

CHAPTER 151: HISTORIC DISTRICT

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§ 151.01 PURPOSE AND INTENT.

(A) It is hereby declared a matter of public policy that the protection, enhancement, and perpetuation of buildings and other improvements of special character or special historical interest or value is a public necessity.

(B) The purpose of this chapter is to:

(1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements which represent cultural, social, economic, political, engineering, and architectural history;

(2) Safeguard the historic and cultural heritage, as embodied and reflected in such historic structures and sites;

(3) Stabilize and improve property values;

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Historic Preservation Commission created by the Common Council.

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

HISTORIC DISTRICT. An area composed of two or more improvements that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city. An Historic District shall be that portion of the city which has been designated as an historic district on the National

Register of Historic Places, according to Wis. Stats. Ch. 44, Subchapter II.

HISTORIC STRUCTURE. Any site or building 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 either been designated as an historic structure on the National Register of Historic Places or designated as an historic structure by the City Historic Commission under this chapter.

(Ord. 133, passed 11-6-89; Am. Ord. 133B, passed 6-7-93)

§ 151.03 HISTORIC PRESERVATION COMMISSION COMPOSITION.

(A) The Common Council instructed the Planning Commission to study the feasibility of a City Historical Preservation Advisory Commission to advise the Common Council of future historical preservation policy and the Planning Commission recommended that a broad based Historical Preservation Advisory Commission be established and that the structure of the Commission shall be as follows:

(1) One member to be an officer of the Alma Historical Society;

(2) One member to be an owner of a building listed on the National Register within the city;

(3) One member of the Common Council to represent the First Ward;

(4) One member of the Common Council to represent the Second Ward; and

(5) One member to represent the city at large.

(B) The Commission is to be appointed by the Mayor and to be ratified by the Common Council. (Res. 266, passed 6-6-88)

§ 151.04 OTHER HISTORIC COMMISSION DUTIES.

(A) *Designation of historic structures.*

(1) For purposes of this chapter, a historic structure designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon that are of a particular historic, architectural, archaeological, or cultural significance to the city which:

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

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

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

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

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

(2) The Commission shall have the power, subject to this section, to designate historic structures and sites within the city limits. Such designations shall be based on the above criteria. No private property shall be designated an historic structure without the consent of the owner. Historic structures shall be subject to all provisions of this chapter.

(3) The Commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendations after application of the criteria of this section. At least ten days prior to such hearing, the Commission shall notify the owners of record, as

listed in the office in the City Clerk, who are owners of property in whole or in part. These owners shall have the right to confer with the Commission prior to the final action by the Commission on the designation. Notice of the hearing shall also be published as a Class 1 notice under Wisconsin statutes.

(4) The Commission shall conduct a public hearing. Within ten days after the close of the public hearing, the Commission may designate the property as either an historic structure or site.

(B) *Recognition of historic structures and historic sites.* At such time as an historic structure or site has been properly designated, the Commission may cause to be prepared and erected on such property a suitable plaque declaring that such property is an historic structure or site. The plaque shall be so placed as to be easily visible to passing pedestrians. In the case of an historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed proper by the Commission.

(C) *Other duties.* In addition to those duties already specified in this section, the Commission shall:

(1) Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section in order to encourage owners of historic properties to assist in carrying out the intent of this chapter;

(2) Work for the continuing education of the citizens about the historic heritage of this city and the historic structures and district;

(3) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. The funds shall be placed in a special city account for such purpose;

(4) Assist the owner in attempts to include other properties in the National Register of Historic Places; and

(5) Encourage owners of property not listed in the Historic District to preserve the historic character of the property.

(D) *Extra meetings of the Historic Commission.* Upon payment of a fee of a per diem and publication costs required for the extra meeting, any citizen applying for a recommendation of appropriateness or a demolition permit under this chapter may request the Historic Commission to call a special meeting for the purpose of considering such application. The special meeting shall be called and scheduled at the discretion of the chair of the Historic Commission and shall be given public notice as required by law.

(Am. Ord. 133B, passed 6-7-93; Am. Ord. 133C, passed 11-17-03)

§ 151.05 REGULATION OF CONSTRUCTION, RECONSTRUCTION, AND EXTERIOR ALTERATION.

(A) Any application for a building permit from the city involving the exterior of a designated historic site or structure within an historic district shall be filed with the Historic Preservation Commission.

(B) Any owner or person in charge of an historic site or structure within an historic district shall not reconstruct or alter all or any part of the exterior of such property or cause or permit any such work to be performed upon such property unless a recommendation of appropriateness has been granted by the Historic Preservation Commission.

(C) Upon filing of any application with the Historic Preservation Commission, the Historic Preservation Commission shall determine:

(1) Whether, in the case of a designated historic structure, 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; and

(2) Whether, in the case of any property located in an historic district, the proposed construction, reconstruction, or exterior alteration

does not conform to the objectives and design criteria of this chapter.

(D) When the Commission issues the recommendation of appropriateness, the building permit shall then be issued by the City Clerk. The Commission shall make this decision within 30 days of the filing of the application. If the Commission fails to issue a recommendation of appropriateness within 30 days of the application, the permit shall be granted if otherwise proper.

(Ord. 133, passed 11-6-89) Penalty, see § 151.99

§ 151.06 REGULATION OF DEMOLITION.

(A) No person may demolish all or any part of an historical structure or improvement in an historic district without first obtaining a permit from the City Clerk. Applications for demolition shall be made on a form as the Clerk may prescribe, which contains the following information:

- (1) Name of owner;
- (2) Location of property;
- (3) Description of improvement to be demolished;
- (4) Date of demolition; and
- (5) Reason for demolition.

(B) A demolition permit may not be issued, under this section, until 30 days after notice of the application is furnished by the city to the State Historical Society of the application under Wis. Stats. § 66.0413(3)(c).

(C) No permit to demolish all or part of an historic structure, or improvement in an historic district, shall be granted by the City Clerk except as follows:

- (1) No person shall be granted a permit to demolish such property under any circumstances

without first receiving the written recommendation of the Commission.

(2) At such time as the person applies for a permit to demolish the property, the application shall be filed with the Commission. The Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to save the property. The applicant and the Commission shall cooperate in attempting to avoid demolition of the property. If no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is reached within 60 days, the City Clerk shall issue the permit to demolish the subject property without the approval of the Commission but in conformance with Wis. Stats. § 66.0413(3)(c).

(C) In determining whether to issue a recommendation of appropriateness for any demolition, the Commission shall consider and may give decisive weight to any or all of the following:

- (1) 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 and the state;
- (2) Whether the building or structure, although not itself a designated historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the city;
- (3) Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in § 151.01;
- (4) Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
- (5) Whether retention of the building or structure would promote the general welfare of the

people of the city and the state by encouraging study of American history, architecture, and design or by developing an understanding of the American culture and heritage;

(6) 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; and

(7) Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it.
(Ord. 133, passed 11-6-89; Am. Ord. 133B, passed 6-7-93) Penalty, see § 151.99

§ 151.07 VOLUNTARY RESTRICTIVE COVENANTS.

The owner of any historic structure or site may, at any time following such designation of his or her property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the City Assessor of such covenant and the conditions thereof.
(Ord. 133, passed 11-6-89; Am. Ord. 133B, passed 6-7-93)

§ 151.08 CONFORMANCE WITH REGULATIONS.

Every person in charge of any historic structure or improvement in an historic district is encouraged to maintain and keep in good repair all of the exterior portions of such improvement in a condition consistent with the intent of this chapter.
(Ord. 133, passed 11-6-89; Am. Ord. 133B, passed 6-7-93)

§ 151.09 CONDITIONS DANGEROUS TO LIFE, HEALTH, OR PROPERTY.

Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration, or demolition of any historic structure or in an historic district pursuant to other of any governmental agency or pursuant to any court judgment, for the purpose of remedying the emergency conditions determined to be dangerous to life, health, or property. In such cases, no approval from the Commission shall be required.
(Ord. 133, passed 11-6-89; Am. Ord. 133B, passed 6-7-93)

§ 151.99 PENALTY.

Any person violating any provision of this chapter shall be subject to a forfeiture of not more than \$200 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense.
(Ord. 133, passed 11-6-89)