

CHAPTER 3 SPECIAL DISTRICTS

Part 6: Historic/Archaeological Preservation

13-3-18 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, archeological 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:

- (a) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
- (b) Safeguard the City's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) To the extent of maintaining the general goals of this Chapter, protect and enhance the City of Onalaska's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry and foster the revitalization and redevelopment of Onalaska's Historic Preservation District.
- (d) Improve and enhance the visual and aesthetic character of the City of Onalaska for the purpose of stabilizing and improving property values.
- (e) Provide for public education and promotion of the City of Onalaska's architectural, archaeological, aesthetic, historic and associative improvements, sites and districts.
- (f) Protect and enhance view-sheds of the Black River, Lake Onalaska and the Mississippi River Valley to preserve Onalaska's waterfront heritage.

Sec. 13-3-19 Definitions.

The definitions in this Chapter shall be as follows:

- (a) **Certificate of Appropriateness.** The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (b) **Commission.** The Historic Preservation Commission created under this Chapter.
- (c) **Historic District.** An area designated by the Common Council, on recommendation of the Commission that contains two (2) or more historic improvements or sites.
- (d) **Historic Site.** Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred or upon which scenic or panoramic views of the City's riverfront are significant, and which has been designated as a historic site under this Chapter.
- (e) **Historic Structure.** 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.

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- (f) **Improvement.** Any building, structure, place, work of art or other object consisting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
- (g) **Contributing Property.** Those properties meeting the criteria in Section 13-3-21 of this Chapter.
- (h) **Non-Contributing Property.** Those properties not listed in the list of contributing properties in Section 13-3-21 of this Chapter.

Sec. 13-3-20 Historic Preservation Commission; Composition.

- (a) A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, if available in the community, one (1) shall be a registered architect or attorney; one (1) shall be a historian; one (1) shall be a licensed real estate broker or building contractor; one (1) shall be a Council Member; and three (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 Commissioners subject to confirmation by Common Council.
- (b) Term limits for appointed members shall be three (3) years. Initially, two (2) members shall be appointed to two (2) year terms, one (1) of which will be a citizen member; three (3) such members shall be appointed to three (3) year terms, and two (2) citizen members shall serve one (1) year terms.

Sec. 13-3-21 Historic Structure, Historic Site and Historic Designation Criteria.

- (a) For purposes of this Chapter, a historic structure, historic site, or Historic District designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological, aesthetic, or cultural significance to the City such as historic structures, sites, or districts which:
 - (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 - (2) Are identified with historic personages or with important events in national, state or local history; or
 - (3) Embody the distinguishing characteristics of an architectural type of specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - (4) Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 - (5) Have yielded, or may be likely to yield, information important to prehistory or history; or
 - (6) Provide dramatic view-sheds of the Black River, Lake Onalaska and the Mississippi River Valley and Onalaska's historic waterfront.
- (b) 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 Chapter.

Sec. 13-3-22 Powers and Duties of Historic Preservation Commission.

- (a) **Designation.** The Commission shall have the power, subject to Section 13-3-22, to designate structures and historic sites and to recommend designation of Historic Districts within the City limits. Such designations shall be made based on Section 13-3-21.
- (b) **Regulation of Construction, Reconstruction, Alteration and Demolition.**
 - (1) No other person in charge of an architecturally significant designated structure within an Historic Preservation District shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
 - (2) Owners of non-designated properties having contiguity to a parcel having an architecturally significant designated structure within a Historic Preservation District shall be subject to the same permanent requirements as architecturally significant designated structures.
 - (3) 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 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, exterior alteration or demolition does not conform to the purpose and intent of this Chapter and to the objectives and design criteria of the historic preservation plan for said district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Onalaska;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair;
 - f. The building or structure is of such old, unusual or uncommon design, texture, and/or materials that it could not be reproduced without great difficulty and/or expense;
 - g. In the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or the result of any failure to maintain the property in good repair;

- h. The owner of the property submits information that the denial of the Certificate of Appropriateness will deprive the owner of all reasonable use of, or economic return on, the property.
- (4) 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. 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.
 - b. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
 - c. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - d. 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.
 - e. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - f. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
 - g. The benefit of the preservation of a historic site, structure or site within the Historic Preservation District to reach the goals of a City master plan such as a downtown redevelopment plan as adopted by the Common Council.
- (5) 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, it shall issue the Certificate of Appropriateness. The Commission shall make this decision within forty-five (45) days of the filing of the application.
- (6) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
- (7) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

- (8) Every person in charge of an improvement on a historic site or designated structure in a Historic District shall keep in good repair all of the exterior portion of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvements to fall into a state of disrepair.
- (c) **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 (30) days. 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.
- (d) **Recognition of Historic Structures, Sites and Districts.** At such time as a historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, 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.

Sec. 13-3-23 Designation Procedures.

- (a) **Designation of Historic Structures and Historic Sites.**
 - (1) The Commission may make recommendations to the Common Council for the scheduling of a public hearing after application of the criteria in Section 13-3-21 above. 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.
 - (2) The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing, notice to be given as noted in Subsection (c) below, and shall following the public hearing either designate or reject the historic site or structure. Designation of the historic site or structure shall constitute adoption of the plan prepared for said structures and sites and direct the implementation of said plan.
 - (3) After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be sent to the City Clerk, Building Inspector, Plan Commission, and the City Assessor. The Commission shall cause the designation or rescission to be recorded at the City's expense in the County Register of Deeds office.
- (b) **Creation of Historic District.** For preservation purposes, the Historic Preservation Commission shall select geographically defined areas with the City to be designated as Historic Districts and shall prepare a Historic Preservation Plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City, after application of the criteria in Section 13-3-21 above. Each Historic Preservation Plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

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- (c) **Review and Adoption Procedure.**

- (1) **Historic Preservation Commission.** The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of the public hearing shall be sent to the City Clerk for publication as a Class 1 Notice under the Wis. Stats. in the official City newspaper, and notification shall be sent to 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 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 Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.
- (2) **The Common Council.** The Common Council, upon receipt of the recommendations from the Historic Preservation Commission shall hold a public hearing, notice to be given as noted in Subsection (c)(1) 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 prepared for that district and direct the implementation of said plan.
- (d) **Guidelines for Development and Review.**
 - (1) Facade treatments, roof design, building additions, and architectural elements should be visually compatible with the buildings and environment to which the improvement is visually related.
 - (2) Building materials, colors and patterns should be visually compatible with the buildings and environment to which the improvement is visually related.
 - (3) Signage, lighting and other amenities should be properly scaled and compatible with the visual surroundings.
 - (4) Landscape treatments should be well maintained and properly designed for the individual building, its occupants and the surrounding visual environment.

Sec. 13-3-24 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 non-designated property within one hundred (100) feet of a designated site or structure or a designated site or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the 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 one hundred eighty (180) days.

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Sec. 13-3-25 Penalties for Violations.

Any person or persons violating any provision of this Chapter shall be subject to the general penalty provisions listed in Section 1-1-7 of this Code of Ordinances. 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.

Sec. 13-3-26 Public Safety and Health Issues.

The Building Inspector may order the remedy to any condition affecting public safety or health in any historic site, structure or site within a district prior to the approval of the Commission. The Building Inspector shall promptly notify the Commission of any such action.