

AGENDA

HISTORIC PRESERVATION / DESIGN REVIEW COMMISSION

Wednesday, September 7, 2011 – 4:30 PM

City Conference Room – County-City Building
1515 Strongs Avenue – Stevens Point, WI 54481

(A Quorum of the Common Council may attend this meeting)

1. Approval of the report from the August 3, 2011 meeting.
2. Discussion and possible action on updating Chapter 22 (Historic Preservation / Design Review) of the Stevens Point Revised Municipal Code and the Design Guidelines for the Historic Preservation / Design Review Commission.
3. Other business.
4. Adjourn.

Any person who has special needs while attending these meetings or needs agenda materials for these meetings should contact the City Clerk as soon as possible to ensure that a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715)346-1569, TDD# 346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

REPORT OF THE HISTORIC PRESERVATION / DESIGN REVIEW COMMISSION

Wednesday, August 3, 2011 – 4:30 PM

City Conference Room – County/City Building
1515 Strongs Avenue – Stevens Point, WI 54481

PRESENT: Chairman Lee Beveridge, Alderperson Mary Stroik, Commissioner Tim Siebert, Commissioner Jack Curtis, and Commissioner Norm Myers.

ALSO PRESENT: Community Development Director Michael Ostrowski, Cathy Dugan, Bailey Bushman, Bruce Woboril, and Rand Erbach.

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1. Approval of the report from the July 12, 2011 meeting.
2. Discussion and possible action on a request from Bruce Woboril of Elbow Room Bar, for an exterior building review of **1321 Second Street (Parcel ID 2408-32-2018-08)**, for the purposes of replacing signage.
3. Discussion and possible action on a request from Rand Erbach of Call it New, Call it Antique, and Dapper Dogs for a sign/awning plan review of 823 Main Street and 800 Clark Street (**Parcel IDs 2408-32-2017-01 and 2408-32-2017-02**).
4. Discussion and possible action on updating Chapter 22 (Historic Preservation / Design Review) of the Stevens Point Revised Municipal Code and the Design Guidelines for the Historic Preservation / Design Review Commission.
5. Other business.
6. Adjourn.

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1. Approval of the report from the July 12, 2011 meeting.

Motion by Commissioner Siebert to approve the report as presented; seconded by Chairman Beveridge. Motion carried 5-0.

2. Discussion and possible action on a request from Bruce Woboril of Elbow Room Bar, for an exterior building review of **1321 Second Street (Parcel ID 2408-32-2018-08)**, for the purposes of replacing signage.

Bruce Woboril from Elbow Room Bar stated that his sign is susceptible to vandalism and is very expensive to maintain. The sign currently does not meet code and he wants to upgrade and make the sign look better, as well as save money on the continuing maintenance costs. Currently, behind the neon letters is a painted plywood backer-board that is in need of maintenance. The current plan, if allowed, is to remove and replace the neon sign and place it inside the bar. The new sign is a back lit sign similar to Mug Shots. Mr. Woboril does not feel the sign is an architectural feature and is hoping to have the HP/DRC look at this as an improvement.

Bailey Bushman of Bushman Electric stated she is working with Mr. Woboril in designing the new sign for the business. The new sign would bring the electric up to code and would be more cost

effective to maintain. Ms. Bushman stated that neon is expensive to maintain. The new sign would have one ballast versus the three transformers.

Commissioner Seibert asked if the neon sign could be protected with some type of cover. Ms. Bushman stated you can place an acrylic lens over the neon sign, but the acrylic gets moisture in it, and would get dirt and other debris and turn yellow over time. Instead, Ms. Bushman designed a full black background sign with full color letters to display a better view. This gives the sign a classic look with a retro style front like the old sign. The material will be aluminum frame and have a poly carbonate cover, which is very flexible and durable.

Chairperson Beveridge asked if there was any other neon on the square. Director Ostrowski indicated that Joe's Bar has a neon sign. Chairperson Beveridge reminded the commission that at a previous meeting with the Joe Lawniczak, the Design Specialist from Wisconsin Main Street, they were advised to save as much neon as possible.

Cathy Dugan asked if there was a more affordable way to retain the neon and to keep it well maintained.

Director Ostrowski asked if the neon ultimately has to be removed, could it be replaced with a more historic looking sign that had goose neck lighting instead of back lighting. Bruce Woboril stated that it could be an option, depending on the cost.

Motion by Commissioner Seibert to allow Chairman Beveridge and Director Ostrowski to make the decision based on a conversation with Joe Lawniczak to determine if there is a cost effective solution to protect the existing neon sign; seconded by Commissioner Stroik . Motion carried 4-1, with Commissioner Myers voting in the negative.

3. Discussion and possible action on a request from Rand Erbach of Call it New, Call it Antique, and Dapper Dogs for a sign/awning plan review of 823 Main Street and 800 Clark Street **(Parcel IDs 2408-32-2017-01 and 2408-32-2017-02)**.

Rand Erbach from Call it New, Call it Antique stated that it is his plan to have a freestanding sign with a planter base. This base would be nearly twice the required size as to attempt to cover the landscaping requirements placed on his conditional use permit. In addition, he would offer space for the city to place a welcome sign on his planter. The planter is designed to be made of brick, similar to the brick on the canopy and matching some of the brick used in the Mathias Mitchell Square project.

Mr. Erbach stated he continues to make progress with the building. He has had the utility lines buried, installed glass doors, and had the approval for the carport/canopy addition. Not all the improvements are historic, but it is improving the look of what is there. He states that it is a big building and wants to place a sign on every side of the building, with the hope of contributing to the revitalization of the square. The freestanding sign would be an interior lit sign with a two line reader board. The west side sign would replace the former Blue Cross Blue Shield sign that was there previously. The awning over the doors on the north side was removed and he would like to relocate the awning to the doors just to the east. A sign would then be placed on that awning. Another sign is planned for the east side of the building and that sign would be illuminated with exterior lighting. Finally, a sign on the south side of the building would be located on the face of the awning.

Chairman Beveridge stated that based on the guidelines, there is not to be signage above the first floor windows. Given this, the proposed signs on the east and west side of the building would not be allowed. In addition, the awning on the north side of the building could not be reused in a new location.

Director Ostrowski stated that a property can have a primary and a secondary (1/2 the size of the primary) signs. Given that this building has two tenants and/or two entrances, it could have two primary signs, and the rest would be secondary. In addition, the only way signage can be located not in the signable area is with the approval of the HP/DRC and with a variance through the Plan Commission.

Mr. Erbach stated that he was trying to work within the guidelines, and wanted to wait until the square was complete. When the farmers market canopy was removed, it was evident that a sign was needed for the east side of the building, as opposed to leaving a large blank wall. As far as the awning, he would possibly be willing to do an awning that meets the current guidelines, such as a triangular awning.

Motion by Commissioner Myers to approve the freestanding sign with the reader board, the south side canopy sign, and the east side sign; Seconded by Commissioner Seibert.

Director Ostrowski stated that the east side sign would need to be located within the signable area, and meet the size requirements. In addition, the south side canopy would also need to be reduced in size to meet the required size requirements. Director Ostrowski also stated that the HP/DRC needs to determine the type of illumination for the south side canopy sign.

Motion was amended by Commissioner Myers to approve the freestanding sign with the reader board, the south side canopy sign, meeting the required size requirements and with external illumination, and the east side sign mounted in the signable area under the first floor windows, meeting the required size requirements; Seconded by Commissioner Seibert.

Chairperson Beveridge asked the commission if they were happy with the reader board and the east side sign being constructed out of a aluminum panel with graphics. He also suggested an awning band to go around the building.

Mr. Erbach stated that if business goes well, he would like to invest in having the paint removed from the building and the possibility of the awning band.

Director Ostrowski asked if the freestanding sign could be externally illuminated and more historic in nature.

Ms. Bushman stated that the look of the freestanding sign is a higher end sign. The sign could have gooseneck or external lighting but she feels it would detract and pull the eyes away from the sign. She also explained that the post of the freestanding sign would be tapered with both a top and bottom arm for support.

Chairman Beveridge asked if Commissioner Myers would be willing to modify the motion to hold off on the freestanding sign with reader board, which Commissioner Myers was not.

Motion carried 4-1, with Chairperson Beveridge voting in the negative.

4. Discussion and possible action on updating Chapter 22 (Historic Preservation / Design Review) of the Stevens Point Revised Municipal Code and the Design Guidelines for the Historic Preservation / Design Review Commission.

Given the time of the meeting it was decided to continue discussion regarding this item at the following meeting.

5. Adjourn.

Motion by Chairperson Beveridge to adjourn; seconded by Commissioner Seibert. Motion carried 5-0.

Meeting adjourned at 6:10 PM.



Memo

Michael Ostrowski, Director
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City of Stevens Point – Department of Community Development

To: Historic Preservation / Design Review Commission
From: Michael Ostrowski
CC:
Date: 9/1/2011
Re: Design Guidelines Review and Update

As done at our July meeting, we will continue to review Chapter 22 and the design guidelines. Please find enclosed an updated Chapter 22 for your review and consideration.

Please bring the design guidelines and other examples that were supplied to you for the July 6, 2011 and August 3, 2011 meetings. If you need additional copies, please contact me prior to the meeting.

If you should have any questions prior to the meeting, please do not hesitate to contact me.

Chapter 22: Historic Preservation / Design Review

City of Stevens Point, Wisconsin

Adopted by the Historic Preservation / Design Review Commission:

Adopted by the Plan Commission:

Adopted by the Common Council:

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Part 1. Purpose and Intent

Division 1.01 Introduction

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or architectural 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. 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.

Part 2. Definitions

The definitions shall be as follows:

- **Certificate of Appropriateness:** Is a 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.
- **Commission:** Means the Historic Preservation / Design Review Commission created within this chapter.
- **Design Guidelines:** Is the document entitled "Historic Preservation / Design Review Commission Design Guidelines" adopted initially by the Common Council and, if necessary, subsequently modified, refined, or expanded by the Commission with City Council approval.
- **Designated Agent:** Is a person or persons responsible to the Commission, and shall have only those powers and functions as specifically authorized by the Commission.
- **Historic District:** Is an area designated by the City Council, on recommendation of the Commission, that contains two 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.

- **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 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:** Means any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- **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.
- **Improvement Parcel:** Is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. 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.

Part 3. Historic Preservation / Design Review Commission Composition

A Historic Preservation / Design Review Commission is hereby created, consisting of nine members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and five shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint and/or reappoint the Commissioners subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years. Vacancies shall be filled for the unexpired term in the same manner as appointment.

Part 4. Historic Structure, Historic Site, and Historic District Designation Criteria

- 1) For purposes of this ordinance, 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 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
 - d) Are representative of the notable work: of a master builder, designer or architect who influenced their age; or
 - e) Have yielded, or may be likely to yield, information important to prehistory or history.
- 2) The Commission shall adopt specific operating guidelines for historic structures, historic sites, and historic district designations, provided such are in conformance with the provisions of this chapter.

Part 5. Powers and Duties

Division 5.01 Designation of Historic Structures and Historic Sites

The Commission shall have the power, subject to Part 6, 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 Part 4. Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this chapter.

Division 5.02 Regulation of Construction, Reconstruction, Alteration, and Demolition

Section 5.02.01 Regulation of Construction, Reconstruction, and Alteration

- 1) 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 Commission. Unless such certificate has been granted by the Commission, the building inspector shall not issue a permit for any such work.
- 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 historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior architectural 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, 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, or within the district.
 - c) In the case of any property located in a historic district, the proposed construction, reconstruction, or exterior alteration 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.

- d) 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.
- 3) 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:
- a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, and its site and environment.
 - b) 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.
 - c) 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.
 - d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f) 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.
 - g) Chemical or physical treatments, 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.
 - h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i) 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.
 - j) 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.

- k) Adherence to the adopted design guidelines.

Section 5.02.02 Regulation of Demolition

- 1) No permit to demolish all or part of an improvement in a historic district or a historic structure shall be granted by the building inspector except as follows:
 - a) At such time as such person applies for a permit to demolish such property, the Commission may refuse to grant such written approval, or suspend action for a period of up to four months from the time of such application. During such period, the applicant and the city shall cooperate in attempting to avoid demolition of the property. During this time, the owner shall take whatever steps are necessary to prevent further deterioration of the building. At the end of this four-month period, the Commission shall act on the application by either granting, or refusing to grant, permission to demolish such property. The applicant may appeal any decision of the Commission made under this paragraph to the City Council.
 - b) The permit would result in the loss of all reasonable and beneficial use of or return from the property; or
 - c) In the case of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created, or is the result of any failure to maintain the property in good repair.
- 2) 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:
 - 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 or state.
 - b) Whether the building or structure, although not itself a 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 or the state.
 - c) Whether demolition of the subject property would be contrary to the purpose and intent of this chapter, and to the objectives of the historic preservation plan for the applicable district as duly adopted.
 - d) Whether the building or structure is of such old, unusual, or uncommon design, texture, and/or material, that it could 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 or 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 the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of an approval to demolish.

- 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.
- h) Whether demolition of the building or structure would promote conformance with other criteria as designated in the adopted design guidelines.

Division 5.03 Timeline to Issue Certificate of Appropriateness

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 forty-five days of the filing of the application.

Division 5.04 City and All Public Utility and Transportation Companies

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.

Division 5.05 Other Permits and Approvals Required

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 permits 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 chapter, any provision of the Building Code, Electrical Code, Plumbing Code, Building and Premise Maintenance and Occupancy Code, or Uniform Sign Code of the Municipal Code of Ordinances, unless waived by the appropriate state or city officials. The Commission may support or propose such waivers before the appropriate state or city appeals body.

Division 5.06 Expiration of Certificate of Appropriateness

Compliance with Certificates of Appropriateness shall be started within twelve months, and completed within twenty four months, unless an extension is granted by the Commission, 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 section. 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 order shall continue in effect.

Division 5.07 Ordinary Maintenance and Repairs

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. Please see the Appendix ___ in the City of Stevens Point Historic Preservation / Design Review Design Guidelines for all work that does not require a Certificate of Appropriateness.

Division 5.08 Appeals

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 Common Council within thirty days. Appeals shall be filed in writing to the City Clerk, and shall specify the grounds of the appeal. The City Council may, by a vote of a majority, plus one, of the body of the whole, reverse or modify the decision of the Commission, and may order the building permit to be issued or work to proceed, provided that all other requirements for a building permit not covered in this chapter have been met. 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.

Division 5.09 Rescission of Designation

Any party who is listed as the owner of record of a historic structure or historic site who can demonstrate to the Commission that by virtue of such designation, he/she is unable to find a buyer willing to preserve such historic structure or historic site, even though he/she has made reasonable 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 Commission:

- 1) The owner and the appropriate city department shall work together in good faith with the Commission to locate a buyer for the subject property who is willing to abide by its designation status as a historic structure, or historic site.
- 2) If, at the end of a period not exceeding six months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Commission shall recommend to the City Council the designation of the subject property be rescinded. The City Council may accept, modify, or reject the Commission's recommendation. A vote to reject the Commission's recommendation requires a majority vote, plus one, of the body of the whole of the Common Council.

Division 5.10 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.

Division 5.11 Designation of Agent

The Commission shall have the authority to designate an agent or agents, which in this chapter are referred to as its designated agent. Such agent(s) shall be responsible to the Commission, and shall have only those powers and functions as specifically authorized by the Commission.

Division 5.12 Other Duties

In addition to those duties already specified in this chapter, the Commission shall:

- 1) Work for the continuing education of the citizens about the historical heritage of this city and the historic properties designated under the provision of this section.
- 2) Cooperate with the State of Wisconsin Historic Preservation Officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as historic structures or historic sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.
- 3) 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.

Part 6. Procedures

Division 6.01 Designation of Historic Structures, Historic Sites, and Historic Districts

- 1) The Commission may, after notice and public hearing, designate historic structures, historic sites, and recommend historic districts, or rescind such designation or recommendation, after application of the criteria in Part 4. At least ten 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 confer with the Commission prior to final action by the Commission on the designation. Notice of such hearing shall also be published as Class 1 Notice, under the Wisconsin Statutes.
- 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 ten days after the close of the public hearing, the Commission may designate the property as either a historic structure, historic site, or recommend its inclusion in a historic district, or rescind the designation. After the 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, Community Development Department, Plan Commission, 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 Common Council as provided by Division 6.03 and Division 6.04.

Division 6.02 Zoning of Historic or Design Properties

The historic structure, historic site, or historic district designation shall constitute a change in zoning for

historic preservation and design review purposes, and shall be included as such on the official zoning map. The HPO zoning shall be in addition to the existing underlying land use zoning.

Division 6.03 Creation of Historic District

- 1) For preservation purposes, the Commission shall select geographically defined areas within the city to be designated as historic districts and may, with the assistance of the Community Development 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 which:
 - a) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, or community; or
 - b) Is identified with historic personages, or with important events in national, state, or local history; or
 - c) Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods of construction, or of indigenous materials or craftsmanship; or
 - d) Is representative of the notable works of master builders, designers, or architects who influenced their age; or
 - e) Has yielded, or may be likely to yield, information important to history or prehistory.

Division 6.04 Creation of Preservation Plan

Each historic preservation plan prepared for or by the Commission may include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

- 1) Guideline criteria to be considered in the development of historic district plans are as follows:
 - a) All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
 - b) The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - c) In the street elevation of a building, the proportion between the width and height in the façade should be visually compatible with the building and environment with which it is visually related.
 - d) The proportions and relationships between doors and windows in the street façade should be visually compatible with the buildings and environment with which it is visually related.
 - e) The rhythm of solids to voids, created by openings in the façade, should be visually

compatible with the buildings and environment with which it is visually related.

- f) The existing rhythm created by existing building masses and spaces between them should be preserved.
- g) The materials used in the final façade should be visually compatible with the buildings and environment with which it is visually related.
- h) The texture inherent in the façade should be visually compatible with the buildings and environment with which it is visually related.
- i) Colors and patterns used on the façade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
- j) The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
- k) 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 buildings and environment with which it is visually related.
- l) The street façade 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.
- m) 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.

2) Review and Adoption Procedure

- a) Historic Preservation / Design Review Commission. The Historic Preservation / Design Review Commission shall hold a public hearing 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 I 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 the alderperson of the aldermanic district or districts 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 ten days prior to the date of the public hearing. Following the public hearing, the Historic Preservation / Design Review Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the Plan Commission and the Common Council.
- b) The Plan Commission. The Plan Commission shall review the historic district plan and make a recommendation to the Common Council. The Plan Commission shall make its recommendation on the historic district plan within thirty days.
- c) The Common Council. The Common Council, upon receipt of the recommendations from

the Historic Preservation / Design Review Commission and Plan Commission, shall hold a public hearing, notice to be given as noted in 2)a)2)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.

Part 7. Interim Control

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation / Design Review Commission, at which a nomination form is first presented until the final disposition of the nomination by the Commission or the Common Council unless such alteration, removal, or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.

Part 8. Conformance with Regulations

- 1) Every person in charge of a historic structure, historic site, or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this chapter. The Common 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 Common 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 s. 66.0119, Wis. Stats., and take any other reasonable measures to further enforcement of this chapter.
- 2) 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, etc.;
 - h) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions;
 - i) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.
- 3) Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district, designated under this chapter, any provision of the Building Code, Electrical Code, Plumbing Code, Building and Premise Maintenance and Occupancy Code, or Uniform Sign Code of the Municipal 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 does not endanger public health or safety.
- 4) Nothing contained in this chapter shall prohibit the making of necessary construction, reconstruction, alteration, or demolition of any improvement on premises governed by this chapter, or in a historic district pursuant to order of any governmental agency or pursuant to any court judgment, 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.

Part 9. 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 ordinance, and to use the design guidelines of the Commission when remedying the emergency conditions.

Part 10. Conflict of Interest

Any member of the Commission who has a financial interest in property purchase or sale, construction, reconstruction, or alteration affected by the provisions of this chapter shall disqualify himself/herself from participating in the review process for that particular project.

Part 11. Staffing, Funding, and Operation

The city, at its expense, shall provide for the operation of the Commission and the requirements of this ordinance as follows:

- 1) Clerical functions and staff assistance shall be provided by the Community Development Department.

- 2) Planning assistance shall be provided by the Community Development Department.
- 3) Legal services shall be provided by the City Attorney.
- 4) All other requirements not previously specified that may be necessary for the proper operation of this chapter, shall be provided by the appropriate city officer, office, staff, or function.

Part 12. Penalties for Violations

Any person or persons violating any provision of this section shall be fined \$200.00 for each separate offense. 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 fines 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 fines and administrative costs.

Part 13. Severability

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.