

Chapter 22

Historic Preservation/Design Review

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Part 1. 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 the health, prosperity, safety and welfare of the people. The purpose of this section 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:

- **Commission:** Means the Historic Preservation / Design Review Commission created under this section.
- **Design Guidelines:** Is the document entitled "City of Stevens Point Historic Design Guidelines" adopted initially by the city council and, if necessary, subsequently modified, refined, or expanded by the commission with common 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 section 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 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 pan 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 pan 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

Division 3.01 Composition

A historic preservation/design review commission is hereby created, consisting of five members and two alternates. Each member should have, to the extent practicable, a known interest in landmarks preservation, architectural and urban design. If possible, the commission should include an architect, landscape architect, architectural historian, archeologist, historian, and alderperson. The mayor shall appoint the commissioners subject to confirmation by the common council. Members shall serve a term of three years with the alderperson serving the length of the aldermanic term. Vacancies shall be filled for the unexpired term in the same manner as appointment.

Division 3.02 Commission Rules

- 1) Unless the chairperson is appointed by the mayor, the chairperson shall be elected by the commission. The chairperson, or its designee, shall preside at all meetings.

- 2) Action shall be by majority vote of the body of the whole.
- 3) A quorum shall be three or more members.
- 4) The chairperson and members present shall vote unless disqualified by conflict of interest.
- 5) Regular meetings shall be held at least once a month if requests warrant a meeting at a date and time set by the commission. Special meetings shall be at the call of the Chairperson or request of three members. Executive sessions may be held in accordance with State law.
 - a) Meetings shall be open to the press and the public except executive sessions. No official action will be taken at closed executive sessions in accordance with State law.
 - b) The Designated Agent, in consultation with the chairperson, shall prepare an agenda for all meetings. Adequate notice of all meetings shall be provided per state statutes.
- 6) Minutes in writing shall be kept by a member of the city Staff who is approved by the chairperson. Minutes shall be approved at the next meeting of the commission.
- 7) The "Designated Agent" of the commission, appointed pursuant to section 5.05, is the community development director, or designee. Duties are as follows:
 - a) Perform the first review of an application for a design review request, demolition request and building permit.
 - b) Agent(s) is (are) not authorized to deny a design review request. Where judgment indicates a design review request should be denied, the agent(s) shall refer the application with recommendations to the commission for its action.
 - c) Agent(s) may refer to the commission with recommendations for any application or proposal which is judged to warrant commission review and action.
 - d) Agent(s) shall have a minimum of one week to investigate and act on an application. This time may be extended by the commission.
 - e) Agent(s) shall attend and give a staff report to the commission at each regular meeting.
- 8) Minutes, files, and records of the commission and its agent(s) shall be kept in the department of community development. Destruction of these items shall

take place by commission order only, and in accordance with state and federal laws. Forms needed to perform the work of the commission or its agent(s) shall be designed under the direction of the designated agent. The chairperson shall control the procedure at meetings. Generally, the order of presentation shall be as follows:

- a) Designated agent(s),
- b) Applicant or proponent,
- c) Commission,
- d) Public,
- e) Commissioners, and
- f) Others.

Upon first obtaining recognition and permission of the chairperson, any commissioner may question any speaker at any time. The chairperson reserves the right to vary the order of presentation and shall keep them to a reasonable length of time and to the point. After the presentations are closed by the chairperson, the commission shall deliberate without interruption by others present. Action may be taken at the current session or held over for further consideration and action at an adjourned or subsequent meeting of the commission.

- 9) All questions not covered by these rules shall be controlled by the latest edition of Roberts Rules of Order, and/or state and federal law.

Part 4. Local 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 his 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 structure, historic site, and historic district designation providing such are in conformance with the provisions of this ordinance.

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 structures, sites, and 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 ordinance.

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

No owner or person in charge of a historic structure or historic site, or property located 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 approval has been granted by the commission.

Upon the filing of any request for a design review certificate with the commission, the commission shall review the request in accordance with the design guidelines. If the commission determines that the application for a design review certificate and the proposed changes are consistent with the design guidelines, it shall issue the design review certificate. Upon the issuance of such certificate, any other required permits shall be obtained.

Section 5.02.01 Expiration of Design Review Certificate

Compliance with design review certificates shall be completed 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 design review certificate or failure to obtain a design review certificate 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.

Section 5.02.02 Appeals

Should the commission fail to issue a design review certificate due to the failure of the proposal to conform to the design guidelines, the applicant may appeal such decision to the common council within 30 days. Appeals shall be filed in writing to the city clerk and shall specify the grounds of the appeal. The common council may, by a vote of two-thirds of the body of the whole, reverse or modify the decision of the commission. In addition, if the commission fails to issue a design review certificate, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a design review certificate within the guidelines of this ordinance. Demolition denials are subject to the same appeal process by the applicant.

Division 5.03 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 landmark, or landmark site, even though he/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 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 landmark, or landmark site.
- 2) If, at the end of a period not exceeding 1 year 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 common council the designation of the subject property be rescinded. The common council may accept, modify, or reject the commission recommendation. A vote to reject the commission's recommendation requires a majority vote plus one of the body of the whole.

Division 5.04 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 5.05 Designation of Agent

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

Division 5.06 **Other Duties**

In addition to those duties already specified in this part, 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 landmarks or landmark 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 (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 two hundred (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 (10) days after the close of the public hearing, the commission may designate the property as either a local historic structure, historic site, or recommend its inclusion in a local 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 6.02 and Division 6.03.
- 3) State or national designation nominations of historic structures, historic sites and historic districts shall meet the requirements of the applicable state and national departments for which oversee historic preservation.

Division 6.02 **Creation of Historic District**

- 1) For preservation purposes, the Historic Preservation / Design Review Commission shall select geographically defined areas within the city to be designated as local 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 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 6.03 **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 facade 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 facade should be visually compatible with the buildings and environment with which it is visually related.
 - h) The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - i) Colors and patterns used on the facade (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 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.
 - 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 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 1 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 two hundred (200) feet of the boundaries of the proposed 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 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) 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 (30) days.
- c) Common Council. The common council, upon receipt of the recommendations from the commission and 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 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 a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The common council may appoint the building inspector or any other individual or group of individuals to enforce this ordinance. 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 ordinance.

- 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;
 - 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.

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) Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration, or demolition of any improvement on premises governed by this ordinance, 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 ordinance 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 ordinance, 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 two hundred dollars (\$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 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.