

CHAPTER 151: HISTORIC PRESERVATION

Section

- 151.01 Purpose and intent
- 151.02 Definitions
- 151.03 Historic Preservation Commission
- 151.04 Procedures
- 151.05 Conformance with regulations
- 151.06 Maintenance of landmarks, landmark sites and historic districts
- 151.07 Conditions dangerous to life, health or property

- 151.99 Penalty

§ 151.01 PURPOSE AND INTENT.

(A) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people.

(B) The purpose of this chapter is to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of 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 landmarks and historic districts;
- (3) Stabilize and improve property values;
- (4) Foster civic pride in the beauty and noble accomplishments of the past;
- (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) Strengthen the economy of the city; and

(7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city.
(1989 Code, § 28.01)

§ 151.02 DEFINITIONS.

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

CERTIFICATE OF APPROPRIATENESS. A certificate issued by the Historic Preservation Commission indicating that new construction, alterations or demolition to any landmark, landmark site or structure located within the Historic District is in accordance with the standards and requirements of § 151.03(C)(2). Such a certificate must first be obtained prior to the issuance of a building permit for the above stated purposes.

COMMISSION. The Historic Preservation Commission created under this chapter.

HISTORIC DISTRICT. An area designated by the Commission which contains one or more landmarks or landmark sites, as well as those abutting improvement parcels which the Commission determines should fall under the provisions of this chapter to assure that their appearance and development is harmonious with such landmarks or landmark sites. District boundaries are shown on the city official zoning map.

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

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

LANDMARK. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a **LANDMARK** pursuant to the provisions of this chapter.

LANDMARK SITE. Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man or upon which an historic event has occurred and which has been designated as a **LANDMARK SITE** under this chapter, or an improvement parcel or part thereof on which is situated a landmark and any abutting improvement parcel or part thereof used as and constituting part of the premises on which the landmark is situated.
(1989 Code, § 28.02)

§ 151.03 HISTORIC PRESERVATION COMMISSION.

(A) *Composition and terms.* An Historic Preservation Commission is hereby created, consisting of 7 members. Of the membership, 1 shall be a registered architect, 1 shall be an historian qualified in the field of historic preservation, 1 shall be a licensed real estate broker, 1 shall be an Alderperson, and 3 shall be citizen members. Each member shall have to the highest extent practicable a known interest in historic preservation. The Mayor shall appoint the members subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of 1 year, two shall serve a term of 2 years and three shall serve a term of 3 years. Thereafter, the term for each member shall be 3 years. The Mayor shall make every effort to fill the above technical positions with qualified persons to the greatest extent possible. Should no one in the community possess the required qualifications, arrangements will be made to secure such expertise on an as-needed basis, with such resources identified ahead of time.

(B) *Designation criteria for landmarks and landmark sites.*

(1) For the purposes of this chapter, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the city, such as historic structures or sites 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 characteristics of an architectural type 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 whose individual genius influenced his or her age.

(2) The Commission may adopt specific operating guidelines for landmark and landmark site designation, provided such are in conformance with the provisions of this section.

(C) *Powers and duties.*

(1) *Designation.* The Commission shall have the power, subject to § 151.04, to designate landmarks, landmark sites and historic districts within the city limits. These designations shall be made based upon division (B) above. Once designated by the Commission, the landmarks, landmark sites and historic districts shall be subject to all the provisions of this section. The Common Council has final authority over all actions of the Commission, especially those being disputed or of a controversial nature.

Mineral Point - Land Usage*(2) Regulation of construction and alteration.*

(a) Any alteration or modification to designated landmarks, landmark sites or structures within the historic district of the city which seeks to remove architectural features, change window sashes, modify sidings or roofs or involves other changes, including the placement of signs, regardless of cost, shall first require a certificate of appropriateness from the Commission.

(b) In addition to division (C)(2)(a) above, no owner or person in charge of a landmark, landmark site or improvement in an historic district shall alter or reconstruct all or any part of the exterior of such property, construct any improvement upon any such designated property or cause or permit any such work to be performed upon the property, unless a certificate of appropriateness has been granted by the Commission. These exterior improvements pertain not only to the building structure, but to improvements to the property, and include but are not limited to the construction, alteration or modification of fences, walls and other such visible incidentals. Without such a certificate, a zoning permit shall not be issued and the proposed alteration or modification shall not be permitted.

(c) In reviewing applications for alterations or modifications, the Commission shall require complete and clear drawings and specifications of the work to be accomplished to be furnished by the applicant and use the following criteria upon which to base its decision of granting a certificate of appropriateness:

1. General review criteria.

a. Every reasonable effort shall be made to provide a compatible use for a property which requires alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.

b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

d. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterizes a building, structure or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement

of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than as conjectural designs or availability of different architectural elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

h. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when the alterations and additions do not destroy significant historical, architectural or cultural material and the design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

j. Whenever possible, new additions or alterations to structures shall be done in such a manner that if the additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

2. *Specific review criteria.*

a. *Height.* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in the historic district.

b. *Proportions of windows and doors.* The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within the historic district.

c. *Relationship of building masses and spaces.* The relationship of a structure within the historic district to the open space between it and adjoining structures should be compatible.

d. *Roof shape.* The design of the roof should be compatible with the architectural style and character of the landmarks and surrounding structures in the historic district.

e. *Landscaping.* Landscaping should be compatible with the architectural character and appearance of the landmarks and of surrounding structures and landscapes in the historic district.

f. *Scale.* The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures in the historic district.

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g. Directional expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in the historic district should be compatible with dominant horizontal or vertical expression of surrounding structures. The directional expressions of a landmark after alteration, construction or partial demolition should be compatible with the original architectural style or character of a landmark in the historic district.

h. Architectural details. Architectural details, including materials, colors and textures, should be treated so as to make a landmark compatible with the original architectural style or character of a landmark in the historic district.

(d) Upon the filing of an application with the Commission and payment of a fee of \$25, the Commission shall determine:

1. Whether in the case of a landmark the proposed work would change, destroy or affect any exterior architectural feature of the improvement upon which the work is to be done; and

2. Whether in the case of construction of a new improvement the exterior of the improvement would affect or not harmonize with the external appearance of other neighboring improvements on the site or in the district.

(Am. Ord. 670, passed 1-4-2005)

(e) If the Commission determines division (d) above in the negative, it shall approve the certificate, otherwise it shall deny the request for approval. The Commission shall make this decision within 30 days after the filing of the application. Nothing contained herein shall be deemed to prevent the appeal of such denial to the Circuit Court.

(f) If the Commission denies the request for a certificate of appropriateness, the Commission and the applicant shall cooperate and work together for a period of up to 6 months following the date of the initial application to find a mutually agreeable method of completing the proposed work. At any time during the 6-month period, if no such mutually agreeable method is determined and both parties appear to be deadlocked on the issue, the applicant may appeal the decision of the Commission to the Common Council, which may grant a certificate of appropriateness by a 3/4 majority vote of all members in favor. At the time the Common Council hears the appeal, both the applicant and representatives from the Historic Preservation Commission shall be present to state their case and justify their actions.

(g) The Commission shall from time to time appoint from its members a committee of 2 who shall be notified by the City Clerk-Treasurer of all requests for application for certificates of appropriateness. That committee shall determine whether or not the request is of sufficient significance to be decided by the full Commission. If the committee determines that it is not of such significance, it will decide the matter and, if approved, will direct that a certificate of appropriateness be issued without further action. If such committee determines that a matter is of sufficient significance to be heard by the full Commission, it will notify both the applicant and the City Clerk-Treasurer of the decision. Thereupon, all of the provisions of this chapter relative to applications for certificates of appropriateness shall apply. If a request is decided by the committee against the applicant, the applicant

can request a hearing by the full Commission within 30 days from the date of the committee's decision. The committee shall make a full report of its actions at each meeting of the Commission.
(Ord. 445, passed - -)

(3) *Regulation of demolition.* No permit to demolish all or part of a landmark or improvement in an historic district shall be granted by the Building Inspector, except as follows:

(a) No person in charge of a landmark or improvement in an historic district shall be granted a permit to demolish the property without written approval of the Commission.

(b) At the time as such person applies for a permit to demolish the property, the application shall be filed with the Commission. Upon such application, the Commission may refuse to grant written approval for a period of up to 6 months from the time of the application, during which time the Commission and applicant shall undertake serious and continuing discussions for the purpose of finding a method to save the property. During this period, the applicant and the Commission shall cooperate in attempting to avoid demolition of the property. At any time during this 6-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, if both parties appear to be deadlocked on the issue, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the applicant may appeal the decision of the Commission to the Common Council, which may grant a permit to demolish the subject property by a 3/4-majority vote of all members in favor. At the time the Common Council hears the appeal, both the applicant and representatives from the Historic Preservation Commission shall be present to state their case and justify their actions.

(4) *Recognition of landmarks and landmark sites.* At such time as a landmark or landmark site has been properly designated in accordance with division (B) of this section and § 151.04, the Commission may, in consultation with the owner and, if he or she is agreeable, cause to be prepared and erected on the property at city expense a suitable plaque declaring that the property is a landmark or landmark site. The plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction and other information deemed proper by the Commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site and such other information deemed appropriate by the Commission.

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

(a) The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.

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(b) If at the end of a period not exceeding 6 months from the date of the petition no such buyer can be found and if the owner still desires to obtain the rescission, the Commission shall rescind its designation of the subject property.

(c) In the event of such rescission, the Commission shall notify the City Clerk-Treasurer, Building Inspector and the City Assessor of same and shall cause the same to be recorded at its own expense in the office of the Iowa County Register of Deeds.

(d) Following any such rescission, the Commission may redesignate the subject property a landmark or landmark site at any time thereafter it is petitioned to do so by the property owner.

(6) *Regulation of signs.* The Commission shall be responsible for the regulation of signs within the historic district. Prior to construction and/or placement, all signs proposed for the historic district shall first be granted a certificate of appropriateness to be issued by the Commission. Signs occurring in the historic district shall be subject to the provisions of Ch. 154 of this municipal code and shall conform to the specific regulations of the zoning district upon which the historic district overlays. The application fee for the certificate of appropriateness shall be \$25.

(Am. Ord. 670, passed 1-4-2005)

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

(a) Encourage property owners to make use of available tax credits to sites it has designated under the provisions of this section in order to encourage landmark owners to assist in carrying out the intent of this chapter.

(b) Work closely with the State Historic Preservation Officer (SHPO) in order to include those eligible properties outside the existing National Register Historic District to be included on the National Register of Historic Places.

(c) Continue to fulfill the requirements necessary to maintain the city's eligibility as a certified local government as long as the designation continues in effect.

(d) Conduct an intensive architectural survey of all property in the city to be carried out by a qualified architectural historian. Such a survey shall identify all significant historical properties in the city and shall serve as a basis for creating a plan whose primary intent is to manage the city's historic resources. The development of such a plan shall also be the responsibility of the Commission or the qualified person or firm it designates. Implementation of the plan, together with periodic updates, shall be the responsibility of the Commission.

(e) Work for the continuing education of the citizens of the city about the historic heritage of this city and the landmarks and landmark sites designated under the provisions of this section. Emphasis should also be placed on the economic benefits of historic preservation to the community.

(f) As it deems it advisable, receive and solicit funds for the purpose of landmarks preservation in the city. These funds shall be placed in a special city account for that purpose.

(g) The Historic Preservation Commission shall review this chapter no less often than every 5 years. Any revisions or additions deemed logical or necessary shall be submitted to the Common Council with a recommendation for formal adoption into this chapter. In addition, the Commission shall periodically report its activities to the Common Council at a regularly scheduled Council meeting.

(h) Appropriate preservation booklets and articles prepared by the Commission shall be made available for public distribution. Such material shall contain the city ordinances and codes applicable to preservation, instructions on how to work with these codes and ordinances, a list of city officials and members of the Historic Preservation Commission and other pertinent data, forms and instructions.

(1989 Code, § 28.03)

§ 151.04 PROCEDURES.

(A) *Designation of landmarks, landmark sites and historic districts.* The Commission may, after notice and public hearing, establish landmarks, landmark sites and historic districts or rescind such designation after application of the criteria in § 151.03(B). At least 10 days prior to the hearing, the Commission shall notify the owners of record as listed in the office of the City Assessor, who are owners of property situated, in whole or in part, within 200 feet of the boundaries of the property affected. Notice of the hearing shall also be published as a Class 1 notice under the Wisconsin Statutes. The Commission shall then conduct the public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena any witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may designate ~~the~~ property as either a landmark, a landmark site or include it in an historic district or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners and to such other persons as appeared at the public hearing. Notification shall also be given to the City Clerk-Treasurer, Building Inspector and the City Assessor. The Commission shall cause such designation or rescission to be recorded at city expense in the office of the Iowa County Register of Deeds.

(B) *Petition for a historic zone.* Following the designation of each historic landmark or landmark site, the Commission shall petition the Common Council for a rezoning of each such property from its original zoning classification to Special District H as permitted in Ch. 154 of this municipal code.

(C) *Voluntary restrictive covenants.* The owner of any landmark or landmark 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 the covenant in the interest of preserving the landmark or landmark site and the owner shall record the covenant in

the office of the Iowa County Register of Deeds and shall notify the City Assessor of the covenant and the conditions thereof.

(1989 Code, § 28.04)

§ 151.05 CONFORMANCE WITH REGULATIONS.

Every person in charge of any landmark, landmark 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 section.

(1989 Code, § 28.05)

§ 151.06 MAINTENANCE OF LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS.

(A) Every person in charge of an improvement on a landmark site or in a historic district shall keep in good repair all of the exterior portions of the improvement and all interior portions thereof, which, if not so maintained, may cause or tend to cause the exterior portions of the improvement to fall into a state of disrepair, including but not limited to the following conditions:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of exterior plasters or mortar;
- (5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors;
- (6) The boarding up of windows or doors;
- (7) The peeling of paint, rotting, holes and other forms of decay;
- (8) The deterioration of the surrounding environment, such as fences, gates, sidewalks, steps, signs, accessory structures and landscaping;
- (9) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; and
- (10) Any deterioration of interior portions of a structure which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

(B) Notices of violations shall be issued by the Commission Chairperson, after consultation with and approval by the Commission. If the Commission determines that it is necessary to physically enter a landmark structure, landmark site, or improvement to inspect the premises to determine whether a violation of division (A) of this section has occurred, such physical entry and inspection shall be done by the City Engineer. If an owner refuses permission for the City Engineer to enter for purposes of inspection, the City Engineer may obtain a Warrant of Entry, pursuant to Wis. Stats. § 66.0119. A notice of violation issued by the Commission Chairperson shall specify that the violation shall be corrected within 30 days or that a plan of correction, acceptable to the Commission be submitted within the 30-day period. If the alleged violation is not corrected within 30 days or if an acceptable plan is not submitted within 30 days or if a submitted and approved plan of correction is not followed, the Chairperson of the Commission may issue a citation providing for forfeiture of \$100, plus costs. Each day the violation remains uncorrected shall be considered a separate violation.

(C) The penalties provided in division (B) above shall be in addition to and not in lieu of any other legal or equitable remedies available to the Commission, including obtaining an order of the court to enjoin the continuation of the violation.

(1989 Code, § 28.06) (Am. Ord. 697, passed 8-1-2006)

§ 151.07 CONDITIONS DANGEROUS TO LIFE, HEALTH OR PROPERTY.

Nothing contained in this chapter shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in an 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 this case, no approval from the Commission shall be required.

(1989 Code, § 28.07)

§ 151.99 PENALTY.

Except as otherwise provided, any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 10.99 of this municipal code.

(1989 Code, § 28.10)