



REPORT TO HISTORIC PRESERVATION COMMISSION

Historic Preservation Commission Meeting: June 18, 2019

Item: Text Amendments – Historic Preservation Regulations - Chapter 23 Zoning Ordinance

Case Manager: Don Harp

BACKGROUND

At the March 19, 2019 Historic Preservation Commission meeting, staff discussed recent changes to the Wisconsin State Statutes affecting the local Historic Preservation Ordinance. Staff indicated draft language changes will be brought back to the next Historic Preservation Commission meeting.

At the April 16, 2019 Historic Preservation Commission meeting, staff presented the proposed text amendments to Section 23-651 of the Historic Preservation Ordinance as a result of changes to the Wisconsin State Statutes. The Commission recommended staff mail out public notices at least 14 days prior to the public hearing rather than 10 days.

GENERAL INFORMATION

The proposed amendments to Section 23-22 Words and terms defined and 23-651 Historic Preservation of Chapter 23 Zoning Ordinance of the Municipal Code are in response to:

1. 2015 Wisconsin Act 176 requires cities, villages, towns, and counties hold a public hearing before designating a historic landmark or establishing a new historic district and to notify, by 1st class mail, any affected owner of the proposed designation or establishment (Wis. Stat. 62.23(7)(em)2). The Act also allows a property owner affected by a decision of a historic preservation commission to appeal the decision to the governing body of the local unit of government, and allows that governing body (Common Council) to overturn the historic preservation commission's decision by a simple majority vote (Wis. Stat. 62.23(7)(em)3).
2. 2017 Wisconsin Act 317 (62.23(7)(em)2m) which states, "In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities." This language was drawn from the Secretary of the Interior's Standards for Rehabilitation, and gives very specific guidance to commissions that only apply to repairs and replacements.

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3. Based on the recommendation of the Wisconsin Historical Society, all the 180 historic preservation ordinances across the State of Wisconsin should be updated to address this legislative action affecting local historic preservation ordinances.

SUMMARY OF PROPOSED AMENDMENTS

1. Update historic preservation regulations to be consistent with Wisconsin State Statutes:
 - Hold a public hearing before designating a historic landmark or establishing a new historic district and notify, by 1st class mail, any affected owner of the proposed designation or establishment.
 - Allow the property owner affected by a decision of the Historic Preservation Commission to make an appeal to the Common Council rather than the Community and Economic Development Committee to overturn the Historic Preservation Commission's decision by a simple majority vote.
2. Clarify, expand, and add definition terms to be consistent with Wisconsin State Statutes.
3. Make certain amendments to the standards for granting a Certificate of Appropriateness for exterior construction, reconstruction and alterations consistent with the interpretation written by the Wisconsin Historical Society (attached memo dated February 21, 2019).

ATTACHMENTS

1. The text recommended for deletion will be identified by ~~striketrough~~. Proposed text to be added within the ordinance will be underlined.
2. Memo prepared by the Wisconsin Historical Society dated February 21, 2019.

NEXT STEPS

Staff will schedule the necessary public hearing regarding the attached text amendments for a Plan Commission meeting in July 2019.