

CHAPTER 16A

HISTORIC PRESERVATION

(Cr. Ord. #980)

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16A.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 or historic interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

(1) Effect and accomplish the protection, enhancement and perpetuation of such improvements, sites and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.

(2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(3) Foster civic pride in the notable accomplishments of the past.

(4) Stabilize and improve property values.

(5) Protect and enhance the City's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.

(6) Improve and enhance the visual and aesthetic character of the City.

(7) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

16A.02 DEFINITIONS. The terms used herein shall be defined as follows:

(1) **CERTIFICATE OF APPROPRIATENESS.** The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

(2) **COMMISSION.** The Historic Preservation Commission created under sec. 1.29 of this Code.

(3) **HISTORIC DISTRICT.** An area designated by the Council on recommendation of the Commission that contains 2 or more historic improvements or 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 historic structures or historic sites.

(4) **HISTORIC SITE.** 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 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.

(5) **HISTORIC STRUCTURE.** Any improvement which has a special character or special historic interest or value of the development, heritage or cultural characteristics of the City, State

or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

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

(7) IMPROVEMENT PARCEL. The unit of property which includes a physical betterment constituting an improvement and the platted lot or parcel of land upon which the improvement is located 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.

16A.03 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA. (1) For purposes 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, archeological or cultural significance to the City such as historic structures, sites or districts which:

(a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, State or community; or

(b) Are identified with historic personages or with important events in national, State or local history; or

(c) Embody the distinguishing characteristics or an architectural type or specimen inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or

(d) Are representative of the notable work of a master builder, designer or architect who influenced his age; or

(e) Have yielded, or may be likely to yield, information important to prehistory or history.

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

16A.04 POWERS AND DUTIES OF HISTORIC PRESERVATION COMMISSION. (1) DESIGNATION. The Commission shall have the power, subject to sec. 16A.05 of this chapter, to designate historic structures and historic sites and to recommend designation of historic districts within the City limits. Such designations shall be made based on sec. 16A.05 of this chapter. Historic districts shall be approved by the Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this chapter.

(2) REGULATION OF CONSTRUCTION, RECONSTRUCTION, ALTERATION AND DEMOLITION. (a) No owner or person in charge of a historic structure, historic site or

structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish 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.

(b) Upon filing for any application for a certificate of appropriateness with the Commission, the Commission shall consider:

1. Whether, in the case of a designated historic structure or historic 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 or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site.

3. Whether, in the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the Council.

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

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

6. Whether retention of the building or structure would promote the general welfare of the people of the City or the State by encouraging the study of American history, architecture and design, or by developing an understanding of American culture and heritage.

7. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore or use 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.

8. Whether any new structure proposed to be constructed, or change in use proposed to be made, is compatible with the buildings and character of the area in which the subject property is located.

(c) In addition, in determining whether to issue a certificate of appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:

1. A property shall be used for its historic purpose or be placed in anew use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

7. Chemical or physical treatment, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(d) 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, and with the above guidelines, 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 45 days of the filing of the application. Should the Commission fail to 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 Council. In addition, if the Commission fails to issue a certificate of appropriateness, 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 chapter. Appeals to the Council of the Commission's decision not to issue a certificate of appropriateness shall be in writing and filed with the City Clerk within 15 days after the Commission's decision is rendered. Such written appeal shall specify the reasons why the appealing party believes the Commission's decision is in error. The Council shall hold a hearing on the appeal and take final action thereon within 30 days after such appeal is filed. The hearing shall be at a regular or special meeting of the Council upon not less than 5 days prior written notice to the appealing party.

(e) Agencies of the City and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the City.

(f) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. 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. Insofar as they are applicable to a historic structure, historic site or improvement in a historic district designated under this section, any provision of the Plumbing Code, the Electrical Code, the Building Code or Housing Code shall apply unless waived by a State or City official having authority to do so. The Commission may support or propose such waivers before the appropriate State or City appeals body.

(g) Compliance with a certificate of appropriateness shall be started within 12 months after the issuance of the certificate and the work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this chapter. In addition to other penalties and remedies, the City shall issue a stop work order and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work shall continue in effect.

(h) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(3) **RECOGNITION OF HISTORIC STRUCTURES, SITES AND DISTRICTS.** At such time as a historic structure, site or district has been properly designated, the Commission may cause to be prepared and erected on such property at City expense, a suitable plaque declaring that such property is a historic structure, site or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction of significance and other information deemed proper by the Commission.

(4) **OTHER DUTIES.** In addition to those duties already specified in this section, the Commission shall:

(a) Work for the continuing education of the citizens about the historical heritage of this City and the historic properties designated under the provisions of this chapter.

(b) Cooperate with the State historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.

(c) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose.

16A.05 PROCEDURES. (1) **DESIGNATION OF HISTORIC STRUCTURES, HISTORIC SITES AND HISTORIC DISTRICTS.** The Commission may, after nomination notice and public hearing, designate historic structures and historic sites and recommend historic districts, or rescind such designation or recommendation, after application of the criteria in sec. 16A.03 of this chapter. At least 10 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 200 feet of the boundaries of the property affected or within the boundaries of the historic district. These owners shall have the right to be heard by and 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 I notice under the Wisconsin statutes. The Commission shall also notify the Director of Public Works, the Parks and Recreation Commission, the Fire and Police Departments, the Health Officer, the Building Inspector and the Plan Commission. Each such party may 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 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. The Commission may adjourn the hearing from time to time without the necessity of new notices other than the statutory notices required for public meetings. Within 10 days after the close of the public hearing, the Commission shall either refuse the requested designation or recommendation or shall designate the property as either a historic structure or historic site or recommend its inclusion in a historic district, or rescind the designation. After a designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, the Building Inspector, the Plan Commission and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the Iowa County Register of Deeds office, or the recommendation to be submitted to the Council as provided by sub. (3) below. After said 10 days period has elapsed no designation or recommendation shall be made without a new nomination, notice and hearing.

(2) **ZONING OF HISTORIC PROPERTIES** (Rep. & Recr. Ord. #984). Upon designation, the historic structure, historic site or historic district shall be recommended for H or HD historic preservation zoning and shall be referred to the Plan Commission for hearing pursuant to sec. 17.30 of this Code. In the event of approval by the Council, such zoning designation shall be included on the official land use map. The H or HD zoning shall be in addition to the existing underlying land use zoning.

(3) **CREATION OF HISTORIC DISTRICT.** (a) For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City to be

designated as historic districts and shall, with the assistance of the City planning department, prepare a historic preservation plan in ordinance form for each area. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the City which:

1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, the State or community; or
2. Is identified with historic personages or with important events in national, State or local history; or
3. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods or construction or of indigenous materials or craftsmanship; or
4. Is representative of the notable works of master builders, designers or architects who influenced their age.

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 area, the specific guidelines for development and a statement of preservation objectives.

(b) Guideline criteria to be considered in the development of historic district plans are as follows:

1. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
2. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
3. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
4. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
5. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
6. The existing rhythm created by existing building masses and spaces between them should be preserved.
7. The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.

8. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.

9. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.

10. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

11. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the building and environment with which it is visually related.

12. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

13. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

(c) Review and Adoption Procedure. 1. Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class I notice under the Wisconsin statutes in the official City newspaper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the Aldermen of the ward in which the historic district is located and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Said notice is to be sent at least 10 days prior to the date of the public hearing. The public hearing may be continued from time to time without further notice other than the City's customary notice of public meetings. Within 10 days after closing the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the Plan Commission and the Council.

2. Plan Commission. The Plan Commission shall review the historic district plan and make a recommendation to the Council. The Plan Commission shall make its recommendation on the historic district plan within 30 days after receipt of the Commission recommendation.

3. Council. The Council, upon receipt of the recommendations from the Historic Preservation Commission and the Plan Commission, shall hold a public hearing, notice to be given as noted in subpar. 1. above. The public hearing may be continued from time to time without further notice other than the City's customary notice of public meetings. Within 60 days following the closing of the public hearing, the Council shall 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.

16A.06 INTERIM CONTROL (Am. Ord. #990). No building permit shall be issued by the Building Inspector for alteration, construction, demolition or removal of a nominated historic

structure, historic site or any property or structure within a nominated historic district from the date of the meeting of the 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 Council unless such alteration, removal or demolition is authorized by the Historic Preservation Commission. In no event shall the delay be for more than 180 days following the Commission meeting at which a nomination is first considered.

16A.07 CONFORMANCE WITH REGULATIONS (Rep. & Recr. Ord. #1106). (1)

Every person in charge of a historic structure, historic site or improvement in a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this chapter. The Council may appoint the Building Inspector or any other individual or group of individuals to enforce this chapter. The duties of the inspection officer shall include periodic inspection at intervals provided by the Council of designated historic structures, historic 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. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a warrant of entry pursuant to §66.122, Wis. Stats., and take any other reasonable measures to further enforcement of this chapter.

(2) The owner and every person in charge of an improvement on a historic site or in a 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, including, but not limited to:

- (a) The deterioration of exterior walls or other vertical supports.
- (b) The deterioration of roofs or other horizontal members.
- (c) The deterioration of external chimneys.
- (d) The deterioration or crumbling of exterior plasters or mortar.
- (e) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.
- (f) The peeling of paint, rotting, holes and other forms of decay.
- (g) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping.
- (h) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (i) Unattended landscaping.

The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

(3) VIOLATIONS AND PENALTIES. (a) Violation. In the event an improvement on a historic site or in a historic site or in a historic district is not maintained in good order and repair in accordance with sub. (2) above, the Building Inspector shall send a notice of such violation to the owner and occupant of the property. If the specific violation is not corrected within 30 days from the day of the warning, the owner shall be required to submit a plan for correction to the Building Inspector within 30 days following such notice, including a timetable for completion, appropriate to the nature of the violation acceptable to the Historic Preservation Commission.

(b) Penalty. If no acceptable plan is submitted or the plan is not implemented according to the timetable, a penalty of \$25 per day shall be enforced for 10 days; after that time a penalty of \$50 per day shall be enforced for a 10 days period; after that time a penalty of \$100 per day shall be enforced until the problem is remedied.

(4) Insofar as they are applicable to a historic structure, historic site or improvement in a historic district, designated under this chapter, any provisions of this Code may be varied or waived, on application, by the appropriate authority having jurisdiction, provided such variance or waiver does not endanger public health or safety.

16A.08 PENALTIES. Any person violating any provision of this chapter shall be subject to a forfeiture of \$200 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector. If the violations remain uncorrected after the time specified in the notice, the City may, at its election, impose forfeitures and/or have the violations corrected at City expense and have a lien placed against the property equal to the cost of the repairs plus applicable forfeitures and administrative costs.

16A.09 EMERGENCY CONDITIONS. In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a property in a historic district, the Building Inspector may order the remedying of these conditions without the approval of the Commission. The Building Inspector shall promptly notify the Commission of the action being taken. When the emergency conditions do not require demolition, the Building Inspector shall make every effort to carry out the intent of this chapter and to use the design guidelines of the Commission when remedying the emergency conditions.