservation Commission.

27.07 INTERIM CONTROL. No building permit shall be issued by the Building Inspector for the exterior alteration or construction of, or the 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 Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than ninety (90) days.

27.08 SEPARABILITY. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

27.09 LOCAL HISTORIC DESIGNATION. The City designated Platteville's Main Street Commercial Historic District, listed on March 9, 1990, in the National Register of Historic Places, as a local Historic Preservation District. The Historic Preservation Commission has also designated the following individual properties as historic structures or sites:

- 315 W. Main Street – designated as a local historic property on 9/29/2003
- 25 W. Gridley (formerly 150 S. Chestnut) – designated as a local historic property on 10/13/2003
- 480 N. Third Street – designated as a local historic property on 7/19/2004
- 130 N. Hickory Street – designated as a local historic property on 7/19/2004
- 180 Bayley Avenue – designated as a local historic property on 1/31/2005
- 230 Bayley Avenue – designated as a local historic property on 1/31/2005
- 185 Bayley Avenue – designated as a local historic property on 2/22/2005
- 280 Division Street – designated as a local historic property on 11/27/2018
- Indian Park – 500 block of N Court Street and N Fourth Street – designated as a local historic site property on 10/27/2020

27.50 PENALTIES FOR VIOLATIONS. (a) Forfeiture Penalty. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

(b) Forfeiture Schedule. The penalty for violation of any provision of this Chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this Code. (NEED TO AMEND SECTION 1.10)

Joe Carroll

From: Jason L Tish <jason.tish@wisconsinhistory.org>
Sent: Monday, October 25, 2021 4:51 PM
To: Joe Carroll
Subject: Re: historic preservation ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Hi Joe-

Yes, I'm the person to talk with about local ordinances. I use two local ordinances as models: [Beloit](#) and [Fond du Lac](#). They have all the provisions of a good local historic preservation ordinance, including:

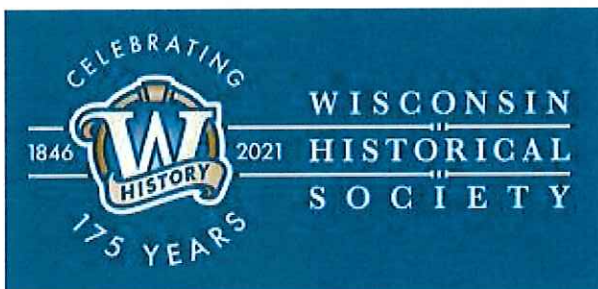
- Clear purpose and intent
- definitions of key terms and concepts
- creation of a Commission
- powers and duties of a commission
- criteria for designation of historic properties
- standards for maintenance of character of historic properties

Beloit's has several other provisions that they've added over the years: voluntary restrictive covenants, demolition review, rescission (this is something that I advise all communities to have).

For CLGs there are federal and state requirements to retain CLG status. You can find those [here](#).

If I can assist with anything as you consider amending your ordinance I'd be happy to talk. Local HP ordinances need to work for the community. They need to advance the community's objectives and support what the community wants to do with their historic properties.

-Jason



[Collecting, Preserving, and Sharing Stories Since 1846](#)

JASON TISH

CERTIFIED LOCAL GOVERNMENT COORDINATOR
PRESERVATION EDUCATION COORDINATOR

Wisconsin Historical Society
816 State Street, Rm. 305
Madison, WI 53706
[608.264.6512](tel:608.264.6512)

From: Joe Carroll <carrollj@platteville.org>
Sent: Friday, October 22, 2021 8:19
To: Jason L Tish <jason.tish@wisconsinhistory.org>
Subject: historic preservation ordinance

Jason,

The City is doing an evaluation of our historic preservation ordinance to see if changes are warranted. Does the State have a model ordinance that we can use as a guide? Is there someone else I should be contacting regarding this matter?

Thanks.

Joe Carroll

Community Development Director

City of Platteville

75 N. Bonson Street – PO Box 780 | Platteville, WI 53818

608-348-9741 x 2235

carrollj@platteville.org | www.platteville.org



Chapter 374. Historic Preservation

[HISTORY: Adopted by the City Council of the City of Fond du Lac at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Boards, commissions and committees — See Ch. 14.

Building, plumbing, heating and electric standards — See Ch. 255.

Property maintenance — See Ch. 512.

Subdivision of land — See Ch. 705.

Zoning — See Ch. 720.

§ 374-1. Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value are a public necessity and are required in the interest of health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the City of Fond du Lac's cultural, social, economic, political, engineering and architectural history.
- B. Safeguard the City of Fond du Lac's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- C. Stabilize and improve property values.
- D. Foster civic pride in the beauty and noble accomplishments of the past.
- E. Protect and enhance the City of Fond du Lac's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- F. Strengthen the economy of the City of Fond du Lac.
- G. Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City of Fond du Lac.

§ 374-2. Definitions.

In this chapter, unless the context clearly requires otherwise, the following terms shall have the meanings indicated:

COMMISSION

The Historic Preservation Commission created under this chapter.

HISTORIC DISTRICT

An area designated by the City Council of the City of Fond du Lac on recommendation of the Commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or

cultural characteristics of the City of Fond du Lac, state or nation, and which has been designated as an historic district pursuant to the provisions of this chapter.

HISTORIC SITE

Any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, or upon which a historic event has occurred, and which has been designated as a historic site under this chapter, 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.

HISTORIC STRUCTURE

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 of Fond du Lac, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

IMPROVEMENT

Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

IMPROVEMENT PARCEL

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; provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

§ 374-3. Historic Preservation Commission created.

- A. **Members.** A Historic Preservation Commission is hereby created, consisting of seven members. Of the membership, it is desirable that one be a registered architect, one a historian qualified in the field of historic preservation, and one a licensed real estate broker. In addition, one shall be a councilman, and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Members shall be appointed pursuant to § 14-1 of this Code. 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. Thereafter, the term for each member shall be three years.
- B. **Officers.** The Commission shall elect from its membership a Chairperson and Vice Chairperson whose terms of office shall be fixed by the bylaws. The Chairperson shall preside over the Commission and shall have the right to vote. The Vice Chairperson shall, in all cases of absence of the Chairperson, perform the duties of the Chairperson. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission shall adopt rules for the transaction of its business which shall provide for the time, place and manner of holding regular and special meetings. All meetings of the Commission shall be open to the public and any person or his duly constituted representative shall be entitled to appear and to be heard on any matter before the Commission before it reaches its decision.
- C. **Secretary and staff.** The Commission shall appoint a Secretary who shall keep a record of all minutes, resolutions and proceedings and other actions of the Commission.

§ 374-4. Designation criteria.

- A. For the purpose of this chapter, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Fond du Lac, such as historic structures, sites and districts which:

- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
 - (2) Are identified with historic personages or with important events in national, state or local history;
 - (3) Embody the 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; or
 - (4) Are representative of the notable work of a master builder, designer or architect whose individual genius influenced his age.
- B. The Commission may adopt specific operating guidelines for landmark sites designation, provided that such are in conformance with the provisions of this section.

§ 374-5. Powers and duties of Commission.

- A. Designation. The Commission shall have the power, subject to § 374-6, to designate historic structures, historic sites and historic districts within the City of Fond du Lac limits. Such designations shall be made based on § 374-4. Once designated by the Commission, such historic structures, sites and districts shall be subject to all the provisions of this chapter. Historic district designations must be approved by the City Council of the City of Fond du Lac.
- B. Regulation of construction, reconstruction and exterior alteration.
- (1) Any application for a permit from the Building Inspector involving the exterior of a designated historic site or structure within an historic district shall be filed with the Historic Preservation Commission.
 - (2) No owner or person in charge of an historic site or structure within an historic district shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an historic district or cause or permit any such work to be performed upon such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission. Unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
 - (3) Review of application.
 - (a) Upon filing of any application with the Historic Preservation Commission, the Historic Preservation Commission shall determine:
 - [1] Whether, in the case of a designated historic structure or site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done;
 - [2] Whether, in the case of the construction of a new improvement upon a historic site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
 - [3] Whether, in the case of any property located in an historic district designated pursuant to the terms of Subsection **D**, hereunder, the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the City Council of the City of Fond du Lac.
 - (b) In cases of a designated historic site which has had its principal structure completely destroyed by fire, demolition, other means, or conditions noted in § 374-9, the plan review requirements of this Subsection **B** shall not apply unless there is a designated

historic site, historic structure, or historic district within 200 feet of the historic structure that has been destroyed.

- (4) If the Commission determines Subsection **B(3)(a)[1], [2] and [3]** above in the negative, it shall issue the certificate of appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the Building Inspector. The Commission shall make this decision within 30 days of the filing of the application. Should the Commission refuse to issue a certificate of appropriateness due to the failure of the proposal to conform to the above guidelines, the applicant may appeal such decision to the Board of Appeals, which may grant said certificate by a three-fourths vote only, and then only upon a clear showing of economic hardship by the applicant. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this chapter.
- C. Regulation of demolition. No permit to demolish all or part of an historic structure, or improvement in an historic district, shall be granted by the Building Inspector except as follows:
- (1) No person in charge of an historic structure shall be granted a permit to demolish such property under any circumstances without first receiving the written approval of the Commission.
 - (2) At such time as such person applies for a permit to demolish such property, such application shall be filed with the Commission. Upon such application, the Commission may refuse to grant such written approval for a period of up to six months from the time of such application for single-family homes and up to one year for other types of structures, during which time Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the applicant and the Commission shall cooperate in attempting to avoid demolition of the property. At the end of the required time period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the Building Inspector may issue the permit to demolish the subject property without the approval of the Commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and available for disbursement within a period of 60 days following the end of the required time period, the Building Inspector may issue the permit to demolish the subject property without the approval of the Commission.
 - (3) Standards. In determining whether to issue a certificate of appropriateness for any demolition, the Commission shall consider and may give decisive weight to any or all of the following:
 - (a) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Fond du Lac and the state.
 - (b) Whether the building or structure, although not itself a designated historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City of Fond du Lac and the state.
 - (c) Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in § **374-1** and to the objectives of the historic preservation plan for the applicable district as duly adopted by the City Council of the City of Fond du Lac.
 - (d) Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.

- (e) Whether retention of the building or structure would promote the general welfare of the people of the City of Fond du Lac and the state by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage.
 - (f) Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a certificate of appropriateness.
 - (g) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the buildings and environment of the district in which the subject property is located.
- (4) Appeal. An appeal from the decision of the Commission to grant or deny a certificate of appropriateness, whether this determination is made upon receipt of the application for a demolition permit or at the end of the three-month period in a case where action on the application has been suspended, or to suspend action on a demolition application may be taken to the Board of Appeals of the City of Fond du Lac by the applicant for the demolition permit. Such appeal shall be initiated by filing a petition to appeal, specifying the grounds thereof, with the City Clerk within 10 days of the date the final decision of the Commission is made. The City Clerk shall file the petition to appeal with the Board of Appeals. After a public hearing, the Board of Appeals may by favorable vote of 3/4 of its members reverse or modify the decision of the Commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the Board of Appeals finds that, owing to special conditions pertaining to the specific piece of property, demolition will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Commission's decision.
- D. Recognition of historic structures and historic sites. At such time as a historic structure or site has been properly designated in accordance with §§ 374-4 and 374-6 hereof, the Commission may cause to be prepared and erected on such property, at public expense, a suitable plaque declaring that such property is an historic structure or site. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of an historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed proper by the Commission. In the case of an historic site which is not the site of an historic structure, such plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.
- E. Sale of historic structures and historic sites. Any party who is listed as the owner of record of an historic structure on site at the time of its designation, who can demonstrate to the Commission that by virtue of such designation he or she is unable to find a buyer willing to preserve such an historic structure or site, even though he or she has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescission of its designation.
- (1) Following the filing of such petition with the Secretary of the Commission, the owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
 - (2) If, at the end of a period not exceeding three months from the date of such petition, and upon demonstration of reasonable and diligent marketing efforts, no such buyer can be found, and if the owner still desires to obtain such rescission, the Commission shall rescind its designation of the subject property.
 - (3) In the event of such rescission, the Commission shall notify the City Clerk, the Building Inspector, and the City Assessor of the same and shall cause the same to be recorded, at its own expense, in the office of the Fond du Lac County Register of Deeds.

F. Other duties. In addition to those duties already specified in this section, the Commission shall:

- (1) Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this chapter in order to encourage owners of historic properties to assist in carrying out the intent of this chapter.
- (2) Cooperate with the Historic Preservation Officer for the State of Wisconsin and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.
- (3) Work for the continuing education of the citizens about the historic heritage of the City of Fond du Lac and the historic structures and sites designated under the provisions of this chapter.
- (4) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the City of Fond du Lac.

§ 374-6. Procedures.

A. Designation of historic structures, historic sites and historic districts.

- (1) The Commission may, after notice published as a Class 1 notice and public hearing, as well as due notice to the parties in interest and adjacent property owners, establish historic structures and sites and may recommend historic districts, or rescind such designation or recommendation, after application of the criteria in § 374-4 above. The Commission shall also notify the following: Department of Public Works, Redevelopment Authority, Park Division, Fire and Police Departments, Inspection Division, Board of Appeals, and Plan Commission. Each such department shall respond to the Commission within 30 days of notification with its comments on the proposed designation or rescission. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses. The Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may designate the property as either an historic structure or an historic site or recommend its inclusion in an historic district, or may rescind the designation.
- (2) Where the owner(s) of the property objects to the designation or rescission of a historic site, historic structure, or historic district, the property owner(s) may file a written appeal of the designation or rescission to the City Council within 10 days after the close of the public hearing. The City Council may affirm, deny or modify the designation or rescission. The action of the City Council shall not become effective except by the favorable vote of 3/4 of the entire membership of the City Council.
- (3) After the designation, recommendation or rescission has been made, notification shall be sent to the property owner or owners and to the persons who appeared at the public hearing. Notification shall also be given to the City Clerk, Building Inspector and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds office, or the recommendation to be submitted to the City Council of the City of Fond du Lac as provided by Subsection C.

B. The City Plan Commission. The Plan Commission shall review the historic district plan and make a recommendation to the City Council. The Plan Commission shall make its recommendation on the historic district plan within 30 days.

C. The City Council. The City Council, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission, shall hold a public hearing, notice to be given as noted in Subsection A above, and shall following the public hearing either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

§ 374-7. Conformance with regulations; enforcement.

Every person in charge of any historic structure, historic site or improvement in an historic district shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this chapter. The City Council may appoint the Building Inspector or other City employee to enforce this chapter.

§ 374-8. Maintenance of historic structures, historic sites and historic districts.

- A. Every person in charge of an improvement on an historic site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- B. Insofar as they are applicable to an historic structure, historic site or improvement in an historic district, designated under this chapter, any provision of the plumbing code, the minimum housing and property maintenance code, building code, heating, ventilating and air conditioning code, and outdoor signs and outdoor advertising structures regulations of the general ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such code or, in the absence of such board, by the Building Inspector, provided that such variance or waiver does not endanger public health or safety.

§ 374-9. Conditions dangerous to life, health or property.

Nothing contained in this chapter shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure or any improvement on an historic site or in an historic district pursuant to order of any appropriate City or state governmental official or pursuant to any court order having jurisdiction, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission shall be required.

§ 374-10. Violations and penalties.

Except as otherwise provided, any person, firm, corporation or organization found to be in violation of any provisions of this chapter or any rule or order promulgated herein shall be subject to a penalty as provided in § 1-4 of this Code.

CHAPTER 32 - HISTORIC PRESERVATION

| | |
|---------------|---|
| <u>32.01</u> | Declaration of Policy |
| <u>32.02</u> | Definitions |
| <u>32.03</u> | (Renumbered #3099) |
| <u>32.04</u> | Landmark, Landmark Site and Historic District Designation Qualifications |
| <u>32.05</u> | Commission Powers and Duties |
| <u>32.06</u> | Regulation of Construction, Reconstruction and Exterior Alteration |
| <u>32.07</u> | Regulation of Demolition |
| <u>32.08</u> | Marking of Landmark and Landmark Sites |
| <u>32.09</u> | Procedure for Designation of Landmarks, Landmark Sites and Historic Districts |
| <u>32.095</u> | Review of Landmarks Commission's Determination |
| <u>32.10</u> | Rescission of Designation of Landmarks and Landmark Sites |
| <u>32.11</u> | Voluntary Restrictive Covenants |
| <u>32.12</u> | Historic District; Selection; Plan |
| <u>32.13</u> | Regulation of Signs |
| <u>32.14</u> | Conformance with Regulations |
| <u>32.15</u> | Maintenance of Landmarks, Landmark Sites and Historic Districts |
| <u>32.16</u> | Conditions Dangerous to Life, Health or Property |
| <u>32.17</u> | Easements |
| <u>32.20</u> | Penalties |

The City Council declares as a matter of public policy that the protection, enhancement, preservation and use of improvements of special character or special historic interest or value is a public necessity and is required in the interest of the public health, safety and general welfare. The purposes of this chapter are to:

- (1) Protect, enhance and perpetuate historic landmarks, landmark sites and historic districts which represent or reflect distinctive and important elements of the City's and State's architectural, archeological, cultural, social economic, ethnic and political history and to develop appropriate settings for such places.
- (2) Safeguard the City's historic and cultural heritage as embodied in such historic landmarks, landmark sites and historic districts by appropriate regulations.
- (3) Stabilize and improve property values.
- (4) Foster civic pride in the beauty and accomplishments of the past.
- (5) Protect and enhance the City's attractions to residents, tourists and visitors and provide support and stimulus to business and industry.
- (6) Strengthen the economy of the City.
- (7) Promote the use of historic landmarks, landmark sites and historic districts for the culture, education and general welfare of the people of the City and visitors to the City.

32.02 - DEFINITIONS .

In this chapter, unless context clearly requires otherwise:

Alteration. Any act or process that changes one or more of the exterior architectural features of a structure including, but not limited to, the erection, construction, reconstruction or removal of any structure.

Building Inspector. The Director of Planning and Building Services for the City of Beloit. (Am. #2410; #3481)

Certificate of Appropriateness. A certificate issued by the Landmarks Commission and signed by the chairperson or secretary indicating that new construction, alterations or demolition to any landmark, landmark site or structure located within an historic district is in accordance with the standards and requirements of §32.06 of this chapter. Such a certificate must first be obtained prior to the issuance of a building permit for the above stated purposes. (Am. #2660)

Commission. The Landmarks Commission created under §1.84 of this Municipal Code. (Am. #2660; #3099)

Historic Building. Any building or object listed on, or any building or object within and contributing to an historic district listed on, the National Register of Historic Places in Wisconsin, the State Register of Historic Places or a list of historic landmarks maintained by the City. (Cr. # 3029)

Historic District. An area designated by the City Council on recommendation of the Commission that contains 2 or more landmarks or landmark sites, as well as those abutting improvement parcels which the Commission determines should fall under the provisions of this chapter, to assure that their appearance and development is harmonious with such landmarks or landmark site.

Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

Improvement Parcel. The unit of property which includes a physical betterment constituting an improvement and the land embracing the site and is treated as a single entity for the purpose of levying real estate taxes provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

Landmark. 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 landmark under the provisions of this chapter.

Landmark Site. Any parcel of land of historic significance due to a substantial value in tracing human history or upon which an historic event has occurred and which has been designated as a landmark site under this section, or an improvement parcel or part thereof on which is situated a landmark and any abutting improvement parcel or part thereof used as and constituting part of the premises on which the landmark is situated.

Like Materials. The use of materials that match the color, style and design of the existing materials. (Cr. #2862)

Planning Director. The Director of Planning and Building Services for the City of Beloit. (Cr. #2862; Am. #3481)

32.03 - RESERVED. (Rnbd. #3099)

Editor's note— Section 3 of Ord. No. 3099, adopted Jan. 20, 2004, renumbered §32.03, Landmarks Commission, as §1.84.

32.04 - LANDMARK, LANDMARK SITE AND HISTORIC DISTRICT DESIGNATION QUALIFICATIONS.

A landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure, or any area of particular historic, architectural or cultural significance to the City, such as historic structures or sites which:

- (1) Exemplify the cultural, political, economic or social history of the nation, State or community;
- (2) Are identified with historic personages or with important events in national, State or local history;
- (3) Embody the distinguishing characteristic of an architectural style, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
- (4) Are representative of the notable work of a master builder, craftsman, designer or architect whose works represented or influenced their age or the development of the City.

32.05 - COMMISSION POWERS AND DUTIES.

The Commission shall have the power to:

- (1) Designate landmarks and landmark sites and recommend historic districts within the City limits in accordance with the qualifications at §32.04 and procedures at §32.09. Once designated by the Commission, such landmarks, landmark sites and historic districts shall be subject to all the provisions of this chapter with the exception that historic district designations must be approved by the City Council.
- (2) Regulate construction, reconstruction and alteration of any landmark, landmark site or improvement or improvement parcel in any historic district in the City in accordance with §32.06.
- (3) Regulate demolition of any landmark site or any improvement in an historic district in accordance with §32.07. (Am. #2410)
- (4) Recognize by suitable marker any landmark, landmark sites or historic district in accordance with §32.08.
- (5) Amend or rescind the designation of a landmark or landmark site in accordance with §32.09 or historic district in accordance with §32.12.
- (6) Encourage property owners to make use of available tax credits to sites it has designated under the provisions of this section in order to encourage landmark owners to assist in carrying out the intent of this chapter.
- (7) Work closely with the State Historic Preservation Officer (SHPO) in order to include those eligible properties outside the existing National Register Historic District to be included on the National Register of Historic Places and to be included on the State Register of Historic Places.

- (8) Work for the continuing education of the citizens about the historic heritage of this City and the landmarks and landmark sites designated under the provisions of this section.
- (9) As it deems advisable, receive and solicit funds for the purpose of landmarks preservation in the City. Such funds shall be placed in a special City account for such purpose and to be disbursed by the City for the purposes and uses designated by the Commission. No expenditures shall be made except from contributions received by the Commission or appropriations authorized by the City Council.
- (10) Annually review this chapter and report any revisions or additions deemed logical or necessary to the City Council with a recommendation for formal adoption into this chapter. In addition, the Commission shall annually report its activities to the City Council at the second regularly scheduled Council meeting in February. (Am. #2410)
- (11) Prepare and make available appropriate preservation booklets and articles for public distribution. Such material shall contain the City ordinances and codes applicable to preservation, instructions on how to work with these codes and ordinances, a list of City officials and members of the Landmarks Commission and other pertinent data, forms and instructions. (Am. #2660)
- (12) Prepare and adopt standards and policies for Historic Rehabilitation in accordance with the Secretary of Interior's Standards. These standards are to apply within historic districts and to individually listed landmarks or landmark sites. (Cr. #2410)

32.06 - REGULATION OF CONSTRUCTION, RECONSTRUCTION AND EXTERIOR ALTERATION.

- (1) AUTHORITY TO ISSUE CERTIFICATES OF APPROPRIATENESS. (Cr. #2862; Am. #3029; #3357; # 3698) The Landmarks Commission and, in certain limited cases described below, the Community Development Director, or designee, may issue a Certificate of Appropriateness in accordance with this section. The Community Development Director, or designee, may issue a Certificate of Appropriateness in the following cases:
 - (a) Roof repair/replacement.
 - (b) Gutter repair/replacement with historically appropriate materials and in historically appropriate styles.
 - (c) Private sidewalk and driveway repair/replacement with historically appropriate materials in the same dimensions, placement and orientation.
 - (d) Installation of historic plaques (residential properties only).
 - (e) Chimney repair and tuckpointing according to the Secretary of the Interior Standards and in historically appropriate color and design.
 - (f) Installation of fences.
 - (g) Storm window/storm door repair or replacement.
 - (h) Installation of glass blocks in basement window openings.
 - (i) Installation of a ramp that is compliant with the Americans with Disability Act and any subsequent amendments thereto.(Cr. # 3698)
- (2) CERTIFICATE OF APPROPRIATENESS REQUIRED. (Am. #2410; #2862) Any alteration of designated landmarks, landmark sites, or structures within an historic district in the City shall first require a certificate of appropriateness.
- (3) APPLICATION FOR PERMIT, APPLICATION FEE. (Am. #2410; #2862; #2960; #3653) A copy of any application for a permit from the Building Inspector involving a landmark, landmark site, or improvement within an historic district shall be filed with the Commission. No permit shall be issued until the application fee established by City Council resolution has been paid and a certificate of appropriateness has been granted. No permit fee shall be required for a permit for work done in connection with a public works contract or other contract issued by the United States, the State of Wisconsin, the County of Rock or the City of Beloit.
- (4) CERTIFICATE GRANTED BY COMMISSION OR PLANNING DIRECTOR. (Am. #2362; #2410; #2660; #2862) No owner or person in charge of a landmark, landmark site, or structure within any historic district in the City shall reconstruct or

alter all or any part of the exterior of such property, construct any improvement upon such designated property, or any such work to be performed upon such property unless a certificate of appropriateness has been granted. Unless such certificate has been granted, the Building Inspector shall not issue a permit for any such work. When neither a building permit nor a demolition permit is required, if a proposed development, alteration or demolition constitutes a material change in the exterior appearance of a landmark or of a landmark site, then a certificate of appropriateness shall be required. Each of the following shall constitute a violation of this chapter:

- (a) Failure to obtain a certificate of appropriateness prior to effecting a material change in the exterior appearance of the landmark or the landmark site.
- (b) Failure to comply with the terms and conditions of the certificate of appropriateness.

(5) **DRAWINGS AND SPECIFICATIONS.** (Am. #2862) In reviewing applications for alterations or modifications, the Commission or Planning Director shall require complete and clear drawings and specifications of the work to be accomplished to be furnished by the applicant and use the following criteria upon which to base its decision of granting a certificate of appropriateness. For simple projects, a brief description of the proposal or photographs or sketches may be sufficient. A simple project means a project eligible for review by the Planning Director. For more complicated projects, full architectural drawings or drawings acceptable to the Commission should be attached to the application to permit the Commission to visualize the effect of the proposed alteration of the applicant's building. The applicant should provide enough information to enable the Commission or Planning Director to understand the relationship of the proposed work to adjacent buildings.

(a) General Review Criteria.

1. Every reasonable effort shall be made to provide a compatible use for a property which requires alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
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 features 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 or later appearance shall be discouraged. (Am. #2410)
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. 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 which characterizes a building, structure or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. If 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 as conjectural designs or availability of different architectural elements from other buildings or structures. The priority of repairs is as follows:
 - a. Repairs in materials that exactly duplicate the original in composition, texture and appearance must be considered first.
 - b. Repairs in new materials that duplicate the original in texture and appearance will be considered second.
 - c. Repairs in materials that do not duplicate the original in appearance will be permitted on an individual basis if the repairs are compatible with the character and materials of the existing building to be considered as a third option. If repairs that duplicate the original in appearance are prohibitively expensive, proof of expenses must be provided. (Am. #2410)
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 possible 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 they do not destroy or cover over 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. (Am. #2410)
10. Whenever possible, new additions or alterations to buildings shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. (Am. #2410)

(b) Specific Review Criteria.

1. *Height.* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in the historic district.
2. *Proportions of Windows and Doors.* The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark, or in the case of new construction, with surrounding structures within the historic district. (Am. #2410)
3. *Relationship of Building Masses and Spaces.* The relationship of a structure within the historic district to the open space between it and adjoining structures should be compatible.
4. *Roof Shape.* The design of the roof should first be compatible with the architectural style and character of the landmark itself and then, if necessary, with other surrounding structures in the historic district. (Am. #2410)
5. *Landscaping.* (Am. #2410; #2611)
 - a. *Compatibility.* Landscaping should first be compatible with the architectural character and appearance of the landmark itself and then, if necessary, with other surrounding structures and landscapes in the historic district.
 - b. *Classification.* (Am. #2862) Landscaping shall be classified as *hardscape* or *softscape*. Hardscape is any item which is permanently fixed, installed, mounted or erected on historic property and which enhances the appearance or value of the property. Hardscape includes, but is not limited to, driveways, fences and gazebos. Softscape is any removable display, structure and any item which grows through the natural photosynthetic process. Softscape includes, but is not limited to, plants, grasses, bushes, shrubs, seasonal plantings and trees less than 12 inches in diameter, playground equipment, flagpoles and lawn statuary.
 - c. *Hardscape Review.* (Am. #2862)
 - 1) *Commission Review.* The Commission shall review and approve the installation and removal of hardscape in front and corner side yards.
 - 2) *Planning Director.* The Planning Director shall review and approve installation or removal of certain hardscape materials (private driveways and sidewalks) in rear or side yards.
 - 3) *Appeal.* Any property owner aggrieved by a hardscape decision of the Planning Director may appeal the decision to the Commission.
 - 4) *Softscape Review.* Neither the Commission nor the Planning Director shall review the installation or removal of softscape.
6. *Scale.* The scale of the structure after alteration, construction or partial demolition should first be compatible with its architectural style and character and then, if necessary, with the surrounding structures in the historic district. (Am. #2410)
7. *Directional Expression.* Facades in historic districts should blend with other structures with regard to directional expression. Structures in the historic district should be compatible with dominant horizontal or vertical expression of surrounding structures. The directional expressions of a landmark after alteration, construction or

partial demolition should be compatible with the original architectural style or character of the landmark and then, if necessary, with other structures in the historic district. (Am. #2410)

8. *Architectural Details.* Architectural details, including materials, colors and textures, should be treated so as to make a landmark compatible with the original architectural style or character of the landmark in the historic district. (Am. #2410)

(6) CONDITIONS. (Am. #2862) The Commission or Planning Director shall grant a certificate of appropriateness if it determines:

- (a) In the case of a landmark or landmark site, the proposed work would not detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which the work is to be done.
- (b) In the case of the construction of a new improvement upon a landmark site, the exterior of such improvement would not adversely affect or would harmonize with the external appearance of other improvements on such site.
- (c) In the case of any property located in an historic district, the proposed construction, reconstruction or exterior alteration conforms to the objectives and design criteria of the historic preservation plan for the City and district. (Am. #2410)

(7) ISSUANCE AND APPEAL. (Am. #2862)

- (a) The Commission or Planning Director shall make the decision on granting of the certificate within 30 days of the filing of the application. (Am. #2410)
- (b) The Commission or Planning Director shall at the request of the owner cooperate and work with the owner or contractor in an attempt to obtain a certificate of appropriateness within the guidelines of this chapter. (Am. #2410)
- (c) If the Commission or Planning Director denies the application for a certificate of appropriateness, the owner may appeal such decision to the City Council which may grant the certificate by majority vote after a public hearing held after publication of a Class 2 notice and prior notice in writing to the owner and Commission mailed 7 days prior to the hearing. (Am. #2410)
- (d) Upon the issuance of the certificate of appropriateness, the building permit shall then be issued by the Building Inspector.

32.07 - REGULATION OF DEMOLITION. (Am. #2410; #2488; #3029)

Unless an historic building has been condemned pursuant to §66.0413(3), Wis. Stats., the Building Inspector may not grant a permit to demolish all or part of any historic building except as follows:

(1) PERMIT.

- (a) An owner requesting a permit to demolish an historic building shall file the application with the Building Inspector. The Building Inspector shall file a copy of the application with the Commission.
- (b) The Commission may issue a certificate of appropriateness to authorize the Building Inspector to grant a permit to demolish all or part of an historic building.
- (c) The Commission may refuse to authorize a permit for a period of up to 10 months from the filing of the application, during which time the Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to save such property.
- (d) During this time, the owner shall take whatever steps deemed necessary by the Commission to prevent further deterioration of the historic building.
- (e) During that period, the owner and Commission shall cooperate in attempting to avoid demolition of the historic building.
- (f) At the end of the 10-month period, the Building Inspector may issue a permit to demolish the historic building, without the approval of the Commission, if:

1. The Commission and the owner of the historic building were unable to agree upon a mutually acceptable method of subject property; and
 2. No one has proposed a method of saving the historic building which has a reasonable prospect of success; and
 3. There are no funds available from any governmental unit or nonprofit organization for preservation of the historic building.
- (g) If at the end of the 10-month period, the Commission determines that there is a mutually agreeable method of saving the historic building; that there is a project underway that has a reasonable prospect of success; or that there are funds available to preserve the historic building, no demolition permit may be issued without the approval of the Commission. If, after two additional months, there is no mutually agreed method of saving the property; no proposed method of saving the historic building which has a reasonable prospect of success; and no funds available to preserve it, the Building Inspector may issue a permit to demolish the historic building without the approval of the Commission.
- (2) STANDARDS. In determining whether to issue a certificate of appropriateness for any demolition, the Commission shall consider and may give decisive weight to any or all of the following:
- (a) Whether the historic building is of such architectural or historic significance that demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.
 - (b) Whether an historic building which has not been designated as an historic landmark, contributes to the distinctive architectural or historic character of the historic district as a whole and, therefore, should be preserved for the benefit of the people of the City and the State.
 - (c) Whether demolition of the historic building would be contrary to the purpose and intent of this chapter as set forth in §32.01 and to the objectives of the historic preservation plan for the applicable district as adopted by the City Council.
 - (d) Whether the historic building is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
 - (e) Whether retention of the historic building would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage.
 - (f) Whether any hardship or difficulty claimed by the owner is self-created or the result of the owner's failure to maintain the property in good repair. (Am. #2488)
 - (g) Whether any new structure proposed to be constructed or any change in use proposed to be made is compatible with nearby historic buildings or the historic district in which the subject property is located.
- (3) APPEAL. If a property owner is denied a certificate of appropriateness authorizing a permit to demolish all or part of an historic building, and the property owner claims that the denial constitutes a denial of all use of the property, the property owner may appeal such decision to the City Council within 30 days of the Commission's decision. The City Council may, after a public hearing and by a majority vote of all of its members authorize the issuance of a demolition permit. Notice of the public hearing shall be given by publication of a class 2 notice and by written notice mailed to the applicant and the Commission at least 7 days prior to the public hearing. If the Council finds that the property owner is not denied all use of the property, then the 10-month moratorium period shall continue as provided in subsection (1).

32.08 - MARKING OF LANDMARKS AND LANDMARK SITES .

At such time as a landmark or landmark site has been properly designated in accordance with this chapter, the Commission may cause to be prepared and erected on such property at City expense a suitable plaque declaring that such property is a landmark or landmark site. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction and

other information deemed proper by the Commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site and such other information deemed appropriate by the Commission.

32.09 - PROCEDURE FOR DESIGNATION OF LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS. (Am. #2410)

- (1) The Commission may, after notice and public hearing, designate landmarks, landmark sites and recommend historic districts or rescind such designation based upon application of the qualifications and criteria in §§32.04, 32.06(4) and 32.12. At least 30 days prior to such hearing, the Commission shall notify the owners of record as listed in the office of the City Assessor, who are owners of property in whole or in part situated within a minimum of 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 the Commission on the designation. Notice of such hearing shall also be published as a Class 1 notice under the Wisconsin Statutes. The Commission shall also notify the Director of Public Works, Community Development Department, Fire and Police Departments, and Building Inspection Division. Each such department shall respond to the Commission within 30 days of notification with its comments on the proposed designation or rescission. (Am. #2862; #3357)
- (2) The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have 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. Within 10 days after the close of the public hearing, the Commission may designate the property as either a landmark, landmark site or recommend its inclusion in an historic district or rescind the designation. After the designation, recommendation or rescission has been made, notification shall be sent to the property owner or owners and to the persons who appeared at the public hearing. Notification shall also be given to the City Clerk, Building Inspector, Planner and the City Assessor. The Commission shall cause the designation or rescission to be recorded at City expense in the Rock County Register of Deeds office or forward the recommendation to be submitted to the City Council as provided by §32.12(5).

32.095 - REVIEW OF LANDMARKS COMMISSION'S DETERMINATIONS. (Cr. #2441)

- (1) DETERMINATIONS REVIEWABLE. (Am. #2660) The following determinations are reviewable by the City Council under this section:
 - (a) The Landmarks Commission's designation of an historic landmark or landmark site or its refusal to designate property as an historic landmark or landmark site.
 - (b) The Landmarks Commission's rescission of the designation of an historic landmark or landmark site or its refusal to rescind the designation of an historic landmark or landmark site.
- (2) REQUEST FOR REVIEW.
 - (a) The owner of the property which is the subject of any determination reviewable under this section may request the City Council to review such determination. The request for review shall be in writing and shall be filed with the City Clerk within 20 days of the date the Commission mails the notice of determination to the owner.
 - (b) The request for review shall clearly identify the reason why the Commission's determination should be reversed or modified. Written arguments may be filed with the request for review.
- (3) REVIEW HEARING. (Am. #2660)
 - (a) The City Council shall conduct the review hearing within 30 days after the request for review is filed. The Council shall decide the appeal within 10 days of the review hearing.
 - (b) The review shall be limited to the issues identified in the request for review. The review decision shall be based solely upon the evidence produced at the Landmarks Commission's hearing and the arguments of the parties.
 - (c) The City Council shall issue a written decision which affirms, reverses or modifies the Commission's determination and deliver a copy of its decision to the owner and the Landmarks Commission. The Council shall state the reason for

its decision. The decision shall advise the owner of the right to appeal the decision to Rock County Circuit Court and the time and manner in which appeal may be taken.

- (4) REVIEW BY CERTIORARI. The owner may seek review by writ of certiorari to Rock County Circuit Court within 30 days of the date of receipt of the City Council's decision. The court may affirm or reverse the Council's decision or remand the case to the City Council for further proceedings consistent with the court's decision.

32.10 - RESCISSION OF DESIGNATION OF LANDMARKS AND LANDMARK SITES .

Any party who is listed as the owner of record of a landmark or landmark site at the time of its designation, who can demonstrate to the Commission that by virtue of such designation, he is unable to find a buyer willing to preserve such landmark or landmark site, even though he has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescission of its designation. Following the filing of such petition with the secretary of the Commission:

- (1) The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
- (2) If, at the end of a period not exceeding 6 months from the date of such petition, no buyer can be found and if the owner still desires to obtain rescission, the Commission shall rescind its designation of the subject property.
- (3) In the event of such rescission, the Commission shall notify the City Clerk, Building Inspector, Planner and Assessor of same and cause the same to be recorded at its own expense in the office of the Rock County Register of Deeds.
- (4) Following any such rescission, the Commission may not redesignate the subject property a landmark or landmark site for a period of not less than 5 years following the date of rescission unless the owner consents to the redesignation.

32.11 - VOLUNTARY RESTRICTIVE COVENANTS .

The owner of any landmark or landmark site may at any time following such designation of the property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the landmark or landmark site and the owner shall record such covenant in the Rock County Register of Deeds' office and shall notify the City Assessor of such covenant and its conditions.

32.12 - HISTORIC DISTRICT; SELECTION; PLAN .

- (1) SELECTION. (Am. #3481) For preservation purposes, the Commission shall select geographically defined areas within the City to be designated as historic districts and shall with the assistance of the Planning and Building Services Division prepare an historic preservation plan in ordinance form for each area. An historic district may be designated for any geographic area of particular historic architectural or cultural significance to the City which:
 - (a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, State or community;
 - (b) Is identified with historic personages or with important events in national, State or local history;
 - (c) Embodies the distinguishing characteristics of architectural type specimens inherently valuable for the study of a period or periods, styles, methods of construction, indigenous materials or craftsmanship; or
 - (d) Is representative of the notable works of master builders, designers or architects who influenced their age.
- (2) ANALYSIS. Each historic preservation 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.
- (3) PLAN. The guideline criteria at §32.06(4) will be considered in the development of an historic district plan.
- (4) INTENT. The guideline criteria for construction of and alterations and additions to buildings and structures in historic districts are designed to provide an understandable set of standards to ensure that alterations to the exterior of existing

buildings and the creation of new buildings will be done in a manner sensitive to the character of each historic district. It is not the intent of this chapter to discourage contemporary architectural expression that is visually compatible in massing and roof design with its environment and otherwise meets the standards in this chapter. It is furthermore not the intent of this chapter to encourage the rote emulation of existing building styles. (Am. #2410)

(5) HISTORIC DISTRICT PLAN REVIEW AND ADOPTION PROCEDURE.

- (a) Commission. (Am. #2660; #3357) The Commission shall hold a joint public hearing with the Plan Commission when considering the plan for an historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to owners of record as listed in the office of the City Assessor, who are owners of property situated in whole or in part within a minimum of 200 feet of the boundaries of the proposed historic district. Such notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the Landmarks Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the City Plan Commission and the City Council.
- (b) City Plan Commission. The Plan Commission shall review the historic district plan and make a recommendation to the City Council. The Plan Commission shall make its recommendation on the historic district plan within 30 days.
- (c) City Council. The City Council, upon receipt of the recommendations from the Commission and Plan Commission, shall hold a public hearing, notice to be given as noted in paragraph (a) above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall be in ordinance form prepared for that district and direct the implementation of such plan.

(6) BLUFF ST. HISTORIC DISTRICT. (Cr. #2242)

- (a) It is hereby declared a matter of public policy that a specific area of the City be identified, designated and protected because of its special character and historical interest. This area to be called the Bluff St. Historic District shall be described in general by the map and the description on file in the City Clerk's office. The purpose and intent of this subsection shall be to designate this area according to the creation and review and adoption procedures of this Municipal Code.
- (b) The Bluff St. Historic District preservation plan, dated February 1990, on file in the City Clerk's office, is hereby approved and the Council directs this plan implemented.

(7) COLLEGE-PARK HISTORIC DISTRICT. (Cr. #2243)

- (a) It is hereby declared a matter of public policy that a specific area of the City be identified, designated and protected because of its special character and historical interest. This area, to be called the College-Park Historic District, shall be described in general by the map and description on file in the City Clerk's office, except the properties known as the First Baptist Church and Baptist House at 617 Public and 516 College/620 Bushnell. The purpose and intent of this subsection shall be to designate this area according to the creation, review and adoption procedures in this Municipal Code.
- (b) The College-Park Historic District preservation plan, dated February 1990, on file in the City Clerk's office is hereby approved, except for the properties known as the First Baptist Church and Baptist House at 617 Public and 516 College/620 Bushnell and the City Council directs that this plan, as amended, be implemented.

(8) MERRILL ST. HISTORIC DISTRICT. (Cr. #2386)

- (a) It is hereby declared a matter of public policy that a specific area of the City be identified, designated and protected because of its special character and historical interest. This area, to be called the Merrill St. Historic District, shall be described in general by the map and description on file in the City Clerk's office. The purpose and intent of this subsection shall be to designate this area according to the creation and review and adoption procedures of this Municipal Code.
- (b) The Merrill St. Historic District preservation plan, dated December 1992, on file in the City Clerk's office is hereby approved and the City Council directs that this plan be implemented.

32.13 - REGULATION OF SIGNS. (Am. #3357)

The Commission shall be responsible for the regulation of permanent signs within any historic district, landmark or landmark site. Prior to construction and/or placement, all permanent signs proposed for the historic district, landmark or landmark site shall first be granted a certificate of appropriateness to be issued by the Commission. All signs shall be subject to the provisions of Ch. 30 of this Code of Ordinances and shall conform to the specific regulations of the zoning district in which the historic district is located. Procedures for issuance of a certificate of appropriateness at §32.06(5) and (6) shall apply.

32.14 - CONFORMANCE WITH REGULATIONS .

- (1) Every person in charge of any landmark, landmark site or improvement in an historic district shall maintain it or cause or permit it to be maintained in a condition consistent with the provisions of this section.
- (2) The Building Inspector shall enforce this chapter. The duties of the Building Inspector shall include periodic inspection at intervals provided by the City Council of designated landmarks, landmark sites and historic districts. These inspections may include physical entry upon the property and improvement with permission of the owner to insure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement.

32.15 - MAINTENANCE OF LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS .

- (1) Every person in charge of an improvement on a landmark site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- (2) Insofar as they are applicable to a landmark, landmark site or improvement in an historic district designated under this section, any provision of this chapter and Chs. 7, 8, 9, 26 and 30 of this Code of Ordinances may be varied or waived on application by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Building Inspector, provided such variance or waiver is in accordance with State Building Code requirements and does not endanger public health or safety.
- (3) Notwithstanding sub. (1) above, sandblasting of any exterior surface of an improvement on a landmark site or in an historic district is prohibited. Other types of abrasive exterior cleaning including, but not limited to, waterblasting with a sand additive, or corrosive cleaning including, but not limited to, muriatic acid wash, are also prohibited unless specifically approved prior to work by the Commission. The Commission shall approve exterior surface cleaning projects using abrasive or corrosive cleaning methods only if the project will not adversely affect the exterior fabric of the building.
- (4) Whenever an application for rezoning, land division, zoning appeal or a conditional use affects a landmark, landmark site or historic district, 10-days notice of such meeting shall be submitted to the Commission for written and/or oral comment before the appropriate body. The Commission may authorize and file a protest petition. If a protest petition is filed by the Commission, a rezoning, land division, zoning appeal or conditional use shall not become effective, except by a favorable vote of $\frac{3}{4}$ of the members of the public body voting on the matter. (Am. #2410)

32.16 - CONDITIONS DANGEROUS TO LIFE, HEALTH OR PROPERTY. (Am. #3029)

Nothing contained in this chapter shall prohibit the making of emergency repairs to an historic building in compliance with an order of any governmental agency or court of law to remedy conditions determined to be dangerous and a substantial threat to life, health or property. In addition, nothing contained in this chapter shall prohibit the demolition of an historic building which has been condemned in accordance with the provisions of §66.0413(3), Wis. Stats. In any such cases, no

approval from the Commission shall be required. A building official shall send a copy of any emergency order or demolition permit affecting an historic building to the Landmarks Commission at the time that such order or permit is issued.

32.17 - EASEMENTS .

The Commission may develop and recommend to the City Council a program and procedures for the establishment and acquisition of easement interests in historic property by gift, purchase or condemnation. The Commission may assist the owner in preparation of an easement.

32.20 - PENALTIES. (Am. #2660)

- (1) Any person who demolishes, alters or constructs a building, structure or improvement in violation of this chapter or a certificate of appropriateness shall be required to restore the building or improvement and its site to its appearance prior to the violation, unless otherwise authorized by the Landmarks Commission. (Am. #2410; #3357)
- (2) Any person who violates any provision of this chapter shall, upon conviction of the violation, be subject to a forfeiture for each separate violation. The forfeiture for the first violation of a provision of this chapter shall be not less than \$50 nor more than \$500. The forfeiture for the second violation of the same provision of this chapter shall not be less than \$100 nor more than \$500. The forfeiture for the third or subsequent violation of the same provision of this chapter shall be not less than \$200 nor more than \$500. Each and every day during which a violation continues shall be deemed to be a separate offense.
- (3) The Building Inspector or the Commission may institute any appropriate action or proceeding in the name of the City to enjoin, correct or abate any violation of this chapter.