

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 15.0 HISTORIC PRESERVATION

15.01 INTENT, PURPOSE, AUTHORITY AND APPLICATION

It is the intent of the City to exercise its zoning and police powers in order to promote the health, safety and general welfare through the regulation and preservation of historic districts, structures and sites with a special character, historic interest, aesthetic interest or other significant value, in accordance with §62.23(7)(em), Wisconsin Statutes, and other applicable law. This Section is applicable to all private property and public property (including City property) subject to the City Zoning Ordinance.

The purpose of this Ordinance is to:

A. Effect and accomplish the protection, enhancement, and perpetuation of such historic districts, structures and sites which exemplify or reflect elements of the City's cultural, social, economic, political, engineering and architectural history.

B. Safeguard the City's history and heritage, as embodied and reflected in such historic district's structures and sites.

C. Stabilize and improve property values.

D. Foster civic pride in the beauty and noble accomplishments of the past.

E. Protect and enhance the City's historic districts, structures and sites for the benefit of residents, tourists and visitors, and serve as a support and stimulus to business and industry.

F. Strengthen the economy of the City.

G. Promote the use of historic districts, structures, and sites for the education, enjoyment and welfare of the people of the City.

15.02 DEFINITIONS

In this Section, unless the context clearly requires otherwise:

A. Certificate of Appropriateness means the certificate issued by the Commission approving exterior alteration, rehabilitation, restoration, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a Historic District. Certificates of Appropriateness are

discretionary. Application for a Certificate of Appropriateness and Commission review and recommendation is required.

B. Commission means the Historic Preservation Commission created under this Section.

C. Improvement means any building, structure, work of art or other object constituting a physical betterment of real property.

D. Improvement Parcel means real property, whether or not improved, which is treated as a single entity for the purpose of levying real estate taxes and has been assigned a parcel number by the County Land Information Office.

E. Historic District means an area composed of two or more improvement parcels that together possess special character, historic interest, aesthetic interest, or other significant value which reflects the City's cultural, social, economic, political, engineering and architectural history, and which has been designated and approved as a Historic District pursuant to the provisions of this Section.

F. Historic Sign means a sign which the Historic Preservation Commission has evaluated for historical significance, determined to be historically significant and is listed on a Historic Sign Inventory on file in the Department of City Development and the Department of Neighborhood Services and Inspections. Historic Signs may include rooftop, projecting, freestanding, wall, obsolete, on-premises, off-premises, or nonconforming signs.

G. Historic Structure means any improvement which has a special character, historic interest, aesthetic interest, or other significant value which reflects the City's cultural, social, economic, political, engineering and architectural history and which has been designated and approved as a Historic Structure pursuant to the provisions of this Section. Where the context requires, the word **Structure** shall mean building.

H. Historic Site means any improvement parcel or parcels, not part of a Historic District, which contain(s) a Historic Structure or which has historic significance due to identification with historic personages, with important events in City history or has substantial value in tracing the history or prehistory of man; and which has been designated and approved as a Historic Site under this Section.

I. City('s) History shall mean and include the history of the State and nation.

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J. Chief of Inspection shall mean and include designees thereof.

K. Work shall mean alteration, rehabilitation, restoration, construction, reconstruction or demolition.

15.03 HISTORIC PRESERVATION COMMISSION

A. Creation. A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, one (1) shall be an Alderman; and six (6) shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. With respect to citizen membership, where available for and willing to accept an appointment, one (1) member shall be a registered architect, one (1) member a historian, one (1) member a licensed real estate broker and one (1) member shall be a past or present owner of historic property. The Mayor shall appoint the Commissioners, subject to confirmation by the Common Council. Of the initial members so appointed, two (2) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, and three (3) shall serve a term of three (3) years. Thereafter, the term for each member shall be three (3) years. An employee of the Department of City Development shall serve as the recording secretary to the Commission. The term of the Alderman member shall cease upon vacation of such position. There shall be no limit on the number of consecutive terms a citizen member may serve.

B. Powers and Duties of Commission. The Commission shall have the power to:

1. Nominate districts, structures and sites to the Common Council for historic designation.
2. Review proposed work and issue Certificates of Appropriateness and letters of denial.
3. Erect plaques of historic recognition.
4. Work for the passage of enabling Federal and State legislation which would permit the granting of full or partial real estate tax exemptions for Historic Structures and sites in order to encourage historic preservation.
5. Cooperate with the Historic Preservation Officer for the State of Wisconsin, and the State Historic Preservation Review Board, to include districts, structures, or sites within the City in the National and State Register of Historic Places.
6. Work for the continuing education of the public respecting the historic heritage of the City and the Historic Districts, structures and sites within the City.
7. Receive, solicit and disburse funds for the purpose of historic preservation in the City and place such funds in a segregated City account.

Disbursements may include no interest loans, low interest loans or grants to owners of historic property.

8. Provide technical assistance to the owners of historic properties respecting proposed work.

9. Adopt By-Laws.

10. Adopt administrative guidelines and forms, following an opportunity for public comment and input from the State Office of Historic Preservation, subject to approval by the City Attorney as to form, legality and conformance with this Ordinance.

11. Cooperate with the Department of Neighborhood Services and Inspections by providing an Inventory of Historic Signs which are exempt signs under Section 15.11 of the Code of General Ordinances. Historic Signs may include rooftop, projecting, freestanding, wall, obsolete, on-premises, off-premises, or nonconforming signs.

15.031 STANDARDS FOR DESIGNATION OF HISTORIC SIGNS

A sign may be designated to be eligible for listing on the Historic Sign Inventory when it has been in existence, but not necessarily continually visible or displayed, for a period of forty (40) years or more, and meets at least one (1) or more of the following criteria:

1. Is identified with the history of a product, business or service advertised.
2. Reflects the history of the building or a Historic District on/in which located.
3. Is integrated into the architecture of the building on which located and may be exemplary of a historically significant architectural style of the building.
4. The sign, if removed from a Historic Structure, will harm the integrity of the building or cause significant damage to its materials.
5. Is recognized as a popular focal point in the area by reason of its prominent location, long existence, large size or unusual design.
6. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history.

15.04 STANDARDS FOR DESIGNATING STRUCTURES AND SITES AS HISTORIC

A. Standards for Designation. A Historic Structure or Historic Site designation may be placed on any improvement parcel within the City which:

1. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history; or,
2. Is identified with historic personages or with important events in the City's history; or,

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3. Embodies 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,

4. Is representative of the notable work of a master builder, designer or architect whose individual genius influenced their age; or,

5. Has yielded, or may be likely to yield, information important to the history or prehistory of man.

6. Historic Structures and sites which are on the National or State Register of Historic Places shall be designated as a City Historic Structure or site.

B. Exemptions. The property of bona fide churches which is used for religious purposes is exempt from any provision of this Section which may have a coercive effect upon the practice of religion. Relief from such coercive provision may be obtained by application for a variance to the Zoning Board of Appeals.

15.05 RECOGNITION OF HISTORIC STRUCTURES AND HISTORIC SITES

At such time as a Historic Structure or site has been properly designated and approved in accordance with this Section, the Commission may cause to be prepared and erected on such structure or site, at Commission expense, a suitable plaque declaring such to be a Historic Structure or site. The plaque shall be placed so as to be easily visible to passing pedestrians. In the case of a Historic Structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed appropriate by the Commission, and acceptable to the owner. In the case of a Historic Site which is not the site of a Historic Structure, the plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.

15.06 STANDARDS FOR DESIGNATING IMPROVEMENT PARCELS AS HISTORIC DISTRICTS

A. A Historic District designation may be placed on any combination of improvement parcels within the City which:

1. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history; or,

2. Is identified with historic personage or with important events in the City history; or,

3. Embodies the distinguishing characteristics of an architectural type or specimen, inherently valuable for the study of a period, style, method of

construction, or of indigenous materials or craftsmanship; or,

4. Is representative of the notable work of a master builder, designer or architect who influenced their age.

5. Has yielded, or may be likely to yield, information important to the history or prehistory of man.

6. Historic Districts which are on the National or State Register of Historic Places shall be designated as a City Historic District.

15.07 HISTORIC DISTRICT PRESERVATION PLAN

The Commission, prior to nominating any combination of improvement parcels to the Common Council for Historic District status, shall, with the assistance of the Department of City Development, prepare and adopt a Preservation Plan which shall include an analysis supporting the historic significance of the improvement parcels, guidelines for the construction of public improvements and a statement of preservation objectives within the Historic District.

The Preservation Plan adopted by the Commission shall be certified to the Common Council, along with its nomination of improvement parcels for Historic District status. In the event the Commission's nomination is not adopted by the Common Council, the Preservation Plan shall be null and void.

15.08 PROCEDURE FOR NOMINATION AND DESIGNATION OF HISTORIC DISTRICTS, STRUCTURES AND SITES

The Commission may, after notice and public hearing, nominate to the Common Council improvement parcels for Historic District, structure and site designation, or recommend rescinding such designation previously made upon application of the criteria herein. No such nomination or recommendation shall be final until approved by the Common Council. At least ten (10) days prior to such hearing, the Commission shall, by regular mail or personal service, notify persons listed in the Office of the County Assessor as owners of relevant improvement parcels and improvement parcels situated within one hundred (100') feet of their boundaries of the date, time and place of the hearing. Notice of such hearing shall also be published as a Class 2 Notice, under the Wisconsin Statutes. Publication shall cure any defect in the service of notice. The Commission shall also notify the persons in charge of the following: Department of Public Works; Redevelopment Authority; Fire and Police Departments; Kenosha County Health

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Department; Department of Neighborhood Services and Inspections and the Department of City Development. Each such department may respond to the Commission within fifteen (15) days of notification with its comments, if any, on the proposed designation or rescission. The Commission shall then receive such reports and conduct a public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the improvement parcels in issue and direct the conduct of an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Commission shall make and forward a recommendation to the Common Council.

The owners of record of the above referenced improvement parcels shall be notified in writing by the Commission of the date, time and place the Common Council will act on its recommendation.

The Common Council shall approve or deny the recommendation of the Commission. The City Clerk/Treasurer shall send notice of the action taken by the Common Council to the owners of improvement parcels which are subject to the designation or the rescinding of a designation as a Historic District, structure or site, and to the Chief of Inspection and Director of the Department of City Development.

15.081 PROCEDURE FOR DESIGNATION OF HISTORIC SIGNS

The Commission may, after notice and public hearing, evaluate and designate a sign as historically significant or recommend rescinding a previous designation of historical significance upon application of criteria provided in **Section 15.031**. A review of eligibility for listing on the Historic Sign Inventory may be initiated by the Historic Preservation Commission or the owner of an improvement parcel which contains a potential Historic Sign. Where a property owner petitions the Commission to review eligibility for listing on the Historic Sign Inventory, the owner shall provide sufficient supporting documentation for Commission evaluation.

At least ten (10) days prior to such hearing, the Commission shall, by regular mail or personal service, notify persons listed in the Office of the City Assessor as owners of relevant improvement parcels containing a potential Historic Sign and owners of improvement parcels situated within one hundred (100') feet of the boundary of the improvement parcel containing the potential Historic Sign of the date, time and place of hearing. Notice of such hearing shall

also be published as a Class 2 Notice, under the Wisconsin Statutes. Publication shall cure any defect in the service of notice. The Commission shall also notify the Director of the Department of Neighborhood Services and Inspections. The Department of Neighborhood Services and Inspections may respond to the Commission within fifteen (15) days of notification with its comments, if any, on the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing. The Commission shall then receive such reports and conduct a public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the sign in issue and direct the conduct of an independent investigation into the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing.

The Commission shall approve or deny the designation of the sign as a Historic Sign. If approved for designation as a Historic Sign, the Commission shall direct that it be included on a Historic Sign Inventory and, if located on a building or structure designated as a Historic Structure or site, identified as such. Historic Signs shall be exempt signs under Section 15.11 of the Code of General Ordinances. The Historic Sign Inventory shall be on file and available for public inspection in the Department of City Development and the Department of Neighborhood Services and Inspections.

The Department of City Development shall send notice of the action taken by the Historic Preservation Commission to the owner of the improvement parcel on which the sign is located.

15.09 DESIGNATION OF HISTORIC DISTRICTS, STRUCTURES, AND SITES ON OFFICIAL ZONING MAP

Upon approval by the Common Council of any nomination or recommendation of the Commission, the Historic District, structure or site shall be designated as such on or removed from the City's Official Zoning Map.

15.10 CERTIFICATE OF APPROPRIATENESS

A. Where Required. An application for a Certificate of Appropriateness and review and recommendation by the Commission is required prior to any of the following work being undertaken:

1. Construction of a new principal or accessory structure in a Historic District or on a Historic Site.
2. Construction of an addition to a Historic Structure, either horizontal or vertical.

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3. Demolition of all or part of a Historic Structure.

4. Exterior alteration, rehabilitation, reconstruction or restoration of a Historic Structure which is not classified in this Ordinance as exempt work.

5. Construction of public improvements upon public property by any unit of government which changes the character of a street, sidewalk, right-of-way, utility installation, light, wall or fence in a Historic District.

6. Cleaning the exterior surfaces of Historic Structures, by chemical or physical means, which may cause physical damage to structure.

B. Issuance. Certificates of Appropriateness for any work may be issued or denied by the Commission for any proposed work in accordance with the standards of this Ordinance. An application for a Certificate of Appropriateness shall be fully completed upon designated forms and filed in the Department of Neighborhood Services and Inspections. Said Department shall send a copy of the application to the Department of City Development. The Commission may delegate the issuance of Certificates of Appropriateness to the Chief of Inspection for certain classes of work, subject to the standards of this Ordinance, or it may contract with architects or consultants who have expertise in historic preservation to issue said Certificates.

D. Standards for Granting Certificate of Appropriateness. A Certificate of Appropriateness may be granted when:

1. The Historic District, structure or site is used for its historic purpose, and, if a new use, will require minimal change to its historic characteristics.

2. The historic character of the district, structure or site is retained and preserved.

3. The materials, features and spaces that characterize a district, structure or site as historic are retained and preserved.

4. There are no changes in a Historic District, structure or site that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures.

5. Prior alterations that have acquired historic significance in their own right are retained and preserved.

6. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize the Historic District, structure or site are retained and preserved.

7. Deteriorated historic features are retained 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.

8. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

9. Significant archeological resources affected by work shall be retained and preserved. If such resources are disturbed, mitigation measures shall be undertaken.

10. New additions, exterior alterations, or related new construction do not destroy historic materials that characterize the Historic District, structure or site. The new work is differentiated from the old and compatible with the existing size, scale and architectural features to protect the historic integrity of the Historic District, structure or site and its environment.

11. New additions and adjacent related new construction are undertaken in such a manner that, if removed in the future, the essential form and integrity of the Historic Structure or site and its environment would be unimpaired.

12. Alteration of a Historic Structure will provide access to the handicapped.

E. Standards for Denial of Certificate of Appropriateness. A Certificate of Appropriateness may be denied when:

1. 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.

2. 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.

3. 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 Section and to the objectives and design criteria of the Historic Preservation Plan for said district.

F. Filing of Applications and Written Determinations. The Commission shall issue written Certificates of Appropriateness or letters of denial within six (6) months of receipt of the application by the Commission, which shall be served upon the applicant by regular mail or personal service. Applications shall be deemed received by the

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Commission upon being filed with the Department of Neighborhood Services and Inspections. Said Certificates and letters, which are evidence of Commission review and recommendation respecting proposed work, shall be available for inspection on the work site. The Commission shall expedite the review, to the extent practical. Applications which are not denied within the six (6) month review period shall be deemed approved. The written determination of the Commission shall be advisory in nature for all applicants.

G. Other Permits And Approvals. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City Zoning Ordinance or Code of General Ordinances. Should any permit or approval be granted, issued or given without the required review for work which requires a review, said permit or approval shall be null and void.

H. Term Of Certificates Of Appropriateness. Certificates of Appropriateness shall be valid for a period of five (5) years from the date of issuance.

I. NonCompliance. The failure of any person, party, firm or corporation to apply for a Certificate of Appropriateness and obtain Commission review and recommendation shall be a violation of this Ordinance. In addition to other penalties and remedies, the Chief of Inspection may issue a Stop Work Order, and all work shall then cease on the designated work site. No additional work shall be undertaken as long as such stop work order continues in effect. Failure to comply with a Stop Work Order is a violation of this Section.

J. Exempt Work. Commission review is not required for interior alteration, rehabilitation or reconstruction in a Historic Structure. Ordinary exterior maintenance, painting and repairs may be undertaken without a Commission review provided that the work involves repairs to existing features of a Historic Structure 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.

Owners of Historic Signs listed on the Historic Sign Inventory who desire to alter, rehabilitate, reconstruct or remove such sign(s) shall not be required to obtain a Commission review unless such sign is located on a building or structure designated as a Historic Structure or site.

Owners who voluntarily remove a Historic Sign not located on a building or structure designated as a Historic Structure or site shall notify the Department

of City Development of such action. After such notification, the Historic Sign designation shall be removed by the Commission.

15.11 STANDARDS FOR CERTIFICATE OF APPROPRIATENESS RESPECTING DEMOLITION

A. Permit Required. A permit to demolish all or part of a Historic Structure upon a Historic Site or in a Historic District, shall be granted by the Chief of Inspection, under §9.11 of the Code of General Ordinances, only upon the applicant first receiving a Certificate of Appropriateness from the Commission which either approves demolition or recommends preservation.

B. Commission Review Procedure. At such time as an applicant applies to the Department of Neighborhood Services and Inspections for a Demolition Permit, said Department shall forward a copy of the application to the Commission. Where the Certificate of Appropriateness approves demolition, the Chief of Inspection may issue a Demolition Permit to an eligible applicant. Where the Certificate of Appropriateness recommends preservation, the Chief of Inspection may delay the issuance of a Demolition Permit for a period of up to six (6) months from the date of the filing of such application, during which time Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to preserve the structure. At the end of this six (6) month period, if no mutually agreeable method of saving the structure bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject structure is pending, the Chief of Inspection may issue the permit to demolish the structure without the approval of the Commission.

C. Standards For Approval Of Demolition And Recommendation Of Preservation.

1. The following standards for approval of demolition work or recommendation of preservation, shall apply to Historic Structures:

a. The structure is of such historic significance that its demolition would be detrimental to the public interest;

b. The structure, when in a Historic District, although not itself a Historic Structure, contributes to the distinctive character of the Historic District as a whole and therefore demolition would be detrimental to the public interest;

c. The demolition of the structure would be contrary to the purpose and intent of this Section or to the objectives of the Historic Preservation Plan for the applicable Historic District, where applicable.

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d. The structure is of such old, unusual or uncommon design, texture and/or material that it could not be reproduced or could be reproduced only with great difficulty and/or expense;

e. The retention of the structure would encourage the study of the City's history, architecture and design or develop an understanding of the City's culture and heritage.

2. Notwithstanding the above, a Certificate of Appropriateness for demolition shall be deemed appropriate where any of the following factors exist:

a. The 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 self-created or the result of any failure to maintain the structure in good repair, cannot qualify as a basis for the issuance of a Certificate of Appropriateness;

b. The denial of the application would deny the owner of the structure all economically viable use of their property.

D. Appeal. An appeal may be taken from the recommendation of the Commission to approve demolition or recommend historic preservation, by any person aggrieved or by an officer, department, board or bureau of the community affected by the order, requirement, decision or determination. An appeal may be initiated by filing a petition to appeal, specifying the grounds therefor, with the City Clerk/Treasurer within ten (10) days of the date the final decision of the Commission is made. The City Clerk/Treasurer shall file the petition to appeal with the Zoning Board of Appeals and provide notice thereof to the Commission. After a public hearing, the Zoning Board of Appeals may, by favorable vote of two-thirds (2/3rds) of its full membership, reverse or modify the decision of the Commission where such action is in conformance with the standards of this Section. The Chief of Inspection shall not issue a Demolition Permit while the appeal is pending.

15.12 STANDARDS FOR CERTIFICATE OF APPROPRIATENESS RESPECTING EXTERIOR ALTERATIONS OF AND ADDITIONS TO HISTORIC STRUCTURES

The following construction standards are recommended for exterior alterations of and additions to Historic Structures:

A. Height. Additions be no higher than the existing structure.

B. Second Exit Platforms. Second exit platforms not be applied to the front or sides of a structure, unless they are not visible from the street

fronting the structure.

C. Mechanical And Solar Apparatus. Mechanical and solar apparatus be installed where such devices do not detract from the architectural integrity of the structure and are as unobtrusive as possible. Mechanical and solar apparatus not be installed if such devices hide from contiguous street view significant architectural features of the structure or neighboring Historic Structures, or if their installation requires the loss of significant architectural features, or if they are of such a large scale that they become a major feature of the design of the structure.

D. Restoration. Work that will return the appearance of the structure to an earlier appearance is encouraged, especially where documented by photographs, architectural or archeological research, or other suitable evidence of such earlier appearance.

E. Residing. The integrity of original exterior wall finishes should be maintained. The introduction of siding material which detracts from or disguises the architectural character of the structure should be avoided. Residing with non-wood products that replace original clapboards or siding is acceptable where the new siding reasonably imitates the width and texture of the original siding, and if all architectural details, such as window trim, wood cornices, and ornament, either remain uncovered or are replaced or duplicated in appearance.

If more than one layer of clapboards or siding exist on the structure, all layers except the first, should be removed before new siding is applied. If insulation is applied under the new siding, all trim should be built up so that it projects from the siding in the same manner as the original.

F. Storms, Screens And Storm Doors. The repair and retention of original storm windows, screens and doors, or the replacement of same with new units which reasonably duplicate the original in materials and appearance are encouraged. Replacements with materials, such as combination metal components, are acceptable. Metal components are acceptable where factory-enamelled. Raw aluminum storms are acceptable if painted after a year of weathering of the finish. Replacements which imitate a specific style are acceptable only if the style matches the style of the house.

G. Additions And Exterior Alterations. The design of additions and exterior alterations should be compatible with the existing structure in scale, architectural design, texture and the proportion of

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solids to voids. Materials and architectural details used in such exterior alterations and additions should reasonably match those on the existing structure. Where the materials and architectural details are unknown, the materials and architectural details of the structure should be compatible with those used in the original construction of similar structures.

New roofs should match the original in appearance, not including color, as closely as is possible. Repairs to existing roofs should avoid the appearance of patchwork.

H. Side Additions. Side additions should be set back from the front wall of the structure.

15.13 STANDARDS FOR CERTIFICATE OF APPROPRIATENESS RESPECTING NEW CONSTRUCTION IN HISTORIC DISTRICTS

The following construction standards shall apply to new construction in Historic Districts:

A. Heights. The maximum height for new structures shall be as established in the Zoning Ordinances for that Zoning District, unless a lesser height is established in the Historic Preservation Plan.

B. Roof Shape. The roof shape of new structures should be compatible with the architectural style of the district.

C. Materials. Materials for the exterior walls of new structures should be compatible with the architectural style of the district.

D. Visual Size. The gross area of the front facade (all walls facing the street) of a structure should be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of all structures within the visually related area. If this is not possible, changes in the setback should be designed in the front facade of the structure to repeat the rhythm and proportions of structure versus space within the visually related area.

E. Mechanical And Solar Apparatus. Mechanical and solar apparatus are acceptable on new structures if such devices do not detract from the architectural integrity of the structure or other structures in the district and are as unobtrusive as possible. Mechanical and solar apparatus should not be installed if such devices hide from street view significant architectural features of the structure or neighboring Historic Structures, or if their installation requires the loss of significant architectural features, or if they are of such a large scale that they become

a major feature of the design of the structure.

15.14 STANDARDS FOR ACCESSORY STRUCTURES IN HISTORIC DISTRICTS

The following construction standards shall apply to accessory structures in Historic Districts:

A. Accessory Structures. Accessory structures should be compatible with the design of the existing structures on the improvement parcel and be as unobtrusive as possible. Exterior wall materials should be reasonably similar to the materials used in the construction of the primary structures.

15.15 CONSTRUCTION AND ACQUISITION OF STRUCTURES BY CITY

Before constructing a new structure or purchasing an existing, nonhistoric structure, the City or its agency having jurisdiction thereof, shall inquire of the Commission as to whether or not an existing Historic Structure is available for the purpose, in the location, and within the fund allocation determined by the City or its agency.

15.16 INITIAL APPLICATION OF THIS SECTION

Prior to the adoption of this Section, historic preservation within the City was within the jurisdiction of the Landmarks Commission, which existed under authority of §1.06 of the Code of General Ordinances, now repealed. The Landmarks Commission, under authority of said Ordinance, designated landmarks within the City.

It is the intent of this Section that all such designated landmarks be reevaluated by the Commission in accordance with this Section as soon as practicable, but no later than two (2) years after the effective date of this Section. During said review period, all designations of the Landmarks Commission shall have the status of designated Historic Structures and sites hereunder for the purpose of providing interim protection thereof.

It is recognized that such interim designation could be in conflict with the standards of this Section. The owner of the Historic Structure or site may petition the Commission to delete or modify the interim designation to the extent it is inconsistent with any provision of this Section. The Commission shall, in response to a written petition which details the inapplicable provisions of this Section, make a recommendation to the Common Council. The Commission and Common Council shall act upon such petition within forty-five (45) days of the date of

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filing.

15.17 CONDITIONS DANGEROUS TO LIFE, HEALTH OR PROPERTY

Nothing contained in this Section shall prohibit the issuance of orders, citations or the taking of other enforcement action, including the issuance of raze and repair orders, relative to any Historic Structure, site or improvement parcel, as authorized by law, for the purpose of remedying conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission or Common Council shall be required for appropriate City enforcing personnel to take remedial action. The Commission shall be furnished with a report of any enforcement action taken. However, when emergency conditions do not require demolition, the Chief of Inspection shall make every effort to carry out the intent of this Section and to use the standards and guidelines of the Commission when remedying any emergency condition.

15.18 PENALTIES FOR VIOLATIONS

It shall be a violation of this Section for any person, party, firm or corporation to fail to obtain Commission review of proposed work or to demolish all or part of a Historic Structure contrary to §15.11. Upon conviction, except as otherwise provided, a violator shall be subject to forfeiture of not more than One Thousand (\$1,000) Dollars for each violation, plus the costs of prosecution. Each violation and each day of violation shall be a separate offense. With respect to §15.11, upon conviction, a violator shall be subject to a forfeiture of not more than Five Thousand (\$5,000) Dollars for each violation, plus the costs of prosecution.

In addition to the above, Section 943.014, Wisconsin Statutes, respecting Crimes Against Property, is incorporated herein by reference. Said statute imposes a criminal penalty for the demolition of a historic building without a City permit or without an order issued under Section 66.05, Wisconsin Statutes.

15.19 WITHHOLDING OF BUILDING AND ZONING PERMITS FOR UNLAWFUL DEMOLITION

Should any person, party, firm or corporation demolish a Historic Structure contrary to this Ordinance, they shall be ineligible to obtain a Building or Zoning Permit respecting the parcel of property upon which the Historic Structure was located for a period of five (5) years from the date of commencement of physical demolition. This prohibition shall apply to successors in interest of the

violator.

15.20 ENFORCEMENT

This Section shall be enforced by the Department of Neighborhood Services and Inspections through the permitting process.

15.21 SEPARABILITY

If any provision of this Section, as applied to any party or circumstance, is held unconstitutional, invalid or unenforceable by any Court of competent jurisdiction, the remainder of this Section shall be deemed severable and not affected thereby.

15.22 FEES

The applicant for a Certificate of Appropriateness or a rescindment of a designation of a Historic District, Historic Sign, Historic Structure or Historic Site shall pay the fee established by the Common Council, from time to time, by Resolution.